

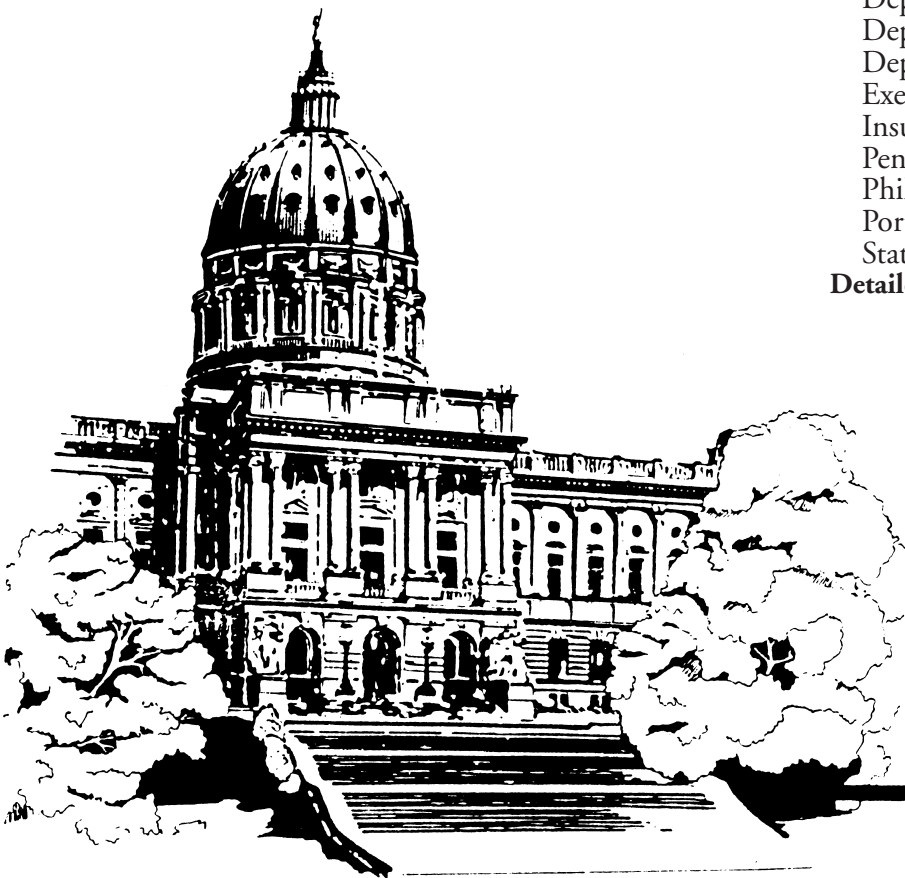
PENNSYLVANIA BULLETIN

Volume 46
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Agencies in this issue

The Governor
The Courts
Department of Banking and Securities
Department of Environmental Protection
Department of General Services
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Department of Human Services
Department of Labor and Industry
Executive Board
Insurance Department
Pennsylvania Public Utility Commission
Philadelphia Parking Authority
Port of Pittsburgh Commission
State Board of Nursing

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

No. 504, November 2016

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READER'S GUIDE TO THE PENNSYLVANIA BULLETIN AND THE PENNSYLVANIA CODE

Pennsylvania Bulletin

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

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

Second, the *Pennsylvania Bulletin* also publishes: Governor's Executive Orders; State Contract Notices; Summaries of Enacted Statutes; Statewide and Local Court Rules; Attorney General Opinions; Motor Carrier Applications before the Pennsylvania Public Utility Commission; Applications and Actions before the Department of Environmental Protection; Orders of the Independent Regulatory Review Commission; and other documents authorized by law.

The text of certain documents published in the *Pennsylvania Bulletin* is the only valid and enforceable text. Courts are required to take judicial notice of the *Pennsylvania Bulletin*.

Adoption, Amendment or Repeal of Regulations

Generally an agency wishing to adopt, amend or repeal regulations must first publish in the *Pennsylvania Bulletin* a Notice of Proposed Rulemaking. There are limited instances when the agency may omit the proposal step; it still must publish the adopted version.

The Notice of Proposed Rulemaking contains the full text of the change, the agency contact person, a fiscal note required by law and background for the action.

The agency then allows sufficient time for public comment before taking final action. An adopted proposal must be published in the *Pennsylvania Bulletin* before it can take effect. If the agency

wishes to adopt changes to the Notice of Proposed Rulemaking to enlarge the scope, it must repropose.

Citation to the *Pennsylvania Bulletin*

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

Pennsylvania Code

The *Pennsylvania Code* is the official codification of rules and regulations issued by Commonwealth agencies and other statutorily authorized documents. The *Pennsylvania Bulletin* is the temporary supplement to the *Pennsylvania Code*, printing changes as soon as they occur. These changes are then permanently codified by the *Pennsylvania Code Reporter*, a monthly, loose-leaf supplement.

The *Pennsylvania Code* is cited by title number and section number. Example: Title 10 *Pennsylvania Code*, § 1.1 (short form: 10 Pa. Code § 1.1).

Under the *Pennsylvania Code* codification system, each regulation is assigned a unique number by title and section. Titles roughly parallel the organization of Commonwealth government. Title 1 *Pennsylvania Code* lists every agency and its corresponding *Code* title location.

How to Find Documents

Search for your area of interest in the *Pennsylvania Code*. The *Pennsylvania Code* is available at www.pacode.com.

Source Notes give the history of regulations. To see if there have been recent changes, not yet codified, check the List of *Pennsylvania Code* Chapters Affected in the most recent issue of the *Pennsylvania Bulletin*.

A chronological table of the history of *Pennsylvania Code* sections may be found at www.legis.state.pa.us/cfdocs/legis/CH/Public/pcde_index.cfm.

The *Pennsylvania Bulletin* also publishes a quarterly List of Pennsylvania Code Sections Affected which lists the regulations in numerical order, followed by the citation to the *Pennsylvania Bulletin* in which the change occurred. The *Pennsylvania Bulletin* is available at www.pabulletin.com.

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Printing Format

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

Fiscal Notes

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

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

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THE GOVERNOR

Notice of Veto

October 28, 2016

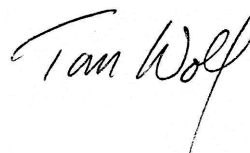
To the Honorable Senate of the
Commonwealth of Pennsylvania:

Pursuant to Article IV, Section 15 of the Pennsylvania Constitution, I am returning herewith, without my approval, Senate Bill 286, Printer's Number 1437.

While the reforms relating to the Delaware River Port Authority (DRPA) in this bill are consistent with the goals of my administration and worthy of becoming law, I am concerned with a single provision within this measure that allows for legislative interference with an executive branch prerogative. The requirement that gubernatorial appointments to the DRPA be confirmed by the Senate before the appointees may serve on the board of the Port Authority is unnecessary. Furthermore, this encroachment upon the authority of the Governor does not improve the operation of the DRPA and had this provision been excised from the legislation, I would have signed the bill. Since the provision remains, however, it would not be prudent in my judgment to give it the force of law in this Commonwealth. Nevertheless, even though I am not approving this bill, this rejection will not have a momentous impact on the DRPA since many of the reforms offered in the legislation have already been put into effect. For those not yet undertaken, I will work towards implementing them as they are worthwhile steps towards improving the authority's overall functioning.

For the reasons set forth above, I must withhold my signature from Senate Bill 286, Printer's Number 1437.

Sincerely,



Governor

[Pa.B. Doc. No. 16-1935. Filed for public inspection November 10, 2016, 9:00 a.m.]

Notice of Veto

October 28, 2016

To the Honorable Senate of the
Commonwealth of Pennsylvania:

Pursuant to Article IV, Section 15 of the Pennsylvania Constitution, I am returning herewith, without my approval, Senate Bill 562, Printer's Number 1897.

I cannot approve this bill as it overreaches into executive authority, causes delay in the rulemaking process, and decreases transparency in state government.

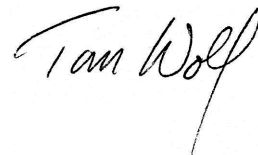
In promulgating regulations, executive agencies are simply exercising legal authority already granted to them by the legislature. Existing law already supplies the legislature with significant influence in the regulatory process. The General Assembly has acted in many instances pursuant to this process to object to and significantly change regulations that members have felt exceeded the authority of the executive branch.

This bill has the potential to grind the regulatory review process to a halt. For example, under this proposed scheme, the process could have been halted on June 20. The bill would allow the General Assembly to stop the process by simply refusing to take final action on any regulatory package for forty legislative days. This year that would extend from June 20th until today. This stoppage would have prevented all agencies from promulgating rules to benefit the citizens of the Commonwealth. This bill would increase delay by the General Assembly putting off final action on a regulatory package, which runs counter to how a government should react in response to the needs of its people.

Finally, this bill decreases the transparency in state government by preventing state agencies from publishing explanations of why regulations are needed. Public notice, which is required by current law, helps inform interested parties of the need and reason behind the changes in the rules. We should be increasing—not decreasing—transparency in our government.

For the reasons set forth above, I must withhold my signature from Senate Bill 562, Printer's Number 1897.

Sincerely,



Governor

[Pa.B. Doc. No. 16-1936. Filed for public inspection November 10, 2016, 9:00 a.m.]

Notice of Veto

October 28, 2016

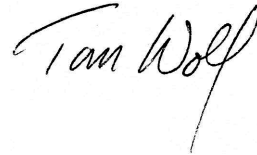
To the Honorable House of Representatives
of the Commonwealth of Pennsylvania:

Pursuant to Article IV, Section 15 of the Pennsylvania Constitution, I am returning herewith, without my approval, House Bill 1618, Printer's Number 4068.

As it is a tool utilized effectively in the private sector, I strongly believe that an internal watchdog is vital to ensuring the proper functioning of the executive branch. Every organization—regardless of public or private sector—benefits from having an internal watchdog who identifies issue or areas of concern before they become larger problems at a later point in time. Therefore, if the Office of Inspector General (OIG) becomes an independent agency, as provided under this legislation, I will be forced to establish a replacement entity to perform the tasks now undertaken by OIG. This would result in wasteful spending as both the Auditor General and Office of Attorney General already perform the functions that an independent OIG would under this legislation. This needless duplication of government services, along with unnecessary expenditures, does not amount to sound government policy. As a result, this bill should not be allowed to become the law of this Commonwealth.

For the reasons set forth above, I must withhold my signature from House Bill 1618, Printer's Number 4068.

Sincerely,



Governor

[Pa.B. Doc. No. 16-1937. Filed for public inspection November 10, 2016, 9:00 a.m.]

Notice of Veto

October 28, 2016

To the Honorable House of Representatives
of the Commonwealth of Pennsylvania:

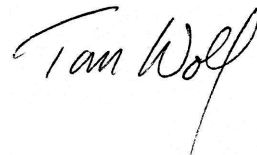
Pursuant to Article IV, Section 15 of the Pennsylvania Constitution, I am returning herewith, without my approval, House Bill 1998, Printer's Number 3515.

House Bill 1998 further erodes the accountability of the Philadelphia Parking Authority to the people it is intended to serve. The authority was founded on the principle of raising revenue to support the school district of Philadelphia. It has not once in its existence, however, met the financial allocation promised to the school district. In addition to these repeatedly broken promises, recent events have shined a light on the extensive mismanagement of the parking authority.

I cannot in good conscience sign a bill that instead of addressing these ongoing issues with the authority, allows for current management to remain in place and move outside of the City of Philadelphia. Furthermore, I seek more comprehensive legislation concerning the parking authority that contains the various reforms necessary to ensure the authority functions in an appropriate fashion in the future.

For the reasons set forth above, I must withhold my signature from House Bill 1998, Printer's Number 3515.

Sincerely,



Governor

[Pa.B. Doc. No. 16-1938. Filed for public inspection November 10, 2016, 9:00 a.m.]

THE COURTS

Title 204—JUDICIAL SYSTEM GENERAL PROVISIONS

PART V. PROFESSIONAL ETHICS AND CONDUCT [204 PA. CODE CH. 81]

Amendment of Rule 1.2 of the Rules of Professional Conduct; No. 147 Disciplinary Rules Doc.

Order

Per Curiam

And Now, this 26th day of October, 2016, upon the recommendation of the Disciplinary Board of the Supreme Court of Pennsylvania; the proposal to amend Pa.R.P.C. 1.2 having been published for comment in the *Pennsylvania Bulletin*, 46 Pa.B. 2274 (May 7, 2016):

It Is Ordered pursuant to Article V, Section 10 of the Constitution of Pennsylvania that Rule 1.2 of the Rules of Professional Conduct is amended in the following form.

This *Order* shall be processed in accordance with Pa.R.J.A. No. 103(b), and shall be effective in 30 days.

Annex A

TITLE 204. JUDICIAL SYSTEM GENERAL PROVISIONS

PART V. PROFESSIONAL ETHICS AND CONDUCT

Subpart A. PROFESSIONAL RESPONSIBILITY

CHAPTER 81. RULES OF PROFESSIONAL CONDUCT

Subchapter A. RULES OF PROFESSIONAL CONDUCT

§ 81.4. Rules of Professional Conduct.

The following are the Rules of Professional Conduct:

CLIENT-LAWYER RELATIONSHIP

Rule 1.2. Scope of Representation and Allocation of Authority Between Client and Lawyer.

* * * * *

(d) A lawyer shall not counsel a client to engage, or assist a client, in conduct that the lawyer knows is criminal or fraudulent, but a lawyer may discuss the legal consequences of any proposed course of conduct with a client and may counsel or assist a client to make a good faith effort to determine the validity, scope, meaning or application of the law.

(e) A lawyer may counsel or assist a client regarding conduct expressly permitted by Pennsylvania law, provided that the lawyer counsels the client about the legal consequences, under other applicable law, of the client's proposed course of conduct.

Comment:

* * * * *

[Pa.B. Doc. No. 16-1939. Filed for public inspection November 10, 2016, 9:00 a.m.]

Title 231—RULES OF CIVIL PROCEDURE

PART I. GENERAL

[231 PA. CODE CH. 1950]

Order Amending Rule 1959 of the Rules of Civil Procedure; No. 652 Civil Procedural Rules Doc.

Order

Per Curiam

And Now, this 27th day of October, 2016, upon the recommendation of the Domestic Relations Procedural Rules Committee; the proposal having been submitted without publication pursuant to Pa.R.J.A. No. 103(a)(3):

It Is Ordered pursuant to Article V, Section 10 of the Constitution of Pennsylvania that Rule 1959 of the Pennsylvania Rules of Civil Procedure is amended in the following form.

This *Order* shall be processed in accordance with Pa.R.J.A. No. 103(b), and shall be effective in 60 days.

Annex A

TITLE 231. RULES OF CIVIL PROCEDURE

PART I. GENERAL

CHAPTER 1950. ACTIONS PURSUANT TO THE PROTECTION OF VICTIMS OF SEXUAL VIOLENCE OR INTIMIDATION ACT

Rule 1959. Forms for Use in Protection of Victims of Sexual Violence or Intimidation Actions. Notice and Hearing. Petition. Temporary Protection Order. Final Protection Order.

* * * * *

(b) The petition in an action filed pursuant to the Act shall be identical in content to the following form:

(Caption)

PETITION FOR PROTECTION OF VICTIMS OF

- SEXUAL VIOLENCE
- SEXUAL VIOLENCE AGAINST A MINOR CHILD
- INTIMIDATION

* * * * *

10. Is [**there an**] Plaintiff in immediate and present danger [**for further acts of sexual violence or intimidation**] from Defendant [**against Plaintiff**]? If so, please describe:

* * * * *

[Pa.B. Doc. No. 16-1940. Filed for public inspection November 10, 2016, 9:00 a.m.]

Title 246—MINOR COURT CIVIL RULES

PART I. GENERAL

[246 PA. CODE CHS. 200 AND 1200]

Order Amending Rules 1201, 1205, 1206 and 1208 and the Official Note to Rule 206 of the Rules of Civil Procedure before Magisterial District Judges; No. 403 Magisterial Rules Doc.

Order

Per Curiam

And Now, this 28th day of October, 2016, upon the recommendation of the Minor Court Rules Committee; the proposal having been submitted without publication pursuant to Pa.R.J.A. No. 103(a)(3):

It Is Ordered pursuant to Article V, Section 10 of the Constitution of Pennsylvania that Rules 1201, 1205, 1206, 1208 and the Official Note to Rule 206 of the Pennsylvania Rules of Civil Procedure before Magisterial District Judges are amended in the following form.

This *Order* shall be processed in accordance with Pa.R.J.A. No. 103(b), and shall be effective December 31, 2016.

Chief Justice Saylor would approve the Minor Court Rules Committee's recommendation as submitted, which, in relevant part, tracked the statutory terms of 42 Pa.C.S. § 62A09(a) (providing that a minor judiciary hearing officer may grant emergency relief "to protect *the victim* upon good cause shown in an *ex parte* proceeding" (emphasis added)).

Annex A

TITLE 246. MINOR COURT CIVIL RULES

PART I. GENERAL

CHAPTER 200. RULES OF CONSTRUCTION; GENERAL PROVISIONS

Rule 206. Costs; Proceedings in Forma Pauperis.

* * * * *

D. This rule shall apply to all civil actions and proceedings except actions pursuant to the Protection from Abuse Act or 42 Pa.C.S. §§ 62A01—62A20.

Official Note: "Execution" costs include those for executing an order for possession. The items constituting taxable costs in appeal or certiorari proceedings will be governed by law or general rule applicable in the court of common pleas.

Under subdivision B, "personal service...costs" refers only to personal service since mail costs are to be borne by the plaintiff in all cases in accordance with Section 1725.1 of the Judicial Code, 42 Pa.C.S. § 1725.1.

This rule does not provide for the assessment of filing costs against an unsuccessful plaintiff who has been permitted to proceed in forma pauperis and who remains indigent. See *Brady v. Ford*, 451 Pa. Super. 363, 679 A.2d 837 (1996).

For special provisions governing actions pursuant to the Protection From Abuse Act, see Sections 6106(b) and (c) of the Domestic Relations Code, 23 Pa.C.S. §§ 6106(b) and (c). For special provisions governing actions seeking

relief [from] for victims of sexual violence or intimidation, see 42 Pa.C.S. §§ 62A01—62A20.

E. Proceedings in Forma Pauperis

* * * * *

CHAPTER 1200. [EMERGENCY RELIEF FROM ABUSE, SEXUAL VIOLENCE OR INTIMIDATION] ACTIONS FOR EMERGENCY PROTECTIVE RELIEF

Rule 1201. Applicability.

The rules in this chapter apply to the exercise by a hearing officer of jurisdiction under:

(1) Section 6110 of the Protection From Abuse Act, 23 Pa.C.S. § 6110, **granting emergency relief from abuse**, and

(2) Section 62A09 of Title 42, 42 Pa.C.S. § 62A09, [to **grant emergency relief from abuse**,] **granting emergency relief in connection with claims of sexual violence or intimidation**.

* * * * *

Rule 1205. Persons Who May Seek Emergency Relief.

[An] A. In actions brought pursuant to Section 6110 of the Protection From Abuse Act, 23 Pa.C.S. § 6110, an adult or an emancipated minor may seek emergency relief from abuse[, **sexual violence or intimidation**] for himself or herself. Also, any parent, adult household member or guardian ad litem may seek emergency relief from abuse[, **sexual violence or intimidation**] on behalf of minor children. In addition, a guardian of the person of an incapacitated person as defined in 20 Pa.C.S. § 5501 may seek emergency relief on behalf of the incapacitated person.

B. In actions brought pursuant to Section 62A09 of Title 42, 42 Pa.C.S. § 62A09 (providing for protection in connection with claims of sexual violence and intimidation), an adult or emancipated minor may seek emergency relief for himself or herself. Also, any parent, adult household member or guardian ad litem may seek emergency relief on behalf of a minor child. In addition, a guardian of the person of an incapacitated person as defined in 20 Pa.C.S. § 5501 may seek emergency relief on behalf of the incapacitated person.

Official Note: This rule is derived from Section 6106 of the Protection From Abuse Act, 23 Pa.C.S. § 6106, as well as 42 Pa.C.S. § 62A05.

Rule 1206. Commencement of Proceedings.

A. A proceeding for emergency relief

(1) from abuse, or

(2) in connection with claims of sexual violence or intimidation

shall be commenced by the filing of a petition by the plaintiff with the hearing officer on a form [which] that shall be prescribed by the State Court Administrator. The petition shall be signed by the plaintiff and shall set forth the names and addresses of the plaintiff and the defendant and the names, addresses and ages of any person on whose behalf the plaintiff is seeking relief. The plaintiff shall also allege in the petition, in general terms,

the cause for seeking emergency relief [**from abuse, sexual violence or intimidation**].

B. Upon issuance of an emergency order, the hearing officer shall provide the plaintiff with instructions regarding the commencement of proceedings in the court of common pleas and regarding the procedures for initiating a contempt charge should the defendant violate the emergency order. The hearing officer shall also advise the plaintiff of the existence of rape crisis centers in the county or in nearby counties in the case of sexual violence, as well as programs for victims of domestic or sexual violence in the county or in nearby counties and inform the plaintiff of the availability of legal assistance without cost if the plaintiff is unable to pay therefor.

C. The petition shall be filed and service shall be made without prepayment of costs.

Official Note: [**Subdivision**] **Paragraph B** is added to assure compliance with the requirement of Section 6110(d) of the Protection From Abuse Act, 23 Pa.C.S. § 6110(d), as well as 42 Pa.C.S. § 62A09(d). Practice varies among the judicial districts as to what procedures the plaintiff must follow to continue in effect a protection order in the court of common pleas upon the certification of an emergency protection order to the court of common pleas. The hearing officer should provide clear instructions to the plaintiff as to what must be done to continue in effect the protection order in the court of common pleas. *See* Rule 1210 and Note and Rule 1211 and Note. [**Subdivision**] **Paragraph C** is derived from Section 6106(b) of the **Protection From Abuse Act**, 23 Pa.C.S. § 6106(b), as well as 42 Pa.C.S. § 62A05(b), and reflects the practice when a temporary order is issued at the common pleas level.

Rule 1208. Findings and Protection Orders.

[**A.**] **A.(1)** If the hearing officer, upon good cause shown, finds it necessary to protect the plaintiff [**, minor children, or victim from abuse, sexual violence or intimidation,**] or **minor children from abuse** the hearing officer may grant relief in accordance with Section 6110(a) of the Protection From Abuse Act, 23 Pa.C.S. § 6110(a) [**or 42 Pa.C.S. § 62A09(a)**], and make any protection orders necessary to effectuate that relief. Immediate and present danger of abuse [**, sexual violence or intimidation to the plaintiff, minor children, or victim**] to the plaintiff or minor children shall constitute good cause.

(2) **If the hearing officer, upon good cause shown, finds it necessary to protect the plaintiff or another individual in connection with claims of sexual violence or intimidation, the hearing officer may grant relief in accordance with 42 Pa.C.S. § 62A09(a), and make any protection orders necessary to effectuate that relief. Immediate and present danger posed by the defendant to the plaintiff or another individual shall constitute good cause.**

B. The hearing officer shall enter on the petition form the findings and any protection orders made or other action taken.

Official Note: [**Subdivision A** of this rule is derived from Section 6110(a) of the **Protection From Abuse Act**, 23 Pa.C.S. § 6110(a), which permits the hearing officer to grant limited relief in accordance with 23 Pa.C.S. § 6108(a)(1), (2) and (6) or (1) and (6) (relating to relief), as well as 42 Pa.C.S. § 62A07(b).]

Subparagraph A(1) of this rule permits the hearing officer to grant limited relief in accordance with 23 Pa.C.S. § 6108(a)(1), (2) and (6) or (1) and (6). Subparagraph A(2) of this rule permits the hearing officer to grant limited relief to plaintiffs in accordance with 42 Pa.C.S. § 62A07(b).

FINAL REPORT¹

Recommendation 3-2016, Minor Court Rules Committee

Amendment of Rules 1201, 1205-1206 and 1208, and of the Official Note to Rule 206 of the Pennsylvania Rules of Civil Procedure before Magisterial District Judges

Emergency Protective Orders in Connection with Claims of Sexual Violence or Intimidation

I. Introduction

The Minor Court Rules Committee (“Committee”) recommended amendments to Rules 1201, 1205-1206 and 1208, and to the Official Note to Rule 206 of the Pennsylvania Rules of Civil Procedure before Magisterial District Judges (“Rules”). The amendments clarify the nature of the emergency relief available in connection with claims of sexual violence or intimidation, as provided for in recent legislation.

II. Background and Discussion

In 2014, the Committee learned of enacted legislation that permits a victim of sexual violence or intimidation to petition a court for protection from a defendant. *See* Act of Mar. 21, 2014, P.L. 365, No. 25, 42 Pa.C.S. §§ 62A01—62A20 (“Act”). The Act provides for emergency protective orders in connection with claims of sexual violence and intimidation, in much the same manner as existing emergency protection from abuse orders. The new law took effect July 1, 2015.

The Committee compared the provisions of the Act with the Protection From Abuse Act, 23 Pa.C.S. §§ 6101—6122, as well as current Rules 1201—1211, and drafted and recommended amendments to incorporate the new protective order provisions within existing Rules 1201—1211. The Court adopted the recommendation on June 29, 2015, and it took effect on July 1, 2015.²

After the adoption of the rule changes, the Committee was queried whether the allegation of harm required by the petition was stricter than that required by the Act. Specifically, the emergency petition contained a provision that “[e]mergency relief from sexual violence or intimidation is required because there is immediate and present danger of sexual violence or intimidation by the defendant to me and the above listed minor (child)(children) (incapacitated person).”

The Act’s general provision on commencement of proceedings provides that a person may seek relief “by filing a petition with the court alleging the need for protection from the defendant with respect to sexual violence or intimidation.” 42 Pa.C.S. § 62A05(a). Additionally, the provision of the Act addressing emergency relief by the minor judiciary provides that a hearing officer may grant relief “if the hearing officer deems it necessary to protect the victim upon good cause shown in an ex parte proceeding. Immediate and present danger posed by the defendant to the victim shall constitute good cause for the purposes of this subsection.” 42 Pa.C.S. § 62A09(a).

¹The Committee’s Final Report should not be confused with the Official Notes to the Rules. Also, the Supreme Court of Pennsylvania does not adopt the Committee’s Official Notes or the contents of the explanatory Final Reports.

²Order, *see* No. 387 Magisterial Rules Docket (June 29, 2015).

Upon further examination of the Act, the Committee agreed that its intent was to provide protection in connection with claims of sexual violence or intimidation, and that the protection granted is not be limited to providing protection from further acts of sexual violence or intimidation. Applying a narrow reading of 42 Pa.C.S. § 62A05(a), and requiring an allegation of immediate and present danger of further sexual violence or intimidation, could have the unintended consequence of denying protective relief to a person who may not fear further sexual violence or intimidation by the defendant, but rather bodily injury or death. The Committee agreed that the showing required by 42 Pa.C.S. § 62A09(a), “[i]mmediate and present danger” is the appropriate standard for emergency protective relief under the Act.

III. Rule Changes

The amendments clarify that the protective relief is in connection with claims of sexual violence and intimidation, and is not specifically protection from further sexual violence or intimidation. In Rules 1201, 1205-1206 and 1208, additional subparagraphs have been added to distinguish relief available under the Protection From Abuse Act, set forth in the Domestic Relations Code, 23 Pa.C.S. § 6101—6122, from relief available in connection with claims of sexual violence and intimidation under the Act. The Official Note to Rule 206 is amended to clarify that the general relief available under the Act is for victims of sexual violence or intimidation, and not specifically relief from further sexual violence or intimidation. Additionally, while the content of the petition and order forms are not contained within the Rules, those forms are being modified consistent with the changes described above.

[Pa.B. Doc. No. 16-1941. Filed for public inspection November 10, 2016, 9:00 a.m.]

Title 255—LOCAL COURT RULES

COLUMBIA AND MONTOUR COUNTIES Business of the Courts; Case No. X of 2016

Order

And Now, this 26th day of October 2016, it is hereby *Ordered and Decreed* that revisions to the 26th Judicial District’s Criminal Local Rules are adopted for use in both Columbia, and Montour Counties, Court of Common Pleas of the 26th Judicial District, Commonwealth of Pennsylvania. The following local rules will become effective upon publication in the *Pennsylvania Bulletin* and shall thereafter be published on the UJS Portal: L.R. Nos. 100, 106, 112, 576, 122, 520, 117. The 26th Judicial District Court Administrator is Ordered and Directed to do the following:

- 1) File one (1) copy of the local rules with the Administrative Office of Pennsylvania Courts.
- 2) Forward two (2) paper copies and one (1) electronic copy in a Microsoft Word format to the Legislative Reference Bureau for publication in the *Pennsylvania Bulletin*.
- 3) Publish the local rules on the court’s website to be incorporated into the set of local rules on the website within 30 days after the publication of the local rules in *Pennsylvania Bulletin*.

- 4) File one copy of the local rules in the appropriate filing offices for public inspection and copying.

By the Court

HONORABLE THOMAS A. JAMES, Jr.,
President Judge

L.R. No. 100. Criminal Procedure Scope.

These rules supplement the Pennsylvania Rules of Criminal Procedure and are applicable to all criminal proceedings within the 26th Judicial District. In the event of conflict between these rules and the Pennsylvania Rules of Criminal Procedure or any applicable statute, such Rule or statute shall prevail over these rules. These rules are intended to apply in matters where the statute or the Pennsylvania Rules of Criminal Procedure are silent. The numbering of these rules are intended, so far as possible, to relate to the subject matter of relevant Pennsylvania Rules of Criminal Procedure.

L.R. No. 106. Continuances.

A. Requests for continuance in any criminal case shall be as provided by L.R. 216.

L.R. No. 112. Broadcasting in the Courtroom and Its Environs.

A. *Montour County*. The entire second floor of the Montour County Courthouse is Defined as “the courtroom or its environs.” The taking of photographs or video or audio recordings or radio or television recording or broadcasting is prohibited on the said second floor during the progress of or in connection with any judicial proceedings.

B. *Columbia County*. The entire second floor of the Columbia County Courthouse is defined as “the courtroom or its environs.” The taking of photographs or video or audio recordings or radio or television recording or broadcasting is prohibited on the said second floor during the progress of or in connections with any judicial proceedings.

L.R. No. 576. Filing and Service by Parties.

A. All Petitions, Motions, or other Applications seeking relief from the Court shall be in writing and shall be filed with the Clerk of Court of the respective Court where trial will be or was held. Any such documents requiring immediate attention shall be forwarded directly to the appropriate Court Administrator by the attorney filing such papers.

B. Service shall be the responsibility of the Moving Party, and shall be in accordance with applicable law and other special instructions as directed by the Court.

L.R. No. 122. Notice to Defendants.

At the time of Preliminary Arraignment (in cases where an Arrest Warrant is issued) or at the time a Summons is served upon the defendant (in cases where a Summons is issued) the issuing authority shall give the following Notice to the Defendant:

NOTICE

To protect your legal rights, it is important that you promptly obtain an attorney to represent you at the preliminary hearing and any other proceedings in this case. If you believe that you cannot afford an attorney, you may qualify for representation by the Public Defender’s Office. To apply for representation, you should contact the following as soon as possible: (Name, address and phone number of the appropriate Public Defender’s Office to be inserted here.)

L.R. No. 520. Bail.

A. *Real Estate.* Real Estate shall not be accepted as surety for bail unless accompanied by:

1. A certification by an attorney licensed to practice in this Commonwealth stating the ownership of the real estate so offered and all liens against the same; and

2. An appraisal or opinion letter (at the discretion of the Court or issuing authority) of the real estate made within thirty (30) days of the bail motion by a licensed real estate broker or appraiser; and

3. All record owners of the real estate must execute the appropriate surety documents.

B. *Administrative Fee.* In all court cases where an amount of bail is set for release, a non-refundable administrative fee of twenty-five dollars (\$25.00) shall be paid to the Clerk of Courts of the respective county where trial will be held. The administrative fee shall be considered as earned at the time of bail undertaking is executed.

C. *Discharge.* When the conditions of a bail bond have been performed and the defendant has made all required appearances in the case, the Clerk of Court shall return to the person posting bail, unless the bail deposited, less any administrative costs. In the event a Judgment has been entered on any bail bond, upon receiving and Order that the defendant has been discharged from all obligations, the Clerk of Court shall, upon payment of the appropriate administrative, filing and satisfaction fees, mark the Judgment satisfied on the record.

D. *Accepting Bail.* Between the hours of 4:30 p.m. and 8:00 a.m., Monday through Friday, and on weekends and County Legal Holidays, the Warden of the County Prison, or his designee, shall be authorized to accept bail pursuant to and subject to the limitations, of the Pennsylvania Rules of Criminal Procedure. The Warden's authority is limited to accepting the bail deposit, delivering the bail and bond to the proper Issuing Authority (Magisterial District Judge) or the County Clerk of Courts, whichever has jurisdiction, and, under the Pennsylvania Rules of Criminal Procedure 525, releasing the defendant upon execution of the bail bond.

L.R. No. 117. Coverage; Issuing Warrants; Preliminary Arraignments; Setting and Accepting Bail.**1. Normal Business Hours.**

(a) Magisterial District Judge Offices shall be open for regular business Monday through Friday, excluding County Holidays, during such hours as established by the President Judge, and as may be modified with the approval of the President Judge to meet the needs of the public and the Court.

(b) When during regular business hours the Magisterial District Judge who has jurisdiction over a particular matter is unavailable, authority to act is transferred to other Magisterial District, Judges in the 26th Judicial District pursuant to a Special Assignment schedule approved by the President Judge and amended from time to time. This schedule shall govern the appropriate jurisdiction for specific actions, unless the individual Magisterial District Judges specifically transfer that jurisdiction among themselves due to their own unavailability based on work schedule or other related convenience, in which case the Court approves that transferred Magisterial District Judge for authority over a particular action.

2. On Call Magisterial District Judge.

(a) An on-call Magisterial District Judge shall be available twenty-four hours a day, every day of the calendar year to provide continuous coverage for the issuance of warrants, the holding of preliminary arraignments, the setting and accepting of bail, and the issuance of emergency orders under the Protection from Abuse Act.

(b) An on-call Magisterial District Judge shall be on-call during non-business hours on a rotating basis, pursuant to an annual schedule prepared by the District Court Administrator.

3. Search Warrants and Arrest Warrants, and Protections From Abuse Petitions.

An on-call Magisterial District Judge shall be available without unreasonable delay for the issuance of search warrants pursuant to Pa.R.Crim.P. 203, arrest warrants pursuant to Pa.R.Crim.P. 203, and Emergency Protection from Abuse Orders.

4. Preliminary Arraignments.

(a) For Arrests occurring between the hours of 8:00 a.m. and 4:30 p.m., the Defendant shall be taken to the Magisterial District Judge having jurisdiction.

(b) For arrests occurring after 4:30 p.m. but before 11:00 p.m., the on-call Magisterial District Judge shall be available without unreasonable delay at his/her office, or at the discretion of the Magisterial District Judge, by video conferencing from the Columbia County Prison or Montour County Prison.

(c) For arrests occurring after 11:00 p.m. but before 8:00 a.m., the arresting agency, including the state police, municipal police, sheriff or constable, is authorized to detain the prisoner at the Columbia County Prison or Montour County Correction Facility until arraignment. For Defendants so detained, the on-call Magisterial District Judge shall appear in person or by video conferencing at the Columbia County Prison or Montour County Prison at 9:00 a.m. to preside at the Preliminary Arraignment.

(d) The arresting agency detaining the Defendant shall provide to the Magisterial District Judge the original and copies of the Criminal Complaint with Probable Cause Affidavit attached, a copy of the Defendants' criminal record, and any recommendation regarding bail for the Defendant, by depositing the documents at the Columbia County Prison or Montour County Prison for use by the Magisterial District Judge.

(e) The Columbia County Prison and Montour Prison are directed to identify a detention area for prisoners so detained.

(f) The Columbia County Prison or Montour County Prison is directed to make available to the Magisterial District Judge appropriate space for video conferencing availability between the hours of 9:00 a.m. and 10:00 a.m. to perform the Preliminary arraignment.

(g) Upon completion of the Preliminary Arraignment, the detention authorized by this rule shall terminate and the person detained shall be processed in accordance with the Order of the Magisterial District Judge at the Preliminary Arraignment.

5. Bench Warrants in Court Cases.

(a) Upon receiving notice from the Magisterial District Court that a bench warrant has been executed or that the Defendant has surrendered, the Court administrator shall schedule a hearing as soon as possible but not later than

seventy-two (72) hours after the Defendant has been lodged in the Columbia County Prison or Montour County Prison.

6. Summary Offense Arrest Warrants and Bench Warrants.

(a) Any individual executing an arrest warrant or a bench warrant in a summary offense shall proceed in accordance with Pa.R.Crim.P. 431 except as set forth hereafter.

(b) In the event the warrant is executed between the hours of 8:00 a.m. and 4:30 p.m. the Defendant shall be taken to the Magisterial District Judge having jurisdiction.

(c) For summary warrants executed after 4:30 p.m., the individual executing the arrest warrant shall:

(1) accept a signed guilty plea and the full amount of the fines and costs;

(2) accept a signed not guilty plea and the full amount of collateral; or

(3) allow the defendant to voluntarily appear before the Magisterial District Judge by 9:00 a.m. the next business day, or a bench warrant shall be issued.

(d) For summary bench warrants executed after 4:30 p.m., but before 8:00 a.m., the individual executing the arrest warrant is authorized to detain the prisoner at the Columbia County Prison or Montour County Prison until 9:00 a.m., the following morning. For Defendants so detained, the on-call Magisterial District Judge shall appear in person or by video conferencing at the Columbia County Prison or Montour County Prison at 9:00 a.m. to preside at the bench warrant hearing.

[Pa.B. Doc. No. 16-1942. Filed for public inspection November 10, 2016, 9:00 a.m.]

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COLUMBIA AND MONTOUR COUNTIES
Business of the Courts; Case No. X of 2016

Order

And Now, this 26th day of October, 2016, it is hereby *Ordered and Decried* that revisions to the 26th Judicial District's Local Rules of Judicial Administration are adopted for use in both Columbia, and Montour Counties, Court of Common Pleas of the 26th Judicial District, Commonwealth of Pennsylvania, and shall become effective 30 days after publication in the *Pennsylvania Bulletin*.

The 26th Judicial District Court Administrator is Ordered and Directed to do the following:

1) File one (1) copy to the Administrative Office of Pennsylvania Courts via e-mail to adminrules@pacourts.us.

2) Forward two (2) paper copies and one (1) electronic copy in a Microsoft Word format to the Legislative Reference Bureau for publication in the *Pennsylvania Bulletin*.

3) Publish the local rules on the court's website to be incorporated into the set of local rules on the website within 30 days after the publication of the local rules in *Pennsylvania Bulletin*.

4) File one copy of the local rules in the appropriate filing offices for public inspection and copying.

By the Court

HONORABLE THOMAS A. JAMES, Jr.,
President Judge

**Local Rules of Judicial Administration—26th
Judicial District Columbia/Montour Counties**

L.R. No. 4016. Court Reporter Notes Retention.

A. In the case of all Court Reporter notes taken of criminal matters where the crime charged is graded a misdemeanor of the first degree or lower, the Court Administrator is authorized to, no sooner than ten (10) years after the notes are taken, direct the destruction of any such notes.

B. In felony cases, the Court Administrator is authorized to direct the destruction of all Court Reporter notes no sooner than twenty-five (25) years after the notes were taken, or the expiration of the maximum sentence, whichever is the latter, with the exception of Homicide case notes, which shall be retained for seventy-five (75) years.

C. In all cases other than criminal cases, the Court Administrator is authorized to direct the destruction of all Court Report notes no sooner than ten (10) years after the date the notes were taken.

D. Notwithstanding Subsections A, B, or C of this rule in any matter where the notes or tapes have been transcribed and the transcription is approved by the Court and filed, the Court Reporter may, no sooner than thirty (30) days after filing, destroy any such notes or tapes. Any party who wishes to object to the transcription shall do so within the thirty (30) day period for serving a written objection upon the Court Reporter. If the objection cannot, be resolved to the satisfaction of the parties, any party may, by petition, request the Court to determine the objection. Court Reporter notes which are subject to objection shall be retained until all objections are resolved.

E. Notwithstanding Subsections A, B or C of this rule, a party may petition the Court, which may, in its discretion, order the retention of any particular Court Reporter notes for an additional period of time.

[Pa.B. Doc. No. 16-1943. Filed for public inspection November 10, 2016, 9:00 a.m.]

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COLUMBIA AND MONTOUR COUNTIES
Business of the Courts; Case No. X of 2016

Order

And Now, this 27th day of October, 2016, it is hereby *Ordered and Decried* that revisions to the 26th Judicial District's Civil Local Rules are adopted for use in both Columbia, and Montour Counties, Court of Common Pleas of the 26th Judicial District, Commonwealth of Pennsylvania, and shall become effective 30 days after publication in the *Pennsylvania Bulletin*.

The 26th Judicial District Court Administrator is Ordered and Directed to do the following:

1) File one (1) copy to the Administrative Office of Pennsylvania Courts via e-mail to adminrules@pacourts.us.

2) Forward two (2) paper copies and one (1) electronic copy in a Microsoft Word format to the Legislative Reference Bureau for publication in the *Pennsylvania Bulletin*.

3) Publish the local rules on the court's website to be incorporated into the set of local rules on the website within 30 days after the publication of the local rules in *Pennsylvania Bulletin*.

4) File one copy of the local rules in the appropriate filing offices for public inspection and copying.

By the Court

HONORABLE THOMAS A. JAMES, Jr.,
President Judge

L.R. No. 51. Title and Citation of Rules.

These rules shall be known as the Local Rules for Columbia and Montour Counties, the 26th Judicial District, and shall be cited as "L.R. No."

L.R. No. 430. Notice by Publication.

A. The following are designated as newspapers of general circulation in and for Columbia County and thereby approved by the Court for legal notices, legal advertising, and related matters:

1. *Press-Enterprise*, Bloomsburg, PA

B. The following are designated as newspapers of general circulation in and for Montour County and thereby approved by the Court for purposes of legal notices, legal advertising, and related matters:

1. *The Danville News*, Danville, PA

2. *Press-Enterprise*, Bloomsburg, PA

3. *The Daily Item*, Sunbury, PA

L.R. No. 216. Continuances.

A request for continuance in any matter scheduled before a district justice, special master, Board of Arbitration, hearing officer, or any other specially presiding tribunal will not be entertained by the Court. Instead, all such requests shall be addressed to the appropriate specially presiding tribunal.

L.R. No. 205.2(a). Physical Characteristics of Pleadings and Other Legal Papers.

A. All pleadings and legal papers filed within the 26th Judicial District shall be prepared on 8 1/2 × 11 inch white paper. Exhibits which have length longer than 11 inches shall be reduced. All papers shall be typewritten, double-spaced, and legible. Script and italic type are discouraged but not prohibited. Backers are optional. All paper must be stapled at the top and not on the side.

B. All papers shall be signed by the attorney submitting the paper. Immediately beneath the signature, there shall appear the attorney's typewritten name, office address, attorney identification number, and telephone number.

C. For a party proceeding pro se; immediately beneath the signature there shall appear the legibly printed or typewritten name, address and telephone number.

L.R. No. 205.3. Filing of Papers.

A. Domestic Relations papers will be filed only at the Domestic Relations Office.

B. Trial Briefs, Pretrial Memoranda, and trial documents such as Points for charge, Motions in Limine, and similar documents shall be stamped "Received but NOT FILED of record."

L.R. No. 206.4(c). Issuance of Rule to Show Cause.

(1) A rule to show cause for petitions governed by Pa.R.C.P. 206.1 et seq., shall issue as of course pursuant to Pa.R.C.P. 206.6. The petitioner shall attach to the front of the petition a proposed order substantially in the following form:

(CAPTION)

ORDER

AND NOW, this ____ day of _____, _____, upon consideration of the within petition, it is hereby ordered as follows:

(1) a rule is issued upon the respondent to show cause why the petitioner is not entitled to the relief requested;

(2) the respondent shall file an answer to the petition within twenty (20) days of service upon the respondent;

(3) the petition shall be decided under Pa.R.C.P. 206.7;

(4) a pre-disposition conference shall be held on _____, at ____ .m. in the undersigned Judge's Chambers of the _____ County Court-house, _____ Pennsylvania; and,

(5) notice of the entry of this order shall be provided to all parties by the moving party.

BY THE COURT:

_____ J.

(2) If the petitioner requests a stay, the order may be modified accordingly.

(3) The court, in its discretion, at a time prior to the pre-disposition conference, may conduct a telephone conference call with counsel of record and any pro se parties regarding disposition of the pending petition.

(4) A request for a stay of execution pending disposition of a petition to open a default judgment shall be presented to the duty Judge after notice to opposing counsel and any pro se parties of the intended date, time and place of presentation.

(5) At the conclusion of the pre-disposition conference, or after the telephone conference call provided for under subparagraph (3) above, the court shall issue an order providing for one or more of the following:

(i) The filing of affidavits, depositions and the like.

(ii) The scheduling of an evidentiary hearing.

(iii) The listing of the case for argument court for disposition pursuant to L.R. 1028(c)(2)(E).

(iv) Any other matters deemed appropriate for disposition of the petition.

L.R. No. 208.2(c). Motion Content.

All motions filed shall include a brief statement of the applicable authority.

L.R. No. 208.2(d). Uncontested Motion.

All motions filed shall include a certification, signed by counsel for the moving party or by the pro se moving party, stating whether the motion is contested or uncontested. In the absence of the certification required by this rule, the motion shall be deemed contested.

L.R. No. 208.2(e). Contested Motions.

All motions filed relating to discovery shall include a certification, signed by counsel for the moving party or by the pro se moving party, stating that counsel or the pro se

party has conferred or attempted to confer with all interested parties in order to resolve the matter without court action.

L.R. No. 208.3(a). Alternative Procedures.

(1) All motions filed with a certification that the motion is contested or deemed contested pursuant to L.R. 208.2(d) shall have attached to the front thereof a proposed order substantially in the following form:

(CAPTION)

ORDER

AND NOW, this day ___ of _____, _____, upon consideration of the within Motion, it is hereby ordered as follows:

(1) a rule is issued upon the respondent to show cause why the moving party is not entitled to the relief requested;

(2) the respondent shall file an answer to the motion within twenty (20) days of service upon the respondent;

(3) the motion shall be decided under Pa.R.C.P. No. 206.7;

(4) a pre-disposition conference shall be held on _____, ___ at ___ m., in the undersigned Judge's Chambers of the _____ County Court-house, _____, Pennsylvania.

(5) notice of entry of this order shall be provided to all parties by the moving party.

BY THE COURT:

J.

(2) If the moving party requests a stay, the form of the order may be modified accordingly.

(3) The court, in its discretion, at a time prior to the pre-disposition conference, may conduct a telephone conference call with counsel of record and any pro se parties regarding disposition of the pending motion.

(4) At the conclusion of the pre-disposition conference, or after the telephone conference call provided for under subparagraph (3) above, the court shall issue an order providing for one or more of the following:

(i) The filing of affidavits, depositions and the like.

(ii) The scheduling of an evidentiary hearing.

(iii) The listing of the case for argument court for disposition pursuant to L.R. 1028(c)(2)(E).

(iv) Any other matters deemed appropriate for disposition of the motion.

L.R. No. 208.3.

(a) *Motions Requesting Ex Parte Relief*

A. A Moving Party intending to present to the Court a Motion requesting Injunctive Relief, a Stay of Proceedings, a Motion to Compel Discovery, or other ex parte relief shall make a diligent and conscientious effort to notify any known opposing counsel of the intent to present such a Motion at the earliest possible time.

B. Consistent with the requirement set forth in Subsection A, the Moving Party shall, at a minimum, speak with opposing counsel by telephone, or leave a specific message with his or her staff during regular business hours, or if such notice must be delivered after the close of regular business hours, the Moving Party shall make reasonable

attempts to speak with opposing counsel at this his or her home, or leave a specific message with a competent adjust residing therein.

C. A Motion presented to the Court pursuant to Subsection A shall include a Certificate signed by the Moving Party stating whether or not opposing counsel was notified of the time such Motion would be presented, and if opposing counsel was not personally notified, setting forth the efforts made by the Moving Party to do so. Failure to attach a Certificate in accordance with this subsection shall be grounds for denial of the relief sought.

D. In matters in which a party is unrepresented by counsel, counsel for the Moving Party shall follow the same procedures set forth above in Subsections A, B, and C in attempting to notify and unrepresented party.

E. Upon the filing of a motion to compel written discovery, the Court shall not issue an ex parte order granting the motion in less than ten (10) days after the filing of the motion to give the opposing party time to respond to the motion.

(b) *Motion Response*

If a motion is filed with a certification that the motion is contested or is deemed to be contested pursuant to L.R. 208.2(d), then any party opposing the relief requested shall file a written response to the motion within twenty (20) days after service of the motion. In the absence of a response, the court may consider the motion to be uncontested by any non-responding party.

L.R. No. 210. Form of Briefs.

All briefs shall contain the following information:

(1) The caption of the case.

(2) A brief procedural history and comprehensive statement of the relevant facts.

(3) The issues before the court.

(4) Comprehensive argument and discussion addressed to the issues with all relevant and recent authorities. The argument shall specifically cite and endeavor to distinguish all conflicting or opposing authorities.

L.R. No. 1018.1. Notice to Defend.

The addresses to be included in the Notice to Defend referred by Pa.R.C.P. 1018.1 shall be as follows:

NORTH PENN LEGAL SERVICES
168 EAST FIFTH STREET
BLOOMSBURG, PA 17815
(570) 784-8760

PENNSYLVANIA LAWYER REFERRAL SERVICE
PENNSYLVANIA BAR ASSOCIATION
PO BOX 186
HARRISBURG, PA 17108
1-800-692-7375

L.R. No. 1028(c). Preliminary Objections.

(1)(A) All preliminary objections filed raising an issue or issues under Pa.R.C.P. 1028(a)(1), (5) or (6) (i.e., objections that cannot be determined from facts of record) shall be endorsed with a notice to plead and shall have attached to the front thereof a proposed order substantially in the following form:

(CAPTION)

ORDER

AND NOW, this _____ day of _____, _____, upon consideration of the within preliminary objections, it is hereby ordered as follows:

(1) the responding party shall file an answer to the preliminary objections within twenty (20) days of service upon the responding party.

(2) a pre-disposition conference shall be held on _____, ____ at ____ m. in the undersigned Judge's Chambers of the _____ County Courthouse, _____, Pennsylvania.

(3) notice of the entry of this order shall be provided to all parties by the party filing the preliminary objections.

BY THE COURT:

J.

(i) The court, in its discretion, at a time prior to the pre-disposition conference, may conduct a telephone conference call with counsel of record and any pro se parties regarding disposition of the pending preliminary objections.

(1)(B) At the conclusion of the pre-disposition conference, or after the telephone conference call provided for under subparagraph (1)(A)(i) above, the court shall issue an order providing for one or more of the following:

- (i) The filing of affidavits, depositions and the like.
- (ii) The scheduling of an evidentiary hearing.
- (iii) The listing of the case for argument court for disposition pursuant to L.R. 1028(c)(2)(E).
- (iv) Any other matters deemed appropriate for disposition of the preliminary objections.

(2)(A) All preliminary objections filed raising an issue or issues solely under Pa.R.C.P. 1028(a)(2), (3) or (4) (i.e., objections that may be determined from facts of record without further evidence) shall be accompanied by a brief in support of the objections and a praecipe for argument court in substantially the following form:

PRAECIPE

IN THE COURT OF COMMON PLEAS OF THE 26TH JUDICIAL DISTRICT OF PENNSYLVANIA

_____ COUNTY BRANCH

No. _____

Type of Action: _____

TO: _____, Prothonotary,

PLACE THE FOLLOWING CASE ON THE NEXT ARGUMENT LIST

_____ Plaintiff,
_____ Plaintiff's Attorney, Address & Telephone No.

Vs
_____ Defendant,
_____ Defendant's Attorney, Address & Telephone No.

By: _____

Date: _____

Attorney for: _____

(2)(B) If the preliminary objections are not accompanied by a brief and/or praecipe for argument court, the prothonotary shall time-stamp and docket the document and shall advise the filing party that no action will be taken on the matter until there has been compliance with the requirements of L.R. 1028(c)(2)(A).

(2)(C) The Prothonotary shall deliver a copy of the preliminary objections, praecipe for argument court and the brief to the court administrator.

(2)(D) The party filing the preliminary objections shall serve a copy of the preliminary objections, praecipe for argument court and brief on the opposing counsel or pro se opposing party or parties within five (5) days of the filing date and shall file a certificate of service in the Prothonotary's office.

(2)(E) Any matters subject to disposition by brief and oral argument under these Local Rules shall be disposed of at argument court at which all counsel of record and pro se parties shall be present. The Judge to whom the case has been assigned shall compile a list of cases to be heard at argument court and shall provide notice to counsel of record and pro se parties setting forth the following:

- (i) The date, time and place of oral argument.
- (ii) If necessary, the date upon which the moving party's brief is due.
- (iii) If necessary, the date upon which the responding/opposing party's brief is due.

At argument court, all parties shall be limited to fifteen minutes. The court, in its discretion, may grant a longer period of time for argument.

If the responding/opposing party does not file a brief as required by these Local Rules, the court, in its discretion, may determine that said party concurs in the matter.

A party may file a written request to the court for an extension of time to file a brief or for a continuance of oral argument. The request shall be in the form of a motion with a proposed order and shall indicate the reasons for the requested extension or continuance and shall further state whether the opposing counsel or opposing pro se party or parties agree or object to said request.

L.R. No. 1034(a). Motion for Judgement on the Pleadings.

(1) All motions for judgment on the pleadings shall be accompanied by a brief in support of the motion and praecipe for argument court in substantially the form set forth under L.R. 1028(c)(2)(A).

(2) If the motion for judgement on the pleadings is not accompanied by a brief and/or praecipe for argument court, the Prothonotary shall time-stamp and docket the document and shall advise the filing party that no action will be taken on the matter until there has been compliance with the requirements of L.R. 1034(a)(1).

(3) The Prothonotary shall deliver a copy of the motion for judgement on the pleadings praecipe for argument court and the brief to the court administrator.

(4) The party filing the motion for judgement on the pleadings shall serve a copy of the motion, praecipe for argument court and brief on the opposing counsel or pro se opposing party or parties within five (5) days of the filing date and shall file a certificate of service in the Prothonotary's office.

(5) The motion for judgement on the pleadings shall be disposed of in accordance with the procedures for argument court set forth in L.R. 1028(c)(2)(E).

L.R. No. 1035.2(a). Motion for Summary Judgment.

All motions for summary judgment shall be disposed of in accordance with the same procedures for disposition of

motions for judgment on the pleadings set forth in L.R. 1034(a), subparagraphs (1), (2), (3), (4) and (5).

L.R. No. 1301. Compulsory Arbitration.

A. *Scope.* All civil cases which see only monetary damages, where the amount in controversy shall be fifty thousand (\$50,000.00) Dollars or less, exclusive of costs and interest, shall be submitted to, heard and decided by a Board of Arbitrators, consisting of three (3) attorneys appointed at the discretion of the President Judge. No substitution of Arbitrators so selected is permitted.

B. *Time for Submission to Arbitration by Parties.* When the pleadings are closed and the case is at issue, either party may submit a request for arbitration to the Court Administrator. This request shall be made on forms to be prepared by the Court Administrator, and shall be time-stamped in the Office of the Prothonotary prior to presentation to the Court Administrator. One copy of the request shall be filed personally by the party or counsel to the Court Administrator, and a copy shall be served upon the opposing party or parties.

C. *Time for Reference to Arbitration by Court.* On its own Motion, or the Motion of either party, when it appears, after hearing, Deposition or Stipulation that the amount in controversy does not exceed fifty thousand (\$50,000.00) Dollars, the Court shall enter an Order of reference to a Board of Arbitration.

D. *Scheduling of Hearings.* The Court Administrator shall assign cases to each Board appointed and shall designate the date and location of the hearing. The Court Administrator shall give notice of the hearing date and location to the Arbitrators and each party or his attorney.

E. *Continuances.* Except for cause shown in special cases, only one (1) continuance of a case will be granted on behalf of one party or group of parties having similar interests, and in no instance shall, a continuance be granted to a party unless the request is made at least one (1) week prior to the date scheduled for the arbitration hearing. If an attorney has a scheduling conflict, he must notify the Court Administrator no less than 72 hours prior to the arbitration hearing. If an attorney does not appear for a scheduled arbitration hearing and the arbitration is therefore cancelled, a sanction will be imposed in the amount of the arbitration fee.

F. *Duty of Arbitrators.* In no instance will a continuance be granted to an Arbitrator. All Arbitrators are required to serve as appointed and may be relieved of their appointment only by being excused by the President Judge upon good cause shown.

G. *Compensation.* Each member of the Board of Arbitrators who has signed the report or files a minority report shall receive as compensation for his services in each case a fee of seventy-five (\$75.00) Dollars. In cases requiring hearing of unusual duration or involving questions or unusual complexity, the Court, on Petition of the members of the Board and for cause shown, may allow additional compensation. The Court may also, on Petition of any party to a case, on cause shown and to prevent injustice, reduce the amount of such compensation or disallow compensation entirely. The members of a Board shall not be entitled to receive their fees until after filing a report with the Prothonotary. When the same is filed, the Prothonotary shall issue an Order for payment of such fees which shall be immediately paid from county funds as in the case of all other county debts. Fees paid to Arbitrators shall not be taxed as costs nor follow the award as other costs.

L.R. No. 1302. Selection of Arbitrators.

A. The Court Administrator shall maintain a master list of arbitrators consisting of all Attorneys actively engaged in the practice of law in the 26th Judicial District arranged in a random manner. Each case for which a Certificate of Readiness for Arbitration has been filed shall be assigned by the Court Administrator to an Arbitration Board consisting of three (3) attorneys and chosen randomly from the master list. It is the intent of this Rule that the members of the Bar serving on an arbitration panel receive an equal number of appointments.

B. The Board shall be chaired by a member of the Bar admitted to the practice of law for at least three (3) years.

C. Not more than one (1) member or associate of a firm or association of attorneys shall be appointed to the same Board.

D. If any attorney wishes to be replaced as an arbitrator in any particular arbitration hearing, the attorney shall advise the Court Administrator, in writing, no later than ten (10) days before the scheduled arbitration setting forth the reasons why the attorney cannot be present at the arbitration and the attorney can be excused from serving on the Board of Arbitration for reasonable cause. If the reason why the attorney cannot appear at the scheduled arbitration arose after the seven (7) day period, the attorney shall immediately advise the Court Administrator of the reasons why he or she cannot attend the arbitration.

E. The Court Administrator shall excuse an attorney from an Arbitration only for the following reasons:

1. A conflict with a court appearance.
2. Illness.
3. Death of immediate family member. (Father, mother, husband, wife, child)

L.R. No. 212.1. Listing Matters for Trial.

A. Cases at issue shall be listed for trial by either party filing a Certificate of Readiness for Trial Listing with the Prothonotary and by mailing a copy to all opposing counsel and to the Court Administrator in accordance with the provisions of Rule of Civil procedure. No matter shall be listed for trial when discovery proceedings are pending. In the event that a matter is listed for trial in which there are pending discovery proceedings, it shall be stricken from the list upon Motion of a party.

B. Once a matter has been listed for trial, discovery requests or proceedings shall not be initiated except upon Order of Court or written agreement of counsel filed with the Court.

L.R. No. 212.3. Pretrial Conference.

A. In any civil action filed within the 26th Judicial District in which a Praecipe for Trial Listing has been filed, the Court shall hold a Pretrial Conference with counsel for the parties.

B. At least fifteen (15) days prior to the Pretrial Conference, counsel for Plaintiff shall contact all counsel and conduct a conference among counsel to exchange lists of witnesses to be called at trial, to resolve objections to deposition testimony, to mark all exhibits to be used at trial, to discuss the prospects for settlement and attempt to agree on the authenticity of said exhibits. Counsel who intends to try the case shall attend the attorney conference. Counsel shall make a good faith effort to agree on the authenticity and admissibility of the exhibits as well

as objections to deposition testimony. If such agreement cannot be reached, the objecting party shall be prepared to state in detail the reasons for the objection together with any authorities in support of his/her position at the Pretrial Conference.

C. Counsel for each party shall thereafter submit a Pretrial memorandum to the judge before whom the case is scheduled at least ten (10) days prior to the scheduled conference. The Pretrial Memorandum shall contain the following:

1. A concise statement of the claim or defense on liability and damages;
2. A separate list of the issues involved on liability and damages;
3. A separate list of those attorneys present at the attorney conference with identification of the party each represents and the date of the attorney conference;
4. A separate list of witnesses on liability and on damages, showing the address of each and a concise summary of each witness's proposed testimony;
5. A separate list of exhibits on liability and damages;
6. A list of all deposition transcripts to be used in lieu of testimony and a statement of known objections thereto;
7. A statement of all stipulations sought from opposing parties;
8. A statement of any special request, such as request for a view, special time for a witness, courtroom needs, etc.;
9. A list of any special voir dire examination of prospective jurors requested by counsel;
10. Identification of any unusual legal issues which counsel expect to arise in the case. Motions in Limine should be filed no later than the date for submission of the Pretrial Memorandum; and,
11. Statement of the status of settlement negotiations to date.

D. Clients shall be consulted by counsel in advance of the Pretrial Conference as to authority with respect to settlement, including definite minimum or maximum limits of amounts of authority, and respecting such other questions as may be reasonable and anticipated to be relevant.

E. At trial, each party will be limited to those witnesses, exhibits and documents set forth in the Pretrial Memorandum unless:

1. All parties affected by any change agree in writing, which shall be filed with the Court;
2. Prompt notice of changes in the list of witnesses, exhibits or documents is made by filing with the trial Judge and servicing other counsel with a Supplemental Pretrial Memorandum;

F. At the conclusion of the Pretrial Conference, the Court may issue an Order deciding the action taken. The Order may reflect any amendments to the pleadings allowed, agreements between counsel, admissions of fact, notation of any exhibits which counsel stipulate may be received in evidence without formal proof, the limitation on the number of expert witnesses and other appropriate matters.

L.R. No. 212.5. Mediation.

In all medical malpractice cases (and other cases deemed appropriate by the Court) in which a Praecipe for

Trial Listing has been filed, the Court Administrator, in its discretion, or at the direction of the Court, may promptly refer the case to Mediation or a Settlement Conference under the direction of the Court as follows:

1. Trial counsel must attend the Mediation or Settlement Conference. No substitute counsel shall be permitted to attend in place of trial counsel.

2. Trial counsel must be authorized to discuss and conclude settlement at the Mediation or Settlement Conference. The parties or their insurance representatives shall be available either in person or by telephone if necessary to conclude settlement.

3. Notice of the date, time and place of the Mediation or Settlement Conference will be sent to counsel by the Court.

4. At least seven (7) days prior to the Mediation or Settlement Conference, counsel shall submit Pre-Conference Statements to the Court which shall contain all of the following:

- a. A brief statement of the facts and events out of which the party's claim or counterclaim arose or upon which the party's defense is based.
- b. A brief summary of the known special damages the party has incurred to date, if applicable.
- c. A list of witnesses who will testify at trial.
- d. An estimate of the trial time required.
- e. A statement of unusual legal issues presented, including significant questions of evidence.
- f. A list of exhibits to be introduced at trial.
- g. A statement of settlement negotiations to date, including the plaintiff's most recent demand and the defendant's most recent offer.
- h. Expert reports shall be attached to the Pre-Conference Statements.

L.R. No. 4005. Discovery Practice.

Interrogatories to a party, as a matter of right, shall not exceed forty (40) in number. Interrogatories inquiring as to the name and location of witnesses, or the existence, location and custodian of documents or physical evidence shall be construed as one interrogatory. All other interrogatories, including subdivisions of one number interrogatory, shall be construed as separate interrogatories. If counsel for a party believes that more than 40 interrogatories are necessary he shall consult with opposing counsel promptly and attempt to reach a written Stipulation as to a reasonable number of additional interrogatories. Counsel are expected to comply with this requirement in good faith. In the event a written Stipulation cannot be agreed upon, the party seeking to submit additional interrogatories shall file a Motion with the Court showing the necessity of relief.

L.R. No. 4007.1. Procedure in Deposition by Oral Examination.

A. A period of at least twenty (20) days is hereby determined by the Court to be "reasonable notice" required by Pa.R.C.P. 4007.1(b).

B. In the scheduling of any deposition, the party noticing the deposition is required to make reasonable efforts to first contact opposing counsel and agree upon a mutually convenient date, time and place of deposition before issuing a notice of deposition.

L.R. No. 4011. Objections to Discovery Request.

Any objection to an interrogatory, request for production of documents or request for admission shall be served upon opposing counsel within thirty (30) days of service of said request. Failure to service upon opposing counsel a timely objection in accordance with the provisions of this Rule shall be deemed a waiver of objection to the interrogatory, request for production of documents or request for admission. If no answers or objections to discovery requests have been served, and if no written extensions of time for providing responses to discovery requests have been granted, a Moving Party, pursuant to L.R. 26.3, may present a Motion to Compel Discovery *ex parte*.

L.R. No. 4014. Number of Requests for Admissions.

Requests for admissions to a party, as a matter of right shall not exceed (40) in number. If counsel for a party believes that more than (40) requests for admissions are necessary, counsel shall consult with opposing counsel promptly and attempt to reach a written Stipulation as to a reasonable number of additional requests for admissions. Counsel are expected to comply with this requirement in good faith. In the event a written Stipulation cannot be agreed upon, the party seeking to submit additional requests for admissions shall file a Motion with the Court showing the necessity for relief.

[Pa.B. Doc. No. 16-1944. Filed for public inspection November 10, 2016, 9:00 a.m.]

LANCASTER COUNTY**Adoption of New Local Rules of Judicial Administration Governing Court Reporting and Transcripts; CPJ. No. 7, Page 1357; No. 23 AD 2016****Administrative Order**

And Now, this 18th day of October 2016, it is hereby

Ordered and Decreed, that effective January 1, 2017, the Lancaster County Court of Common Pleas adopts the following local rules governing court reporting and transcripts for the 2nd Judicial District.

The Lancaster County District Court Administrator is Ordered and Directed to do the following:

1. File one (1) copy to the Administrative Office of Pennsylvania Courts via email to adminrules@pacourts.us.

2. File two (2) paper copies and one (1) electronic copy in a Microsoft Word format only to bulletin@palrb.us with the Legislative Reference Bureau for publication in the *Pennsylvania Bulletin*.

3. Publish these Rules on the Lancaster County Court website at www.court.co.lancaster.pa.us.

4. Incorporation of the local rule into the set of local rules on www.court.co.lancaster.pa.us within thirty (30) days after the publication of the local rule in the *Pennsylvania Bulletin*.

5. File one (1) copy of the local rule in the appropriate filing office for public inspection and copying.

By the Court

DENNIS E. REINAKER,
President Judge

Local Rules of Judicial Administration**Rule 101. Title and Citation.**

These Rules shall be known as the Lancaster County Rules of Judicial Administration and may be cited as "L.C.R.J.A. . . ."

Rule 4007. Requests for Transcripts.

(B) For an ordinary transcript, the party requesting the full or partial transcript of a trial or other proceeding shall file the original request with the Clerk of Courts, Prothonotary, or Orphans' Court.

The requesting party shall serve copies of the formal request to:

1. The Presiding Judge
2. The court reporter(s) assigned to the proceeding
3. The Chief Court Reporter
4. Opposing counsel or party, if party is unrepresented

(D) Private Litigant Requests & Payment of Costs

(1) The litigant ordering the transcript shall make payment in the amount of 95% of the estimated total cost of the transcript.

Deposit checks are to be made payable to the County of Lancaster and shall be delivered to the Chief Court Reporter.

(2) Upon receipt of the 95% deposit, the court reporter(s) assigned to the proceeding shall be directed by the Chief Court Reporter to prepare the transcript.

(3) The court reporter(s) shall notify the ordering party and the Chief Court Reporter upon completion of the transcript and shall indicate the balance due.

(4) Checks for the final balance are to be made payable to the County of Lancaster and shall be delivered to the Chief Court Reporter.

Upon payment of the balance owed, the court reporter(s) shall obtain the signature of the presiding judge on the original transcript and shall deliver the original transcript to the appropriate filing office. After the original transcript has been delivered to the appropriate filing office, copies shall be delivered to the parties pursuant to L.C.R.J.A. 4008(E).

(E) Any requests by a litigant for a transcript pursuant to R.J.A 4007(E) alleging inability to pay due to economic hardship must be directed to the President Judge for determination as provided in L.C.R.J.A. 4008(B).

Rule 4008. Transcript Costs Payable by the Commonwealth or a Subdivision Thereof, shall be governed as follows:**(A) Costs Payable**

(1) *Electronic Format.* The costs payable by the initial ordering party for a transcript delivered via electronic format shall not exceed:

- (a) For an ordinary transcript, \$2.50 per page
- (b) For an expedited transcript, \$3.50 per page
- (c) For a daily transcript, \$4.50 per page
- (d) For same-day delivery, \$6.50 per page
- (e) For a realtime feed, \$1.00 per page
- (f) For complex litigation, \$3.00 per page
- (g) For rough drafts, \$1.00 per page

(2) *Paper Format.* The costs payable by the initial ordering party for a transcript delivered via paper format shall not exceed:

- (a) For an ordinary transcript, \$2.75 per page
- (b) For an expedited transcript, \$3.75 per page
- (c) For a daily transcript, \$4.75 per page
- (d) For same-day delivery, \$6.75 per page
- (e) For a realtime feed, \$1.00 per page
- (f) For complex litigation, \$3.25 per page
- (g) For rough drafts, \$1.25 per page

(B) *Economic Hardship*

(4) Legal Aid Services must provide the President Judge with a letter of certification verifying, as provided in R.J.A. 4008(B), that the client meets financial eligibility and that the matter is under appeal or that the transcript being requested is necessary to advance the current litigation.

Self-represented litigants claiming economic hardship must attach to their request for transcript a fully completed In Forma Pauperis Petition pursuant to Pennsylvania Rule of Civil Procedure 240.

(E) *Copies of Transcripts*

Any requests to the filing offices for copies of filed transcripts shall be directed and produced solely by the Court Reporters' Office.

[Pa.B. Doc. No. 16-1945. Filed for public inspection November 10, 2016, 9:00 a.m.]

MONROE COUNTY

Adoption of Administrative Order No. 46; Adm 47; No. 5 CV 2016

Order Pursuant to Pa.R.J.A. 103

And Now, this 27th day of *October*, 2016 it is *Ordered* that the Administrative Order, # 46, filed at docket number 5 CV 2016, of the Court of Common Pleas of the 43rd Judicial District of Pennsylvania, Monroe County, is promulgated to be effective thirty (30) days after publication in the *Pennsylvania Bulletin*.

It is Further Ordered that the District Court Administrator shall:

1. File one copy of this order and one copy of the Administrative Order with the Administrative Office of Pennsylvania Courts (AOPC).

2. File with the Legislative Reference Bureau for publication in the *Pennsylvania Bulletin* two (2) paper copies and one computer diskette, CD-ROM, or other agreed upon alternate format the complies with the requirements of 1 Pa. Code § 13.11(b), containing the Administrative Order.

3. Publish a copy of the Administrative Order on the website of the 43rd Judicial District at www.monroe.pacourts.us.

4. Provide one (1) paper copy of the Administrative Order to the Monroe County Law Library.

5. Keep such Administrative Order continuously available for public inspection and copying in the Office of the Prothonotary of Monroe County. Upon request and payment of reasonable cost of reproduction and mailing, the Prothonotary shall furnish to any person a copy of any Administrative Order.

6. Arrange to have the Administrative Order published on the Monroe County Bar Association website at www.monroebar.org.

By the Court

MARGHERITA PATTI-WORTHINGTON,
President Judge

[Pa.B. Doc. No. 16-1946. Filed for public inspection November 10, 2016, 9:00 a.m.]

MONROE COUNTY

Appointment of Office of Public Defender in Certain Matters; No. 5 Civil 2016; Admin No. 46

Order

And Now, this 13th day of *October*, 2016 the Monroe County Office of the Public Defender shall be appointed at the outset of each case in the following instances to represent the accused juvenile in all juvenile court/delinquency matters at the initiation of each new case.

This appointment process shall commence immediately and continue until revoked by order of court. The Monroe County Office of the Public Defender shall check for any conflict of interest and petition for appointment of conflict counsel as appropriate, and the Clerk of Courts shall then update the record accordingly.

By the Court

MARGHERITA PATTI-WORTHINGTON,
President Judge

[Pa.B. Doc. No. 16-1947. Filed for public inspection November 10, 2016, 9:00 a.m.]

STATEMENTS OF POLICY

Title 4—ADMINISTRATION

PART II. EXECUTIVE BOARD

[4 PA. CODE CH. 9]

Reorganization of the Pennsylvania State Police

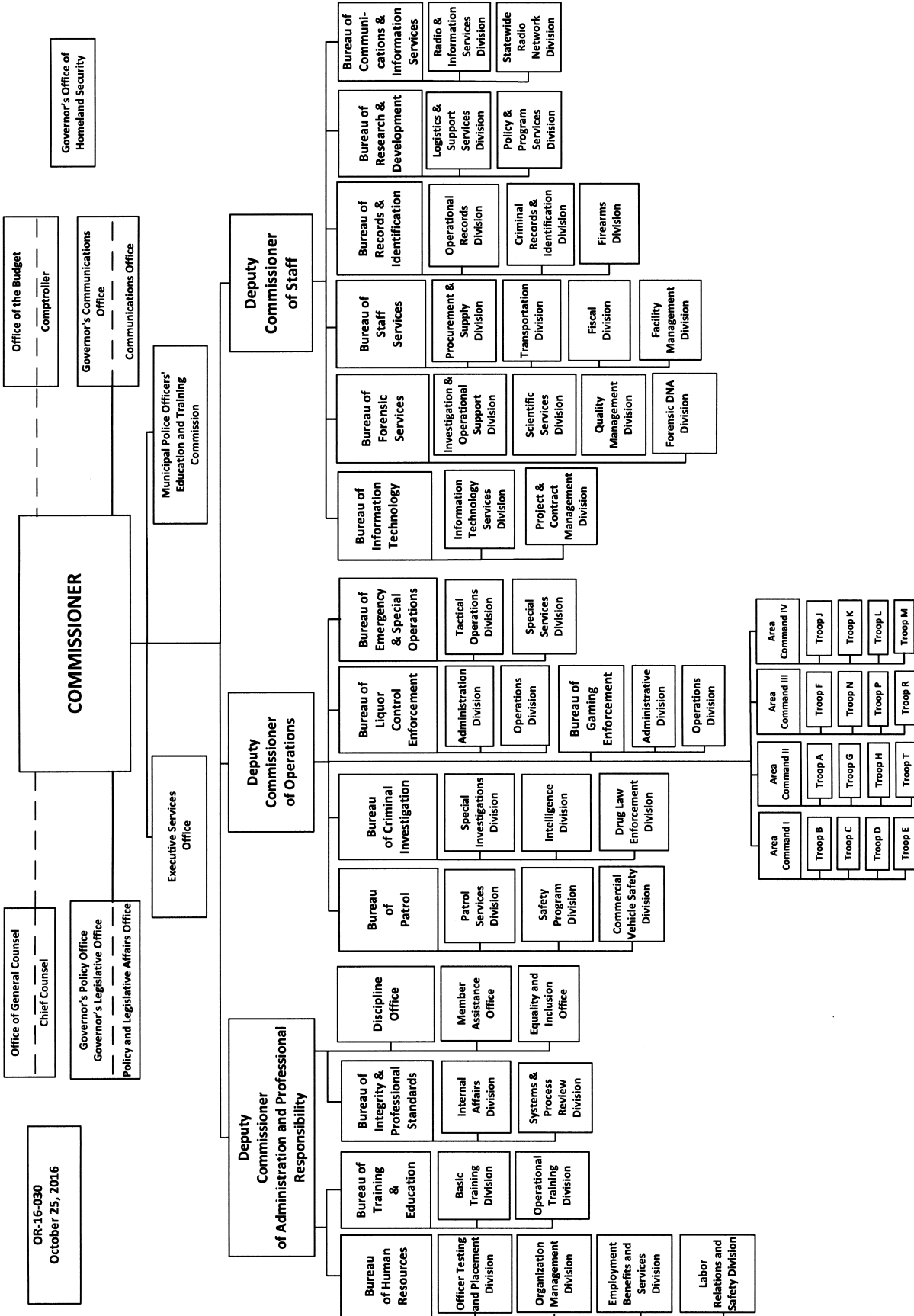
The Executive Board approved a reorganization of the Pennsylvania State Police effective October 25, 2016.

The organization chart at 46 Pa.B. 7178 (November 12, 2016) is published at the request of the Joint Committee on Documents under 1 Pa. Code § 3.1(a)(9) (relating to contents of *Code*).

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

[Pa.B. Doc. No. 16-1948. Filed for public inspection November 10, 2016, 9:00 a.m.]

PENNSYLVANIA STATE POLICE



NOTICES

DEPARTMENT OF BANKING AND SECURITIES

Actions on Applications

The Department of Banking and Securities (Department), under the authority contained in the act of November 30, 1965 (P.L. 847, No. 356), known as the Banking Code of 1965; the act of May 15, 1933 (P.L. 565, No. 111), known as the Department of Banking Code; and the act of December 19, 1990 (P.L. 834, No. 198), known as the Credit Union Code, has taken the following action on applications received for the week ending November 1, 2016.

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 his or her comments in writing with the Department of Banking and Securities, Corporate Applications Division, 17 North Second Street, Suite 1300, Harrisburg, PA 17101-2290. Comments must be received no later than 30 days from the date notice regarding receipt of the application is published in the *Pennsylvania Bulletin*. The nonconfidential portions of the applications are on file at the Department and are available for public inspection, by appointment only, during regular business hours. To schedule an appointment, contact the Corporate Applications Division at (717) 783-2253. Photocopies of the nonconfidential portions of the applications may be requested consistent with the Department's Right-to-Know Law Records Request policy.

BANKING INSTITUTIONS

Branch Applications

De Novo Branches

<i>Date</i>	<i>Name and Location of Applicant</i>	<i>Location of Branch</i>	<i>Action</i>
10-7-2016	Univest Bank and Trust Co. Souderton Montgomery County	4600 Broadway Allentown Lehigh County (Limited Service Facility)	Opened
10-28-2016	PeoplesBank, A Codorus Valley Company York York County	600 East Main Street Lititz Lancaster County	Filed
11-1-2016	Mid Penn Bank Millersburg Dauphin County	689 West Main Street New Holland Lancaster County	Filed
10-12-2016	Jersey Shore State Bank Williamsport Lycoming County (Correction from Summary # 44)	<i>To:</i> 2774 Earlstown Road Centre Hall Centre County	Filed
		<i>From:</i> 2842 Earlstown Road Centre Hall Centre County	

Articles of Amendment

<i>Date</i>	<i>Name and Location of Institution</i>	<i>Action</i>
10-28-2016	Community Bank Carmichaels Greene County	Filed
	Amendment to Article V of the institution's Articles of Incorporation provides for the elimination of authority to exercise Fiduciary Powers.	

CREDIT UNIONS

No activity.

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

ROBIN L. WIESSMANN,
Secretary

[Pa.B. Doc. No. 16-1949. Filed for public inspection November 10, 2016, 9:00 a.m.]

DEPARTMENT OF ENVIRONMENTAL PROTECTION

Applications, Actions and Special Notices

APPLICATIONS

THE CLEAN STREAMS LAW AND THE FEDERAL CLEAN WATER ACT APPLICATIONS FOR NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM (NPDES) PERMITS AND WATER QUALITY MANAGEMENT (WQM) PERMITS

This notice provides information about persons who have applied for a new, amended or renewed NPDES or WQM permit, a permit waiver for certain stormwater discharges or submitted a Notice of Intent (NOI) for coverage under a General Permit. The applications concern, but are not limited to, discharges regarding industrial, animal or sewage waste, discharges to groundwater, discharges associated with municipal separate storm sewer systems (MS4), stormwater associated with construction activities or concentrated animal feeding operations (CAFO). This notice is provided in accordance with 25 Pa. Code Chapters 91 and 92a and 40 CFR Part 122, implementing The Clean Streams Law (35 P.S. §§ 691.1—691.1001) and the Federal Clean Water Act (33 U.S.C.A. §§ 1251—1376).

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

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

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

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

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

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

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

I. NPDES Renewal Applications

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

<i>NPDES No. (Type)</i>	<i>Facility Name & Address</i>	<i>County & Municipality</i>	<i>Stream Name (Watershed #)</i>	<i>EPA Waived Y/N?</i>
PA0102482 (Sewage)	Green Acres MHP 797 Pittsburgh Road Butler, PA 16002-4053	Butler County Penn Township	Unnamed Tributary of Glade Run (20-C)	Yes

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

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

WQM Permit No. WQG01371602, Sewage, **Michael Dodge**, 245 Classic Lane, New Castle, PA 16105.

This proposed facility is located in Neshannock Township, **Lawrence County**.

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

WQM Permit No. 1016408, Sewage, **Benjamin Hornberger**, 133 Ridge Drive, Karns City, PA 16041.

This proposed facility is located in Fairview Township, **Butler County**.

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

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

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

Lehigh County Conservation District, Lehigh Ag Center, Suite 102, 4184 Dorney Park Rd., Allentown PA 18104.

<i>NPDES Permit No.</i>	<i>Applicant Name & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI023916019	David M. Jandl Jandl Land Company 3150 Coffeetown Road Orefield, PA 18069	Lehigh	Lower Macungie Township	Little Lehigh Creek (HQ-CWF, MF)

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

<i>Permit #</i>	<i>Applicant Name & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI032116008	Carlisle Investment Properties, Inc. 5 South Hanover Street Carlisle, PA 17013	Cumberland	South Middleton Township	LeTort Spring Run (HQ-CWF, MF)
PAI032116009	WRD Mechanicsburg, LP 351 Loucks Road York, PA 17404	Cumberland	Hampden Township	UNT Trindle Spring Run (HQ-CWF)
PAI030716003	Steve Dillen 538 Beaver Dam Road Hollidaysburg, PA 16648	Blair	Frankstown Township	Canoe Creek (HQ-CWF)
PAI030616002	Pennsylvania Department of Transportation, Engineering District 5-0 1002 Hamilton Street Allentown, PA 18101	Berks	Bethel Township	UNT's to Mill Creek EV Wetlands

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

Centre County Conservation District: 414 Holmes Avenue, Suite 4, Bellefonte, PA 16823, (814) 355-6817.

<i>NPDES Permit No.</i>	<i>Applicant Name & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAD140003	Galen E. Dreibelbis 265 Blue Course Drive Suite C1 State College, PA 16803	Centre	Harris Twp	Galbraith Gap Run HQ-CWF, MF

Southwest Region: Waterways & Wetlands Program Manager, 400 Waterfront Drive, Pittsburgh, PA 15222-4745. (412) 442.4315.

<i>Permit No.</i>	<i>Applicant & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Stream Name</i>
PAD630005	Eddy Homes Company, Inc. 242 Station Street Bridgeville, PA 15017	Washington County	Peters Township	UNT to Little Chartiers Creek (HQ-WWF)

LAND RECYCLING AND ENVIRONMENTAL REMEDIATION

UNDER ACT 2, 1995 PREAMBLE 1

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

Sections 302—305 of the Land Recycling and Environmental Remediation Standards Act (act) (35 P.S. §§ 6026.302—6026.305) require the Department to publish in the *Pennsylvania Bulletin* an acknowledgment noting receipt of Notices of Intent to Remediate. An acknowledgment of the receipt of a Notice of Intent to Remediate is used to identify a site where a person proposes to, or has been required to, respond to a release of a regulated substance at a site. A person intending to use the background standard, Statewide health standard, the site-specific standard or intend to remediate a site as a special industrial area shall file a Notice of Intent to Remediate with the Department. A Notice of Intent to Remediate filed with the Department provides a brief description of the location of the site, a list of known or suspected contaminants at the site, the proposed remediation measures for the site and a description of the intended future use of the site. A person who demonstrates attainment of one or a combination of cleanup standards or receives approval of a special industrial area remediation identified under the act will be relieved of further liability for the remediation of the site for contamination identified in reports submitted to and approved by the Department. Furthermore, the person shall not be subject to citizen suits or other contribution actions brought by responsible persons not participating in the remediation.

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

For further information concerning the content of a Notice of Intent to Remediate, contact the environmental cleanup program manager in the Department regional office listed before the notice. If information concerning this acknowledgment is required in an alternative form, contact the community relations coordinator at the appropriate regional office. TDD users may telephone the Department through the Pennsylvania AT&T Relay Service at (800) 654-5984.

The Department has received the following Notices of Intent to Remediate:

Southeast Regional Office: Regional Manager, Environmental Cleanup and Brownfields, 2 East Main Street, Norristown, PA 19401, Telephone 484.250.5960. Charline Bass.

301 Jacksonville Road, 301 Jacksonville Road, Borough of Hatboro, **Montgomery County**. Darryl D. Borrelli, Manko, Gold, Katcher & Fox, LLP, 40 1City Avenue, Suite 901, Bala Cynwyd, PA 19004, Kevin Silverang, 301 Historic Investors, LLC, 595 East Lancaster Avenue, Suite 203, St. Davis, PA 19087 on behalf of Stephen Cassidy, 301 Jacksonville Investors, L.P., 260 West Walnut Lane, Philadelphia, PA 19014 has submitted a Notice of Intent to Remediate. Soil and groundwater at the site has been impacted with the release of petroleum hydrocarbons, pahs, metals and vocs. The property will be redeveloped for multi-family residence use. A Notice of Intent to Remediate was published in the *Intelligencer* on October 13, 2016. PF813032.

Springhouse Village Shopping Center, 1111 North Bethlehem Pike, Lower Gwynedd Township, **Montgomery County**. Staci Cottone, J&J Environmental, P.O. Box 370, Blue Bell, PA 19422 on behalf of TJ Miller, Penn Florida Realty, LP, 725 Conshohocken State Road, Bala Cynwyd, PA 19004 has submitted a Notice of Intent to Remediate. Soil at the site has been impacted with the release of no. 2 fuel oil. The proposed future use of the property will be commercial. The Notice of Intent to Remediate was published in the *Amber Gazette* on September 19, 2016. PF813133.

Preserved Open Space Cheltenham Township, 1100 Ashbourne Road, Cheltenham Township, **Montgomery County**. Michael Potts, Ramboon Environ US Corporation, 1010 Carnegie Center, Princeton, NJ 08540 on behalf of Kenneth Griffin, Matrix Ashbourne Associates LP, Forsgate Drive, CN 4000, Cranbury, NJ 08512 has submitted a Notice of Intent to Remediate. Soil at the site has been impacted with the release of arsenic, lead, mercury and chlordanes. The proposed current future use of the property will be recreational use of the property. A Notice of Intent to Remediate was published in the *Philadelphia Inquirer* on September 6, 2016. PF813019.

Northeast Building Produce Corporation, 327 East Chew Avenue, City of Philadelphia, **Philadelphia County**. Christopher Orzechowski, P.G. Keating Environmental Management, Inc., 835 Springdale Drive, Suite 200, Exton, PA 19341, Alan Levin, FASAL, Inc., 4280 Aramingo Avenue, Philadelphia, PA 19124 on behalf of Glenn DePalantino, Cardone Industries, Inc. 5501 Whitaker Avenue, Philadelphia, PA 19124 has submitted a Notice of Intent to Remediate. Groundwater at the site has been impacted with the release of chlorinated solvents. The current use of the property is light industrial. A Notice of Intent to Remediate was published in the *Philadelphia Daily News* on September 15, 2016. PF813135.

Hellberg Tract, 32 North Main Street, Chalfont Borough, **Bucks County**. Richard S. Werner, Environmental Consulting, Inc., 2002 Renaissance Boulevard, Suite 110, King of Prussia, PA 19406 on behalf of Robert White, Redevelopment Authority of Bucks County, 216 Pond Street, Bristol, PA 19007 has submitted a Notice of Intent to Remediate. Soil at the site has been impacted with the release of dieldrin, arsenic and lead. The subject property is proposed for residential redevelopment. A Notice of Intent to Remediate was published in the *Intelligencer* on September 14, 2016. PF813017.

Brightview Wayne, 293-319 East Conestoga Road, Tredyfflin Township, **Chester County**. Richard Lake,

Geo-Technology Associated, Inc., 14 Words Fair Drive, Somerset, NJ 08873, David Holland, Brightview Wayne, LLC, 218 North Charles Street, Suite # 220, Baltimore, MD 21201 on behalf of Joseph Norcini, 293 East Conestoga Road, Wayne, PA 19087 has submitted a Notice of Intent to Remediate. Soil and groundwater at the site has been impacted with the release of metals, and semi-volatile organics compounds and voc's. The proposed future use of the property will be residential (and assisted living community). A Notice of Intent to Remediate was published in the *Main Line Media* on September 16, 2016. PF812169.

Hypex Inc., 1000 Industrial Boulevard, Upper Southampton Township, **Bucks County**. Grey Firely, Langan Engineering and Environmental Services, 2700 Kelly Road, Suite 200, Warrington, PA 18976, Juddson W. Herr, Langan, Engineering and Environmental Services, 2700 Kelly Road, Suite 200, Warrington, PA 18976 on behalf of James E. Hasson, Hypex, Inc., 1000 Industrial Boulevard, Southampton, PA 18966-4007 has submitted a Notice of Intent to Remediate. Soil at the site has been impacted with the release of manganese. A Notice of Intent to Remediate was published in the *Bucks County Courier Times* on October 10, 2016. PF813024.

608 Grant Street, 608 Grant Street, Borough of Pottstown, **Montgomery County**. Patrick Crawford, Crawford Environmental Services, LLC, 2- Cardinal Drive, Birdsboro, PA 19508, William F.E. Johns-Valla, Crawford Environmental Services, LLC, 20 Cardinal Drive, Birdsboro, PA 19508, Wyatt Morrison, Jerome H. Rhoads, Inc., 624 South Prince Street, Lancaster, PA 17603 on behalf of Brian Cooper, 608 Grant Street, Pottstown, PA 19464 has submitted a Notice of Intent to Remediate. Soil and groundwater at the site has been impacted with the release of heating oil. The property is currently used for residential purposes and future intended use will remain residential. A Notice of Intent to Remediate was published in the *Mercury* on September 17, 2016. PF813030.

100 Barren Hill Road, 100 Barren Hill Road, Whitmarsh Township, **Montgomery County**. David Farrington, Brickhouse Environmental, 515 South Franklin Street, West Chester, PA 19382 on behalf of Philip Zuzelo, Estate of Marilynn C. Zuzelo, P.O. Box 450, Conshohocken, PA 19428 has submitted a Notice of Intent to Remediate. Soil and groundwater at the site has been impacted with the release of voc and pahs. It is expected that the site will continue to be used for no—residential purposes to conduct the operations of Cardinal Grooving. The Notice of Intent to Remediate was published in the *Times Herald* on September 15, 2016. PF913025.

Bristol Township Palmer Avenue Plump Station, 2527 Palmer Avenue, **Bucks County**. Thomas J. O'Brien, P.G. Home Biz, LLC, 3900 Ford Road, Suite 20M, Philadelphia, PA 19131 on behalf of Scott Swichar, Bristol Township, 2501 Bath Road, Bristol, PA 19007 has submitted a Notice of Intent to Remediate. Groundwater and soil at site has been impacted with the release of fuel oil. The proposed future use of the property will remain a sewage pumping station. The Notice of Intent to Remediate was published in the *Bucks County Courier Times* on August 15, 2016. PF811621.

1301 Powell Street, 1301 Powell Street, Norristown Borough, **Montgomery County**. Richard Werner, Environmental Consulting, Inc., 2002 Renaissance Boulevard, Suite 110, King of Prussia, PA 19406 on behalf of Francis Vargas, Elon Development Company, Inc., 240 New York Drive, Suite 1, Fort Washington, PA 19034 has submitted

a Notice of Intent to Remediate. Soil at the site has been impacted with the release of diesel fuel/fuel oil no. 2 parameters; and fuel oil no. 4, 5 and no. 6 parameters. The intended future use of the subject property is residential. The Notice of Intent to Remediate was published in the *Times Herald* on October 12, 2016. PF813134.

Brewerytown Apartments LLC, 31st and Master Street, City of Philadelphia, **Philadelphia County**. Natalie Griffith, REPSG, Inc., 6901 Kingsessing Avenue, Suite 201, Philadelphia, PA 19142, James Manuel, REPSG, Inc., 6901 Kingsessing Avenue, Suite 201, Philadelphia, PA 19142 on behalf of Dana Spain, Brewerytown Apartments LLC, 1311 South Juniper Street, Philadelphia, PA 19147 has submitted a Notice of Intent to Remediate. Soil and groundwater at the site has been impacted with the release of tetrachloroethylene. The Notice of Intent to Remediate was published in the *Philadelphia Daily News* on September 12, 2016. PF813026.

Abbonizio Recycling Facility, Front & Thurlow Street, City of Chester, **Delaware County**. Mike Edelman, PG. TRC Environmental Corporation, 1601 Market Street, Suite 2555, Philadelphia, PA 19103, Jillian Walsh, TRC Environmental Corporation, 1601 Market Street, Suite 2555, Philadelphia, PA 19103 on behalf of Alex Piscitelli, Covanta Delaware Valley, LP, 10 Highland Avenue, Chester, PA 19013 has submitted a Notice of Intent to Remediate. Soil and groundwater at the site has been impacted with the release of metals, vocs, pahs, iron and aluminum. The site has a historical industrial usage. The Notice of Intent to Remediate was published in the *Delaware County Daily Times* on September 30, 2016. PF806794.

OPERATE WASTE PROCESSING OR DISPOSAL AREA OR SITE

Application Received Under the Solid Waste Management Act (35 P.S. §§ 6018.101—6018.1003), the Municipal Waste Planning, Recycling and Waste Reduction Act (53 P.S. §§ 4000.101—4000.1904) and Regulations to Operate Solid Waste Processing or Disposal Area or Site.

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

Permit Application No. 300852. Pottstown Industrial Investments, LLC, 1751 Easton Road, Willow Grove, PA 19090. This permit modification application is for the Final Closure Certification approval for the for the Former Flagg Brass Landfill, a closed residual waste landfill located at 1020 West High Street, Stowe, PA 19464 in the Borough of Pottstown and West Pottsgrove Township, **Montgomery County**. The application was received by the Southeast Regional Office on October 3, 2016.

AIR QUALITY

PLAN APPROVAL AND OPERATING PERMIT APPLICATIONS

The Department has developed an "integrated" plan approval, State Operating Permit and Title V Operating Permit program. This integrated approach is designed to make the permitting process more efficient for the Department, the regulated community and the general public. This approach allows the owner or operator of a facility to submit permitting documents relevant to its application for all sources related to a facility or a

proposed project, affords an opportunity for public input, and provides for a decision on the issuance of the necessary permits.

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

Copies of the application, the Department's analysis, all pertinent documents used in the evaluation of the application and subsequently prepared proposed plan approvals/operating permits are available for public review during normal business hours at the appropriate Department Regional Office. Appointments for scheduling a review must be made by calling the appropriate Department Regional Office. The address and phone number of the Regional Office is listed before the application notices.

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

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

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

Persons with a disability who wish to comment and require an auxiliary aid, service or other accommodation to participate should contact the regional office listed before the application. TDD users may contact the Department through the Pennsylvania AT&T Relay Service at (800) 654-5984.

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

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

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

09-0174F: Liberty Coating Company, LLC. (21 South Steel Road, Morrisville, PA 19067), The Department has received an application for the correction of an inconsistent PM calculation error to the interior blasting operation with an associated dust collector issued under PA # 09-0174E, at their facility located at 21 South Steel Road, Morrisville, PA 19067 in Falls Township, **Bucks County**. The Plan Approval will contain monitoring and recordkeeping requirements to keep the source operating within the allowable emissions and all applicable air quality requirements.

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

Contact: Alan Binder, P.E., Environmental Engineer Manager—Telephone: 412-442-4168.

04-00740A: Shell Chemical Appalachia LLC (“Shell”) (910 Louisiana Street, OSP 14080C, Houston, TX 77002) Notice is hereby given in accordance with 25 Pa. Code §§ 127.44—127.46 that the Department of Environmental Protection (“Department”) intends to modify Air Quality Plan Approval: PA-04-00740A to incorporate emission reduction credits (“ERCs”) secured by Shell to comply with emission offsetting requirements. Shell has also requested approval for interprecursor trading between NO_x and VOC for the use of secured NO_x ERCs as ozone precursors to comply with VOC offsetting requirements. There are no new or modified air contamination sources, emission increases, or regulatory requirements associated with this proposed modification.

The Department will hold a public hearing on Thursday, December 15, 2016, from 6:00-8:00 PM at Central Valley High School, 160 Baker Road Extension, Monaca, PA 15061, to take oral testimony regarding this Air Quality Plan Approval modification and interprecursor trading. Notice of this hearing is separately published in this issue of the *Pennsylvania Bulletin*.

Shell is currently constructing a petrochemicals complex on the site formerly occupied by Horsehead Corporation's Monaca Zinc Smelter plant in Potter and Center Townships, Beaver County. The primary air emission sources under construction are seven ethane cracking furnaces, one ethylene manufacturing line, two gas phase and one slurry technology polyethylene manufacturing lines, three combined cycle turbines with duct burners (combined 250 MW generating capacity), one low pressure thermal incinerator, two high pressure ground flares, one multipoint ground flare, and one emergency elevated flare. Polyethylene pellets will be the final manufactured product of this facility.

In accordance with Section C. Conditions # 037 and # 038 of PA-04-00740A, and 25 Pa. Code §§ 127.201—127.217 Shell is required to secure 400 tons of NO_x, 620 tons of VOC, and 159 tons of PM_{2.5} ERCs in order to offset potential emissions which triggered nonattainment new source review requirements under 25 Pa. Code Chapter 127, Subchapter E. In accordance with 25 Pa. Code § 127.208(2) and § 127.206(o), the Department proposes to authorize the incorporation of 159 tons of PM_{2.5} ERCs, 107 tons of VOC ERCs, 513 tons of NO_x ERCs for VOC, and 400 tons of NO_x ERCs originally generated by the shutdown of Horsehead Corporation's G.F. Weaton Power Plant and Monaca Zinc Smelter; and FirstEnergy Solutions Corporation's Armstrong Power Plant Unit 1,

Armstrong Power Plant Unit 2, and Mitchell Power Plant Unit 3. All emission offsetting requirements will be satisfied by this plan approval modification prior to commencing operation.

A person may oppose the proposed plan approval modification by filing a written protest with the Department through Alan Binder via the U.S. Postal Service to Pennsylvania Department of Environmental Protection, 400 Waterfront Drive, Pittsburgh, PA 15222; email to abinder@pa.gov; or fax to 412.442.4194. Additional written comments may also be submitted. 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 modified Plan Approval (PA-04-00740A) and a concise statement of the objections to the plan approval modification and the relevant facts upon which the objections are based.

Shell's Plan Approval modification application, the Department's Air Quality Review Memorandum, and the Proposed Modified Air Quality Plan Approval for this project are available for review by any interested party online at <http://www.dep.pa.gov/About/Regional/SouthwestRegion/Community%20Information/Pages/Shell.aspx> and at the Pennsylvania Department of Environmental Protection, Southwest Regional Office, 400 Waterfront Drive, Pittsburgh, PA 15222. To request a review of the Shell Plan Approval modification application, a person may contact the Department at 412.442.4000.

All comments must be received prior to the close of business 30 days after the date of this publication, or 10 days after the public hearing for those unable to attend the hearing.

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

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

19-00007B: Transcontinental Gas Pipe Line Company, LLC. (PO Box 1396, Houston, TX 77251-1396) for the construction of one 16,000 ISO horsepower Solar Mars 100 natural gas-fired turbine equipped with an oxidation catalyst and one 1,065 bhp Waukesha P48GL natural gas-fired emergency generator at Compressor Station 517 located in Jackson Township, **Columbia County**.

The Department of Environmental Protection's (Department) review of the information submitted by Transcontinental Gas Pipe Line Company, LLC indicates that the air contamination sources to be constructed will comply with all regulatory requirements pertaining to air contamination sources and the emission of air contaminants including 40 CFR Part 60 Subparts JJJJ and KKKK, Part 63 Subpart ZZZZ, and 25 Pa. Code Chapter 127 Subchapter E, as well as the best available technology requirement (BAT) of 25 Pa. Code §§ 127.1 and 127.12. Based on this finding, the Department proposes to issue a plan approval for the proposed construction.

The emission from each proposed source included in this project will not exceed the following limits: Combustion Turbine: 32.9 TPY NO_x, 23.7 TPY CO, 3.9 TPY PM_{2.5}, 2.5 TPY VOCs, 0.7 TPY SO_x, 0.2 TPY formaldehyde. Emergency Generator: 2.0 g/bhp-hr NO_x, 1.3 g/bhp-hr CO, and 0.3 g/bhp-hr VOCs.

In addition to the emission limitations, the following is a brief description of the conditions the Department

intends to place in the plan approval in order to ensure compliance with all applicable air quality regulatory requirements.

1. (a) The permittee shall construct the new SER (Special Engine Request) Mars 100 turbine as provided in the supplemental application material dated May 23, 2016. The new SER Mars 100 turbine shall be designed to meet NO_x emissions, expressed as NO₂ of 9 parts per million (ppm), by volume, dry basis, corrected to 15% oxygen.

(b) The permittee shall operate the combustion turbine in a manner such that the nitrogen oxides (NO_x) emissions, expressed as NO₂, into the outdoor atmosphere from the natural gas-fired turbine associated with the turbine shall not exceed 9 ppm to 15 ppm, by volume, dry basis, corrected to 15% oxygen. Any emissions below 9 ppm, by volume, dry basis, corrected to 15% oxygen, will not be considered an exceedance.

(c) The NO_x emission limitation as specified in paragraph (a) of this condition applies at all times of operation except during those periods in which the ambient temperature is below 0 degrees Fahrenheit or during startup and shutdown operations.

(d) The final NO_x emission limitation for the operation of the combustion turbine specified in paragraph (a) above will be established (between 9 ppm and 15 ppm, by volume, dry basis, corrected to 15% oxygen) by the Department upon evaluation of emissions data from three semi-annual EPA Reference Method 7E stack tests (or equivalent method as approved by the Department). The final NO_x emission limitation will be incorporated into an operating permit.

2. The emissions from the operation of the SER Mars 100 combustion turbine and associated compressor shall not exceed any of the following:

(i) 2 ppmvd @ 15% O₂ of carbon monoxide;

(ii) 0.0019 lb/MMBtu of particulate matter (filterable only);

(iii) 0.0066 lb/MMBtu of PM₁₀/PM_{2.5} (filterable and condensable);

(iv) 3 ppmvd @ 15% O₂ of volatile organic compounds; and

(v) 0.000288 lb/MMBtu of formaldehyde;

(b) The restriction specified in (a) of this condition applies at all times of operation except during periods when the ambient temperature is below 0°F and during startup and shutdown operations.

3. The permittee shall only fire pipeline-quality natural gas as fuel to operate the combustion turbine. The total sulfur content of the natural gas shall not have the potential to produce emissions of SO₂ in excess of 0.060 lb/MMBtu of heat input to the combustion turbine.

4. Within 180 days of initial start-up of the natural gas-fired combustion turbine, the permittee shall conduct EPA reference method testing programs to determine the emission rates of nitrogen oxides, carbon monoxide, volatile organic compound, formaldehyde, particulate matter, and total PM₁₀/PM_{2.5} (filterable and condensable) while the turbine is operating at plus or minus 10 percent of peak process load.

5. The permittee shall install instrumentation capable of accurately measuring the quantity of natural gas

combusted in the combustion turbine. The company shall monitor the sulfur content of the natural gas used in the combustion turbine.

6. The combustion turbine shall be equipped, prior to the turbine's initial start-up date, with instrumentation that continuously monitors whether the turbine operating in or out of low-NO_x mode as well as the catalyst bed inlet and outlet temperatures and the pressure differential across the catalyst bed.

7. In addition to the required source testing, every 2,500 hours of operation, the permittee shall perform periodic monitoring for NO_x and CO emissions to verify that the combustion turbine is in compliance with the BAT requirements.

8. The permittee shall operate and maintain the combustion turbine, air pollution control equipment, and monitoring equipment in a manner consistent with good air pollution control practices for minimizing emissions at all times including during startup, shutdown, and malfunction.

9. Beginning on the start-up date of the combustion turbine, the permittee shall conduct monthly walk-around inspections during daylight hours and while the facility is operating. Monthly inspections are performed to detect for: (1) the presence of visible emissions; (2) the presence of visible fugitive air contaminants; (3) the presence of audible fugitive air contaminants; (4) the presence of malodors beyond the boundaries of the facility.

10. Within 180 days after the start-up of the combustion turbine, and annually thereafter, the owner/operator shall develop and perform a leak detection and repair (LDAR) program that includes either the use of an optical gas imaging camera such as a FLIR camera or a gas leak detector capable of reading methane concentrations in air of 0% to 5% with an accuracy of +/- 0.2%.

11. The permittee shall operate the stationary RICE associated with the emergency generator such that the duration of operation is less than 500 hours in any 12 consecutive month period.

12. The permittee shall submit a complete compliance plan for 40 CFR Part 60 Subpart OOOOa to the Department prior to the startup of the SER Solar Mars 100 Turbine.

All appropriate testing, monitoring, record keeping and reporting requirements have been included in the plan approval to ensure the facility complies with all applicable Federal and State air quality regulations. The facility is a major (Title V) facility. If the Department determines that the sources are constructed and operated in compliance with the plan approval conditions and the specification of the application for Plan Approval 19-00007B, the requirements established in the plan approval will be incorporated into Title V Operating Permit 19-00007 pursuant to the administrative amendment provisions of 25 Pa. Code § 127.450.

All pertinent documents used in the evaluation of the application are available for public review during normal business hours at the Department's Northcentral Regional office, 208 West Third Street, Suite 101, Williamsport, PA 17701. Appointments for scheduling a review must be made by calling 570-327-0550.

41-00001B: Transcontinental Gas Pipe Line Company, LLC. (PO Box 1396, Houston, TX 77251-1396) for the construction of one 16,000 ISO horsepower Solar Mars 100 natural gas-fired turbine equipped with an oxidation catalyst and one 1,065 bhp Waukesha P48GL

natural gas-fired emergency generator at Compressor Station 520 located in Mifflin Township, **Lycoming County**.

The Department of Environmental Protection's (Department) review of the information submitted by Transcontinental Gas Pipe Line Company, LLC indicates that the air contamination sources to be constructed will comply with all regulatory requirements pertaining to air contamination sources and the emission of air contaminants including 40 CFR Part 60 Subparts JJJJ and KKKK, Part 63 Subpart ZZZZ, and 25 Pa. Code Chapter 127, Subchapter E, as well as the best available technology requirement (BAT) of 25 Pa. Code §§ 127.1 and 127.12. Based on this finding, the Department proposes to issue a plan approval for the proposed construction.

The emission from each proposed source included in this project will not exceed the following limits: Combustion Turbine: 33.5 TPY NO_x, 23.8 TPY CO, 4.1 TPY PM_{2.5}, 2.6 TPY VOCs, 0.8 TPY SO_x, 0.2 TPY formaldehyde. Emergency Generator: 2.0 g/bhp-hr NO_x, 1.3 g/bhp-hr CO, and 0.3 g/bhp-hr VOCs.

In addition to the emission limitations, the following is a brief description of the conditions the Department intends to place in the plan approval in order to ensure compliance with all applicable air quality regulatory requirements.

1. (a) The permittee shall construct the new SER (Special Engine Request) Mars 100 turbine as provided in the supplemental application material dated May 23, 2016. The new SER Mars 100 turbine shall be designed to meet NO_x emissions, expressed as NO₂ of 9 parts per million (ppm), by volume, dry basis, corrected to 15% oxygen.

(b) The permittee shall operate the combustion turbine in a manner such that the nitrogen oxides (NO_x) emissions, expressed as NO₂, into the outdoor atmosphere from the natural gas-fired turbine associated with the turbine shall not exceed 9 ppm to 15 ppm, by volume, dry basis, corrected to 15% oxygen. Any emissions below 9 ppm, by volume, dry basis, corrected to 15% oxygen, will not be considered an exceedance.

(c) The NO_x emission limitation as specified in paragraph (a) of this condition applies at all times of operation except during those periods in which the ambient temperature is below 0 degrees Fahrenheit or during startup and shutdown operations.

(d) The final NO_x emission limitation for the operation of the combustion turbine specified in paragraph (a) above will be established (between 9 ppm and 15 ppm, by volume, dry basis, corrected to 15% oxygen) by the Department upon evaluation of emissions data from three semi-annual EPA Reference Method 7E stack tests (or equivalent method as approved by the Department). The final NO_x emission limitation will be incorporated into an operating permit.

2. The emissions from the operation of the SER Mars 100 combustion turbine and associated compressor shall not exceed any of the following:

- (i) 2 ppmvd @ 15% O₂ of carbon monoxide;
- (ii) 0.0019 lb/MMBtu of particulate matter (filterable only);
- (iii) 0.0066 lb/MMBtu of PM₁₀/PM_{2.5} (filterable and condensable);
- (iv) 3 ppmvd @ 15% O₂ of volatile organic compounds; and

- (v) 0.000288 lb/MMBtu of formaldehyde;
- (b) The restriction specified in (a) of this condition applies at all times of operation except during periods when the ambient temperature is below 0°F and during startup and shutdown operations.
3. The permittee shall only fire pipeline-quality natural gas as fuel to operate the combustion turbine. The total sulfur content of the natural gas shall not have the potential to produce emissions of SO₂ in excess of 0.060 lb/MMBtu of heat input to the combustion turbine.
4. Within 180 days of initial start-up of the natural gas-fired combustion turbine, the permittee shall conduct EPA reference method testing programs to determine the emission rates of nitrogen oxides, carbon monoxide, volatile organic compound, formaldehyde, particulate matter, and total PM₁₀/PM_{2.5} (filterable and condensable) while the turbine is operating at plus or minus 10 percent of peak process load.
5. The permittee shall install instrumentation capable of accurately measuring the quantity of natural gas combusted in the combustion turbine. The company shall monitor the sulfur content of the natural gas used in the combustion turbine.
6. The combustion turbine shall be equipped, prior to the turbine's initial start-up date, with instrumentation that continuously monitors whether the turbine operating in or out of low-NO_x mode as well as the catalyst bed inlet and outlet temperatures and the pressure differential across the catalyst bed.
7. In addition to the required source testing, every 2,500 hours of operation, the permittee shall perform periodic monitoring for NO_x and CO emissions to verify that the combustion turbine is in compliance with the BAT requirements.
8. The permittee shall operate and maintain the combustion turbine, air pollution control equipment, and monitoring equipment in a manner consistent with good air pollution control practices for minimizing emissions at all times including during startup, shutdown, and malfunction.
9. Beginning on the start-up date of the combustion turbine, the permittee shall conduct monthly walk-around inspections during daylight hours and while the facility is operating. Monthly inspections are performed to detect for: (1) the presence of visible emissions; (2) the presence of visible fugitive air contaminants; (3) the presence of audible fugitive air contaminants; (4) the presence of malodors beyond the boundaries of the facility.
10. Within 180 days after the start-up of the combustion turbine, and annually thereafter, the owner/operator shall develop and perform a leak detection and repair (LDAR) program that includes either the use of an optical gas imaging camera such as a FLIR camera or a gas leak detector capable of reading methane concentrations in air of 0% to 5% with an accuracy of +/- 0.2%.
11. The permittee shall operate the stationary RICE associated with the emergency generator such that the duration of operation is less than 500 hours in any 12 consecutive month period.
12. The permittee shall submit a complete compliance plan for 40 CFR Part 60 Subpart OOOOa to the Department prior to the startup of the SER Solar Mars 100 Turbine.
- All appropriate testing, monitoring, record keeping and reporting requirements have been included in the plan

approval to ensure the facility complies with all applicable Federal and State air quality regulations. The facility is a major (Title V) facility. If the Department determines that the sources are constructed and operated in compliance with the plan approval conditions and the specification of the application for Plan Approval 41-00001B, the requirements established in the plan approval will be incorporated into Title V Operating Permit 41-00001 pursuant to the administrative amendment provisions of 25 Pa. Code § 127.450.

All pertinent documents used in the evaluation of the application are available for public review during normal business hours at the Department's Northcentral Regional office, 208 West Third Street, Suite 101, Williamsport, PA 17701. Appointments for scheduling a review must be made by calling 570-327-0550.

PLAN APPROVAL

PUBLIC HEARINGS

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

Contact: Alan Binder, P.E., Environmental Engineer Manager—Telephone: 412-442-4168.

04-00740A: Shell Chemical Appalachia LLC ("Shell") (910 Louisiana Street, OSP 14080C, Houston, TX 77002) As per 25 Pa. Code § 127.48, notice is hereby given that the Pennsylvania Department of Environmental Protection ("Department or DEP") will hold a public hearing from 6:00—8:00 PM on Thursday, December 15, 2016, at the Central Valley High School, 160 Baker Road Extension, Monaca, PA 15061.

The purpose of the hearing is to take testimony concerning the Department's intent to modify Plan Approval No. 04-00740A to incorporate emission reduction credits ("ERCs") secured by Shell Chemical Appalachia LLC ("Shell") in order to comply with emission offsetting requirements. Shell is currently constructing a petrochemicals complex on the site formerly occupied by Horsehead Corporation's Monaca Zinc Smelter plant in Potter and Center Townships, **Beaver County**. The primary air emission sources under construction are seven ethane cracking furnaces, one ethylene manufacturing line, two gas phase and one slurry technology polyethylene manufacturing lines, three combined cycle turbines with duct burners (combined 250 MW generating capacity), one low pressure thermal incinerator, two high pressure ground flares, one multipoint ground flare, and one emergency elevated flare. Polyethylene pellets will be the final manufactured product of this facility. The Department is publishing a notice of intent to modify this plan approval in this issue of the *Pennsylvania Bulletin* to allow for public comments regarding the incorporation of NO_x, VOC, and PM_{2.5} ERCs into the Plan Approval as well as interprecursor trading between NO_x and VOC for the use of secured NO_x ERCs as ozone precursors to comply with VOC offsetting requirements.

In accordance with 25 Pa. Code §§ 127.48 and 127.49, DEP will accept and record testimony concerning Shell's application. Those wishing to present testimony during the hearing should contact the Department's Environmental Justice Regional Coordinator, Nora Alwine, at 412.442.4137 before 3:00 PM on Wednesday, December 14, 2016, to register. Individuals who do not register may also present testimony the day of the hearing. Organizations are encouraged to designate one witness to present testimony on behalf of the organization. Persons unable to attend the public hearing can submit three copies of a

written statement to the DEP within 10 days thereafter. Written statements should be sent through Environmental Engineer Manager, Alan Binder, via the U.S. Postal Service to Pennsylvania Department of Environmental Protection, 400 Waterfront Drive, Pittsburgh, PA 15222; email to abinder@pa.gov; or fax to 412.442.4194. Each written statement must contain the name, address and telephone number of the person submitting the comments, identification of the proposed modified plan approval (PA-04-00740A) and a concise statement of the objections to the plan approval modification and the relevant facts upon which the objections are based.

Individuals in need of an accommodation as provided for in the Americans With Disabilities Act of 1990 should contact Nora Alwine or the Pennsylvania AT&T Relay Service at 1.800.654.5984 (TDD) to discuss how DEP may accommodate your needs.

Notice is hereby given pursuant to 25 Pa. Code § 92a.83 that DEP will hold a public hearing on Thursday, December 15, 2016, from 6:00 to 8:00 PM at the Central Valley High School, 160 Baker Road Extension, Monaca, PA 15061.

The purpose of the public hearing is to take testimony concerning DEP's intent to issue NPDES Permit No. PA0002208 to Shell Chemical Appalachia LLC for the discharge of treated industrial wastewater and storm water from the Shell Chemical Appalachia Petrochemicals Complex to Poorhouse Run, Ohio River, Rag Run, and Unnamed Tributary to Ohio River located in Potter Township, Beaver County.

In accordance with 25 Pa. Code § 92a.82, DEP published notice of the draft NPDES permit in the *Pennsylvania Bulletin* on September 3, 2016, to allow for public comment regarding this proposal. Appointments may be made to review the DEP files on this case by calling the File Review Coordinator at 412-442-4000.

The Department will accept and record testimony concerning the NPDES application and draft NPDES permit. Persons wishing to present testimony at the hearing should contact DEP's Environmental Justice Regional Coordinator, Nora Alwine at 412-442-4137 before 3:00 pm on Wednesday, December 14th. Organizations are encouraged to designate one witness to present testimony on behalf of the organization. Persons unable to attend the hearing may submit three copies of a written statement and exhibits within 10 days thereafter to the Pennsylvania Department of Environmental Protection, Clean Water Program, 400 Waterfront Drive, Pittsburgh, PA 15222-4745. Written submittals must contain the name, address and telephone number of the person submitting the comments, identification of the proposed draft NPDES Permit No. (PA0002208) and concise statements regarding the relevancy of the information or objections to issuance of the NPDES Permit.

Individuals in need of an accommodation as provided for in the Americans With Disabilities Act of 1990 should contact the Pennsylvania AT&T Relay Service at 1-800-654-5984 (TDD) to discuss how DEP may accommodate your needs.

OPERATING PERMITS

Intent to Issue Title V Operating Permits under the Air Pollution Control Act and 25 Pa. Code Chapter 127, Subchapter G.

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

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

09-00066: Exelon Generation Company, LLC/Fairless Hills Generating Station (990 Steel Rd S, Fairless Hills, PA 19030) for the modification of the Title V Operating Permit in Falls Township, **Bucks County**. This modification incorporates the RACT Phase II requirements into the existing operating permit in accordance with 25 Pa. Code § 129.99(a) [Alternate RACT proposal]. The facility is an electricity generating station consisting of two Powerhouse boilers rated at 468.5 MMBTU/hr each subject to RACT II regulations. The facility is a major source for NO_x emissions. The facility has proposed the following NO_x RACT limits: Maximum NO_x emission rate, calculated as 30-day rolling averages, while burning (1) landfill gas is 0.10 lb per MMBtu; (2) natural gas is 0.10 lb per MMBtu; and (3) fuel oil is 0.20 lb per MMBtu. These RACT revisions will be submitted to EPA for review and approval to be added to the State implementation plan. This permit is being modified in accordance with 25 Pa. Code § 127.541. The modification of this operating permit does not authorize any increase in air emissions of any regulated pollutants above previously approved levels. The permit includes monitoring, recordkeeping, and reporting requirements designed to keep the facility operating within all applicable air quality requirements.

23-00043: Sunoco Partners Marketing and Terminals, LP (# 4 Hog Island Ave., Philadelphia, PA 19153) for renewal of a Title V Operating Permit in Tinicum Township, **Delaware County**. This facility is a major VOC emitting facility. There have been no modifications or source changes at the facility since the operating permit was last issued in 2011. Sources include Tanker Ballasting operations and fugitive emissions. This renewal will incorporate the provisions of Pennsylvania's recently promulgated Additional RACT Requirements for Major Sources of NO_x and VOC, codified under 25 Pa. Code §§ 129.96—129.100, and also commonly referred to as RACT Phase II. The renewal of this operating permit and the incorporation of presumptive RACT requirements as per 25 Pa. Code § 129.97, do not authorize any increase in air emissions of any regulated pollutants above previously approved levels. The permit includes monitoring, recordkeeping, and reporting requirements designed to address all applicable air quality requirements.

23-00009: The Boeing Company (PO Box 16858 Philadelphia, PA 19142) for a significant modification to the Title V Operating Permit for its facility in Ridley Township, **Delaware County**. The operating permit is being modified to incorporate provisions Pennsylvania's Reasonably Achievable Control Technology (RACT Phase II) regulations for the Composite Manufacturing (Source ID 251) process. Composite Manufacturing will utilize Process Design and Material selection as the control technology as determined pursuant to 25 Pa. Code § 129.99—Alternate RACT proposal. The modification also includes a 1 ton/year restriction on VOC emissions from the Paint Stripper source (Source ID 110). These RACT revisions will be submitted to EPA for review and approval to be added to the State implementation plan.

The Boeing Company is a major facility for nitrogen oxides (NO_x), and volatile organic compounds (VOC) under the RACT II rules. The modification of this operating permit does not authorize any increase in air emissions of any regulated pollutants above previously approved levels. The permit includes monitoring,

recordkeeping, and reporting requirements designed to address all applicable air quality requirements.

46-00005: Merck, Sharp & Dohme (770 Sumneytown Pike, West Point, PA 19486-0004) for operation of a pharmaceutical manufacturing facility in Upper Gwynedd Township, **Montgomery County**. This Significant Permit Modification Application will follow the same procedures that apply to initial permit issuance in accordance with 25 Pa. Code §§ 127.542(b), 127.505 and 127.424. This modification is to address the incorporation of the Department's RACT Phase II regulations found in 25 Pa. Code §§ 129.96—129.100. These RACT revisions will be submitted to EPA for review and approval to be added to the State implementation plan. The affected sources for case-by-case RACT are: two boilers (Sources 033 and 035), disinfection operations (Sources 105, 107, 108, and 111), a Rotary Kiln Incinerator (Source 005) and research and Development (R&D) sources addressed in Section C of the Title V permit. There will be no changes in actual emissions of any air contaminant, nor will there be any new sources constructed or installed as a result of this action.

The Title V operating permit will include monitoring, recordkeeping and reporting requirements designed to keep the facility operating within all applicable air quality requirements.

46-00020: Superior Tube Company, Inc. (3900 Germantown Pike, Collegeville, PA 19426) for significant modification of a Title V Operating Permit in Lower Providence Township, **Montgomery County**. This renewal will (1) incorporate the provisions of Pennsylvania's Reasonably Achievable Control Technology (RACT Phase II) regulations for the presumptive RACT requirements as per 25 Pa. Code § 129.97 and the alternate RACT proposal as per 25 Pa. Code § 129.99; (2) amend the responsible official; (3) incorporate Plan Approvals—46-0020H, 46-0020J and 46-0020K; and (4) applicability of 40 CFR Part 63, Subpart ZZZZ for emergency generators. Superior Tube Company, Inc. is a major emitting facility for VOC but not a major facility for NO_x pollutants. Sources at the site include: two flush/blowout booths, two lubrication spray booth, one general source of fugitive emissions and three solvent cleaner tanks. The modification of this operating permit does not authorize any increase in air emissions of any regulated pollutants above previously approved levels. These RACT II revisions will be submitted to EPA for review and approval to be added to the State implementation plan. The permit includes monitoring, recordkeeping, and reporting requirements designed to address all applicable air quality requirements.

46-00037: Global Advanced Metals USA, Inc. (650 County Line Road, Boyertown, PA) for operation of a tantalum metal plant in Douglass Township, **Montgomery County**. This Significant Permit Modification Application will follow the same procedures that apply to initial permit issuance in accordance with 25 Pa. Code §§ 127.542(b), 127.505 and 127.424. This modification is to address the incorporation of the Department's RACT Phase II regulations found in 25 Pa. Code §§ 129.96—129.100. The affected sources for alternate RACT proposal are: Tantalum Salts Process (source 102), Extraction Process (source 124), Wastewater Treatment Plant (source 201) and fugitive emissions from ethanol transfer and storage. These RACT II revisions will be submitted to EPA for review and approval to be added to the State implementation plan. There will be no changes in actual

emissions of any air contaminant, nor will there be any new sources constructed or installed as a result of this action.

These RACT revisions will be submitted to EPA to add to the State implementation plan. The Title V operating permit will include monitoring, recordkeeping and reporting requirements designed to keep the facility operating within all applicable air quality requirements.

09-00016: Exelon Generation Company, LLC/Croydon Generating Station (955 River Road, Croydon, PA 19020) for the modification of the Title V Operating Permit in Bristol Township, **Bucks County**. This modification incorporates the RACT Phase II regulations into the existing operating permit in accordance with 25 Pa. Code § 129.99(a). Exelon is an electricity generating station consisting of eight (8) distillate oil-fired turbine-generator units rated at 64 MW each subject to RACT II rules. The facility is a major source for NO_x emissions. The facility has proposed the following NO_x RACT limits: Maximum NO_x emission rate, calculated as 30-day rolling averages, while burning No. 2 fuel oil—0.70 lb per MMBtu as the alternate RACT limit for each turbine. Exelon will also maintain the facility-wide NO_x limit of 1,296 tons per year and the hourly NO_x limit of 587 lbs/hr per turbine. These RACT II revisions will be submitted to EPA for review and approval to be added to the State implementation plan. This permit is being modified in accordance with 25 Pa. Code § 127.541. The modification of this operating permit does not authorize any increase in air emissions of any regulated pollutants above previously approved levels. The permit includes monitoring, recordkeeping, and reporting requirements designed to keep the facility operating within all applicable air quality requirements.

23-00003: Monroe Energy, LLC (4101 Post Road, Trainer, PA 19061) for operation of a petrochemical refinery in Trainer Borough, **Delaware County**. This Permit Modification Application will follow the same procedures that apply to initial permit issuance in accordance with 25 Pa. Code §§ 127.542(b), 127.505 and 127.424. This modification is to address the incorporation of the Department's RACT Phase II regulations found in 25 Pa. Code §§ 129.96—129.100. These RACT revisions will be submitted to EPA for review and approval to be added to the State implementation plan. The affected sources for alternate RACT proposal are: three (3) process heaters (Source Ids. 130, 735, and 736) and Fluidized Catalytic Cracking unit (FCCU) (Source Id 101) There will be no changes in actual emissions of any air contaminant, nor will there be any new sources constructed or installed as a result of this action.

The Title V operating permit will include monitoring, recordkeeping and reporting requirements designed to keep the facility operating within all applicable air quality requirements.

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

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

21-05053: EPP Renewable Energy, LLC (1605 North Cedar Crest Blvd., Suite 509, Allentown, PA 18104) to issue a Title V Operating Permit for their landfill gas-to-energy facility at the Cumberland County Landfill located in Hopewell Township, **Cumberland County**. The actual emissions from the facility in 2015 were reported to be

202.7 tons CO; 38.6 tons NO_x; 20.5 tons SO_x; 17.4 tons VOC; 11.3 tons PM₁₀; 11.3 tons PM_{2.5}; 12.2 tons formaldehyde; 12.2 tons total HAPs; 29,508.9 tons CO₂; 2.2 tons CH₄; 0.3 ton N₂O; and 29,664.2 tons CO_{2e}. The Operating Permit will include emission limits and work practice standards along with testing, monitoring, recordkeeping and reporting requirements to ensure the facility complies with the applicable air quality regulations. Among other items, the conditions include provisions derived from 40 CFR Part 60, Subpart JJJJ—Standards of Performance for Stationary Spark Ignition Internal Combustion Engines (Source IDs 101 and 101A); 40 CFR Part 63, Subpart ZZZZ—National Emission Standards for Hazardous Air Pollutants for Stationary Reciprocating Internal Combustion Engines (Source IDs 101 and 101A); 40 CFR Part 60, Subpart WWW—Standards of Performance for Municipal Solid Waste Landfills (Source IDs 101, 101A, 102, and C102); and 40 CFR Part 63, Subpart AAAA—National Emission Standards for Hazardous Air Pollutants: Municipal Solid Waste Landfills (Source IDs 101, 101A, 102, and C102).

Intent to Issue Operating Permits under the Air Pollution Control Act and 25 Pa. Code Chapter 127, Subchapter F.

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

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

15-00038: Flint Group, North America Corp. (210 Phillips Rd, Lionville, PA 19341) for the operation of a manufacturing facility of printing inks located in Uwchlan Township, **Chester County**. The permit is for a non-Title V (State only) facility. Sources of air emissions are various mixers and mills used to produce a variety of inks by combining pigments, solvents, resins, and water in a batch process. The permit will include monitoring, recordkeeping and reporting requirements designed to keep the facility operating within all applicable air quality requirements.

46-00284: John Middleton Company (475 N. Lewis Rd., Limerick, PA 19468) located in Upper Merion Twp., **Montgomery County** for a non-Title V (State Only) facility. The facility has elected to cap volatile organic compound (VOC) emissions to less than 25 tons per year each; therefore the facility is a Synthetic Minor. The pollutant emitting sources at the facility include two (2) No. 2 fuel oil-fired boilers, a 75-hp natural gas-fired emergency generator, cigar-making and specialty cigar packaging equipment and a central baghouse to control particulate matter emissions that vents indoors. The operating permit will include monitoring, recordkeeping and reporting requirements designed to keep the facility operating within all applicable air quality requirements.

15-00042: Southeastern Veterans Center (1 Veterans Drive, Spring City, PA 19475) for operation of two (2) gas-fired boilers, five (5) emergency generators, and one (1) fire pump at the care center for retired veterans of war in East Vincent Township, **Chester County**. The diesel engines are subject to the applicable requirements of 40 CFR Part 60 Subpart IIII. This action is a renewal of the original State Only Operating Permit (Synthetic Minor). The renewal will include monitoring, recordkeeping and reporting requirements designed to keep the facility operating within all applicable air quality requirements.

15-00152: Sunoco Pipeline LP (525 Fritztown Road, Sinking Spring, PA 19608) to issue a State Only Operating Permit for a Liquefied Natural Gas (LNG) pumping station located in Upper Uwchlan Township, **Chester County**. The operating permit includes work practice standards along with monitoring, recordkeeping and reporting requirements to ensure the facility complies with the applicable air quality regulations.

15-00153: Sunoco Pipeline LP (525 Fritztown Road, Sinking Spring, PA 19608) to issue a State Only Operating Permit for a Liquefied Natural Gas (LNG) pumping station located in West Goshen Township, **Chester County**. The operating permit includes work practice standards along with monitoring, recordkeeping and reporting requirements to ensure the facility complies with the applicable air quality regulations.

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

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

28-03008: Edge Rubber (811 Progress Road, Chambersburg, PA 17201) for operation of the shredded rubber facility in Chambersburg Borough, **Franklin County**. The subject facility has potential particulate matter emissions of approximately 30 tons per year. The Operating Permit will include emission limits and work practice standards along with monitoring, recordkeeping and reporting requirements to ensure the facility complies with the applicable air quality regulations.

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

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

60-00020: Pik Rite, Inc. (60 Pik Rite Lane, Lewisburg, PA 17837-6840) to issue a State only operating permit for their facility located in Buffalo Township, **Union County**. The facility is currently operating under State Only Operating Permit 60-00020. The facility's sources include a surface coating operation, an abrasive blasting operation and an adhesive operation. The facility has potential emissions of 1.71 ton per year of nitrogen oxides, 1.44 ton per year of carbon monoxide, 0.01 ton per year of sulfur oxides, 15.58 tons per year of particulate matter, 23.25 tons per year of volatile organic compounds and 4.31 tons of hazardous air pollutants.

The emission limits, throughput limitations and work practice standards along with testing, monitoring, record keeping and reporting requirements have been included in the operating permit to ensure the facility complies with all applicable Federal and 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 570.327.0550.

41-00003: Martins Creek, LLC (835 Hamilton St., Ste. 150, Allentown, PA 18101) to issue a State Only (Synthetic Minor) Operating Permit for their Williamsport Combustion Turbine Site located in the City of Williamsport, **Lycoming County**. The facility is currently operating under Title V Operating Permit 41-00003; however, the permittee has requested voluntary emissions caps in order for the facility to be designated as a Synthetic Minor. The facility's main sources include two 269 MMBtu/hour General Electric Frame 5 Model L diesel-fired combustion turbines and one 100,000 gallon diesel fuel oil tank.

The facility has potential emissions of 0.66 TPY of CO; <100 TPY of NO_x; 6.59 TPY of SO_x; 2.40 TPY of PM₁₀; 0.16 TPY of VOCs; 0.16 TPY HAPs; 31,369 TPY CO_{2e}.

The emission limits and work practice standards along with testing, monitoring, record keeping and reporting requirements have been included in the operating permit to ensure the facility complies with all applicable Federal and 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 570-327-0550.

18-00003: Martins Creek, LLC (835 Hamilton St., Ste. 150, Allentown, PA 18101) to issue a State Only (Synthetic Minor) Operating Permit for their Lock Haven Combustion Turbine Site located in Bald Eagle Township, **Clinton County**. The facility is currently operating under Title V Operating Permit 18-00003; however, the permittee has requested voluntary emissions caps in order for the facility to be designated as a Synthetic Minor. The facility's main sources include one 282 MMBtu/hour Pratt & Whitney model FT4 diesel-fired combustion turbine and one 100,000 gallon diesel fuel oil tank.

The facility has potential emissions of 0.53 TPY of CO; <100 TPY of NO_x; 5.32 TPY of SO_x; 1.85 TPY of PM₁₀; 0.13 TPY of VOCs; 0.13 TPY HAPs; 12,862 TPY CO_{2e}.

The emission limits and work practice standards along with testing, monitoring, record keeping and reporting requirements have been included in the operating permit to ensure the facility complies with all applicable Federal and 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 570-327-0550.

60-00002: NGC Industries, LLC (PO Box 210, West Milton, PA 17886-0210) to issue a State Only (Synthetic Minor) Operating Permit for their Milton Plant located in White Deer Township, **Union County**. The facility is currently operating under Title V Operating Permit 60-00002; however, the permittee has requested voluntary emissions caps in order for the facility to be designated as a Synthetic Minor. The significant emissions sources at the facility are a 162.5 MMBtu/hr natural gas-fired boiler and a 68.9 MMBtu/hr natural gas/# 2 fuel oil dual-fuel boiler.

After the synthetic minor limitations, the facility will have potential emissions of 39.2 TPY of CO, 95.3 TPY of NO_x, 12.9 TPY of SO_x, 4.7 TPY of PM_{2.5}, 6.7 TPY of VOCs, 5.0 TPY of total HAPs, and 75,358 TPY of CO_{2e}.

The emission limits and work practice standards along with testing, monitoring, record keeping and reporting requirements have been included in the operating permit to ensure the facility complies with all applicable Federal and 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 570-327-0550.

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

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

65-00042: Ranbar Electrical Materials, Inc./Manor Plant (408 Manor Harrison City Road, Harrison City, PA 15636) for the manufacturing of resin and paints located in Manor Borough, **Westmoreland County**. The operation of the facility's air contamination source consisting of: natural gas combustion units for process heat, four reaction kettles for the resin plant controlled by a RTO, paint mixing plant, solvent cleanup, and various storage tanks for the paint and resin plant. Emissions are controlled through the use of two baghouses and an RTO. Emissions from this site will not exceed 30 tons per year of VOCs, 9 tons per year single HAP, and 24 tons per year all combined HAPs. This facility is subject to the applicable requirements of 25 Pa. Code Chapters 121—145. Proposed SOOP includes conditions relating to applicable emission restrictions, testing, monitoring, record-keeping, reporting and work practice standards requirements.

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. 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. Persons 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 Department may conduct a fact-finding hearing or an informal conference in response to comments if deemed necessary. Each individual will be notified, in writing, of the time and place of a scheduled hearing or conference concerning the certification request to which the comment, objection or suggestion relates. Maps, drawings and other data pertinent to the certification request are available for inspection between the hours of 8:00 AM and 4:00 PM on each working day at the office noted above the application.

If you are a person with a disability and wish to attend the hearing and you require an auxiliary aid, service or other accommodation to participate in the proceedings, please contact the specified program. TDD users may contact the Department through the Pennsylvania AT&T Relay Service at 1-800-654-5984.

Applications Received Under the Dam Safety and Encroachments Act (32 P.S. §§ 693.1—693.27) and Section 302 of the Flood Plain Management Act (32 P.S. § 679.302) and Requests for Certification Under Section 401 of the Federal Water Pollution Control Act (33 U.S.C.A. § 1341(a)).

WATER OBSTRUCTIONS AND ENCROACHMENTS

Southeast Region: Waterways and Wetlands Program Manager, 2 East Main Street, Norristown, PA 19401, Telephone 484-250-5900.

E23-528. Sunoco Logistics Partners (SLP LP), 525 Fritztown Road, Sinking Spring, 19608, Tincum Township, **Delaware County**, ACOE Philadelphia District.

To remove partially existing 12-inch diameter liquid petroleum pipeline, relocate and maintain a new 12-inch (SXL) line to provide adequate cover below the bottom of the channel associated with the deepening dredging of the Delaware River (WWF) to meet USACE standards. The

existing petroleum line is partially removed and the remaining section will be sealed and abandoned in place.

The site is located east of Hog Island (Woodbury, NJ-PA-USGS Quadrangle latitude: 39.867530, longitude: -75.219796) in Tincum Township, Delaware County. This line will be placed in the same bore with MIPC, LLC. (Reference permit No. E23-534).

E23-534. MIPC, LLC, 920 Cherry Tree Road, Aston, PA 19014, Tincum Township, **Delaware County**, ACOE Philadelphia District.

To remove partially existing 8-inch diameter liquid petroleum pipeline, relocate and maintain a new 8-inch (MIPC) line to provide adequate cover below the bottom of the channel associated with the deepening dredging of the Delaware River (WWF) to meet USACE standards. The existing petroleum line is partially removed and the remaining section will be sealed and abandoned in place.

The site is located east of Hog Island (Woodbury, NJ-PA-USGS Quadrangle latitude: 39.867530, longitude: -75.219796) in Tincum Township, Delaware County. This line will be placed in the same bore with Sunoco Logistics Partners LP. (Reference permit No. E23-528).

E23-530. Paulsboro Natural Gas Pipeline Company LLC, 800 Billingsport Road, Paulsboro, NJ 08066, Tincum Township, **Delaware County**, ACOE Philadelphia District.

To remove partially existing 6-inch and 8-inch diameter natural gas pipelines, relocate and maintain with a new 24-inch steel pipeline to meet USACE requirements associated with the deepening dredging of the Delaware River (WWF) to meet USACE standards. The existing 6-inch and 8-inch gas pipelines are partially removed and remaining sections will be sealed and abandoned in place.

The site is located east of Tincum Island Road (Bridgeport—NJ-PA USGS Quadrangle latitude: 39.857287, longitude: -75.269889).

STORAGE TANKS

SITE-SPECIFIC INSTALLATION PERMITS

The following Storage Tank Site-Specific Installation Permit application has been received by the Department of Environmental Protection (Department) and is currently under review. Persons wishing to comment on the proposed permit are invited to submit a statement to the Bureau of Environmental Cleanup and Brownfields, Division of Storage Tanks, PO Box 8762, Harrisburg, PA 17105-8762, within 30 days from the date of this publication. Comments may also be submitted via email to tanks@pa.gov. Comments received within this 30-day period will be considered in the formulation of the final determinations regarding this application. Responses should include the name, address and telephone number of the writer and a concise statement to inform the Department of the exact basis of the comment and the relevant facts upon which it based.

The following applications have been received for Storage Tank Site-Specific Installation Permits under the authority of the Storage Tank Spill Prevention Act (35 P.S. §§ 6021.304, 6021.504, 6021.1101 and 6021.1102) and under 25 Pa. Code Chapter 245, Subchapter C.

<i>SSIP Application No.</i>	<i>Applicant Name & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Tank Type</i>	<i>Tank Capacity</i>
16015	Moxie Freedom LLC 565 Fifth Avenue 29th Floor New York, NY 10017 Attn: Thomas A. Grace	Luzerne	Salem Township	3 ASTs storing hazardous substances and petroleum products	22,150 gallons total

ACTIONS

THE PENNSYLVANIA CLEAN STREAMS LAW AND THE FEDERAL CLEAN WATER ACT
FINAL ACTIONS TAKEN FOR NPDES PERMITS AND WQM PERMITS

The Department has taken the following actions on previously received applications for new, amended and renewed NPDES and WQM permits, applications for permit waivers and NOIs for coverage under General Permits. This notice of final action is provided in accordance with 25 Pa. Code Chapters 91 and 92a and 40 CFR Part 122, implementing provisions of The Clean Streams Law (35 P.S. §§ 691.1—691.101) and the Federal Clean Water Act (33 U.S.C.A. §§ 1251—1376).

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

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

Persons aggrieved by an action may appeal that action to the Environmental Hearing Board (Board) under section 4 of the Environmental Hearing Board Act (35 P.S. § 7514) and 2 Pa.C.S. §§ 501—508 and 701—704 (relating to Administrative Agency Law). The appeal should be sent to the Environmental Hearing Board, Second Floor, Rachel Carson State Office Building, 400 Market Street, PO Box 8457, Harrisburg, PA 17105-8457, (717) 787-3483. TDD users may contact the Board through the Pennsylvania AT&T Relay Service, (800) 654-5984. Appeals must be filed with the Board within 30 days of publication of this notice in the *Pennsylvania Bulletin* unless the appropriate statute provides a different time period. Copies of the appeal form and the Board's rules of practice and procedure may be obtained from the Board. The appeal form and the Board's rules of practice and procedure are also available in Braille or on audiotape from the Secretary to the Board at (717) 787-3483. This paragraph does not, in and of itself, create a right of appeal beyond that permitted by applicable statutes and decisional law.

For individuals who wish to challenge an action, the appeal must reach the Board within 30 days. A lawyer is not needed to file an appeal with the Board.

Important legal rights are at stake, however, so individuals should contact a lawyer at once. Persons who cannot afford a lawyer may qualify for free pro bono representation. Call the Secretary to the Board at (717) 787-3483 for more information.

I. NPDES Renewal Permit Actions

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

<i>NPDES No. (Type)</i>	<i>Facility Name & Address</i>	<i>County & Municipality</i>	<i>Stream Name (Watershed No.)</i>	<i>EPA Waived Y/N?</i>
PA0028266 (Sewage)	Troy Borough Wastewater Treatment Plant 49 Elmira Street Troy, PA 16947-1230	Bradford County Troy Borough	Sugar Creek (4-C)	No

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

Northcentral Region: Clean Water Program Manager, 208 West Third Street, Williamsport, PA 17701.

NPDES Permit No. PA0232793, Sewage, SIC Code 4952, **Gary L. Zimmerman**, 1832 Iowa Road, Brookville, PA 15825-7056.

This proposed facility is located in Bloom Township, **Clearfield County**.

Description of Proposed Action/Activity: Issuance of an NPDES Permit for a new discharge of treated Sewage.

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

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

WQM Permit No. 1416402, Sewage, SIC Code 4952, Potter Township, **Centre County**, 124 Short Road, Spring Mills, PA 16875-9326.

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

Description of Proposed Action/Activity: Construction and operation of a new Small Flow Treatment Facility serving four residences.

WQM Permit No. 1716406, Sewage, SIC Code 4952, **Gary L. Zimmerman**, 1832 Iowa Road, Brookville, PA 15825-7056.

This proposed facility is located in Bloom Township, **Clearfield County**.

Description of Proposed Action/Activity: The construction of an individual Single Residence treatment plant to replace a malfunctioning onlot system.

WQM Permit No. 5974402 A-3, Sewage, SIC Code 4952, **PA DCNR**, 111 Spill Way Road, Wellsboro, PA 16901-7022.

This existing facility is located in Charleston Township, **Tioga County**.

Description of Proposed Action/Activity: Modifications at an existing treatment facility including modification of an aeration tank to create an equalization tank and aeration tank, modification to the facility disinfection method, and other work including new piping and other minor improvements to the facility.

VII. Approvals to Use NPDES and/or Other General Permits

The EPA Region III Administrator has waived the right to review or object to this permit action under the waiver provision 40 CFR 123.23(d).

List of NPDES and/or Other General Permit Types

PAG-1	General Permit for Discharges from Stripper Oil Well Facilities
PAG-2	General Permit for Discharges of Stormwater Associated With Construction Activities
PAG-3	General Permit for Discharges of Stormwater From Industrial Activities
PAG-4	General Permit for Discharges from Small Flow Treatment Facilities
PAG-5	General Permit for Discharges from Petroleum Product Contaminated Groundwater Remediation Systems
PAG-6	General Permit for Wet Weather Overflow Discharges from Combined Sewer Systems (CSO)
PAG-7	General Permit for Beneficial Use of Exceptional Quality Sewage Sludge by Land Application
PAG-8	General Permit for Beneficial Use of Non-Exceptional Quality Sewage Sludge by Land Application to Agricultural Land, Forest, a Public Contact Site or a Land Reclamation Site
PAG-8 (SSN)	Site Suitability Notice for Land Application Under Approved PAG-8 General Permit Coverage
PAG-9	General Permit for Beneficial Use of Residential Septage by Land Application to Agricultural Land, Forest, or a Land Reclamation Site
PAG-9 (SSN)	Site Suitability Notice for Land Application Under Approved PAG-9 General Permit Coverage
PAG-10	General Permit for Discharges from Hydrostatic Testing of Tanks and Pipelines
PAG-11	General Permit for Discharges from Aquatic Animal Production Facilities
PAG-12	Concentrated Animal Feeding Operations (CAFOs)
PAG-13	Stormwater Discharges from Municipal Separate Storm Sewer Systems (MS4)
PAG-14	(To Be Announced)
PAG-15	General Permit for Discharges from the Application of Pesticides

General Permit Type—PAG-02

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

Facility Location:

<i>Municipality & County</i>	<i>Permit No.</i>	<i>Applicant Name & Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office & Phone No.</i>
Hanover Township Lehigh County	PAG02003916012	Geoff Kase Patriot American Parkway, LP 1200 Liberty Ridge Drive Suite 115 Wayne, PA 19087	Lehigh River (TSF, MF)	Lehigh County Conservation District 610-391-9583

<i>Facility Location: Municipality & County</i>	<i>Permit No.</i>	<i>Applicant Name & Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office & Phone No.</i>
Salem Township Luzerne County	PAG02004016017	PPL Electric Utilities Corp Colleen Kester Two North Ninth St Allentown, PA 18101-1139	Susquehanna River (WWF, MF) Walker Run (CWF, MF)	Luzerne Conservation District 570-674-7991
Palmer Township Northampton County	PAG02004816008	Tom Halford Shammy Shine Car Washes 760 Frenchtown Road Milford, NJ 08848	Shoeneck Creek (WWF, MF)	Northampton County Conservation District 610-746-1971

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

<i>Facility Location & Municipality</i>	<i>Permit No.</i>	<i>Applicant Name & Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office & Phone No.</i>
Ferguson Twp Centre Cnty	PAC140001	Weis Markets, Inc. 1000 S. Second Street Sunbury, PA 17801	UNT to Spring Creek CWF	Centre County Conservation District 414 Holmes Ave Ste 4 Bellefonte, PA 16823 (814) 355-6817
Scott Twp Columbia Cnty	PAG02001915009	Columbia County Industrial Development Authority 107 S Market St Berwick, PA 18603	Unnamed Tributary	Columbia County Conservation District 702 Sawmill Rd Ste 204 Bloomsburg, PA 17815 (570) 784-1310 X 102

General Permit Type—PAG-03

<i>Facility Location Municipality & County</i>	<i>Permit No.</i>	<i>Applicant Name & Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office & Phone No.</i>
Nesquehoning Borough Carbon County	PAG032218	Alpha Bio Medical Service LLC 9220 Kirby Drive, Suite 500 Houston, TX 77054	Nesquehoning Creek—2-B	DEP Northeast Regional Office Clean Water Program 2 Public Square Wilkes-Barre, PA 18701-1915 570.826.2511
Loyalsock Township Lycoming County	PAG034835	Dincher & Dincher Tree Surgeons, Inc. 687 Cemetery Road Williamsport, PA 17701-8847	Unnamed Tributary to Lycoming Creek—10-A	DEP Northcentral Regional Office Clean Water Program 208 W Third Street Suite 101 Williamsport, PA 17701-6448 570.327.3636
Boggs Township Centre County	PAR604825	Richners Auto Parts 259 Swampoodle Road Howard, PA 16841-4706	Unnamed Tributary to Bald Eagle Creek and Moose Run—9-C	DEP Northcentral Regional Office Clean Water Program 208 W Third Street Suite 101 Williamsport, PA 17701-6448 570.327.3636
Toby Township Clarion County	PAG038334	Keenes Scrap Metal LLC PO Box 217 Sligo, PA 16255	Unnamed Tributary to Little Licking Creek—17-B	DEP Northwest Regional Office Clean Water Program 230 Chestnut Street Meadville, PA 16335-3481 814.332.6942

<i>Facility Location Municipality & County</i>	<i>Permit No.</i>	<i>Applicant Name & Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office & Phone No.</i>
Pleasant Township Warren County	PAG038338	Sugar Grove Hardwood Inc. 720 Cobham Park Road Warren, PA 16365-4420	Allegheny River—16-F	DEP Northwest Regional Office Clean Water Program 230 Chestnut Street Meadville, PA 16335-3481 814.332.6942

General Permit Type—PAG-10

<i>Facility Location Municipality & County</i>	<i>Permit No.</i>	<i>Applicant Name & Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office & Phone No.</i>
Statewide	PAG109622	ETC Northeast Pipeline LLC 7000 Stonewood Drive Suite 351 Wexford, PA 15090	Statewide	NPDES Permitting Division Bureau of Clean Water 400 Market Street RCSOB Harrisburg, PA 17105-8774 717.787.8184

PUBLIC WATER SUPPLY PERMITS

The Department has taken the following actions on applications received under the Pennsylvania Safe Drinking Water Act (35 P.S. §§ 721.1—721.17) for the construction, substantial modification or operation of a public water system.

Persons aggrieved by an action may appeal that action to the Environmental Hearing Board (Board) under section 4 of the Environmental Hearing Board Act and 2 Pa.C.S. §§ 501—508 and 701—704. The appeal should be sent to the Environmental Hearing Board, Second Floor, Rachel Carson State Office Building, 400 Market Street, PO Box 8457, Harrisburg, PA 17105-8457, (717) 787-3483. TDD users may contact the Board through the Pennsylvania AT&T Relay Service, (800) 654-5984. Appeals must be filed with the Board within 30 days of publication of this notice in the *Pennsylvania Bulletin* unless the appropriate statute provides a different time period. Copies of the appeal form and the Board's rules of practice and procedure may be obtained from the Board. The appeal form and the Board's rules of practice and procedure are also available in Braille or on audiotape from the Secretary to the Board at (717) 787-3483. This paragraph does not, in and of itself, create a right of appeal beyond that permitted by applicable statutes and decisional law.

For individuals who wish to challenge an action, the appeal must reach the Board within 30 days. A lawyer is not needed to file an appeal with the Board.

Important legal rights are at stake, however, so individuals should show this document to a lawyer at once. Persons who cannot afford a lawyer may qualify for free pro bono representation. Call the Secretary to the Board at (717) 787-3483 for more information.

SAFE DRINKING WATER**Actions taken under the Pennsylvania Safe Drinking Water Act (35 P.S. §§ 721.1—721.17).**

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

Permit No. 3450052 , Public Water Supply.	
Applicant	Hellertown Borough Authority 501 Durham Street Hellertown, PA 18055
[Township or Borough]	Hellertown Borough Northampton County
Responsible Official	Glenn Higbie, Administrator Hellertown Borough Authority 501 Durham Street Hellertown, PA 18055
Type of Facility	PWS
Consulting Engineer	Dennis G. Tracey, P.E. Buchart Horn, Inc. 2 Eves Drive Suite 110 Marlton, NJ 08053
Permit to Operation Issued	10/14/2016
Permit No. 2450117 , Public Water Supply.	
Applicant	Victoria Village Townhouse Condominiums, Inc. P.O. Box 1574 Brodheadsville, PA 18322-1574
[Township or Borough]	Polk Township Monroe County
Responsible Official	Bill Fisher Victoria Village Townhouse Condominiums, Inc. P.O. Box 1574 Brodheadsville, PA 18322-1574
Type of Facility	PWS
Consulting Engineer	Charles H. Niclaus, PE Niclaus Engineering Corporation 804 Sarah Street Suite 201 Stroudsburg, PA 18360

Permit Issued Date 10/03/2016

Application No. 2450542, Public Water Supply.

Applicant **Paradise Stream Propco, LLC**
P O Box 99
6208 Paradise Valley Road
Mount Pocono, PA 18344

[Township or Borough] Paradise Township
Monroe County

Responsible Official Patricia William
6208 Paradise Valley Road
Mount Pocono, PA 18344

Type of Facility PWS

Consulting Engineer Charles H. Niclaus, PE
Niclaus Engineering Corporation
804 Sarah Street
Suite 201
Stroudsburg, PA 18360

Permit Issued Date 10/04/2016

Application No. 2451209, Public Water Supply.

Applicant **Lakewood Retreat
c/o Milestone Community
Health Care**
1482 Cherry Lane Road
East Stroudsburg, PA 18301

[Township or Borough] Stroud Township
Monroe County

Responsible Official William Chupcavich, Supt.
1150 Wyoming Avenue
Wyoming, PA 18644

Type of Facility PWS

Consulting Engineer Charles H. Niclaus, PE
Niclaus Engineering Corporation
804 Sarah Street
Suite 201
Stroudsburg, PA 18360

Permit issued Date 10/04/2016

Application No. 3516508, Public Water Supply.

Applicant **Aqua PA, Inc.**
1 Aqua Way
White Haven, PA 18661

[Township or Borough] South Abington Township
Lackawanna County

Responsible Official Patrick R. Burke, PE
Aqua PA, Inc.
204 E. Sunbury Street
Shamokin, PA 17872

Type of Facility PWS

Consulting Engineer Jonathan Morris, PE
GHD
1240 North Mountain Road
Harrisburg, PA 17112
(717) 541-0622

Permit issued Date 10/19/2016

Permit No.3916505MA, Minor Amendment, Public Water Supply.

Applicant

**Municipal Authority of the
Borough of Coopersburg
c/o Charles Minnich,
Chairman**
975 West State Street
Coopersburg, PA 18036

Municipality

Coopersburg Borough

County

Lehigh

Type of Facility

PWS

Consulting Engineer

Harry E. Garman, P.E.
Barry Isett and Associates
85 South Route 100
Allentown, PA 18106

Permit to Construct
Issued

October 27, 2016

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

Permit No.6716509 MA, Minor Amendment, Public Water Supply.

Applicant

**Conewago Isle Campground,
Inc.**

Municipality

Dover Township

County

York

Responsible Official

John Lupse
6220 Big Mount Road
Dover, PA 17315

Type of Facility

Consulting Engineer

Terrace L. Kline, P.E.
Kline Engineering PC
449 Cameron Street
Marysville, PA 17053

Permit to Construct
Issued

10/26/2016

Permit No.0116507 MA, Minor Amendment, Public Water Supply.

Applicant

John B. Peters, Inc.

Municipality

Huntingdon Township

County

Adams

Responsible Official

Ethan D. Peters, Secretary
10540 Carlisle Pike
Gardners, PA 17324

Type of Facility

Installation of sodium
hypochlorite disinfection and
contact tanks for the GWR 4-log
inactivation of viruses at EP 101.

Consulting Engineer

N Peter Fleszar, P.E.
Glace Associates, Inc.
3705 Trindle Road
Camp Hill, PA 17011

Permit to Construct
Issued

10/26/2016

Comprehensive Operation Permit No. 7010927 issued to: **Shipley Family Limited Partnership (PWS ID No. 7010927)**, Mt. Joy Township, **Adams County** on 10/5/2016 for the operation of facilities at Sunoco, Inc. approved under Construction Permit No. 0115513.

LAND RECYCLING AND ENVIRONMENTAL REMEDIATION

UNDER ACT 2, 1995
PREAMBLE 2

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

Provisions of Sections 301—308 of the Land Recycling and Environmental Remediation Standards Act (act) (35 P.S. §§ 6026.301—6026.308) require the Department to publish in the *Pennsylvania Bulletin* a notice of submission of plans and reports. A final report is submitted to document cleanup of a release of a regulated substance at a site to one of the act's remediation standards. A final report provides a description of the site investigation to characterize the nature and extent of contaminants in environmental media, the basis for selecting the environmental media of concern, documentation supporting the selection of residential or nonresidential exposure factors, a description of the remediation performed and summaries of sampling analytical results which demonstrate that remediation has attained the cleanup standard selected. Submission of plans and reports, other than the final report, will also be published in the *Pennsylvania Bulletin*. These include the remedial investigation report, risk assessment report and cleanup plan for a site-specific standard remediation. A remedial investigation report includes conclusions from the site investigation; concentration of regulated substances in environmental media; benefits of reuse of the property; and, in some circumstances, a fate and transport analysis. If required, a risk assessment report describes potential adverse effects caused by the presence of regulated substances. If required, a cleanup plan evaluates the abilities of potential remedies to achieve remedy requirements.

For further information concerning plans or reports, contact the environmental cleanup program manager in the Department regional office under which the notice of receipt of plans or reports appears. If information concerning plans or reports is required in an alternative form, contact the community relations coordinator at the appropriate regional office. TDD users may telephone the Department through the Pennsylvania AT&T Relay Service at (800) 654-5984.

The Department has received the following plans and reports:

Southeast Regional Office: Regional Manager, Environmental Cleanup and Brownfields, 2 East Main Street, Norristown, PA 19401, Telephone 484.250.5960.

Duval Manor Apartment Parking Lot Parcel, 6347-6351 Greene Street, City of Philadelphia, **Philadelphia County**. Andrew D. Hubley, Environmental Consulting Inc., 2002 Renaissance Boulevard, Suite 110, King of Prussia, PA 19406, Michael Young, Classic Management, Inc., 229 West Upsal Street, Philadelphia, PA 19118, Richard S Werner, Environmental Consulting Inc., 2002 Renaissance Boulevard, Suite 110, King of Prussia, PA 19406 on behalf of Thomas Farnoly, Duval Manor Associates LLC, 6350 Green Street, Philadelphia, PA 19144 has

submitted a Remedial Investigation/Cleanup Plan and Risk Assessment Report concerning remediation of site soil and groundwater contaminated with tcl, vocs and pahs. The report is intended to document remediation of the site to meet the Site Specific Standard. PF803698.

Steere Residence, 14 Dawn Road, Middletown Township, **Bucks County**. Richard D. Trimpi, Trimpi Associates, Inc., 1635 Old Plains Road, Pennsburg, PA 18073, Lisa Gagliardi, State Farm Insurance Company, PA Fire Claims, P.O. Box 106169, Atlanta, GA 30348-6169 on behalf of Jennifer and Jason Steere, 14 Dawn Road, Levittown, PA 19056 has submitted a Final Report concerning remediation of site soil and groundwater contaminated with no. 2 fuel oil. The report is intended to document remediation of the site to meet the Statewide Health Standard. PF783857.

Abbonizio Recycling Facility, Front and Thurlow Street, City of Chester, **Delaware County**. Michael Edelman, TRC Environmental Corporation, 1601 Market Street, Suite 2555, Philadelphia, PA 19103, Gary Pierce, Covnata Delaware Valley, LP, 10 Highland Avenue, Chester, PA 19013 on behalf of Alex Piscitelli, Covanta Delaware Valley, LP, 10 Highland Avenue, Chester, PA 19013 has submitted a Final Report concerning remediation of site soil and groundwater contaminated with metals, vocs, pahs, iron and aluminum. The report is intended to document remediation of the site to meet the Statewide Health Standard. PF806794.

1401 Dreshertown Road, 1401 Dreshertown Road, Upper Dublin, Township, **Montgomery County**. Paul White, Brickhouse Environmental, 515 South Franklin Street, West Chester, PA 19382 on behalf of Chris Magarity, Condor Fort Washington Real Estate LLLP, 404 Pennsylvania Avenue, Fort Washington, PA 19034 has submitted a Final Report concerning remediation of site soil and groundwater contaminated with diesel fuel, leaded and unleaded gasoline. The report is intended to document remediation of the site to meet the Statewide Health Standard. P618744F.

298 North Cannon Avenue, 28 North Cannon Avenue, Lansdale Borough, **Montgomery County**. Gilbert J. Marshall, LG, Marshall Geoscience, Inc., 170 East First Avenue, Collegeville, PA 19426-2360 on behalf of Walter S. Smerconish, 120 Athens Avenue Associates, LLC, 1574 Easton Road, Warrington, PA 18976 has submitted a Final Report concerning remediation of site soil and groundwater contaminated with gasoline heating oil and lead. The report is intended to document remediation of the site to meet the Statewide Health Standard. PF784243.

Duval Manor Apartments, 6350 Green Street, City of Philadelphia, **Philadelphia County**. Andrew D. Hubley, Environmental Consulting, Inc., 2002 Renaissance Boulevard, Suite 110, King of Prussia, PA 19406, Michael Young, Classic Management, Inc., 229 West Upsal Street, Philadelphia, PA 19118 on behalf of Thomas Famoly, Duval Manor Associates, LLC, 6350 Green Street, Philadelphia, PA 19144 has submitted a Final Report concerning remediation of site soil and groundwater contaminated with fuel oil no. 4, 5 & 6 parameters. The report is intended to document remediation of the site to meet the Site Specific Standard. PF803702.

National Foam West Chester Site, 350 East Union Street, Borough of West Chester, **Chester County**. Christopher Zeliznak, P.G., EnviroSure, Inc., 319 South High Street, First Floor, West Chester, PA 19382 on behalf of Russell Furtick, National Foam, Inc., 141 Junny

Road, Angier, NC 27501 has submitted a Remedial Investigation Report concerning remediation of site soil and groundwater contaminated with vocs, svocs and metals. The report is intended to document remediation of the site to meet the Site Specific Standard. PF793923.

1301 Powell Street, 1301 Powell Street, Norristown Borough, **Montgomery County**. Richard S. Werner, Environmental Consulting, Inc., 2002 Renaissance Boulevard, Suite 110, King of Prussia, PA 19406 on behalf of Francis Vargas, Elon Development Company, Inc., 24 New York Drive, Suite 1, Fort Washington, PA 19034 has submitted a Final Report concerning remediation of site soil and groundwater contaminated with fuel oil. The report is intended to document remediation of the site to meet the Statewide Health Standard. PF813134.

Easton Road Site, 5707 Road Site, Plumstead Township, **Bucks County**. Randy Shick, Sr. BL Companies, 4242 Carlisle Pike, Suite 260, Camp Hill, PA 17011 on behalf of Larry Harder, DCTN3 448 Plumsteadville PA, LLC, 24 Market Street, Ridgefield, CT 06877 has submitted a Final Report concerning remediation of site soil and groundwater contaminated with no. 2 fuel oil. The report is intended to document remediation of the site to meet the Statewide Health Standard. PF813029.

Springhouse Village Shop Center, 1111 North Bethlehem Pike, Lower Gwynedd Township, **Montgomery County**. Staci Cottone, J&J Environmental, P.O. Box 370, Blue Bell, PA 19422 on behalf of TJ Miller, Florida Penn Realty, LP c/o Stoltz MGMT, 725 Conshohocken, State Road, Bala Cynwyd, PA 19004 has submitted a Final Report concerning remediation of site soil contaminated with no. 2 fuel oil. The report is intended to document remediation of the site to meet the Statewide Health Standard. PF813133.

Swank Residence, 1481 Forest Grove Road, Buckingham Township, **Bucks County**. Richard Starke, Roux Associates, Inc., 401 Heron Drive, Logan Townships, NJ 08085, JR Evangelista, Active Remediation Services, 203 Main Street, Suite 332, Flemington, NJ 08822 on behalf of William Swank, 1481 Forest Grove Road, Forest Grove, PA 18922 has submitted a Final Report concerning remediation of site soil and groundwater contaminated with no. 2 heating oil. The report is intended to document remediation of the site to meet the Statewide Health Standard. PF810391.

801 Baltimore Pike, 801 Baltimore Pike, Springfield Township, **Delaware County**. Brian Loughnane, Synergy Environmental, 155 Railroad Plaza, First Floor, Royersford, PA 19468 on behalf of Joseph S. Botta, Jr. Pineville Properties, LLC, 1288 Valley Forge Road, # 987 Unit 66, Valley Forge, PA 19482 has submitted a Remedial Investigation Report concerning remediation of site soil contaminated with naphthalene, 1,2,4-TMB and 1,3,5-TMB. The report is intended to document remediation of the site to meet the Site Specific Standard. PF810291.

Transmontaigne Site, 2751 South 58th Street and the Schuylkill River, City of Philadelphia, **Philadelphia County**. Jennifer L. Gresh, P.G., Duffield Associates, Inc., 211 North 13th Street, Suite 704, Philadelphia, PA 19107 on behalf of Monica Trudeau, P.E, PAID/PIDC, 1500 Market Street, Suite 2600 West, Philadelphia, PA 19102 has submitted a Final Report concerning remediation of site groundwater contaminated with voc's, svoc. The report is intended to document remediation of the site to meet the site Specific Standard. PF738660.

Festival Pier, 501 North Columbus Boulevard, City of Philadelphia, **Philadelphia County**. Paul Martino, P.G.,

Pennoni Associates, Inc., 3001 Market Street, Philadelphia, PA 19104, Bill Schmidt, P.E., Pennoni Associates Inc., 3001 Market Street, Philadelphia, PA 19104 on behalf of Joseph Forking, Delaware River Waterfront Corporation, 12 North Columbus Boulevard, Philadelphia, PA 19106 has submitted a Cleanup/Remedial Investigation Report concerning remediation of site pahs and metals contaminated with soil and groundwater. The report is intended to document remediation of the site to meet the Site Specific Standard. PF811767.

Harvard Seven LLC Lot, Harvard and Columbia Roads, Haverford Township, **Delaware County**. Thomas Petrecz, Pen R&R, Inc., 2755 Bergey Road, Hatfield, PA 19440 on behalf of Kevin Hillsinger, Harvard Seven, LLC, 1305 Catfish Lane, Audubon, PA 19403 has submitted a Risk Assessment, Remedial Investigation/Cleanup Plan and Final Report concerning remediation of site soil contaminated with 1, 2, 4, 5 and no. 6 fuel oil short list compounds. The report is intended to document remediation of the site to meet the Site Specific standard. PF811563.

HAZARDOUS WASTE TRANSPORTER LICENSE

Actions on applications for Hazardous Waste Transporter License received under the Solid Waste Management Act (35 P.S. §§ 6018.101—6018.1003) and regulations to transport hazardous waste.

Central Office: Bureau of Land Recycling and Waste Management, Division of Hazardous Waste Management, PO Box 69170, Harrisburg, PA 17106-9170.

Hazardous Waste Transporter License Reissued

Envirite of Ohio, Inc., 2050 Central Avenue SE, Canton, OH 44707. License No. PA-AH 0548. Effective Oct 26, 2016.

Heritage-Crystal Clean, LLC, 2175 Point Boulevard, Elgin, IL 60123. License No. PA-AH 0672. Effective Oct 28, 2016.

Laidlaw Carriers Van GP Inc., 1179 Ridgeway Road, Woodstock, ON N4S 0A9. License No. PA-AH 0714. Effective Oct 28, 2016.

Renewal Applications Received

Bionomics, Inc., PO Box 817, Kingston, TN 37763. License No. PA-AH 0730. Effective Oct 24, 2016.

Environmental Transport Group, Inc., PO Box 296, Flanders, NJ 07836-0296. License No. PA-AH 0104. Effective Oct 24, 2016.

Laidlaw Carriers Van GP Inc., 1179 Ridgeway Road, Woodstock, ON N4S 0A9. License No. PA-AH 0714. Effective Oct 24, 2016.

REGULATED MEDICAL AND CHEMOTHERAPEUTIC WASTE TRANSPORTER LICENSES

Actions on applications for Regulated Medical and Chemotherapeutic Waste Transporter License received under the Solid Waste Management Act and the of June 28, 1988 (P.L. 525, No. 93) and regulations to transport regulated medical and chemotherapeutic waste.

Central Office: Bureau of Land Recycling and Waste Management, Division of Hazardous Waste Management, PO Box 69170, Harrisburg, PA 17106-9170.

Regulated Medical and Chemotherapeutic Waste Transporter Reissued

Brandywine Green, Inc. D.B.A Pet Memorial Services, 126 Turner Lane, West Chester, PA 19380. License No. PA-HC 0195. Effective Oct 26, 2016.

AIR QUALITY

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

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

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

GP3-15-0075: Highway Materials, Inc. (1750 Walton Road, Blue Bell, PA 19422) On October 27, 2016 for two (2) IC Engines located in East Caln Township, **Chester County**.

GP9-15-0029: Highway Materials, Inc. (1750 Walton Road, Blue Bell, PA 19422) On October 27th for two (2) IC Engines located in East Caln Township, **Chester County**.

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

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

GP3-21-03123: R.S. Services (119 Falls Road, Beech Creek, PA 16822) on October 21, 2016, for portable nonmetallic mineral processing equipment, including 3 crushers and 2 screens, under GP3, at the PA Turnpike construction project in New Cumberland Borough, **Cumberland County**, and West Fairview Township, **York County**.

GP11-21-03123: R.S. Services (119 Falls Road, Beech Creek, PA 16822) on October 21, 2016, for five non-road engines under GP11, to operate portable nonmetallic mineral processing equipment at the PA Turnpike construction project in New Cumberland Borough, **Cumberland County**, and West Fairview Township, **York County**.

Plan Approvals Issued under the Air Pollution Control Act and regulations in 25 Pa. Code Chapter 127, Subchapter B relating to construction, modification and reactivation of air contamination sources and associated air cleaning devices.

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

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

01-03022B: Agricultural Commodities, Inc. (1585 Granite Station Road, Gettysburg, PA 17325) on October 25, 2016, for the modification of the 3000 Pellet System (Source ID 104) to increase thruput from 20 to 30 tph, at the animal feed manufacturing and processing facility located in Straban Township, **Adams County**.

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

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

60-00024A: GAF Keystone, LLC (14911 Quorum Drive, Suite 600, Dallas, TX 75254-1491) on October 26, 2016, to construct a thermoplastic and PVC roof sheeting and roof ridge vent manufacturing operation at its New Columbia facility in White Deer Township, **Union County**. If the Department determines that the sources are constructed and operated in compliance with the plan approval conditions and the specifications of the application for Plan Approval 60-00024A, the applicant will subsequently apply for a State Only Operating Permit in accordance with 25 Pa. Code Subchapter F.

Plan Approval Revisions Issued including Extensions, Minor Modifications and Transfers of Ownership under the Air Pollution Control Act and 25 Pa. Code §§ 127.13, 127.13a and 127.32.

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

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

49-00009C: Masonite Corporation—Mohawk Flush Doors, Inc. (980 Point Township Drive, Northumberland, PA 17857) on October 24, 2016, to extend the authorization to operate the sources pursuant to the plan approval an additional 180 days from November 6, 2016 to May 5, 2017, at their facility located in Point Township, **Northumberland County**. The plan approval has been extended.

17-00063A: Pennsylvania Grain Processing, LLC (250 Technology Drive, Clearfield, PA 16830) on October 21, 2016, to extend the authorization an additional 180 days from October 29, 2016 to April 28, 2017, in order to continue the compliance evaluation and permit operation pending issuance of an operating permit for the sources. The extension authorization allows continued operation of the ethanol production plant located in Clearfield Borough, **Clearfield County**. The plan approval has been extended.

17-00063B: Pennsylvania Grain Processing, LLC (250 Technology Drive, Clearfield, PA 16830) on October 21, 2016, to extend the authorization an additional 180 days from October 29, 2016 to April 28, 2017, in order to continue the compliance evaluation and permit operation pending issuance of an operating permit for the sources. The extension authorization allows continued operation of the ethanol production plant located in Clearfield Borough, **Clearfield County**. The plan approval has been extended.

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

Contact: Alan Binder, P.E., Environmental Engineer Manager—Telephone: 412-442-4168.

63-00968A: MarkWest Liberty Midstream and Resources, LLC (1515 Arapahoe Street Tower 1, Suite 1600, Denver, CO 80202-2137) Extension effective October 28, 2016, to extend the period of temporary operation of eight new rich burn natural gas-fired compressor engines rated at 1,980 bhp each and controlled by three-way catalysts authorized under PA-63-00968A until April 28, 2017, at the Smith Compressor Station located in Smith Township, **Washington County**.

04-00738A: Aliquippa Metal Recovery, LLC (100 Bet Tech Drive, Aliquippa, PA 15001) Extension effective October 28, 2016, to extend the period of temporary operation until April 28, 2017, for Aliquippa Metal Recovery's slag processing and metals recovery facility located in Hopewell Township, **Beaver County**.

32-00428A: Creps United Publications, LLP (1163 Water Street, Indiana, PA 15701) Extension effective October 28, 2016, to extend the period of temporary operation until April 28, 2017, for Creps United Publications, LLP's new commercial printing facility located in White Township, **Indiana County**.

Operating Permits for Non-Title V Facilities Issued under the Air Pollution Control Act and 25 Pa. Code Chapter 127, Subchapter F.

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

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

15-00052: Allan Myers L.P., d.b.a. Independence Construction Materials (410 Doe Run Rd., Coatesville, PA 19320) On October 27, 2016 for the renewal of a Synthetic Minor Operating Permit in East Fallowfield Township, **Chester County**.

46-00172: Gemalto, Inc. (101 Park Drive, Montgomeryville, PA 18936) On October 27, 2016 for renewal of a State Only Operating Permit in Montgomeryville, **Montgomery County**.

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

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

06-03094: K&L Woodworking, Inc. (440 N. 4th Street, Reading, PA 19601-2847) on October 24, 2016, for the custom cabinet and shelving manufacturing facility located in Reading City, **Berks County**. The State-only permit was renewed.

38-03059: Beck Aluminum Alloys LTD (24 Keystone Drive, Lebanon, PA 17042-9791) on October 24, 2016, for the secondary aluminum processing facility located in South Lebanon Township, **Lebanon County**. The State-only permit was renewed.

Operating Permit Revisions Issued including Administrative Amendments, Minor Modifications or Transfers of Ownership under the Air Pollution Control Act and 25 Pa. Code §§ 127.412, 127.450, 127.462 and 127.464.

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

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

23-00108: Barry Callebaut USA, LLC (903 Industrial Highway, Eddystone, PA 19022) is a non-Title V facility located in Eddystone Borough, **Delaware County**. On October 27, 2016, the Synthetic Minor Operating Permit No. 23-00108 has been amended to incorporate Plan Approval No. 23-0108D.

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

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

67-05005: Brunner Island, LLC (835 Hamilton Street, Suite 150, Allentown, PA 18101-2400) on October 24, 2016, for the Brunner Island electric generating station located in East Manchester Township, **York County**. The Title V permit was administratively amended in order to incorporate the requirements of Plan Approval No. 67-05005I.

Operating Permits Denied, Terminated, Suspended or Revoked under the Air Pollution Control Act and 25 Pa. Code §§ 127.431 and 127.461.

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

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

41-00042: Eastern Wood Products (PO Box 1056, Williamsport, PA 17701) terminated the State Only operating permit on October 19, 2016, for their Williamsport Woodworking Mill located in Old Lycoming Township, **Lycoming County**. All significant air contaminant sources have ceased operation and/or have been removed from the site.

49-00035: Warrior Run Area School District (4800 Susquehanna Trail, Turbotville, PA 17772) terminated the State Only operating permit on October 20, 2016, for the following aggregated school facilities: Warrior Run High School/Middle School, Lewis Township, Turbotville Elementary School, Borough of Turbotville, Watsontown Elementary School, Borough of Watsontown, all located in **Northumberland County**. All significant air contaminant sources that required permitting have permanently ceased operations and/or been removed from the respective facilities. All remaining air contaminant sources emit below thresholds required for an operating permit. The facilities are no longer aggregated.

ACTIONS ON COAL AND NONCOAL MINING ACTIVITY APPLICATIONS

Actions on applications under the Surface Mining Conservation and Reclamation Act (52 P.S. §§ 1396.1—1396.19a); the Noncoal Surface Mining Conservation and Reclamation Act (52 P.S. §§ 3301—3326); The Clean Streams Law; the Coal Refuse Disposal Control Act (52 P.S. §§ 30.51—30.66); and The Bituminous Mine Subsidence and Land Conservation Act (52 P.S. §§ 1406.1—1406.20a). The final action on each application also constitutes action on the NPDES permit application and, if noted, the request for a Section 401 Water Quality Certification. Mining activity permits issued in response to applications will also address the application permitting requirements of the following statutes: the Air Quality Pollution Act (35 P.S. §§ 4001—4014); the Dam Safety and Encroachments Act (32 P.S. §§ 693.1—693.27); and the Solid Waste Management Act (35 P.S. §§ 6018.101—6018.1002).

Coal Permits Issued

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

30841313 and NPDES No. PA0022594. Consol Mining Company LLC, (CNX Center, 1000 Consol Energy

Drive, Canonsburg, PA 15317). To renew the permit for the Dilworth Mine in Cumberland Township, **Greene County**. No additional discharges. The application was considered administratively complete on September 7, 2011. Application received February 17, 2011. Permit issued October 24, 2016.

56841603 and GP12-56841603-R15. PBS Coals, Inc., (PO Box 260, Friedens, PA 15541). To revise the permit for the Shade Creek Prep Plant in Shade Township, **Somerset County** to establish an emission inventory for coal handling based on maximum total annual raw coal throughput at the facility of 2,000,000 tons per calendar year. Emission sources consist of conveyors, transfer points, raw coal screening, stockpile wind erosion, coal storage pile manipulation, truck loading, and paved and unpaved coal haul road. Approval is authorized under General Permit BAQ-GPA/GP12 and is required to meet all applicable limitations, terms, and conditions of autho-

rization GP12-56841603-R15. The application was considered administratively complete on April 21, 2016. Application received April 21, 2016. Permit issued October 24, 2016.

56131302 and NPDES No. PA0236225. AK Coal Resources, Inc., (1134 Stoystown Road, Friedens, PA 15541). To operate the Polaris Mine in Jenner and Quemahoning Townships, **Somerset County** a new underground coal mine. Surface Acres Proposed 65.5, Underground Acres Proposed 2,830.2, Subsidence Control Plan Acres Proposed 2,426.2. Receiving stream: Two Mile Run, classified for the following use: CWF. The first downstream potable water supply intake from the point of discharge is Quemahoning Reservoir and intake: Two Mile Run. The application was considered administratively complete on July 29, 2014. Application received February 14, 2014. Permit issued October 24, 2016.

STORAGE TANKS SITE-SPECIFIC INSTALLATION PERMITS

The following Storage Tank Site-Specific Installation Permits, under the authority of the Storage Tank Spill Prevention Act (35 P.S. §§ 6021.304, 6021.504, 6021.1101—6021.1102) and under 25 Pa. Code Chapter 245, Subchapter C, have been issued by the Bureau of Environmental Cleanup and Brownfields, Director, PO Box 8763, Harrisburg, PA 17105-8763.

<i>SSIP Permit No.</i>	<i>Applicant Name & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Tank Type</i>	<i>Tank Capacity</i>
16-61-008	Heath Oil, Inc. P.O. Box 1128 Oil City, PA 16301 Attn: Daniel L. Heath	Venango	Barkeyville Borough	1 AST storing petroleum products	1,032,000 gallons

SPECIAL NOTICES

Air Quality

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

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

34-05002: Texas Eastern Transmission, LP (PO Box 1642, Houston, TX 77251-1642) on October 21, 2016 submitted to the Department an alternative compliance schedule petition, requesting the following with regard to the natural gas transmission station located in Lack Township, **Juniata County**:

Source 037, GE 19,800 HP Frame 5 natural gas-fired turbine: Texas Eastern is proposing to replace the turbine with a lower-emitting unit by 1/1/24. Per 25 Pa. Code § 129.99(i)(2)(v), if a petition for alternate compliance schedule is for the replacement of an existing source, the final compliance date is to be determined on a case-by-case basis. Between the initial compliance date of January 1, 2017 and the replacement of the turbine, the existing turbine will continue to meet the existing Title V NO_x emission limitations of 120 ppmvd at 15% O₂, and 300 tpy.

Source 031, Cooper Bessemer GMVA-8 1,100 HP natural gas-fired internal combustion engine: Texas Eastern is proposing to retrofit the unit with NO_x controls to comply with the NO_x RACT II limit of 3.0 g/bhp-hr by 1/1/20,

which is three years from the 1/1/17 RACT II compliance deadline, and which is within the time frame allowed for the retrofit of existing emission units per 25 Pa. Code § 129.87(k)(2)(v). Between the initial compliance date of January 1, 2017 and the retrofit of the engine, the existing engine will continue to meet the existing Title V NO_x emission limitation of 27.3 lb/hr.

50-05001: Texas Eastern Transmission, LP (PO Box 1642, Houston, TX 77251-1642) on October 21, 2016 submitted to the Department an alternative compliance schedule petition, requesting the following with regard to the natural gas transmission station located in Carroll Township, **Perry County**:

Source 031, GE 22,000 HP Frame 5 natural gas-fired turbine: Texas Eastern is proposing to replace the turbine with a lower-emitting unit by 1/1/24. Per 25 Pa. Code § 129.99(i)(2)(v), if a petition for alternate compliance schedule is for the replacement of an existing source, the final compliance date is to be determined on a case-by-case basis. Between the initial compliance date of January 1, 2017 and the replacement of the turbine, the existing turbine will continue to meet the existing Title V NO_x emission limitation of 120 ppmvd at 15% O₂, and will also meet a proposed alter\native RACT restriction of 8,000 hours per year of operation, resulting in an emission limit of 463 tpy NO_x.

Source 032, GE 19,800 HP Frame 5 natural gas-fired turbine: Texas Eastern is proposing to replace the turbine with a lower-emitting unit by 1/1/24. Per 25 Pa. Code § 129.99(i)(2)(v), if a petition for alternate compliance schedule is for the replacement of an existing source, the

final compliance date is to be determined on a case-by-case basis. Between the initial compliance date of January 1, 2017 and the replacement of the turbine, the existing turbine will continue to meet the existing Title V NO_x emission limitation of 120 ppmvd at 15% O₂, and will also meet a proposed alternative RACT restriction of 8,000 hours per year of operation, resulting in an emission limit of 441 tpy NO_x.

36-05025: Texas Eastern Transmission, LP (PO Box 1642, Houston, TX 77251-1642) on October 21, 2016 submitted to the Department an alternative compliance schedule petition, requesting the following with regard to the natural gas transmission station located in East Donegal Township, **Lancaster County**. For Sources 031—036, also known as IC Engines 1—6: Texas Eastern is proposing to replace the engines with BAT compliant turbines by 1/1/20, which is three years from the 1/1/17 RACT II compliance deadline. Between the initial compliance date of January 1, 2017 and the replacement of the engines, the existing engines will continue to meet the existing Title V NO_x emission limitation of 83.8 lb/hr.

22-05010: Texas Eastern Transmission, LP (PO Box 1642, Houston, TX 77251-1642) on October 21, 2016 submitted to the Department an alternative compliance schedule petition, requesting the following with regard to the natural gas transmission station located in East Hanover Township, **Dauphin County**. For Source 031, GE 18,500 HP Frame 5 natural gas-fired turbine: Texas Eastern is proposing to replace the turbine with a lower-emitting unit by 1/1/24. Per 25 Pa. Code § 129.99(i)(2)(v), if a petition for alternate compliance schedule is for the replacement of an existing source, the final compliance date is to be determined on a case-by-case basis. Between the initial compliance date of January 1, 2017 and the replacement of the turbine, the existing turbine will continue to meet the existing Title V NO_x emission limitations of 120 ppmvd at 15% O₂, and will also meet a proposed alternative RACT restriction of 8,000 hours per year of operation, and a fuel limit of 1,822.5 MMscf/yr.

06-05034: Texas Eastern Transmission, LP (PO Box 1642, Houston, TX 77251-1642) on October 21, 2016 submitted to the Department an alternative compliance schedule petition, requesting the following with regard to the natural gas transmission station located in Washington Township, **Berks County**. For Source 104, GE 18,500 HP Frame 5 natural gas-fired turbine: Texas Eastern is proposing to replace the turbine with a lower-emitting unit by 1/1/24. Per 25 Pa. Code § 129.99(i)(2)(v), if a petition for alternate compliance schedule is for the replacement of an existing source, the final compliance date is to be determined on a case-by-case basis. Between the initial compliance date of January 1, 2017 and the replacement of the turbine, the existing turbine will continue to meet the existing Title V NO_x emission limitations of 120 ppmvd at 15% O₂, and will also meet a proposed alternative RACT restriction of 8,000 hours per year of operation, and a fuel limit of 1,868.5 MMscf/yr.

06-05033: Texas Eastern Transmission, LP (PO Box 1642, Houston, TX 77251-1642) on October 21, 2016 submitted to the Department an alternative compliance schedule petition, requesting the following with regard to the natural gas transmission station located in North Heidelberg Township, **Berks County**:

Source 101, GE 22,000 HP Frame 5 natural gas-fired turbine: Texas Eastern is proposing to replace the turbine with a lower-emitting unit by 1/1/24. Per 25 Pa. Code § 129.99(i)(2)(v), if a petition for alternate compliance

schedule is for the replacement of an existing source, the final compliance date is to be determined on a case-by-case basis. Between the initial compliance date of January 1, 2017 and the replacement of the turbine, the existing turbine will continue to meet the existing Title V NO_x emission limitation of 120 ppmvd at 15% O₂, and will also meet a proposed alternative RACT restriction of 8,000 hours per year of operation, resulting in an emission limit of 463 tpy NO_x.

Source 102, GE 19,800 HP Frame 5 natural gas-fired turbine: Texas Eastern is proposing to replace the turbine with a lower-emitting unit by 1/1/24. Per 25 Pa. Code § 129.99(i)(2)(v), if a petition for alternate compliance schedule is for the replacement of an existing source, the final compliance date is to be determined on a case-by-case basis. Between the initial compliance date of January 1, 2017 and the replacement of the turbine, the existing turbine will continue to meet the existing Title V NO_x emission limitation of 120 ppmvd at 15% O₂, and will also meet a proposed alternative RACT restriction of 8,000 hours per year of operation, resulting in an emission limit of 441 tpy NO_x.

[Pa.B. Doc. No. 16-1950. Filed for public inspection November 10, 2016, 9:00 a.m.]

Pennsylvania State Clean Diesel Grant Program; Opening of the Grant Application Acceptance Period

The Department of Environmental Protection (Department) announces an opportunity to apply for \$519,824 that has been made available through the United States Environmental Protection Agency (EPA) and the Federal Diesel Emissions Reduction Act of 2010 (Pub.L. No. 111-364). This funding is available through the Pennsylvania State Clean Diesel Grant Program (Program) for eligible diesel emission reduction projects that will improve air quality and protect public health and the environment in this Commonwealth by reducing emissions from diesel-powered vehicles and engines.

The Department is seeking applications for projects that will replace, repower or retrofit fleet diesel-powered highway and nonroad vehicles, engines and equipment. Funding is available for public and private entities that operate diesel-powered fleets throughout this Commonwealth. These entities may include school districts, municipal authorities, political subdivisions, other State agencies, nonprofit entities, corporations, limited liability companies, or partnerships incorporated or registered in this Commonwealth. Projects must use technologies certified or verified by the EPA or the California Air Resources Board to lower diesel emissions, unless otherwise noted in the grant program guidelines. The technology may be a single technology or a combination of available technologies. The majority of the fleet's annual operation time must occur within this Commonwealth.

The Department will not reimburse grant recipients for project costs incurred prior to the grant performance period in the applicable grant agreement.

The application package including guidance, instructions and application forms is available by contacting Samantha Harmon, Department of Environmental Protection, Bureau of Air Quality, 12th Floor, Rachel Carson State Office Building, 400 Market Street, P.O. Box 8468, Harrisburg, PA 17105-8468, (717) 787-9495. The applica-

tion package is also available electronically on the Department's web site at www.dep.pa.gov under the Bureau of Air Quality's "Grant Availability" heading (search "Air Quality").

The Department will also be holding an informational webinar to provide general information about the Program and to answer any questions from attendees relating to the Program, including questions about the application form and instructions. The webinar will be held on November 30, 2016. Interested parties should go to the Department's web site at www.dep.pa.gov to register for the webinar (search "Webinars").

The Department will begin accepting applications on November 12, 2016. Applications must be postmarked on or before December 28, 2016. Faxes and electronic copies will not be accepted.

PATRICK McDONNELL,
Acting Secretary

[Pa.B. Doc. No. 16-1951. Filed for public inspection November 10, 2016, 9:00 a.m.]

Suspension of Enforcement of the Stage II Vapor Recovery Requirements for Control of Emissions of Volatile Organic Compounds from New and Modified Gasoline Dispensing Equipment in the Philadelphia and Pittsburgh-Beaver Valley Areas

The Department of Environmental Protection (Department) announces that effective November 12, 2016, it suspends enforcement of the Stage II vapor recovery (Stage II) requirements in 25 Pa. Code § 129.82 (relating to control of VOCs from gasoline dispensing facilities (Stage II)) with regard to the addition of new gasoline dispensers and dispenser replacements at affected gasoline dispensing facilities. This suspension of enforcement supplements the Department's prior suspension of enforcement for new gasoline dispensing facilities that began operation after July 31, 2012, and gasoline dispensing facilities that were newly affected after July 31, 2012. See 42 Pa.B. 5437 (August 18, 2012). Gasoline dispensing equipment installed after the effective date of this notice may be subject to future regulations developed for gasoline dispensing facilities in Stage II areas.

The Stage II vapor recovery systems are required for about 1,600 gasoline dispensing facilities in Allegheny, Armstrong, Beaver, Bucks, Butler, Chester, Delaware, Fayette, Montgomery, Philadelphia, Washington and Westmoreland Counties. However, the diminishing emission reduction benefits of Stage II controls no longer justify the cost of installing these controls on new gasoline dispensers and dispenser replacements.

For owners and operators of gasoline dispensing facilities with Stage II vapor control systems in place to meet the Stage II requirements, the Department will continue to require operation and maintenance of those systems in accordance with 25 Pa. Code § 129.82. This suspension only pertains to new gasoline dispensers and dispenser replacements.

The installation, modification or removal of gasoline dispensing equipment is a tank handling activity that must be conducted by a Department-certified tank installer in accordance with a code of practice developed by a Nationally-recognized association or independent testing laboratory. For additional information, see the Department's technical document "263-0900-011 Storage Tank Modification and Maintenance Issues," which can be

found at www.eLibrary.dep.state.pa.us by searching for the document number. In addition, all equipment modifications that involve disconnection of vapor control piping must be conducted in accordance with industry best practices, such as the Petroleum Equipment Institute's (PEI) document PEI/RP 300 "Recommended Practices for Installation and Testing of Vapor Recovery Systems at Vehicle-Fueling Sites."

Prior to making any equipment changes addressed in this notice, the gasoline dispensing facility owner or operator must provide written notice to the appropriate Department regional office, Allegheny County Health Department or Philadelphia Air Management Services, depending on the location of the site. In addition to providing written notice, owners and operators in Philadelphia County should contact the Philadelphia Air Management Services at (215) 685-7572 to discuss additional requirements that may apply to equipment changes addressed in this notice.

The Department has completed its analysis of the benefits associated with the Stage II program based on guidance issued by the United States Environmental Protection Agency (EPA), "Guidance on Removing Stage II Gasoline Vapor Control Programs from State Implementation Plans and Assessing Comparable Measures." The Department has determined that the emission reduction benefits of the Stage II program are gradually diminishing and will approach zero for all areas of this Commonwealth at some time in 2018. Any emission increases that occur from this waiver are expected to be very minor with regard to ozone attainment in these areas.

The Department's exercise of enforcement discretion does not protect an owner or operator of a gasoline dispensing facility from the possibility of legal challenge by third persons under 25 Pa. Code § 129.82 or the Commonwealth's approved State Implementation Plan.

For more information or questions concerning Stage II requirements, contact Susan Foster, Division of Compliance and Enforcement, Bureau of Air Quality, (717) 772-3369, sufoster@pa.gov.

PATRICK McDONNELL,
Acting Secretary

[Pa.B. Doc. No. 16-1952. Filed for public inspection November 10, 2016, 9:00 a.m.]

DEPARTMENT OF GENERAL SERVICES

Lease Office Space to the Commonwealth Lehigh County

Proposers are invited to submit proposals to the Department of General Services to provide the Board of Probation and Parole with 7,236 usable square feet of office space in Lehigh County. Downtown locations will be considered. For more information on SFP No. 94843, which is due on December 21, 2016, visit www.dgs.pa.gov or contact Jerry Munley, Bureau of Real Estate, (717) 525-5231, gmunley@pa.gov.

CURTIS M. TOPPER,
Secretary

[Pa.B. Doc. No. 16-1953. Filed for public inspection November 10, 2016, 9:00 a.m.]

DEPARTMENT OF HEALTH

Decisions on Requests for Exception to Health Care Facility Regulations

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), effective June 6, 1998, the Department of Health (Department) has published in the *Pennsylvania Bulletin* all requests by entities licensed under the Health Care Facilities Act (35 P.S. §§ 448.101—448.904b) for exceptions to regulations contained in 28 Pa. Code Part IV, Subparts B—G.

Section 51.33(d) of 28 Pa. Code provides that the Department will publish notice of all approved exceptions on a periodic basis. The Department has determined that it will publish notice of all exceptions, both approved and denied. The following list contains the decisions made on exception requests published in the *Pennsylvania Bulletin* from July 1, 2016, through September 30, 2016. Future publications of decisions on exception requests will appear on a quarterly basis.

Requests for additional information on the exception request and the Department's decision should be made to the relevant division of the Department. Inquiries regarding hospitals, abortion facilities and ambulatory surgical facilities shall be addressed to Garrison E. Gladfelter, Jr., Director, Division of Acute and Ambulatory Care, Room 532, Health and Welfare Building, Harrisburg, PA 17120, (717) 783-8980. Inquiries regarding long-term care facilities shall be addressed to Susan Williamson, Director, Division of Nursing Care Facilities, Room 528, Health and Welfare Building, Harrisburg, PA 17120, (717) 787-1816.

Facility Name	28 Pa. Code Regulation	Hospitals		Request Published	Decision
		Relating to			
Main Line Hospital Bryn Mawr	§ 53.3	Contents of photo identification badge			denied
Main Line Hospital Lankenau Medical Center	§ 53.3	Contents of photo identification badge			denied
Main Line Hospital Paoli	§ 53.3	Contents of photo identification badge			denied
Riddle Hospital	§ 53.3	Contents of photo identification badge			denied
UPMC Mercy	§ 101.12	Exceptions for innovative programs		07/23/2016	denied
Surgical Institute of Reading	§ 103.3	Governing body bylaws		06/04/2016	not nec.
Surgical Institute of Reading	§ 103.34	Personnel policies and practices		06/04/2016	not nec.
Surgical Institute of Reading	§ 103.41	Principle (fiscal control)		06/04/2016	not nec.
Surgical Institute of Reading	§ 103.42	Rates (fiscal control)		06/04/2016	not nec.
Surgical Institute of Reading	§ 103.43	Insurance (fiscal control)		06/04/2016	not nec.
Surgical Institute of Reading	§ 103.44	Purchasing and inventory (fiscal control)		06/04/2016	not nec.
Surgical Institute of Reading	§ 103.45	Audit of financial operations (fiscal control)		06/04/2016	not nec.
Surgical Institute of Reading	§ 103.46	Equipment and supplies (fiscal control)		06/04/2016	not nec.
Thomas Jefferson University Hospital	§ 105.1	Principle		04/09/2016	withdrawn
Surgical Institute of Reading	§ 107.11	Medical staff bylaws, rules and regulations (principle)		06/04/2016	not nec.
Surgical Institute of Reading	§ 107.12	Content of bylaws, rules and regulations		06/04/2016	not nec.
Crozer Chester Medical Center	§ 107.2	Medical staff membership		08/20/2016	granted
Delaware County Memorial Hospital	§ 107.2	Medical staff membership		09/24/2016	granted
Evangelical Community Hospital	§ 107.2	Medical staff membership		05/21/2016	not nec.
Heritage Valley Beaver	§ 107.2	Medical staff membership		06/11/2016	granted
St. Luke's Hospital—Monroe Campus	§ 107.2	Medical staff membership (oral surgeons)		08/20/2016	not nec.
St. Luke's Hospital—Monroe Campus	§ 107.2	Medical staff memberships (medical staff)		08/20/2016	granted
Geisinger Medical Center	§ 107.26(b)(3)	Additional committees (medical records committees)		08/20/2016	granted
Geisinger Wyoming Valley Medical Center	§ 107.26(b)(3)	Additional committees (medical records committees)		08/20/2016	granted

<i>Facility Name</i>	<i>28 Pa. Code Regulation</i>	<i>Relating to</i>	<i>Request Published</i>	<i>Decision</i>
Geisinger—Lewistown Hospital	§ 107.26(b)(3)	Additional committees (medical records committees)	08/20/2016	granted
St. Luke's Hospital—Monroe Campus	§ 107.32	Medical staff meetings (meetings and attendance)	08/20/2016	granted
Divine Providence Hospital	§ 107.61	Written orders (medical staff)	08/27/2016	granted
Endless Mountains Health System	§ 107.61	Written orders (medical staff)	08/20/2016	granted
Geisinger Medical Center	§ 107.61	Written orders (medical staff)	08/06/2016	granted
Geisinger Wyoming Valley Medical Center	§ 107.61	Written orders (medical staff)	08/06/2016	granted
Geisinger—Bloomsburg Hospital	§ 107.61	Written orders (medical staff)	08/20/2016	granted
Geisinger—Community Medical Center	§ 107.61	Written orders (medical staff)	08/06/2016	granted
Geisinger—Lewistown Hospital	§ 107.61	Written orders (medical staff)	08/06/2016	granted
Lansdale Hospital	§ 107.61	Written orders (medical staff)	07/23/2016	granted
Monongahela Valley Hospital	§ 107.61	Written orders (medical staff)	07/09/2016	granted
Muncy Valley Hospital	§ 107.61	Written orders (medical staff)	08/27/2016	granted
Pinnacle Health Hospital	§ 107.61	Written orders (medical staff)	08/20/2016	granted
Regional Hospital of Scranton	§ 107.61	Written orders (medical staff)	07/23/2016	granted
St. Luke's Hospital Bethlehem	§ 107.61	Written orders (medical staff)	07/02/2016	granted
St. Luke's Hospital Bethlehem—Allentown Campus	§ 107.61	Written orders (medical staff)	07/02/2016	granted
St. Luke's Hospital—Monroe Campus	§ 107.61	Written orders (medical staff)	08/20/2016	denied
UPMC Northwest	§ 107.61	Written orders (medical staff)	07/02/2016	granted
Wilkes-Barre General Hospital	§ 107.61	Written orders (medical staff)	09/10/2016	granted
Williamsport Regional Medical Center	§ 107.61	Written orders (medical staff)	08/27/2016	granted
St. Luke's Hospital—Monroe Campus	§ 107.62(a)	Medical orders (oral orders)	08/20/2016	granted
St. Luke's Hospital—Monroe Campus	§ 107.62(a)	Medical orders (oral orders) (radiology technologists)	08/20/2016	granted
St. Luke's Hospital—Monroe Campus	§ 107.62(a)	Medical orders (oral orders) (speech and language pathologists)	08/20/2016	granted
Pinnacle Health Hospitals	§ 107.62(a) and (b)	Oral orders	08/20/2016	denied
St. Luke's Hospital—Monroe Campus	§ 107.62(b)	Medical orders (medical staff by-laws)	08/20/2016	granted
St. Luke's Hospital—Monroe Campus	§ 107.62(b)	Medical orders (medical staff by-laws) (radiology technologists)	08/20/2016	granted
St. Luke's Hospital—Monroe Campus	§ 107.62(b)	Medical orders (medical staff memberships) (speech and language pathologists)	08/20/2016	granted
Einstein Medical Center Montgomery	§ 109.2	Director of nursing services	07/02/2016	granted
Holy Spirit Hospital	§ 113.5(a)	Pharmacy and therapeutics committee	09/10/2016	granted
St. Luke's Hospital Monroe Campus	§ 123.25(2)	Control of anesthetic explosion hazards	09/10/2016	granted
Milton S. Hershey Medical Center	§ 123.5	Administration of anesthesia	07/09/2016	granted
Crozer Chester Medical Center	§ 127.32	Written orders (radiology services)	08/20/2016	granted
Delaware County Memorial Hospital	§ 127.32	Written orders (radiology services)	08/20/2016	granted
St. Luke's Hospital—Monroe Campus	§ 127.32	Written orders (radiology services)	08/20/2016	granted
St. Luke's Hospital—Monroe Campus	§ 131.22	Treatment orders (rehabilitation services)	08/20/2016	not nec.
Hanover Hospital	§ 133.21	Facilities	06/11/2016	granted
Pinnacle Health Hospitals	§ 133.21	Facilities	01/09/2016	granted
Hanover Hospital	§ 133.31	Policies and procedures	06/11/2016	granted
Pinnacle Health Hospitals	§ 133.31	Policies and procedures	01/09/2016	granted

<i>Facility Name</i>	<i>28 Pa. Code Regulation</i>	<i>Relating to</i>	<i>Request Published</i>	<i>Decision</i>
Windber Hospital, Inc. d/b/a Chan Soon-Shiong Medical Center at Windber	§ 138.15	High-risk cardiac catheterizations	09/03/2016	granted
Wayne Memorial Hospital	§ 138.18	EPS studies	09/03/2016	granted
Ephrata Community Hospital	§ 138.18(b)	EPS studies	08/06/2016	denied
Albert Einstein Medical Center	§ 153.1	2.1-8.5.3.2 Size (TDRs)	07/30/2016	granted
Crozer Chester Medical Center	§ 153.1	2.1-2.4.3 Seclusion rooms	09/10/2016	granted
Crozer Chester Medical Center	§ 153.1	2.5-2.2.1 General (general psychiatric nursing units)	09/10/2016	granted
Einstein Medical Center Montgomery	§ 153.1	2.2-3.4.6.10(2) Soiled holding rooms	07/30/2016	granted
Geisinger Community Medical Center	§ 153.1	2.2-3.4.5.2 Space requirements (ultrasound facilities)	07/23/2016	granted
Geisinger Medical Center	§ 153.1	2.1-2.6.4.1 Multipurpose rooms	07/09/2016	not nec.
Geisinger Wyoming Valley Medical Center	§ 153.1	2.2-3.10.2.6 Patient toilet rooms	07/30/2016	granted
Geisinger—Bloomsburg Hospital	§ 153.1	2.2-2.2.6.13(1) Examination rooms	09/03/2016	not nec.
Holy Redeemer Hospital	§ 153.1	2.1-2.4.3.1(2)(a) Location (seclusion rooms)	09/10/2016	granted
Lehigh Valley Hospital—Muhlenberg	§ 153.1	2.2-3.5.3.2(1)(a) Space requirements (area)	07/30/2016	granted
Lehigh Valley Hospital—Muhlenberg	§ 153.1	3.7-7.2.2.1(3) Corridor widths	07/30/2016	granted
Main Line Hospital Bryn Mawr	§ 153.1	2.1-8.5.3.2 Size (TDRs)	08/06/2016	granted
Mercy Fitzgerald Hospital	§ 153.1	2.2-3.3.4.4(1)(b)(ii) Phase II recovery rooms or areas	08/20/2016	denied
Muncy Valley Hospital	§ 153.1	2.2-3.1.2.2(2) Entrances (ambulance entrance)	08/06/2016	granted
Ohio Valley General Hospital	§ 153.1	2.2-2.2.8.1(3) Family and visitor lounges	07/09/2016	granted
Penn Highlands, 809 Turnpike Avenue, Clearfield	§ 153.1	2.1-8.5.3.2 Size (TDRs)	07/09/2016	granted
Penn Highlands, 809 Turnpike Avenue, Clearfield	§ 153.1	2.1-8.5.3.4(1) Facility requirements (TDRs)	07/09/2016	granted
Pennsylvania Hospital of the University of PA Health System	§ 153.1	2.1-7.2.3.3(5) Ceilings re dining room	07/09/2016	denied
Pennsylvania Hospital of the University of PA Health System	§ 153.1	2.1-7.2.3.3(5) Ceilings re servery	07/09/2016	denied
Pennsylvania Hospital of the University of PA Health System	§ 153.1	2.1-8.5.3.2 Size (TDRs)	07/09/2016	granted
Pinnacle Health Hospitals	§ 153.1	2.1-8.5.3.2 Size (TDRs)	08/20/2016	granted
Saint Vincent Hospital	§ 153.1	2.1-7.2.3.3*(4)(a) Ceilings (in restricted areas)	07/09/2016	granted
St. Luke's Hospital Bethlehem	§ 153.1	2.2-2.2.6.13 Examination rooms	07/02/2016	denied
St. Luke's Hospital Bethlehem	§ 153.1	3.1-3.6.10 Soiled holding rooms	08/20/2016	granted
St. Luke's Hospital—Anderson Campus	§ 153.1	2.1-2.6.11.2 Equipment and supply storage room or alcove	07/23/2016	granted
St. Luke's Hospital—Anderson Campus	§ 153.1	2.1-2.6.6.2 Work areas for preparing, dispensing and administering medications	07/30/2016	granted
St. Luke's Hospital—Anderson Campus	§ 153.1	2.2-3.12.2.8(1) Nurses stations	09/10/2016	granted
Thomas Jefferson University Hospital	§ 153.1	2.2-2.10.6.14 Lactation and support spaces	08/20/2016	granted
Thomas Jefferson University Hospital	§ 153.1	2.2-2.12.6.14(1) Lactation and support spaces	08/20/2016	granted

<i>Facility Name</i>	<i>28 Pa. Code Regulation</i>	<i>Relating to</i>	<i>Request Published</i>	<i>Decision</i>
UPMC Hamot	§ 153.1	2.1-2.2.5.3 Renovation (hand-washing stations in patient rooms)	09/10/2016	not nec.
UPMC Hamot	§ 153.1	2.2-2.2.2.7(2)(a)(i) Patient bathing facilities	09/10/2016	granted
UPMC Horizon	§ 153.1	2.1-8.5.3.2 Size (TDRs)	09/17/2016	granted
UPMC Jameson	§ 153.1	2.1-8.5.3.2 Size (TDRs)	08/20/2016	granted
UPMC Mercy	§ 153.1	2.1-8.5.3.2 Size (TDRs)	09/10/2016	granted
UPMC Presbyterian Shadyside	§ 153.1	2.5-2.2.2.6(2) Patient toilet rooms	08/20/2016	granted
UPMC Presbyterian Shadyside	§ 153.1	2.5-2.2.2.8 Patient storage	06/11/2016	granted
UPMC St. Margaret	§ 153.1	2.1-2.2.5.3 Renovation (hand-washing stations)	08/06/2016	granted
UPMC St. Margaret	§ 153.1	2.6-2.2.2.6(2) Patient toilet rooms (wheelchair access)	08/06/2016	granted
UPMC St. Margaret	§ 153.1	2.6-2.3.1.2 Space requirements (patient living areas)	08/06/2016	granted
Warren General Hospital	§ 153.1	3.7-3.2.3.1 Area (space requirements)	07/23/2016	granted
Ambulatory Surgical Facilities				
Associates Surgery Centers, LLC	§ 153.1	3.7-3.2.3.1 Space requirements (area)	07/09/2016	granted
Langhorne Access Center	§ 551.21	Criteria for ambulatory surgery	07/02/2016	denied
Surgery Center of Chester County	§ 551.21(b)	Criteria for ambulatory surgery		denied
Crozer Endoscopy Center	§ 551.3	Definitions (classification levels)	08/20/2016	granted
PGC Endoscopy Center for Excellence, LLC	§ 551.3(ii)	Class B definitions (PS III patients)	07/02/2016	granted
Einstein Medical Center Montgomery Short Procedure Unit	§ 553.3	Governing body responsibilities	09/10/2016	granted
Delaware Valley Laser Surgery Institute	§ 553.31(a)	Administrative responsibilities	08/20/2016	granted
Einstein Montgomery Surgery Center	§ 553.31(a)	Administrative responsibilities	07/16/2016	granted
Peripheral Vascular Institute of Philadelphia, LLC	§ 553.31(a)	Administrative responsibilities	07/09/2016	granted
Temple University School of Podiatric Medicine ASC	§ 553.31(a)	Administrative responsibilities	08/20/2016	granted
Crozer-Keystone Surgery Center at Haverford	§ 553.32(a)	Administration of anesthesia (CRNA students)	09/24/2016	granted
Einstein Medical Center Montgomery Short Procedure Unit	§ 553.4	Other functions	09/10/2016	granted
Heritage Valley Surgery Center	§ 555.2	Medical staff membership	08/27/2016	granted
Crozer Endoscopy Center	§ 555.3	Requirements for membership and privileges	08/20/2016	granted
Crozer-Keystone Surgery Center at Haverford	§ 555.3	Requirements for membership and privileges	08/20/2016	granted
PGC Endoscopy Center for Excellence, LLC	§ 555.31	Anesthesia services (propofol)	07/02/2016	granted
Crozer Endoscopy Center	§ 555.31(a)	Anesthesia services (propofol)	08/20/2016	granted
Crozer-Keystone Surgery Center at Brinton Lake	§ 555.31(a)	Anesthesia services (propofol)	08/20/2016	not nec.
Crozer-Keystone Surgery Center at Brinton Lake	§ 555.32(a)	Administration of anesthesia (CRNA students)	08/20/2016	granted
Peripheral Vascular Institute of Philadelphia, LLC	§ 559.2	Director of nursing	07/09/2016	not nec.

<i>Facility Name</i>	<i>28 Pa. Code Regulation</i>	<i>Relating to</i>	<i>Request Published</i>	<i>Decision</i>
Crozer Endoscopy Center	§ 567.2	Committee responsibilities (environmental services)	08/20/2016	granted
Crozer-Keystone Surgery Center at Brinton Lake	§ 567.2	Committee responsibilities (environmental services)	08/20/2016	granted
Crozer-Keystone Surgery Center at Haverford	§ 567.2	Committee responsibilities (environmental services)	08/20/2016	granted
Crozer Endoscopy Center	§ 567.3	Policies and procedures (environmental services)	08/20/2016	denied
Crozer-Keystone Surgery Center at Brinton Lake	§ 567.3	Policies and procedures (environmental services)	08/20/2016	denied
Crozer-Keystone Surgery Center at Haverford	§ 567.3	Policies and procedures (environmental services)	08/20/2016	denied
Premier at Exton Surgery Center, LLC	§ 569.35(7)	General safety precautions (flammable agents in ASF)	08/27/2016	granted
Surgery & Laser Center	§ 569.35(7)	General safety precautions (flammable agents in ASF)	08/06/2016	granted
Vascular Access Center of Pittsburgh	§ 569.35(7)	General safety precautions (flammable agents in ASF)	09/03/2016	granted
Cosmedica Bensalem	§ 571.1	3.7-3.3.4 Image viewer	09/03/2016	denied
Cosmedica Bensalem	§ 571.1	3.7-3.3.5 Medical gas requirements (table 3.1-3, 3.7-3.3 outpatient operating room)	09/03/2016	denied
Cosmedica King of Prussia	§ 571.1	3.7-3.3.4 Image viewer	08/20/2016	denied
Cosmedica King of Prussia	§ 571.1	3.7-3.3.5 Medical gas requirements (table 3.1-3, 3.7-3.3 outpatient operating room)	08/20/2016	denied
Penn Highlands DuBois Surgery Center	§ 571.1	3.7-3.2.3.1 Area (space requirements)	07/16/2016	denied
Penn Highlands DuBois Surgery Center	§ 571.1	3.7-3.3.1 Hand scrub facilities	07/16/2016	denied
Peripheral Vascular Institute of Philadelphia, LLC	§ 571.1	3.1-7.2.2.2(2) Ceiling heights	07/09/2016	granted
Peripheral Vascular Institute of Philadelphia, LLC	§ 571.1	3.7-3.6.11.2 Surgical equipment and supply storage	07/16/2016	not nec.
Nursing Care Facilities				
Bonham Nursing Center	§ 205.6(a)	Function of building	07/23/2016	granted
Brookmont Healthcare Center, LLC	§ 211.9(g)	Pharmacy services	09/24/2016	granted
CH Skilled Nursing Facility of Allentown	§ 211.9(g)	Pharmacy services	07/16/2016	granted
Chester Valley Rehabilitation & Nursing Center	§ 211.9(g)	Pharmacy services	07/09/2016	granted
Clarview Nursing and Rehabilitation Center	§ 201.22(j)	Prevention, control and surveillance of tuberculosis	07/02/2016	granted
Elm Terrace Gardens	§ 201.22(h)	Prevention, control and surveillance of tuberculosis	07/02/2016	granted
Falling Spring Nursing and Rehabilitation Center	§ 201.3	Definitions	08/20/2016	granted
Golden LivingCenter—Uniontown	§ 211.9(g)	Pharmacy services	07/02/2016	granted
Greenleaf Nursing and Convalescent Center	§ 205.67(j)	Electric requirements for existing and new construction	08/20/2016	granted
Hanover Hall	§ 205.67(j)	Electric requirements for existing and new construction	09/10/2016	granted
Meadows Nursing and Rehabilitation Center	§ 211.9(g)	Pharmacy services	07/30/2016	granted
Messiah Lifeways at Messiah Village	§ 205.20(a)	Resident bedrooms	07/23/2016	granted

<i>Facility Name</i>	<i>28 Pa. Code Regulation</i>	<i>Relating to</i>	<i>Request Published</i>	<i>Decision</i>
Messiah Lifeways at Messiah Village	§ 205.28(b)	Nurses' stations	08/20/2016	granted
Messiah Lifeways at Messiah Village	§ 205.33(a)	Utility rooms	08/20/2016	not nec.
Misericordia Nursing & Rehabilitation Center	§ 205.67(j)	Electric requirements for existing and new construction	07/09/2016	granted
Platinum Ridge Center for Rehabilitation and Healing	§ 205.24(a) and (b)	Dining rooms	07/30/2016	granted
Platinum Ridge Center for Rehabilitation and Healing	§ 205.27	Lounge and recreation rooms	07/30/2016	granted
Renaissance Healthcare & Rehabilitation Center	§ 205.19(b)	Windows and windowsills	07/02/2016	granted
Scenery Hill Healthcare and Rehabilitation Center	§ 211.9(g)	Pharmacy services	07/09/2016	granted
Spang Crest Manor	§ 205.36(e)	Bathing facilities	08/06/2016	granted
Sunnyview Nursing and Rehabilitation Center	§ 211.9(g)	Pharmacy services	09/10/2016	granted
Susquehanna Health Skilled Nursing & Rehabilitation Center	§ 201.22(e)	Prevention, control and surveillance of tuberculosis	07/02/2016	granted
The Green Home, Inc.	§ 201.22(e)	Prevention, control and surveillance of tuberculosis	08/20/2016	granted
Vincentian Home	§ 201.22(h)	Prevention, control and surveillance of tuberculosis	07/02/2016	granted
Washington County Health Center	§ 211.9(g)	Pharmacy services	08/20/2016	granted

Persons with a disability who require an alternative format of this notice (for example, large print, audiotape, Braille) should contact the Division of Acute and Ambulatory Care or the Division of Nursing Care Facilities at the previously referenced address or telephone number, or for speech and/or hearing impaired persons V/TT (717) 783-6514, or the Pennsylvania AT&T Relay Service at (800) 654-5984.

KAREN M. MURPHY, PhD, RN,
Secretary

[Pa.B. Doc. No. 16-1954. Filed for public inspection November 10, 2016, 9:00 a.m.]

Newborn Screening and Follow-Up Technical Advisory Board Meeting

The Newborn Screening and Follow-Up Technical Advisory Board, established under the Newborn Child Testing Act (35 P.S. §§ 621—625), will hold a public meeting on Wednesday, November 30, 2016, from 10 a.m. until 3 p.m. The meeting will be held at the Department of Transportation, Materials and Testing Laboratory, DGS Annex Complex, 81 Lab Lane, Harrisburg, PA 17110-2543. Agenda items will include updates about the number of newborns screened and outcomes of those screenings for lysosomal storage disorders, critical congenital heart disease, severe combined immunodeficiency and congenital adrenal hyperplasia, information relating to dried bloodspot retention, newborn dried bloodspot screening panels and timeliness of newborn screening.

For additional information or for persons with a disability who wish to attend the meeting and require auxiliary aid, service or other accommodation to do so should contact Lani Culley, Public Health Program Administrator, Division of Newborn Screening and Genetics, (717) 783-8143. Speech and/or hearing impaired persons use V/TT (717) 783-6514 or the Pennsylvania AT&T Relay Service at (800) 654-5984 (TT).

KAREN M. MURPHY, PhD, RN,
Secretary

[Pa.B. Doc. No. 16-1955. Filed for public inspection November 10, 2016, 9:00 a.m.]

DEPARTMENT OF HUMAN SERVICES

Payment for Nursing Facility Services Provided by County Nursing Facilities; County Nursing Facility Supplementation Payment for Fiscal Year 2016-2017

This announcement provides advance notice that the Department of Human Services (Department) intends to continue to make an additional payment to certain county nursing facilities in Fiscal Year (FY) 2016-2017.

Proposed Payment

The Department will make a county nursing facility supplementation payment to each qualified county nursing facility. To qualify, a county nursing facility must have a Medical Assistance (MA) occupancy rate of at least 85% and be located in a home rule county that was formerly a county of the second class A. The MA occupancy rate will be determined using the latest acceptable annual cost report as of September 30, 2016, in accordance with 55 Pa. Code § 1189.71(b) (relating to cost reporting).

The Department will calculate each qualified county nursing facility's supplementation payment for FY 2016-2017 by dividing total funds by the number of qualified county nursing facilities.

The Department will submit a State Plan Amendment (SPA) to the Centers for Medicare & Medicaid Services (CMS). If CMS approves the SPA, the total funds will consist of both State and Federal funding. The Department will use its best efforts to process this supplementation payment within 30 days of the date it receives notice from CMS.

Fiscal Impact

This change will result in a cost of \$4.148 million (\$2.000 million in State funds) for FY 2016-2017.

Public Comment

Interested persons are invited to submit written comments regarding these proposed changes to the Department of Human Services, Office of Long-Term Living, Bureau of Policy and Regulatory Management, Attention: Marilyn Yocum, P.O. Box 8025, Harrisburg, PA 17105-8025. Comments received within 30 days will be reviewed and considered for any subsequent revision of the notice.

Persons with a disability who require an auxiliary aid or service may submit comments using the Pennsylvania AT&T Relay Service at (800) 654-5984 (TDD users) or (800) 654-5988 (voice users).

THEODORE DALLAS,
Secretary

Fiscal Note: 14-NOT-1075. (1) General Fund; (2) Implementing Year 2016-17 is \$2,000,000; (3) 1st Succeeding Year 2017-18 through 5th Succeeding Year 2021-22 are \$0; (4) 2015-16 Program—\$968,083,000; 2014-15 Program—\$810,545,000; 2013-14 Program—\$820,409,000; (7) Long-Term Care; (8) recommends adoption. Funds have been included in the budget to cover this increase.

[Pa.B. Doc. No. 16-1956. Filed for public inspection November 10, 2016, 9:00 a.m.]

Payment for Nursing Facility Services Provided by Nonpublic and County Nursing Facilities; Supplemental Ventilator Care and Tracheostomy Care Add-on Payment for Fiscal Year 2016-2017

This announcement provides advance notice that the Department of Human Services (Department) intends to make an additional payment in Fiscal Year (FY) 2016-2017 to nonpublic and county nursing facilities that qualified for supplemental ventilator care and tracheostomy care payments in FY 2014-2015.

Proposed Payment

The Department will make an additional supplemental ventilator care and tracheostomy care payment to qualified nonpublic and county nursing facilities. This additional payment will be made to nonpublic and county nursing facilities that qualified for supplemental ventilator care and tracheostomy care payments in FY 2014-2015 with a percentage of Medical Assistance residents who required medically necessary ventilator care or tracheostomy care greater than 90%.

The Department will calculate each qualified nonpublic and county nursing facility's add-on payment for FY 2016-2017 by dividing the total funds for the supplementa-

tal ventilator care and tracheostomy care payment by the number of qualified nonpublic and county nursing facilities.

The Department will submit a State Plan Amendment (SPA) to the Centers for Medicare & Medicaid Services (CMS). If CMS approves the SPA, the total funds will consist of both State and Federal funding. The Department will use its best efforts to process this payment within 30 days of the date it receives notice from CMS.

Fiscal Impact

This change will result in a cost of \$1.555 million (\$0.750 million in State funds) for FY 2016-2017.

Public Comment

Interested persons are invited to submit written comments regarding this proposed change to the Department of Human Services, Office of Long-Term Living, Bureau of Policy and Regulatory Management, Attention: Marilyn Yocum, P.O. Box 8025, Harrisburg, PA 17105-8025. Comments received within 30 days will be reviewed and considered for any subsequent revision of the notice.

Persons with a disability who require an auxiliary aid or service may submit comments using the Pennsylvania AT&T Relay Service at (800) 654-5984 (TDD users) or (800) 654-5988 (voice users).

THEODORE DALLAS,
Secretary

Fiscal Note: 14-NOT-1074. (1) General Fund; (2) Implementing Year 2016-17 is \$750,000; (3) 1st Succeeding Year 2017-18 through 5th Succeeding Year 2021-22 are \$0; (4) 2015-16 Program—\$968,083,000; 2014-15 Program—\$810,545,000; 2013-14 Program—\$820,409,000; (7) Long-Term Care; (8) recommends adoption. Funds have been included in the budget to cover this increase.

[Pa.B. Doc. No. 16-1957. Filed for public inspection November 10, 2016, 9:00 a.m.]

Payment for Nursing Facility Services Provided by Nonpublic Nursing Facilities Located in a County of the First Class; Nonpublic Nursing Facility Supplementation Payment for Fiscal Year 2016-2017

This announcement provides advance notice that the Department of Human Services (Department) intends to continue to make an additional payment to certain nonpublic nursing facilities in a county of the first class in Fiscal Year (FY) 2016-2017.

Proposed Payment

The Department will make a nonpublic nursing facility supplementation payment to each qualified nonpublic nursing facility. To qualify, a nonpublic nursing facility must be located in a county of the first class, have more than 395 beds and a Medicaid acuity of 1.19 as of August 1, 2015. The number of beds will be the number of licensed beds as of August 1, 2015, and the Medicaid acuity will be determined using the Case Mix Index Report for the August 1, 2015, Picture Date in accordance with 55 Pa. Code § 1187.33 (relating to resident data and picture date reporting requirements).

The Department will calculate each qualified nonpublic nursing facility's supplementation payment for FY 2016-2017 by dividing the total funds for the supplementation payments by the number of qualified nonpublic nursing facilities.

The Department will submit a State Plan Amendment (SPA) to the Centers for Medicare & Medicaid Services (CMS). If CMS approves the SPA, the total funds will consist of both State and Federal funding. The Department will use its best efforts to process this supplementation payment within 30 days of the date it receives notice from CMS.

Fiscal Impact

This change will result in a cost of \$4.148 million (\$2.000 million in State funds) for FY 2016-2017.

Public Comment

Interested persons are invited to submit written comments regarding these proposed changes to the Department of Human Services, Office of Long-Term Living, Bureau of Policy and Regulatory Management, Attention: Marilyn Yocum, P.O. Box 8025, Harrisburg, PA 17105-8025. Comments received within 30 days will be reviewed and considered for any subsequent revision of the notice.

Persons with a disability who require an auxiliary aid or service may submit comments using the Pennsylvania AT&T Relay Service at (800) 654-5984 (TDD users) or (800) 654-5988 (voice users).

THEODORE DALLAS,
Secretary

Fiscal Note: 14-NOT-1071. (1) General Fund; (2) Implementing Year 2016-17 is \$2,000,000; (3) 1st Succeeding Year 2017-18 through 5th Succeeding Year 2021-22 are \$0; (4) 2015-16 Program—\$968,083,000; 2014-15 Program—\$810,545,000; 2013-14 Program—\$820,409,000; (7) Long-Term Care; (8) recommends adoption. Funds have been included in the budget to cover this increase.

[Pa.B. Doc. No. 16-1958. Filed for public inspection November 10, 2016, 9:00 a.m.]

The Department will calculate each qualified nonpublic nursing facility's supplementation payment for FY 2016-2017 by dividing the total funds for the supplementation payment by the number of qualified nonpublic nursing facilities.

The Department will submit a State Plan Amendment (SPA) to the Centers for Medicare & Medicaid Services (CMS). If CMS approves the SPA, the total funds will consist of both State and Federal funding. The Department will use its best efforts to process this supplementation payment within 30 days of the date it receives notice from CMS.

Fiscal Impact

This change will result in a cost of \$8.295 million (\$4.000 million in State funds) for FY 2016-2017.

Public Comment

Interested persons are invited to submit written comments regarding these proposed changes to the Department of Human Services, Office of Long-Term Living, Bureau of Policy and Regulatory Management, Attention: Marilyn Yocum, P.O. Box 8025, Harrisburg, PA 17105-8025. Comments received within 30 days will be reviewed and considered for any subsequent revision of the notice.

Persons with a disability who require an auxiliary aid or service may submit comments using the Pennsylvania AT&T Relay Service at (800) 654-5984 (TDD users) or (800) 654-5988 (voice users).

THEODORE DALLAS,
Secretary

Fiscal Note: 14-NOT-1073. (1) General Fund; (2) Implementing Year 2016-17 is \$4,000,000; (3) 1st Succeeding Year 2017-18 through 5th Succeeding Year 2021-22 are \$0; (4) 2015-16 Program—\$968,083,000; 2014-15 Program—\$810,545,000; 2013-14 Program—\$820,409,000; (7) Long-Term Care; (8) recommends adoption. Funds have been included in the budget to cover this increase.

[Pa.B. Doc. No. 16-1959. Filed for public inspection November 10, 2016, 9:00 a.m.]

Payment for Nursing Facility Services Provided by Nonpublic Nursing Facilities Located in a County of the Eighth Class; Nonpublic Nursing Facility Supplementation Payment for Fiscal Year 2016-2017

This announcement provides advance notice that the Department of Human Services (Department) intends to continue to make an additional payment to certain nonpublic nursing facilities in a county of the eighth class in Fiscal Year (FY) 2016-2017.

Proposed Payment

The Department will make a nonpublic nursing facility supplementation payment to each qualified nonpublic nursing facility. To qualify, a nonpublic nursing facility must be located in a county of the eighth class, have more than 119 beds and a Medicaid acuity of 1.14 as of August 1, 2015. The number of beds will be the number of licensed beds as of August 1, 2015, and the Medicaid acuity will be determined using the Case Mix Index Report for the August 1, 2015, Picture Date in accordance with 55 Pa. Code § 1187.33 (relating to resident data and picture date reporting requirements).

Payment for Nursing Facility Services Provided by a Special Rehabilitation Facility Located in a City of the Third Class; Special Rehabilitation Facility Payment for Fiscal Year 2016-2017

This announcement provides advance notice that the Department of Human Services (Department) intends to make an additional payment to a special rehabilitation facility in peer group 13 (PG 13) located in a city of the third class in Fiscal Year (FY) 2016-2017.

Proposed Payment

The Department will make a payment to a qualified special rehabilitation facility in PG 13. To qualify, the special rehabilitation facility must be located in a city of the third class with a population between 115,000 and 120,000 based on 2010 census data.

The Department will submit a State Plan Amendment (SPA) to the Centers for Medicare & Medicaid Services (CMS). If CMS approves the SPA, the total funds will consist of both State and Federal funding. The Department will use its best efforts to process this payment within 30 days of the date it receives notice from CMS.

Fiscal Impact

This change will result in a cost of \$1.763 million (\$0.850 million in State funds) for FY 2016-2017.

Public Comment

Interested persons are invited to submit written comments regarding this proposed change to the Department of Human Services, Office of Long-Term Living, Bureau of Policy and Regulatory Management, Attention: Marilyn Yocum, P.O. Box 8025, Harrisburg, PA 17105-8025. Comments received within 30 days will be reviewed and considered for any subsequent revision of the notice.

Persons with a disability who require an auxiliary aid or service may submit comments using the Pennsylvania

AT&T Relay Service at (800) 654-5984 (TDD users) or (800) 654-5988 (voice users).

THEODORE DALLAS,
Secretary

Fiscal Note: 14-NOT-1072. (1) General Fund; (2) Implementing Year 2016-17 is \$850,000; (3) 1st Succeeding Year 2017-18 through 5th Succeeding Year 2021-22 are \$0; (4) 2015-16 Program—\$968,083,000; 2014-15 Program—\$810,545,000; 2013-14 Program—\$820,409,000; (7) Long-Term Care; (8) recommends adoption. Funds have been included in the budget to cover this increase.

[Pa.B. Doc. No. 16-1960. Filed for public inspection November 10, 2016, 9:00 a.m.]

DEPARTMENT OF LABOR AND INDUSTRY

Current Prevailing Wage Act Debarments

The following contractors have been determined to have intentionally violated the Pennsylvania Prevailing Wage Act (act) (43 P.S. §§ 165-1—165-17). This notice is published for the information and convenience of public bodies subject to the act. Under section 11(e) of the act (43 P.S. § 165-11(e)), no contracts for public work shall be awarded to these contractors, or either one of them, or any firms, corporations or partnerships in which either one of these contractors has an interest, for 3 years after the date listed.

<i>Contractor</i>	<i>Address</i>	<i>Date of Debarment</i>
Seman Flooring, Inc. and Lori Seman, individually FEIN No. 25-1733283	625 Henderson Avenue Philadelphia, PA 15301	8/31/2016
Simplex Industries, Inc. FEIN No. 23-1739146	1 Simplex Drive Scranton, PA 18504	10/13/2016

KATHY M. MANDERINO,
Secretary

[Pa.B. Doc. No. 16-1961. Filed for public inspection November 10, 2016, 9:00 a.m.]

INSURANCE DEPARTMENT

Alleged Violation of Insurance Laws; Mark D. Miller; Doc. No. SC16-10-017

Notice is hereby given of the Order to Show Cause issued on October 27, 2016, by the Deputy Insurance Commissioner in the previously-referenced matter. Violation of the following is alleged: section 611-A(6), (7), (17) and (20) of The Insurance Department Act of 1921 (40 P.S. § 310.11(6), (7), (17) and (20)).

Respondent shall file a written answer to the Order to Show Cause within 30 days of the date of issue. If respondent files a timely answer, a formal administrative hearing shall be held in accordance with 2 Pa.C.S. §§ 501—508 (relating to Administrative Agency Law), 1 Pa. Code Part II (relating to General Rules of Administrative Practice and Procedure), 31 Pa. Code §§ 56.1—56.3 (relating to Special Rules of Administrative Practice and Procedure) and other relevant procedural provisions of law.

Answers, motions preliminary to those at hearing, protests, petitions to intervene or notices of intervention, if any, must be filed in writing with the Hearings Administrator, Insurance Department, Administrative Hearings Office, 901 North 7th Street, Harrisburg, PA 17102.

Persons with a disability who wish to attend the previously-referenced administrative hearing, and require an auxiliary aid, service or other accommodation to

participate in the hearing, contact Donna Fleischauer, Agency ADA Coordinator at (717) 705-4194.

TERESA D. MILLER,
Insurance Commissioner

[Pa.B. Doc. No. 16-1962. Filed for public inspection November 10, 2016, 9:00 a.m.]

Appeal of Navan Fuel Corp. under the Storage Tank and Spill Prevention Act; Underground Storage Tank Indemnification Fund; USTIF File No. 2015-0006(I); Doc. No. UT16-10-015

The proceedings in this matter will be governed by 2 Pa.C.S. §§ 501—508, 561—588 and 701—704 (relating to Administrative Agency Law), 1 Pa. Code Part II (relating to General Rules of Administrative Practice and Procedure) and any other relevant provisions of law.

A prehearing telephone conference will be held on January 4, 2017, at 9:30 a.m. Each party shall provide the Hearings Administrator a telephone number to be used for the telephone conference on or before December 29, 2016. A hearing will occur on January 18, 2017, at 9:30 a.m. in the Administrative Hearings Office, Room 200, Capitol Associates Building, 901 North Seventh Street, Harrisburg, PA 17102. If necessary, the hearing will continue at the same location on January 19, 2017, at 9:30 a.m.

Motions preliminary to those at hearing, protests, petitions to intervene, notices of appearance or notices of intervention, if any, must be filed with the Hearings Administrator at the previously listed address on or before December 20, 2016. Answers to petitions to intervene, if any, shall be filed on or before January 3, 2017.

Persons with a disability who wish to attend the previously-referenced administrative hearing and require an auxiliary aid, service or other accommodation to participate in the hearing, contact Donna R. Fleischauer, Human Resources Director, at (717) 705-4194.

TERESA D. MILLER,
Insurance Commissioner

[Pa.B. Doc. No. 16-1963. Filed for public inspection November 10, 2016, 9:00 a.m.]

PENNSYLVANIA PUBLIC UTILITY COMMISSION

Electric Generation Supplier License Cancellations of Companies with an Expired Financial Security

Public Meeting held
October 27, 2016

Commissioners Present: Gladys M. Brown, Chairperson;
Andrew G. Place, Vice Chairperson; John F. Coleman,
Jr.; Robert F. Powelson; David W. Sweet

*Electric Generation Supplier License Cancellations of
Companies with an Expired Financial Security;
M-2015-2490383*

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, preferable 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 October 18, 2016, 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 directed by the Commission, to replace its expired bond as noted in the table below.

Supplier Table—List of Electric Generation Suppliers

Docket Number	Company Name	Exp. Date
A-2013-2387026	BETTER COST ENERGY, LLC	9/4/16
A-2014-2438483*	EDF ENERGY SERVICES, LLC	7/25/17
A-2009-2132859	GOOD ENERGY LP	9/4/16
A-110162*	LINDE ENERGY SERVICES, INC.	12/31/17
A-2010-2193408	MANHATTAN ENERGY, LLC	10/9/16
A-2015-2510475	POWER-MARK RESOURCES, LLC	10/8/16
A-2011-2220388*	RESCOM ENERGY, LLC	9/3/16
A-2009-2146630	WINDSTREET ENERGY, INC.	9/5/16
A-2010-2192916	XENCOM GREEN ENERGY, LLC	9/14/16

*Taking title to electricity

As part of its EGS license validation procedures, the Commission's Bureau of Technical Utility Services sent a 60-day Security Renewal Notice Letter to each entity in the Supplier Table above stating that original documentation of a bond, or other approved security, 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 each 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 Licenses of each company listed in the Supplier Table is hereby tentatively approved as being in the public interest.

2. The Secretary serve a copy of this Tentative Order upon the Office of Consumer Advocate, the Office of Small Business Advocate, the Bureau of Investigation & Enforcement, Department of Revenue—Bureau of Corporation Taxes, all electric distribution companies, all of the Electric Generation Suppliers in the Supplier Table and also cause a copy of this Tentative Order to be published in the *Pennsylvania Bulletin* with a 30-day comment period.

3. Absent the filing of adverse public comment or the filing of 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.

4. Upon entry of the Final Order described in Ordering Paragraph No. 3 above, each company listed in the Supplier Table 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.

5. Upon entry of the Final Order described in Ordering Paragraph No. 3, 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

[Pa.B. Doc. No. 16-1964. Filed for public inspection November 10, 2016, 9:00 a.m.]

Implementation of Section 1329 of the Public Utility Code

Public Meeting held
October 27, 2016

Commissioners Present: Gladys M. Brown, Chairperson;
Andrew G. Place, Vice Chairperson; John F. Coleman,
Jr.; Robert F. Powelson; David W. Sweet

Implementation of Section 1329 of the Public Utility Code;
M-2016-2543193

Final Implementation Order

By the Commission:

On April 14, 2016, Governor Wolf signed into law Act 12 of 2016, which amended Chapter 13 of the Pennsylvania Public Utility Code (Code) by adding a new Section 1329 to the Code, which became effective June 13, 2016. 66 Pa.C.S. § 1329.

In particular, Section 1329 of the Code addresses the valuation of the assets of municipally or authority-owned water and wastewater systems that are acquired by investor-owned water and wastewater utilities or entities. For ratemaking purposes, the valuation will be the lesser of the fair market value or the negotiated purchase price. Section 1329 also allows the acquiring entity's post-acquisition improvement costs not recovered through a distribution system improvement charge to be deferred for book and ratemaking purposes.

Background

Throughout the Commonwealth, there are a number of water and wastewater systems owned by municipal corporations or authorities. For these systems, sale to an investor-owned public utility or entity can facilitate necessary infrastructure improvements and ensure the continued provision of safe, reliable service to customers at reasonable rates. However, current law dictated by 66 Pa.C.S. § 1311(b) of the Code relating to the valuation of utility property discourages these acquisitions because the value of the property is defined as the original cost of construction less accumulated depreciation rather than the acquisition cost. Systems that are greatly depreciated or that were constructed using grants or contributions in aid of construction could have valuations so low that sales of the systems would be less advantageous or could cause financial hardships to the municipal corporations and authorities.

To remedy this situation, Section 1329 establishes an alternative process for valuating certain water or waste-

water systems for ratemaking purposes. Section 1329 provides a process to determine the fair market value of a water or wastewater system of a municipality or authority that is to be acquired by a public utility or entity.

On July 21, 2016, the Commission entered a Tentative Implementation Order that proposed the procedures and guidelines necessary to begin the implementation of Section 1329. In the July 21st Tentative Implementation Order, we invited interested parties to provide comments on our tentative proposals and to offer additional recommendations worth consideration. Comments have been received from the following entities: Aqua Pennsylvania Inc. (Aqua); Pennsylvania-American Water Company (PAWC); York Water Company (York Water); and the Office of Consumer Advocate (OCA).

Having reviewed the comments to our July 21st Tentative Implementation Order, we shall establish in this Order procedures and guidelines to carry out the ratemaking provisions of Section 1329.

Discussion

Section 1329 mitigates the risk that a utility will not be able to fully recover its investment when water or wastewater assets are acquired from a municipality or authority. Section 1329 enables a public utility or entity to utilize fair market valuation when acquiring water or wastewater systems located in the Commonwealth that are owned by a municipal corporation or authority. A fair market valuation is not tied to the original cost of construction minus the accumulated depreciation. Rather, a fair market valuation allows consideration of cost, market, and income approaches in valuing the system. 66 Pa.C.S. § 1329(a)(3). Section 1329 also allows the acquiring public utility's post-acquisition improvement costs not recovered through a distribution system improvement charge (DSIC) to be deferred for book and ratemaking purposes. In sum, Section 1329 allows enhanced rate base adjustments based upon the lesser of fair market value of the acquired assets or the negotiated purchase price and deferral of post-acquisition improvement costs.

After considering the comments filed in response to the Tentative Implementation Order, we believe that we have improved our approach to meet the statutory goals of Section 1329 and have established specific and reasonable procedures for the implementation of Section 1329.

For purposes of this Final Implementation Order, we will proceed section by section, abbreviating the discussion laid out in the Tentative Implementation Order. This discussion section has been drawn from the Tentative Implementation Order without further specific attribution or citation. Provisions from the Tentative Implementation Order which did not generate comments are recapped herein without further substantive change. To the extent that we have not addressed a particular comment, it has been considered and rejected.

Tentative Order on Section 1329(a)—Process to Establish Fair Market Value of Selling Utility

Section 1329(a) establishes a voluntary process whereby the acquiring public utility or entity (buyer) and the selling municipal corporation or authority (seller) may choose to have the fair market value of the assets established through independent appraisals conducted by a utility valuation expert (UVE). Section 1329(g) limits the term "selling utility" to a Pennsylvania water or wastewater company owned by a municipal corporation or authority.

Both the seller and buyer must agree to the fair market valuation procedure before it can be utilized. The Com-

mission is directed to maintain a list of UVEs to be utilized by the buyer and the seller. The UVEs will each prepare an appraisal of the assets, and the average of those appraisals will be used as the fair market value of the asset. To this end, the Commission invited interested persons and entities to file for consideration as a UVE, similar to our process for Conservation Service Providers.¹ Via Secretarial Letter dated July 21, 2016, at this docket number, prospective UVEs were directed to complete the Application Form for Registration as a Utility Valuation Expert, which was attached to the Tentative Implementation Order and is available on the Commission's website.

To be included on the registry, the Commission tentatively determined that UVEs must establish their qualifications. Applicants were to: (1) demonstrate the education and experience necessary for providing utility valuations; (2) acknowledge a fiduciary duty to provide a thorough, objective, and fair valuation; (3) demonstrate compliance with Pennsylvania laws; (4) demonstrate financial and technical fitness, such as professional licenses, technical certifications, and/or names of current or past clients with a description of dates and types of services provided. In order to maintain a list of UVEs in good standing, the Commission proposed requiring applicants to renew their applications biennially. Using our registry of Conservation Service Providers as a model, we tentatively established a fee of \$125 for initial UVE applications and a fee of \$25 for renewal and/or updates.

The two UVEs were to perform two separate appraisals of the selling utility for the purpose of establishing its fair market value. Each UVE was to determine fair market value in compliance with the Uniform Standards of Professional Appraisal Practice (USPAP), employing the cost, market and income approaches.

In addition, the buyer and seller were to engage the services of the same licensed engineer to conduct an assessment of the tangible assets of the selling utility. Section 1329(a)(4). The assessment was to be incorporated into the appraisal under the cost approach. The engineer's assessment was to include the original cost, by year and major plant category, of used and useful plant in service and related accrued depreciation calculations pursuant to 66 Pa.C.S. § 1311.

The engineer's assessment was to be developed in accordance with Commission procedures and practices that conform with the National Association of Regulatory Utility Commissioners (NARUC) System of Accounts for water and wastewater systems. We directed that the approach must consider the following:

- An inventory of the used and useful utility plant assets to be transferred. Identify separately any utility plant that is held for future use.
- A list of all non-depreciable property such as land and rights-of-way.
- The inventory is to be developed from available records, maps, work orders, debt issue closing documents funding construction projects, and other sources to ensure an accurate listing of utility plant inventory by utility account.
- An estimate of years of construction or acquisition for the utility plant by year and account.
- The use of current prices restated as costs to the Original Cost price level including related accrued depre-

ciation. Where cost data is not available, the use of appropriate cost trend indices in accordance with recognized industry practices.

- Costs for utility plant compiled by utility account by year of installation.
- A calculation of accumulated depreciation by estimated service life applicable for comparable utility plant.
- A report explaining the process for developing the cost assessment.

Comments: Aqua

In response to the qualifications set forth by the Commission for the UVEs, Aqua agrees with the Commission that the UVEs must demonstrate that they have the education and experience necessary to be included on the Commission's list of qualified UVEs and that the UVEs must acknowledge a fiduciary duty to provide an objective and fair valuation. However, Aqua submits that the Commission should further clarify that applicants to be included on the UVE list must have adequate utility valuation and appraisal experience. According to Aqua, the UVE list should not include individuals or firms that may have expertise in appraisals of other types of property, for example, real estate, but no experience in utility appraisal. Aqua at 6.

As to the role and responsibility of the licensed engineer, Aqua disagrees with the proposed language concerning what information the licensed engineer is responsible for and asserts that, as drafted, the same work will be done twice. Aqua generally notes throughout its comments that there are instances when the prior methodology and typical approval process for acquisitions do not coincide with the General Assembly's new methodology. For example, Aqua states that an engineer should not be doing an original cost study for the purpose of Section 1329. While Aqua agrees with the Commission that the licensed engineer should follow Commission practices and procedures and the NARUC system of accounts, requiring the use of original cost goes beyond the purpose of the licensed engineer and creates unnecessary cost and information that will already be incorporated into the work done by the UVE. Therefore, Aqua asserts that Section 1329(a)(4) does not require the engineer's assessment to be completed under Section 1311, and the assessment should be an inventory of the selling utility's assets that will be used as the common list for the UVEs to develop their appraisals of the system. Aqua at 7-8.

As to the information set forth by the Commission to establish the cost assessment, Aqua proposes that the fourth, fifth, sixth, seventh, and eighth bullet point above should be removed. According to Aqua, the licensed engineer will be providing an inventory to be used by the UVEs and the fifth, sixth, seventh, and eighth bullets above will be covered by the UVEs in their appraisals. Also, Aqua proposes that the first bullet point should be amended to include portions of the fourth bullet point and should read as follows: "An inventory of the used and useful utility plant assets to be transferred compiled by year and account. Identify separately any utility plant that is being held for future use." Aqua at 8.

Finally, Aqua submits that, if the selling utility, prior to submitting a request for proposal, has already conducted an engineering assessment and appraisal of their own system, that single assessment could serve as the basis for both the seller's and the buyer's valuation, as well as the independent engineer's assessment. Aqua proposes the single assessment in situations where the buyer and the seller both agree to the engineer's assessment. Ac-

¹See Implementation of Act 129 of 2008 Phase 2—Registry of Conservation Service Providers, Docket No. M-2008-2074154 (Tentative Order entered April 9, 2015) (Final Order entered May 8, 2015).

ording to Aqua, this will save both time and resources, and remove the need for duplicative work.² Aqua at 8-9.

PAWC

As to the Commission-proposed information to establish the cost assessment, PAWC submits that the last four bullets above, which PAWC notes relate to a valuation of the assets per Section 1311(b) of the Public Utility Code based on the depreciated original cost of such assets, should be deleted. According to PAWC, the UVEs, not the engineer, are tasked with the responsibility of valuing the acquired assets under the USPAP standards, employing the cost, market and income approaches. Thus, PAWC questions the purpose served by the licensed engineer performing a depreciated original cost valuation of the acquired assets. Moreover, PAWC asserts that the Commission-proposed requirements set forth in the last four bullets will likely create a conflict between the engineer's assessment and the valuation to be performed by the UVEs under the cost approach of the USPAP. Thus, to save on duplicative and unnecessary work, PAWC recommends striking the fifth, sixth, seventh and eighth bullets above. PAWC at 10.

OCA

OCA initially notes in its comments that, in order for the statutory process to be seen as fair, it will be important for the Commission and the applicants to find and use well-qualified UVEs who have relevant training and experience and who do not have conflicts of interest. OCA at 1. As to the UVEs qualifications, OCA submits that the Commission should establish minimum qualifications, such as a bachelor's degree in a related field and a certain amount of relevant professional experience. OCA also submits that the Commission should establish more specific standards for establishing financial and technical fitness such as specifying what licenses are required to be a UVE and what sorts of technical certifications are available and would be considered necessary for qualification. OCA at 2.

Similarly, OCA submits that the Commission should clarify the fiduciary duty of the UVE, i.e., who is owed the fiduciary duty, and that the Commission should ensure that there are no other standards that are specifically related to utility valuation as opposed to the USPAP standards, which apply to real estate and personal property. OCA at 3.

Finally, OCA submits that it is critically important that there not be any affiliation between a UVE and a buyer/seller in the underlying transaction or affiliates of the buyer and seller. Thus, the Commission should require a list of current and past clients, rather than current or past clients as provided in the Tentative Implementation Order. On the issue of conflicts of interest, OCA points out that, while it is mentioned in the instructions for an application for registration as a UVE, it should be further addressed in the Final Implementation Order. Thus, OCA submits that the prohibition found in the instructions should be expanded to include UVEs that worked for or consulted for any utility or municipality or municipal authority, or entity as defined in Section 1329 in the last five years.³ OCA at 3-4. As to the licensed engineer hired to conduct the assessment report, OCA

recommends similar guidelines and prohibitions to avoid a conflict of interest. OCA at 5.

Resolution

To be included on the registry, the UVEs must establish their qualifications. UVE applicants must: (1) demonstrate the education and experience necessary for providing utility valuations; (2) acknowledge a fiduciary duty to provide a thorough, objective, and fair valuation; (3) demonstrate compliance with Pennsylvania laws; (4) demonstrate financial and technical fitness, such as professional licenses, technical certifications, and/or names of current or past clients with a description of dates and types of services provided. In additions, as to the qualifications for the UVE, we agree with Aqua that, for applicants to be included on the Commission's UVE list, they must have adequate utility valuation and appraisal experience. In our review of the qualifications, we shall ensure that the UVEs have adequate utility valuation and appraisal experience as opposed to just expertise in appraisals of other types of property. We also will require that the UVE have a bachelor's degree in a related field and relevant professional experience. As to OCA's request for more specific standards for establishing financial and technical fitness of the UVE applicant, we shall closely review the UVE applications submitted and revise, as necessary, those standards in the future.

As to the role and responsibility of the licensed engineer, we also agree with Aqua that the engineer should not be doing an original cost study for the purpose of Section 1329. The licensed engineer should follow Commission practices and procedures and the NARUC system of accounts and their assessment should be an inventory of the selling utility's assets that will be used as the common list for the UVEs to develop their appraisal of the system. Accordingly, as to the information to establish the cost assessment, we shall remove the fourth, fifth, sixth, seventh, and eighth bullets above and we shall revise the first bullet as follows:

- An inventory of the used and useful utility plant assets to be transferred compiled by year and account. Identify separately any utility plant that is being held for future use.
- A list of all non-depreciable property such as land and rights-of-way.
- The inventory is to be developed from available records, maps, work orders, debt issue closing documents funding construction projects, and other sources to ensure an accurate listing of utility plant inventory by utility account.

Regarding Aqua's suggestion concerning a selling utility that has already conducted an engineering assessment and appraisal of their system prior to submitting a request for proposal, we will accept a verification signed by the responsible parties for the buyer and seller agreeing that the engineer assessment previously conducted is complete and accurate. Accordingly, the engineering assessment and appraisal may serve as the basis for both the buyer and seller's valuation as well as the independent engineer's assessment. As noted by Aqua, this will save both time and resources, and remove the need for duplicative work. We will however require that the engineering assessment and appraisal be done within 90 days of the request for proposal.

As pointed out by OCA, it is critical for the Commission to be able to determine that there will not be any affiliation between a UVE and a buyer/seller in the underlying transaction or affiliates of the buyer and

²Aqua also suggest that the Commission should recognize that many systems that exit the water and wastewater business are troubled systems, and as such, these troubled systems generally do not have adequate business records concerning accounting of assets, bills or consumption data, etc. Aqua at 9.

³OCA suggests that both TUS and Law Bureau should also review the UVE applications for potential conflicts of interest and a Secretarial Letter should be issued for each UVE application stating either that the application meets the criteria and does not contain any conflicts of interest or that the application is denied.

seller. Therefore, the Commission will require a list of current and past clients, rather than current or past clients as provided in the Tentative Implementation Order. As to OCA's comment concerning the UVEs fiduciary duty, we would note that a fiduciary duty is the highest standard of care and the fiduciary must not have a conflict of interest. Similarly, the fiduciary must not profit from his position as a fiduciary. Therefore, we shall also require the UVE to verify that neither the UVE nor the UVE's firm, including affiliates, have a conflict of interest that would compromise, or have the appearance of compromising, the UVE's professional judgment and ability to perform the valuation in an unbiased manner.⁴

Finally, we shall modify the UVE application fee for renewal to address some cumbersome internal administrative issues. While the UVE initial application fee shall remain at \$125 as suggested in the Tentative Implementation Order, we will require a uniform annual recertification. Each UVE on the Commission's registry must submit a petition/request/letter/application for renewal by January 1, 2018, and each January 1st thereafter. The annual renewal fee will be \$125.⁵

Tentative Order on Section 1329(b)—Utility Valuation Experts

Section 1329(b) provides guidelines for the selection and fees to be paid to the aforementioned UVEs. Important in this subsection is the UVEs' fee limitation of 5% of the fair market value of the selling utility or a fee approved by the Commission. We determined that applications and direct testimony should contain ample justification for the UVEs' fee.

Comments: Aqua

Aqua agrees that a public utility should be required to provide justification for the fees to be included in the transaction and closing costs of the public utility. Aqua at 9. However, Aqua proposes that there should be a presumption of reasonableness if the fees are under 5% of the fair market value of the selling utility and the method of valuation used by the UVEs conforms to industry standards. Aqua at 9-10.

PAWC

PAWC recommends that the Commission should remove the proposal that the utilities be required to provide "ample justification" in their applications and replace it with a discussion regarding the utility's burden of proof. To meet this burden, PAWC submits that the applicant must show it is entitled to have the acquisition approved under the applicable legal standards by a preponderance of the evidence. That is, the applicant's evidence must be more convincing, by even the smallest amount, than that presented by the other parties. On this issue, PAWC comments that the Commission should refrain from creating or applying a new or different evidentiary standard with respect to the approval of the application or any component piece of the application. PAWC at 11-12. Finally, PAWC suggests that there should be presumption in favor of UVE fees that are within the 5% fair market value fee cap since such fees are clearly permitted for recovery by the public utility under Section 1329(b)(3). PAWC at 12.

OCA

OCA submits that the specific statutory restrictions found in Section 1329(b)(2) for UVEs should be included

in the UVE application instructions and provided as part of the application so that Commission staff will have full and complete information to review the application. According to OCA, the selection process will require certain disclosures about the UVE and the information about the UVE should be publicly available. However, OCA continues that, if a UVE requests that certain relevant information be labeled as confidential, it should be very limited due to the necessity of keeping this process as transparent as possible. Without keeping the information regarding experience, affiliates, and conflicts public, OCA proclaims that the Section 1329 process will be undermined. OCA at 7.

As to the fees to be paid to UVEs, OCA has a number of concerns. First, OCA agrees that full supporting documentation should be included in the application and the testimony. According to OCA, that should include, at a minimum, the contract engaging the UVE and invoices that describe the work performed.⁶ OCA at 7. However, because of the potential of an inflated fair market value by appraisers to increase their fee, OCA asserts that the Commission should make it clear that the fee will be reviewed for reasonableness and that it is not expected to always be at the cap of 5% of the fair market value. OCA at 8. Finally, OCA comments that the Commission should further clarify whether the seller is required to pay for its own UVE or if the buyer is permitted to pay the seller's cost. According to OCA, the buyer paying for both fair market appraisals would appear to be a conflict and would certainly undercut the requirement of two separate appraisals. OCA at 8.

As to transaction and closing costs, OCA notes that there is no definition in the Tentative Implementation Order as to what constitutes "transaction and closing cost." OCA submits that transaction and closing costs should be defined as the UVE's appraisal fee, and buyers' closing costs, including reasonable attorney fees. According to OCA, it is important that these costs not be a catch all for costs that would not normally be associated with transaction and closing costs. OCA at 8.

Finally, OCA submits that it should be made clear that there is no preapproval of the reasonableness or recovery of these costs as part of the Section 1329 application. OCA at 8.

Resolution

We agree with OCA that the specific statutory restrictions found in Section 1329(b)(2) for UVEs should be included in the UVE application instructions and provided as part of the application.

As to the fees to be paid to UVEs, we will require full documentation of the fee that includes, at a minimum, the contract engaging the UVE and the invoices that describe the work performed. We agree with OCA that the contract and invoices should be attached to the testimony given the short time frame for Section 1329 proceedings. We also agree with OCA that to avoid a potential conflict of interest, the seller is required to pay for its own UVE. As a method to safeguard against inflated fees, the Commission will review the fees to be paid to UVEs.

Finally, as suggested by OCA, we shall define transaction and closing costs as the UVE's appraisal fee, and buyers' closing costs, including reasonable attorney fees. We also shall clarify that there will be no Commission preapproval of the reasonableness of recovery of these costs in the Section 1329 proceeding. As noted by OCA,

⁴See 52 Pa. Code § 1.36.

⁵A Secretarial Letter will be issued and posted on our website at this docket number for each UVE application stating either that the application meets the criteria and does not contain any conflicts of interest or that the application is denied.

⁶OCA suggests that the contract and invoices should be attached to the testimony given the short time frame for Section 1329 proceedings. OCA at 7.

Section 1329 states that these UVE costs “may be included” in the transaction and closing costs for the acquiring utility. 66 Pa.C.S. § 1329(b)(3). Therefore, UVE fees and the other transaction and closing costs will be reviewed by the Commission as part of the next base rate case following the closing of the transaction, which is the time when the acquired company’s rate base will first be included in rates. 66 Pa.C.S. § 1329(c)(1)(i). Although there will not be a presumption of reasonableness if the fee is less than 5% of the fair market value, the standard of review will be a preponderance of the evidence.

Tentative Order on Section 1329(c)—Ratemaking Rate Base

Section 1329(c) provides guidelines regarding the rate base of the selling utility and the acquiring utility/entity for ratemaking purposes. Generally, Section 1329(c) allows for the rate base of the selling utility to be incorporated into the rate base of the acquiring utility during the acquiring utility’s next rate base case or the initial tariff filing of an entity. The rate base to be incorporated will be the lesser of the purchase price or the fair market value of the seller.

Because the acquiring entity need not be a public utility, the entity may need to file an application for a certificate of public convenience (CPC) with the Commission. We considered allowing an application for a CPC to be filed simultaneously but no later than the same day as the application for Section 1329 acquisition, but encouraged an earlier filing.⁷

Comments: Aqua

Aqua objected to our use of the term “guideline” in the Tentative Implementation Order. Aqua agrees with the Commission that, if a CPC is required by an entity, the Section 1102 application should be filed before the Section 1329 application.

PAWC

PAWC similarly notes that reference to “guidelines” is inappropriate for statutory requirements. PAWC at 38.

OCA

OCA submits that clarifications are needed regarding the use of fair market value of the selling utility. According to OCA, since the assets may be included in different plant accounts, it will be important to determine the components of fair market value that are included in each plant account. Thus, OCA states that the Commission should direct the buying utility or entity to provide utility plant in service schedules by plant account, under the fair market valuation and original cost, from the engineer’s assessment report. OCA at 9.

As to a Section 1102 application for a CPC by an entity, OCA asserts that the Commission should make it clear that it will not undertake consideration of a Section 1102 application in the expedited time period for applications claiming Section 1329(d) treatment. OCA explains that an application for an initial CPC involves developing a record regarding the technical, financial, and managerial fitness of the applicant, as well as determining the initial rates and tariffs. OCA at 10. Thus, OCA avers that, even if an entity is seeking Section 1329 ratemaking treatment of an acquisition of a municipal system, it still must meet the legal standards under Section 1102 first, before

consideration can be given to whether it meets the requirements under Section 1329. OCA at 12.

Resolution

We agree with both Aqua and PAWC that the Commission’s reference to certain provisions as providing “guidelines” is inaccurate. Section 1329(c) provides language regarding the ratemaking rate base of the selling utility to be utilized by the acquiring utility/entity for ratemaking purposes.

We also agree that it is important to determine the components of fair market that are included in each plant account. Therefore, the buying utility or entity shall provide utility plant in service schedules by plant account, under the fair market valuation and original cost, if available.

As to a Section 1102 application for a CPC by an entity, while we shall still encourage that it be filed in advance of the Section 1329 application to the extent possible, we will clarify that consideration of a Section 1102 application will not be restricted to the expedited time period for applications claiming Section 1329 treatment. As noted by OCA, Section 1102 applications, which require the development of a record regarding the technical, financial, and managerial fitness of the entity and a review of an initial tariff, still must meet the legal standards under Section 1102 first, before consideration can be given to whether it meets the requirements under Section 1329. Entities without a valid CPC will be unable to impose a tariff or collect revenue on the acquired systems until a CPC is issued.

Tentative Order on Section 1329(d)—Acquisitions by Public Utility

Section 1329(d) provides direction on acquisitions by public utilities as well as direction on the critical attachment to the Section 1102 application.⁸ Once again, the acquiring public utility and the selling utility must agree to utilize the process outlined in the aforementioned Section 1329(a).

Section 1329(d)(2) requires the Commission to issue a final order on an application submitted under Section 1329 within six months of the filing date of an application meeting the requirements of subsection (d)(1). For the Commission to meet the six-month deadline, normal time lines must be compressed. A table establishing the necessarily compressed time line was provided.

Applications would not be accepted until they are shown to be complete. To assist applicants in the preparation of a full and complete filing, an Application Filing Checklist, which would be attached to the completed application, may be found at the Commission’s website and was attached to the Tentative Implementation Order.⁹ Applications were to be verified by an officer of the filing entity or entities pursuant to 52 Pa. Code § 1.36. Both the Application Filing Checklist and the previously discussed Application Form for Registration as a Utility Valuation Expert would be changed as the Commission deems necessary.

As noted on the Application Filing Checklist, applications were to contain the required two appraisals performed by separate UVEs and quantification of transaction and closing costs incurred by the acquiring public

⁷See, 66 Pa.C.S. § 1329(e). Filing requirements for obtaining a CPC as a water or wastewater public utility can be found at 52 Pa. Code § 3.501. The Commission has the necessary latitude to consolidate and concurrently adjudicate the Section 1102 CPC and Section 1329 Applications. See also 52 Pa. Code § 5.81 (consolidation of proceedings involving common question of law or fact).

⁸A Section 1102 application is addressed under Section 1102 of the Code, 66 Pa.C.S. § 1102, and pertains to the enumeration of acts requiring a certificate.

⁹The Application Filing Checklist—Water/Wastewater may be accessed from the Commission’s website at http://www.puc.state.pa.us/filing_resources/water_online_forms.aspx and http://www.puc.pa.gov/filing_resources/issues_laws_regulations/section1329_applications.aspx as well as at this docket number.

utility to be included in the rate base of the acquiring public utility. Section 1329(d)(1)(iv). Applications were to address the plant in service and include a map of the service area. Applications were to include information about the customers, utility plant in service, and the current safety, adequacy, reasonableness and efficiency of the system in accordance with the statutory requirements of Section 1501. 66 Pa.C.S. § 1501.

Applications were to address rates and provide a proposed tariff. Applications were to address cost of service, including copies of the seller's most recently audited financial statements. Applications were to include proof of compliance with applicable design, construction, and operation standards of the Department of Environmental Protection and/or the county health department. Applications also were to include a copy of the signed Asset Purchase Agreement. Each of these items were deemed necessary to enable the Commission to make an informed decision regarding the merits of the application.

In addition, due to the compressed six-month time frame for ruling on the application, written direct testimony was to accompany the application. The testimony was to address and support the acquisition, the UVEs' appraisals, the UVEs' fee, and the purchase price. The testimony also was to describe the acquired system, explain the public interest served by the acquisition, and provide such other facts as may be relevant to the Commission's consideration of the application.

Upon review of the Section 1329 application and staff's determination that the filing is perfected and in full compliance with all items on the Application Filing Checklist, the Commission would notify the applicants of the actual accepted filing date, which would then commence the six-month time frame for the proceeding. Due process considerations require notification to the affected customers. When the application was published in a newspaper, the publication was to note that the period for filing protests shall be as soon as possible but no later than the last day of the protest period set forth in the *Pennsylvania Bulletin*. Accordingly, within seven (7) days of filing the application, the applicant was to file with the Commission: (1) proof of newspaper publication of the notification of the filing; and (2) a copy of the bill insert notifying the selling utility's customers of the proposed acquisition. The Secretary may impose additional notice requirements as may be warranted.

Comments: Aqua

Aqua first notes that there is no time limit from when a public utility submits an application and when the Commission deems it satisfactory. Aqua explains that without a defined time limit, an applicant may be faced with a situation where it waits indefinitely to hear that the application is accepted, thereby delaying the acquisition process and putting the acquisition at significant risk. Therefore, Aqua proposes that the Commission should have ten (10) days from the filing of the application to provide notice of, and reason for, rejection to the applicant. If no notice of rejection is received in those ten days following the filing, the application will be deemed satisfactory and accepted, and the six month time line will begin.¹⁰ Aqua at 11.

Next, Aqua responds to the Commission's comment that "applications must address cost of service, including the seller's most recently audited financial statements." Ten-

¹⁰York Water has also commented that the Commission should have 10 days to accept or reject the application, and if no action is taken the application should be deemed accepted. York Water at 1.

tative Implementation Order at 10. Aqua submits that Section 1329 does not require a cost of service study to be included in the application and that the Commission should continue its longstanding policy of requiring cost of service studies to be filed at least four months prior to the utility's next base rate case. 52 Pa. Code § 69.721(f). Aqua, however, does agree that the seller's most recently audited financial statement should be provided in the application, if available. Aqua at 12.

As to the Commission's review process, Aqua submits that, while the General Assembly has required only five items to be included in the application, the Commission is requesting 65 new pieces of information, many of which are mainly drawn from 52 Pa. Code § 3.501, which Aqua asserts does not apply to utilities that have been deemed fit and are already operating under Commission granted certificates. Aqua at 12. Aqua states that Commission staff and the applicant should work together through open dialogue to ensure that the application is complete rather than simply rejecting the application. Aqua at 12.

Finally, Aqua agrees with the Commission that the applicant shall provide newspaper notice of the filing but disagrees with the requirement of bill insert notification. According to Aqua, this is a new requirement that has never been required before and the acquiring company does not have access to customer billing information until after closing. Therefore, Aqua proposes that the acquiring utility should be required to provide newspaper notification of the proposed acquisition, and the selling system may, but is not required, to provide a bill insert to its customers.¹¹ Aqua at 13.

PAWC

In response to the commencement of the six-month statutory deadline, PAWC submits that the statute is clear that the six month deadline for a final Commission Order begins on the date the Section 1102 application containing the five attachments in Section 1329(d)(1) is filed. PAWC at 24. Thus, PAWC states that if a Section 1102 application contains all of the five attachments required under Section 1329(d)(1) but is otherwise missing some of the items listed in the Commission's proposed Checklist, the application should not be rejected for processing under the six month deadline dictated by Section 1329(d)(2). Instead, PAWC suggests that any missing information should be taken into consideration by the parties in testimony and briefs, as well as the ALJ in its recommended decision, and by the Commission in its final order in determining whether there has been a demonstration by the applicant, by a preponderance of the evidence, in meeting applicable public interest standard. PAWC at 25.

Thus, PAWC recommends: (1) that the filing date of the application should commence the six-month statutory deadline; (2) that the Commission should issue a detailed notice within five days of the filing date indicating whether the application is accepted or rejected for failure to attach one or more of the requirements under Section 1329(d)(1); and (3) that a failure by the Commission to provide a notice within five days will result in the application being "deemed" accepted as complete for processing under the six-month statutory deadline. PAWC at 25 and 26.

As to the Commission's due process concerns for affected customers, PAWC recommends that the proof of newspaper publication be required within 22 days of the

¹¹On this point, Aqua notes that the Commission does not have jurisdiction over the municipality and that nothing in section 1329 changes the municipal code. Aqua at 13.

filing of the application. PAWC explains that this recommendation is based on the requirement to publish in a newspaper of general circulation for two consecutive weeks and the time for Commission's Secretary Bureau to issue a Secretarial Letter assigning a docket number to the case. PAWC at 27. As to the Commission's proposal that the acquiring public utility submit a copy of a bill insert notifying the selling utility's customers of the proposed acquisition, PAWC opposes this proposal on jurisdictional grounds but would support a requirement that a bill insert be sent to affected customers after the transaction closes.¹² PAWC at 28.

As to the Commission's proposed model timeline, PAWC generally supports the Commission's proposed model timeline noting that the proposed model timeline should serve only as a guideline for achieving a final Commission order within the six-month deadline. PAWC also notes that the Commission's proposed model timeline applies in the instance where an application is protested. PAWC submits that not all applications will be contested and adjudicated before an ALJ, thus, a shorter timeframe is possible for unprotested applications.¹³ PAWC at 30.

In response to the Commission's proposals with respect to service of the application on affected parties, PAWC comments that service of the application should be after receipt of the Commission's Secretarial Letter assigning a docket number. PAWC also suggests that instead of service of the application on water and wastewater providers within 1 mile of the service area proposed in the application, service should be required on providers that abut the service area proposed in the application. PAWC at 32.

Finally, PAWC recommends that the Commission's requirement to file a request for a protective order in advance of the filing of the application should instead be no later than Day 2 following the issuance of the Secretarial Letter assigning a docket number. According to PAWC, the Commission's requirement to file for a protective order prior to the filing of the application will potentially create confusion among the Secretary's Bureau, ALJ, and parties as to which application the motion for protective order belongs and could present due process considerations. PAWC at 33.

OCA

OCA raises an issue with Section 1329(d)(1)(v) which includes the phrase "rate stabilization plan." Because there will be no cost of service study performed and the rates for the selling customers could be in effect for a substantial period of time after the next base rate case, OCA submits that the Commission should make it clear that rate stabilization plans are subject to review in each rate case for reasonableness and should not place long term burdens on the acquiring utility's existing ratepayers. OCA also suggest that if a rate stabilization plan is proposed, the applicant should provide testimony, schedules, and work papers that establish the basis for the plan and its impact on existing customers who need to cover the revenue requirement that would be shifted to them under the plan. OCA at 12 and 13.

As to commencement of the six month statutory deadline, OCA agrees with the Commission that the six month deadline should not begin until there is a staff determina-

tion that the "filing is perfected and in full compliance with all items on the Application Filing Checklist..." Tentative Implementation Order at 11. On this issue, OCA asserts that no application should be deemed perfected without the filing of all schedules, studies and work papers in a working electronic format and confirmation that all required to be served have the working electronic format. OCA at 19. OCA supports notification to the applicants of the actual accepted date and proposes that the notification expressly include the statutory advocates and the entities that are required to be served with the application so that all parties or potential parties are aware of the acceptance of the filing. OCA at 13.

As to the Commission's due process concerns for affected customers, OCA agrees that the newspaper publication should be done promptly and does not object to the requirement that the proof of publication be filed within 7 days of the filing. OCA proposes that the notice contain specific information about the timing of the proceeding, including that it is an expedited timeline and that testimony of a protestant may be due within four days of the protest deadline. OCA also proposes that the publication should be done in a newspaper of general circulation in both the selling utility's service area as well as the buying utility's service area.

As to individual customer notice, OCA submits that customer notice should be given directly to each customer as a separate mailing to ensure that customers receive timely notice of the expedited proceeding.¹⁴ OCA at 14. In sum, OCA proposes that the notice requirement be extended to the buying utility's customers because Section 1329 changes long-standing ratemaking principles such as original cost, AFUDC treatment, and depreciation, and will have an impact not only on the selling utility's customers but also customers of the buying utility.¹⁵ OCA at 14.

Resolution

We agree with Aqua, PAWC and York Water that there should be a time limit from when a public utility submits an application and when the Commission deems it satisfactory. Therefore, the Commission will have ten (10) business days from the filing of the application to provide notice of, and reason for, rejection to the applicant. If no notice is provided within ten (10) business days, the application will be deemed satisfactory and accepted.¹⁶ The notification, in the form of a Secretarial Letter, shall be provided to the statutory advocates, the entities required to be served with the application, and anyone else on the application's certificate of service so that all parties or potential parties are aware of the acceptance or rejection of the filing.¹⁷

As to Aqua's comment that Section 1329 does not require a cost of service study to be included in the application and that the Commission should continue its longstanding policy of requiring cost of service studies to be filed at least four months prior to the utility's next base rate case, we note that 52 Pa. Code § 69.721(f), as

¹⁴OCA points out that a bill insert will take up to 30 days for all customers to receive notice of the transaction, which means that the protest period will be concluded about the time that the Commission schedule proposes for intervenor/protestant testimony. OCA at 14.

¹⁵OCA also proposes that the stakeholders, including the Commission, the utilities, and the statutory advocates work together to develop standard newspaper and bill insert notices that will be used when a Section 1102 application is filed and requests Section 1329 ratemaking treatment. OCA at 14 and 15.

¹⁶No application will be considered perfected without the filing of all schedules, studies and work papers in a working electronic format and confirmation that all required to be served have the working electronic format.

¹⁷The filing date is the date a Secretarial Letter is issued accepting the application, or, the date when the ten (10) business day review for application completeness expires if no approval/rejection action is taken by the Commission.

¹²PAWC points out that municipalities and authorities are not subject to the Public Utility Code thus PAWC questions whether the Commission may direct a non-jurisdictional municipality or authority to provide notice via bill insert to its customers. PAWC at 27.

¹³PAWC has submitted as an attachment to its comments a proposed model timeline for protested and unprotested applications. PAWC Comments, Appendix B.

cited by Aqua, requires the submission of an original cost study, not a cost of service study. Section 69.721(f) requires the submission of an Original Cost Study four months prior to the utility filing a rate case to include the acquired assets in their rate base. The cost of service study is a requirement under 52 Pa. Code § 53.53, regarding rate cases in excess of \$1 million. We are not requiring the utility to prepare and file a cost of service study with the application. Instead, we are merely directing that the application “address cost of service, including the seller’s most recently audited financial statements.” Simply stated, the utility does not have to prepare and file a cost of service study to address cost of service. Section 1329(d)(5) states that the selling utility’s cost of service shall be incorporated into the revenue requirement of the acquiring public utility as part of the acquiring utility’s next base rate case proceeding. 66 Pa.C.S. § 1329(d)(5).

In response to the comments from Aqua, PAWC and York Water that the General Assembly has required only five items to be included in the Section 1329 application, we conclude that the Public Utility Code allows the Commission to request additional information in valuing property. Specifically, 66 Pa.C.S. § 505 states:

Duty to furnish information to commission; cooperation in valuing property.

Every public utility shall furnish to the commission, from time to time, and as the commission may require, all accounts, inventories, appraisals, valuations, maps, profiles, reports of engineers, books, papers, records, and other documents or memoranda, or copies of any and all of them, in aid of any inspection, examination, inquiry, investigation, or hearing, or in aid of any determination of the value of its property, or any portion thereof, and shall cooperate with the commission in the work of the valuation of its property, or any portion thereof, and shall furnish any and all other information to the commission, as the commission may require, in any inspection, examination, inquiry, investigation, hearing, or determination of such value of its property, or any portion thereof.

On this point, we reiterate our expectation that during the Commission’s ten (10) day review period, the applicant will work with the Commission staff to ensure that the application is complete and contains the information necessary to perfect the filing.

As to the Commission’s requirement that the applicant provide newspaper notice of the filing and bill insert notification, we conclude that the acquiring utility will still be required to provide newspaper notification of the proposed acquisition in the proposed service area, however, the selling system may, but is not required, to provide a bill insert to its customers.¹⁸ We will however require the acquiring utility to send a bill insert to the affected customers after the transaction closes.¹⁹

In response to PAWC’s suggestion that service of the application should be on water and wastewater providers that abut the proposed service area as opposed to being within 1 mile of the proposed service area, we note that 52 Pa. Code § 3.501(f) states that service of the application shall be on providers that abut the proposed service

area or are within 1 mile of the proposed service area. Service must be made pursuant to Section 3.501(f).

As to the Commission’s requirement to file a request for a protective order in advance of the filing of the application, we agree with PAWC’s comment that the request for a protective order should be no later than Day 2 following the issuance of the Commission’s Secretarial Letter that accepts the application and assigns a docket number for the proceeding.

With regard to an acquiring utility that files a rate stabilization plan, which is defined as “A plan that will hold rates constant or phase rates in over a period of time after the next base rate case” 66 Pa.C.S. § 1329(g), we conclude that the rate stabilization plans will be subject to review in each rate case for reasonableness and should not place long term burdens on the acquiring utility’s existing ratepayers. As submitted by OCA, we also conclude that if a rate stabilization is proposed, the applicant will be required to provide testimony, schedules, and work papers that establish the basis for the plan and its impact on existing customers who need to cover the revenue requirement that would be shifted to them under the plan.

Finally, Section 1329(d)(4) allows a public utility’s existing DSIC to be applied immediately to the selling utility customer’s bills. OCA correctly notes and we agree that this is a change from the current practice reflected in the Implementation Order of Act 11, Re Implementation of Act 11 of 2012, 299 PURth 367 (Pa. PUC 2012) (Act 11 Implementation Order), wherein the Commission determined that a DSIC would not be charged to customers acquired through acquisitions until the rates were established by a base rate proceeding including the acquired customers. Act 11 Implementation Order, 299 PURth at 395. Therefore, a public utility that seeks approval to apply the DSIC to the customers acquired through acquisitions under Section 1329 will have to change its existing DSIC tariffs to reflect language consistent with the Act 11 Implementation Order. In conjunction, the public utility would also need to amend its LTIIP (Long Term Infrastructure Improvement Plan). Similarly, the revenues from those customers will need to be included in the DSIC calculation as well as the costs of the projects.

Tentative Order on Section 1329(e)—Acquisitions by Entity

Section 1329(e) relates to acquisitions by an entity. An entity, defined as a person, partnership or corporation, can acquire a selling utility if it has requested from the Commission public utility status pursuant to Section 1102. An affiliate of an entity can also request public utility status pursuant to Section 1102. The entity or its affiliate must file the Section 1329 application as an attachment to a Section 1102 application seeking public utility status. Acquisition applications filed by entities that have not yet filed a Section 1102 application for public utility status will be considered incomplete and will not be accepted until a complete Section 1102 application has been received and accepted. If a Section 1102 application is required, we strongly encouraged that it be filed in advance of the Section 1329 application to the extent possible, and consolidated consideration would be given to the extent possible. We also clarified that that the entity’s initial tariff filing should contain rates “equal to the existing rates of the selling utility at the time of the acquisition” consistent with Section 1329(d)(1)(v) and Section 1329(e).

We acknowledged that there is some ambiguity in Section 1329. First, subsection (c)(1)(ii) could be construed

¹⁸We agree with OCA that the stakeholders and the Commission should work together to develop standard newspaper and bill insert notices that will be used when a Section 1102 application is filed and requests Section 1329 ratemaking treatment.

¹⁹While we agree with OCA that Section 1329 changes long-standing ratemaking principles such as original cost, AFUDC treatment, and depreciation, we do not find it necessary to extend the notice requirements to the buying utility’s existing customers.

to require that the “ratemaking rate base” be immediately incorporated into the entity’s initial rates. However, subsections (e) and (d)(1)(v) could be construed together to require entities to file a tariff with rates equal to the existing rates of the selling utility. In the interest of equity, the Commission tentatively proposed that entities be required to file tariffs consistent with (d)(1)(v). This was in no way to inhibit the right of a newly certificated utility to incorporate the ratemaking rate base into its tariff via a Section 1308 proceeding.

The proponent of a rule or order in any Commission proceeding has the burden of proof, 66 Pa.C.S. § 332, and therefore, the applicant has the burden of proving that it is entitled to have the acquisition approved and must do so by a preponderance of the evidence, or evidence which is more convincing than the evidence presented by the other parties. *Se-Ling Hosiery v. Margulies*, 364 Pa. 45, 70 A.3d 854 (1950); *Samuel J. Lansberry, Inc. v. Pa. Public Utility Commission*, 578 A.2d 600 (Pa. Cmwlth. 1990).

Comments: Aqua, OCA

While Aqua agrees that the applicant should file the Section 1102 application before it files a Section 1329 application and that the applicant has the burden of proving that it is entitled to have the acquisition approved and must do so by the preponderance of the evidence, Aqua at 14, OCA notes that Section 1329(e) does not include the six month time deadline and must accordingly be treated just as any other Section 1102 application. OCA does not agree that a Section 1329(e) application should be consolidated with a Section 1102 application, thus, OCA submits that the Commission should not attempt to consolidate the applications. OCA at 16.

Resolution

As previously stated, while we still encourage that the Section 1102 application be filed in advance of the Section 1329 application to the extent possible, the Section 1102 application will not be restricted to the expedited time period for applications claiming Section 1329 treatment. Section 1102 applications, which require the development of a record regarding the technical, financial, and managerial fitness of the entity and a review of an initial tariff, must meet the legal standards under Section 1102 first, before consideration can be given to whether it meets the requirements under Section 1329.²⁰

Tentative Order on Section 1329(f)—Post-Acquisition Projects

Section 1329(f) addresses the parameters of post-acquisition project accounting for ratemaking purposes. Any of the acquiring utility’s post-acquisition improvements not recovered through the DSIC would be eligible for inclusion through an allowance for funds used during construction (AFUDC). The acquiring utility may accrue AFUDC until the asset has been in service for four years or until the asset is included in the acquiring utility’s next rate base case, whichever is earlier.²¹ Additionally, depreciation on the acquiring utility’s post-acquisition improvements that has not been included in the calculation of a DSIC would be deferred for book and ratemaking purposes. The acquiring utility would be required to keep proper accounting, separately and appropriately recording these amounts in its business records.

²⁰A Section 1329 filing may be consolidated with the Section 1102 filing at the discretion of the ALJ or the Commission.

²¹We note that, upon issuance of a certificate of public convenience following a Section 1102 application, the “entity” will become a “public utility.” Therefore, the Commission believes that the same subsequent rate treatment applicable to an acquiring public utility in this section should apply to acquiring entities.

Comments: Aqua, PAWC and OCA

Both Aqua and PAWC agree with the Commission that Section 1329(f) permits the acquiring public utility’s post-acquisition improvements that are not recovered through the DSIC to accrue through an AFUDC until the asset has been in service for four years or until the asset is included in the utility’s next rate base case. Aqua at 14, PAWC at 34. OCA comments that Section 1329(f) is a major change to the book and ratemaking treatment of AFUDC and depreciation for the post acquisition projects. Accordingly, OCA submits that there should be more specificity regarding the separate accounting that the Commission is requiring and that the Commission should specify how the post in service AFUDC will be calculated. OCA suggests that there should be a calculation of AFUDC that is agreed to by stakeholders and the Commission. OCA at 17.

OCA further comments that the Commission should address the deferral of depreciation for book and ratemaking purposes. Specifically, OCA states that the Commission must address how deferred depreciation will work if the utility uses accelerated depreciation for tax purposes and must address the impact that deferred depreciation has on the determination of the useful life of each item of utility plant. OCA at 17.

Finally, OCA submits that the utilities should be required to provide an annual report showing how these specific post-acquisition projects, that are not included in DSIC, are being recorded on the books and for ratemaking purposes. According to OCA, without such a report, it may be difficult to follow if the only time that these additional accounting books are seen is in rate cases. OCA at 17.

Resolution

As stated in the Tentative Implementation Order, the acquiring utility will be required to keep separate accounting and appropriate business records of these post-acquisition projects. While the AFUDC and depreciation for these post-acquisition projects will be initially calculated by the acquiring utility using generally accepted accounting principles, it will be easily identifiable in the next rate case by our requirement that the acquiring utilities shall keep separate books for the post-acquisition projects. We do not believe it will be necessary for the acquiring utilities to provide an annual report for these post-acquisition projects.

Tentative Order on Section 1329(g)—Definitions

Section 1329(g) provides definitions for the section, including:

“*Selling utility.*” A water or wastewater company located in this Commonwealth, owned by a municipal corporation or authority that is being purchased by an acquiring public utility or entity as the result of a voluntary arm’s-length transaction between the buyer and seller.

Comments: OCA

OCA comments that, in the Tentative Implementation Order, the Commission uses the word “system” rather than company when referring to the selling utility. Tentative Implementation Order at 1, 2, 3, 10, 11, and 16. OCA notes that when a municipal corporation owns utility assets, it is not a company. OCA has requested clarification on the phrase “water or wastewater company located in this Commonwealth, owned by a municipal corporation or authority. . . .” OCA at 18.

Resolution

We agree with OCA that, when a municipal corporation or authority owns utility assets, it is not a company. While Section 1329(g) uses the word “company” in its definition of a “selling utility,” it should be understood to be a water or wastewater system, owned by a municipal corporation or authority.

Tentative Order on the Timeline

Due to the six-month time line required by Section 1329, normal time lines must be compressed. In an effort to allow more time for drafting briefs, the exception period necessarily must be shortened. The table provided in the Tentative Implementation Order was intended to be used as a guideline and assumed that the last public meeting before the six-month deadline would be 15 days prior to that deadline. Actual time required may be slightly more or less depending upon applicable circumstances, such as the proximity of the filing date of the application and prehearing conference notice in the *Pennsylvania Bulletin*, the availability of hearing dates, the complexity/length of the hearing, the intervention of weekends and holidays, the availability of scheduled public meetings, and any unforeseen or other events that impact due consideration of the application within the six-month period.

Comments: Aqua

Aqua suggests that the Commission should have a plan or separate time line prepared for instances where no protest is filed, thereby obviating the need for a litigation schedule. Additionally, Aqua proposes that, because the applicant carries the burden of proof in these proceedings, the time line should provide the opportunity to file rejoinder testimony. Finally, as stated previously, Aqua submits that the time line should be amended to state that the date for when the “Application Accepted as Complete” should be ten (10) business days after the filing of the application unless a rejection is sent within those ten (10) days. Aqua at 15.

PAWC

PAWC supports the Commission’s proposed model timeline to compress the interim deadlines for accomplishing the six-month deadline required under Section 1329(d)(2) of the Code. However, PAWC notes that the Commission’s proposed model timeline should serve only as a guideline for achieving a final Commission order within the six-month deadline. PAWC has presented specific proposed revisions to the proposed timeline, which increase the deadlines for rebuttal and surrebuttal testimony by five days each to ensure parties the ability to develop a complete record and also proposes subsequent revisions in the timeline to address the impact of increasing the time for prepared testimony. PAWC at 30.

York Water

As stated previously, York Water proposes a ten (10) day time limit for the Commission to accept or reject the application, and if no action is taken, the application should be deemed accepted. York Water at 1.

OCA

The OCA also has a number of proposed modifications to the timeline that would assist the stakeholders in having sufficient time to prepare testimony and prepare for hearings on the proposed application. The OCA proposes at least the following:

Buyer Utility or Entity and Selling Utility should be required to notify the Commission and the statutory

advocates when they enter into the service contracts for the UVEs and the licensed engineer so that the Commission and the statutory advocates can prepare for the filing of the application.

Protective Orders: A standard protective order should be in place prior to the filing of the application (Tentative Implementation Order at 16) and should cover discovery and testimony. This would eliminate the possibility of an application being filed that would include proprietary information and the attendant delay in receiving a full and complete copy while a protective agreement is worked out among the parties. There is no time for that to occur with the shortened time frame.

All discovery deadlines for a Section 1329(d) request should be shortened from 20 days for responses to 5 days. Similarly, the time period for objections should be shortened to 2 days.

No discovery should be permitted to be propounded on protestants until the protestants file direct testimony.

Standard data, in addition to what is included in the checklist, should be provided with the filing of the application in which Section 1329(d) relief is requested. The OCA has provided suggested additional data above.

OCA at 22.

Resolution

Initially, we emphasize that the Commission’s proposed model timeline was only a guideline for achieving a Commission final order within the six-month deadline. As such, this Final Implementation Order will not go into great detail about the due dates within the proposed timeline because, in our opinion, the parties are free to propose modifications to the presiding Administrative Law Judge within the context of a specific Section 1329 proceeding. We would expect the proposed modifications to recognize the requirements of due process in a particular proceeding and, at the same time, be tailored to the development of a full and complete record for the Commission’s review. We will, however, reiterate that, within ten (10) business days from the filing of the application, the Commission will provide notice of, and reason for, a rejection of the application.

As to OCA’s specific comments, we agree with OCA that the buying utility or entity should notify the Commission and the statutory advocates when they enter the service contracts for the UVEs and the licensed engineer and that there should be no discovery on the protestants until the protestants file direct testimony.

Tentative Order on the Checklist

As stated in the Tentative Implementation Order, Section 1329 applications would not be accepted until they are shown to be complete. To assist applicants in the preparation of a full and complete filing, an Application Filing Checklist, which would be attached to the completed application, was provided. As noted on the Application Filing Checklist, applications were to contain the required two appraisals performed by separate UVEs and quantification of transaction and closing costs incurred by the acquiring public utility to be included in the rate base of the acquiring public utility. Section 1329(d)(1)(iv). Applications were to address the plant in service and include a map of the service area. Applications were to include information about the customers, utility plant in service, and the current safety, adequacy, reasonableness

and efficiency of the system in accordance with the statutory requirements of Section 1501. 66 Pa.C.S. § 1501.

Comments: Aqua

Aqua reiterates that while the General Assembly included five pieces of information to be included in the application, the checklist seeks to include “65 individual new pieces of information.” Aqua at 4. According to Aqua, the new information is more akin to minimum filing requirements for a general base rate case than a streamlined checklist. While Aqua understands that it has the burden of proof in the application, Aqua suggests the Commission carefully review what information is essential to approving the acquisition of a willing seller and buyer for an already deemed fit utility. Aqua at 16.

Aqua points out that several of the items in the checklist are taken from 52 Pa. Code § 3.501. According to Aqua, Section 3.501 applies to applications for initial service authority by a water or wastewater company, or to applications by a de facto utility, and not to a Section 1102 acquisition application. While Aqua does not object to utilizing Section 3.501 as a guide for some of the information to include in the checklist, not all of the items in Section 3.501 need to be included, and a more balanced approach is suggested. As such, Aqua proposes that the checklist should include, along with “Yes” and “No,” a “Not Available” option due to incomplete or missing information of the selling system.²² Aqua at 16. Aqua has submitted a revised checklist attached as Exhibit A to its comments.

Several of Aqua’s comments state that the information sought from the applicant will be provided in the UVE appraisals and the engineering assessments and that separately stating such information would be duplicative.

PAWC

PAWC recommends that the Commission develop a separate checklist applicable to an application filed by an “entity” given that the entity must meet additional fitness requirements in its Section 1102 application. Next, PAWC recommends grouping certain checklist items together to better identify the enabling authority for each item listed in the checklist. Specifically, PAWC submits that the items should be grouped based on the specific items required to be filed under Section 1329(d)(1)(i)–(v), the items identified by the Commission to further assist with the Commission’s review of the application under the other parts of Section 1329, and the items identified by the Commission to assist with the Commission’s review of the application under 66 Pa.C.S. § 1102, with regard to the utility’s request for approval of the acquisition and expansion of service territory. PAWC at 14. PAWC has submitted a revised checklist attached as Appendix A, Parts A, B, C and D.

York Water

York Water comments that the Application Filing Checklist with approximately 68 specific items is onerous, with many of the items regarding cost, values, and environmental issues either unnecessary or redundant with other necessary filings. York Water believes that Commission staff could save a considerable amount of time and resources, and streamline the process, by merely ascertaining that: (1) no conflicts arise and (2) the acquisition does not adversely impact the acquiring utility. According to York Water, the Commission should not

ask any environmental questions because those are coordinated and resolved between the acquiring utility and the environmental regulator (DEP) when the acquiring utility transfers permits. York Water submits that most of the items on the Application Filing Checklist should be eliminated. York Water at 2-3.

OCA

The OCA supports the need for the Application Filing Checklist. However, the OCA proposes that all schedules, studies and work papers should be provided in a working electronic format with the filing and testimony. OCA at 19.

The OCA also proposes: (1) that the two appraisals include all work papers, schedules and any material relied upon to perform the appraisals; (2) that the documentation of the UVEs fee should include the contract or agreement between the buying utility, or entity and the UVE and all invoices provided pursuant to the contract or agreement; (3) at least one year of full data regarding gallons pumped and gallons sold (or gallons treated for a wastewater system); (4) in addition to copies of budgets, actual expenditures for at least one year; (5) additional information such as recent inspection reports of the paint condition of all painted steel storage tanks, dam safety information, the latest annual Chapter 94 and Chapter 110 submission to DEP for wastewater systems and water systems, recent system wide leak detection survey with estimated costs and time frame to reduce UFW to less than 20%, average age of customer meters, and the dates that each treatment tank has been drained, inspected and repaired; and (6) information that would support the entity or public utility’s claim that it is technically, financially and managerially fit. OCA at 20, 21.

Finally, the OCA submits that the Commission should require in the Application Filing Checklist detailed information to ensure that the purchase price is limited to the price associated with the assets used to provide public utility service. OCA at 21.

Resolution

As stated previously, 66 Pa.C.S. § 505 allows the Commission to request the information it deems necessary in order to make an informed decision regarding the valuation of property and its inclusion in the utility’s rate base. Specifically, and in response to the numerous assertions that Section 1329 limits the Commission in its request for information, we reiterate that every public utility has a duty to furnish information to the Commission in accordance with 66 Pa.C.S. § 505. On this point, we shall specifically note that, if any of the information requested in the Checklist is unavailable after a reasonable search or simply does not exist, the applicant is expected to include with its application a verified statement to that affect. The Commission will consider the verified statement in its review of the completeness of the application. However, all parties should be aware that failure to include information may result in the application being rejected as incomplete.

Regarding Aqua’s reference to information that may be found in the UVE appraisals or engineering assessment, the Commission clarifies that the checklist is to be all inclusive. As such, the applicant is expected to provide the response (Yes or No) and reference the location of the information within the filing. To avoid confusion, the Commission will revise the heading on the checklist to state: Circle No or Yes. If yes, identify the document, section, and page number containing the item as found within the filing.

²²Aqua notes that many of the small and troubled municipal systems do not have the information requested in the checklist, and by the Commission’s guidance, an application without this information would be deemed incomplete. Aqua at 16.

It is important to note that, while the Commission will not go into great detail in this Final Implementation Order about the applicability of Section 3.501 to existing public utilities, we clearly are of the opinion that the information required in Section 3.501 is necessary for the Commission to thoroughly review and process the Section 1329 application within the compressed statutorily-required six month time frame.

Finally, while we will not expand the Checklist at this time to include all of the aforementioned information suggested by OCA, we will require: (1) that all schedules, studies, and work papers be provided in a working electronic format with the filing and testimony; (2) that the two appraisals include all work papers, schedules, and any material relied upon to perform the appraisals; and (3) that the documentation of a UVE's fee should include the contract or agreement between the buying utility, or entity, and the UVE and all invoices provided pursuant to the contract or agreement.²³

Conclusion

Section 1329 of the Code addresses the valuation of the assets of the water and wastewater systems of municipalities or authorities that are to be acquired by investor-owned water and wastewater utilities and included in the utilities' rate base. For ratemaking purposes, the valuation will be the lesser of the fair market value or the negotiated purchase price. Section 1329 also allows the acquiring public utility's post-acquisition improvement costs not recovered through a DSIC to be deferred for book and ratemaking purposes. This Final Implementation Order sets forth the procedures and guidelines necessary to implement Section 1329; *Therefore,*

It Is Ordered That:

1. The Commission hereby adopts the procedures, guidelines, and the Application Filing Checklist for implementation of Section 1329, as set forth herein.

2. The Law Bureau is directed to undertake a rule-making to incorporate Section 1329 and its implementation into our regulations.

3. A copy of this Final Implementation Order shall be published in the *Pennsylvania Bulletin* and posted on the Commission's website at www.puc.pa.gov.

4. A copy of this Final Implementation Order be served on all jurisdictional water and wastewater companies, the National Association of Water Companies—Pennsylvania Chapter, the Pennsylvania State Association of Township Supervisors, the Pennsylvania State Association of Boroughs, the Pennsylvania Municipal Authorities Association, the Pennsylvania Rural Water Association, the Commission's Bureau of Investigation and Enforcement, the Office of Consumer Advocate, and the Office of Small Business Advocate.

5. This docket shall be marked closed.

ROSEMARY CHIAVETTA,
Secretary

[Pa.B. Doc. No. 16-1965. Filed for public inspection November 10, 2016, 9:00 a.m.]

²³We will review the Checklist and other aspects of this Final Implementation Order on a regular basis to ensure that it meets the needs of the Commission and the stakeholders in the implementation of Section 1329.

Petition for Approval of Numbering Plan Area Relief Planning for the 717 NPA

Public Meeting held
October 27, 2016

Commissioners Present: Gladys M. Brown, Chairperson; Andrew G. Place, Vice Chairperson; John F. Coleman, Jr.; Robert F. Powelson; David W. Sweet

Petition for Approval of Numbering Plan Area Relief Planning for the 717 NPA; P-2015-2510230

Order

By the Commission:

Before the Commission is a petition (Petition) that was filed on behalf of the Pennsylvania telecommunications industry on October 23, 2015, for approval of a relief plan to implement an all services distributed overlay in the 717 Numbering Plan Area (NPA) or area code. By an Order entered March 10, 2016, the Commission suspended taking action on the Petition and scheduled public input hearings in order to receive input from consumers and other interested parties regarding the appropriate form of area code relief for the 717 area code. The Commission has reviewed the comments and testimony that were filed in the proceeding and submitted at the public input hearing. Accordingly, via this Order, the Commission has determined that an all-services distributed overlay should be implemented over the 717 area code.

Background

I. History of Area Code Relief for the 717 NPA

A. The Geographic Split of the 717 Area Code

The 717 NPA is one of Pennsylvania's original four area codes. On June 28, 1996, the telecommunications industry asked the Commission to decide how to relieve the shortage of numbering resources or NXX codes¹ in the 717 NPA as the industry could not reach a consensus.² Relief planning was necessary under the INC Guidelines,³ which provide that, when the projected exhaust date of an area code is to occur within 36 months, the NANPA is required to prepare relief options and to conduct an industry meeting with the goal of reaching industry consensus regarding the form of relief for the NPA. Accordingly, the Commission opened a docket at P-00961071 and, in 1999, determined that a geographic split of the 717 NPA was the appropriate form of area code relief.⁴ Accordingly, the 717 NPA presently includes all or part of the following counties: Mifflin, Juniata, Perry, Dauphin, Lebanon, Berks, Fulton, Franklin, Cumberland, Adams, York and Lancaster.

B. The May 29, 2001 Industry Relief Plan

Despite the area code relief that had just been implemented for the 717 NPA in the prior year, in May of 2000,

¹ An NXX code comprises 10,000 telephone numbers in a specific area code and is identified by the second set of three digits in a ten-digit telephone number, NPA-NXX-XXXX. The unavailability of NXX codes for assignment to telecommunications carriers in a given area code leads to the exhaust of that area code.

² A consensus is established when substantial agreement has been reached. Substantial agreement means more than a simple majority, but not necessarily unanimity. CLC Principles and Procedures, May 1998, at § 6.8.8.

³ The Industry Numbering Committee (INC) Guidelines provide that, when an area code is nearing exhaust, the NANPA, which then becomes the NPA Relief Planner, convenes a meeting of the industry to discuss relief alternatives. NPA Code Relief Planning & Notification Guidelines, INC97-0404-016, reissued Nov. 8, 1999, at § 5.5. If the industry reaches a consensus, then its consensus plan is filed with the Commission and the Commission has an opportunity to take action at that point. NPA Code Relief Planning & Notification Guidelines, INC97-0404-016, reissued Nov. 8, 1999, at § 5.6.

⁴ The geographic split of the 717 NPA resulted in the creation of the 570 NPA. See Petition of NPA Relief Coordinator Re: 717 Area Code Relief Plan, Docket No. P-00961071 (Order entered May 21, 1998).

the telecommunications industry was again advised by the NANPA,⁵ Neustar, Inc. (Neustar), in its role as the neutral third party NPA Relief Planner for Pennsylvania, that relief planning for the 717 NPA was necessary in light of the fact that the area code was expected to exhaust by the second quarter of 2001, which, as mentioned above, was within the 36-month timeframe for triggering area code relief options from the NANPA. Thus, Neustar notified the industry that a meeting was necessary to discuss relief alternatives for the 717 NPA.

A relief planning meeting was convened on April 18, 2001, where the industry reached a consensus to adopt an all services distributed overlay⁶ as the form of area code relief for the 717 NPA.⁷ Accordingly, on May 29, 2001, Neustar, acting on behalf of the Pennsylvania telecommunications industry, filed a petition with the Commission requesting approval of its relief plan to implement an overlay for the geographic area covered by 717 NPA.

On September 5, 2001, the Commission entered an Order at P-00961071F0003 seeking comments from interested parties regarding what type of relief should be implemented in the 717 NPA and when this relief should be implemented. While the May 29, 2001 industry relief plan was pending before the Commission, the 717 NPA experienced an unprecedented and efficient use of numbering resources due to the implementation of 1,000-block number pooling⁸ and other number conservation measures such as NXX code reclamation.⁹ Furthermore, the FCC mandated that all wireless carriers participate in pooling as of November 24, 2002.¹⁰ Thus, wireless carriers began implementing one-thousand (1K) block number pooling and started participating in Pennsylvania's mandatory pools, including the 1K block numbering pool in 717.

As a result of these number conservation measures, in May of 2003, the NANPA again revised the projected exhaust date for the 717 NPA to the fourth quarter of 2007, which was now more than four years away. Consequently, by Order entered August 1, 2003, at P-00961071F0003, the Commission dismissed the May 29, 2001 industry relief plan.

C. 2009 Relief Planning for the 717 NPA

The April NRUF (Number Resource Utilization Forecast) and NPA Exhaust Analysis April 24, 2009 Update

⁵ The NANPA is the entity that allocates numbering resources and monitors the viability of area codes to determine when all of the telephone numbers (or NXX codes) available in the area code are nearing exhaust.

⁶ An overlay is when a new area code is introduced to serve the same geographic area as the existing area code. NPA Code Relief Planning & Notification Guidelines, INC97-0404-026, June 21, 2002 at § 3. With the overlay method, 10-digit local dialing is required by Federal rules. 47 CFR 52.19(c)(3)(ii).

⁷ By the time that the industry had reached a consensus determination on the appropriate form of area code relief, the projected exhaust date for the 717 NPA had been pushed forward to the fourth quarter of 2003. However, since the exhaust date was within the 3-year time-period required by the INC Guidelines, area code relief was still necessary.

⁸ Thousand-block number pooling is the process by which a 10,000 block of numbers is separated into ten sequential blocks of 1,000 numbers and allocated separately to providers within a rate center. See Petition of Representative Keith R. McCall and Members of the Northeast Delegation of the Pennsylvania House of Representatives Requesting that Additional Authority be Delegated to the Pennsylvania Public Utility Commission to Implement Additional Number Conservation Measures, CC Docket No. 99-200 and NSD-L-01-113 (Order released December 28, 2001) (McCall Order). By order entered on August 9, 2001, at Docket No. M-00001427, the Commission, with the consensus of the industry, ordered the implementation of a voluntary pool in 717, which subsequently became mandatory at the direction of the FCC in the McCall Order. Accordingly, the Commission implemented mandatory 1,000-block pooling in the 717 NPA in March of 2002.

⁹ NXX code reclamation involves the return of unused NXX codes to the NANPA. Within six months of receiving an NXX code, a carrier must assign at least one number to an end user or the entire NXX code must be returned to the NANPA. 47 CFR 52.15(g)(iii). The Commission implemented NXX code reclamation in the 717 NPA in August of 2000.

¹⁰ In the Matter of Verizon Wireless' Petition For Partial Forbearance From the Commercial Mobile Radio Services Number Portability Obligation and Telephone Number Portability, WT Docket 01-84, CC Docket No. 95-116 (Order adopted July 16, 2002).

(April 2009 NRUF Report) indicated that the 717 NPA would exhaust during the third quarter of 2012. Based upon the projected exhaust date, NANPA notified the Commission and the Industry on July 1, 2009, that NPA relief needed to be addressed. The Industry met via conference call on September 10, 2009, to discuss various relief alternatives.

At the September 10th meeting, the participants reached consensus to recommend an all-services distributed overlay plan as the preferred method of relief for the 717 NPA. On October 20, 2009, Neustar, filed a petition with the Commission requesting approval of its recommendation to implement an all-services distributed overlay for the geographic area covered by the 717 NPA, which would create a new area code to service the area. By an Order entered on December 24, 2009, at P-2009-2136951, the Commission requested the submission of any written comments on the relief plan and scheduled public input hearings throughout the entire 717 geographic region¹¹ so that oral testimony related to the form of relief for the 717 NPA could be received from interested parties as well. Additionally, the Commission suspended taking action on the industry consensus recommendation for an all services distributed overlay relief plan for the 717 NPA, pending receipt of the comments.

During the public input hearings directed by the December 24, 2009 Order, Neustar updated its projected forecasts for the exhaustion of the Pennsylvania area codes, including the 717 area code based upon the Federal Communications Commission's (FCC) October 2011 updated projections. Based on this new data, the forecasted exhaust date for the 717 area code was extended from the previously reported date of the third quarter of 2012 to the fourth quarter of 2016.

By an Order entered December 1, 2011 at P-2009-2136951, the Commission dismissed the October 20, 2009 Petition. The Commission noted that Section 5.11 of the NPA Code Relief Planning and Notification Guidelines provides that if, during the period after the NANPA has filed an industry relief plan but prior to regulatory approval of that plan, it is determined that the NPA will not exhaust in the next 5 years, a relief plan may be withdrawn. Since the new projected exhaust date of the 717 area code was approximately five years out, the Commission determined that it had good cause to dismiss the NANPA's petition for approval of its relief plan in the 717 NPA pursuant to its delegated authority over NPA relief. 47 CFR 52.19(c)(3)(ii).

D. 2015 Relief Planning For The 717 NPA

The April NRUF (Number Resource Utilization Forecast) and NPA Exhaust Analysis April 2015 Update (2015 NRUF Report) indicated that the 717 NPA was set to exhaust during the third quarter of 2018. Based upon this projected exhaust date, NANPA notified the Commission and the Industry on July 7, 2015, that NPA relief needed to be addressed. The Industry met via conference call on September 15, 2015, to discuss various relief alternatives. Pursuant to the NPA Relief Planning Guidelines, NANPA distributed an Initial Planning Document (IPD) to the Industry prior to the relief planning meeting. The IPD contained descriptions, maps, general facts and assumptions, and the projected lives of an all-services distributed overlay relief alternative, referred to in the IPD as Alternative # 1, and one two-way geographic split alternative, referred to as Alternative # 2.

¹¹ Public input hearings were held in Harrisburg, York, Lancaster, Gettysburg and Chambersburg.

During the relief planning meeting, the Industry members evaluated the two relief alternatives, described more fully below:

- **Alternative # 1—All Services Distributed Overlay:** A new NPA code would be assigned to the same geographic area as the existing 717 NPA. Alternative # 1 has a projected life of sixty-seven (67) years.
- **Alternative # 2—Two-Way Geographic Split:** In a two-way geographic split, the exhausting NPA is split into two geographic areas and a new NPA is assigned to one of the areas formed by the split. For Alternative # 2, the proposed split boundary line runs along rate center boundaries in a west-to-east direction. The boundary line runs north of Dry Run, Chambersburg, Fayetteville, Biglerville, York Springs, Dillsburg, Dover, Manchester, Elizabethville, Manheim, Lititz, Ephrata and Denver. The northern portion, referred to in the IPD as Area A, would have a projected NPA life of seventy-one (71) years to exhaust and the southern portion, Area B, would have a projected NPA life of sixty-two (62) years to exhaust.

At the September 15th meeting, the participants discussed the attributes of the relief alternatives and reached consensus to recommend to the Commission Alternative # 1, the all services distributed overlay plan, as the preferred method of relief for the 717 NPA. All existing customers would retain the 717 area code and would not have to change their telephone numbers. Consistent with FCC regulations, the relief plan would require ten-digit dialing for all calls within and between the 717 NPA and the new NPA. The industry recommends that all local and toll calls between the 717 NPA and the new NPA be dialed as 10-digits, or permissively as 1+10 digits at each service provider's discretion. All local and toll calls originating in the 717 NPA or the new NPA and terminating in other NPAs (NPAs other than the 717 or new NPA) must be dialed as 1+10 digits. Operator services calls would require customers to dial 0+10 digits. The following table illustrates the recommended dialing plan:

<i>Type of Call</i>	<i>Call Terminating in</i>	<i>Dialing Plan</i>
Local & Toll Calls	Overlay Home NPAs (HNPA)	10 digits (NPA-NXX-XXXX)*
Local & Toll Calls	Foreign NPA (FNPA) outside of overlay	1+10 digits (1+NPA-NXX-XXXX)
Operator Services (Credit card, collect, third party)	HNPA or FNPA	0+10 digits (0+NPA-NXX-XXXX)

*1+10 digit dialing for all HNPA and FNPA calls permissible at each service provider's discretion.

When the 717 NPA completely exhausts, all Central Office (CO) code assignments will be made from the new overlay area code. Industry participants also reached consensus to recommend to the Commission a thirteen-month schedule for implementation of the overlay. The recommended schedule is as follows:

Recommended Implementation Schedule for All Services Distributed Overlay

<i>Event</i>	<i>Timeframe</i>
Network Preparation Period	6 months
Permissive 10-Digit Dialing and Customer Education Period (Calls within 717 NPA can be dialed using 7 or 10 digits) Mandatory dialing begins at the end of the Permissive Dialing Period	6 months
First Code Activation after end of Permissive Dialing Period (Effective date for codes from the new NPA)	1 month (after Mandatory Dialing Date)
Total Implementation Interval	13 months

The Industry stated that adhering to the proposed timeframe would avoid the denial or delay of service to telecommunications providers' customers due to the unavailability of CO codes.

On October 23, 2015, Neustar, Inc., in its role as the neutral third party NPA Relief Planner for Pennsylvania, and acting on behalf of the Pennsylvania industry, filed a petition with the Commission requesting approval of its

consensus plan to implement an all-services distributed overlay for the geographic area covered by the 717 NPA, which would create a new area code to service the area. However, by Order entered March 10, 2016, at Docket No. P-2015-2510230, the Commission suspended taking action on the industry's October 23, 2015 Petition pending its request for the submission of any written comments from interested parties residing in the 717 geographic region on the relief plan in the proceeding and the scheduling of a public input hearing so that oral testimony related to the form of relief for the 717 NPA could be received. The Commission conducted a "smart" public input hearing on August 9, 2016.¹²

Discussion

The proliferation of new area codes is not the result of the unavailability of numbers for end-users. When there are no more NXX codes available to assign to telephone companies, then new area codes need to be opened. Thus, new area codes are needed when existing area codes exhaust their supply of NXX codes.

The FCC, which has plenary jurisdiction over numbering issues in the United States,¹³ mandates that states and cannot engage in number conservation measures to the exclusion of, or as a substitute for, timely area code

¹² A "smart" hearing is broadcast live on the PUC's website and enables interested parties to view and hear the testimony being offered without the need to attend the hearings in person. Witnesses have the option to have their testimony live-streamed and also are able to offer their comments by telephone from the convenience of their homes or other locations, if they prefer. Notwithstanding, in-person testimony at the hearing site is also an option for those who prefer to participate and comment in that manner.

¹³ 47 U.S.C. § 251(e)(1).

relief.¹⁴ Thus, when an area code within its boundaries is about to exhaust their supply of NXX codes the state must implement timely area code relief, i.e., add a new area code.¹⁵

When faced with the need to implement new area codes, the Commission must decide two very important issues. First, the Commission must decide how to implement the new area code (i.e., a geographic split or an overlay). Second, the Commission must determine when the new area code needs to be implemented. According to FCC regulations, new area codes can be introduced to relieve the shortage of NXX codes in an area code through the use of any of the following three methods:

1. A geographic area code split, which occurs when the geographic area served by an area code is split into two or more geographical parts;
2. An area code boundary realignment, which occurs when the boundary lines between two adjacent area codes are shifted to allow the transfer of some numbers from one area code to the other;
3. An area code overlay, which occurs when a new area code is introduced to serve the same geographic area as an existing area code.

See 47 CFR 52.19(c)(1)–(3).

Although the NANPA notifies the industry when an area code needs relief planning and conducts the relief planning meeting, it is a neutral third party that does not express an opinion on any proposed relief alternative. Additionally, the industry is encouraged to participate in the creation of the relief alternatives and is free to present any plans during the relief planning meeting.

On October 23, 2015, Neustar, Inc., filed a Petition requesting approval of the industry's consensus plan to implement an all services distributed overlay for the geographic area covered by the 717 NPA. The Commission suspending taking action on the Petition, pending receipt of written comments and conducting a public input hearing to receive testimony on the relief alternatives presented in the Petition. The Commission is now faced with the decision of deciding which form of area code relief should be adopted and when the new area code must be added.

1. *Form of Area Code Relief for the 717 NPA*

As mentioned above, when Pennsylvania's area codes are about to exhaust their supply of NXX codes, the Commission must implement timely area code relief and determine the appropriate form of such area code relief. Pennsylvania has experienced both area code splits and overlays. There have been a total of five overlays since 1999 (484, 267 and 878 have been implemented and 835 and 445 were activated but later rescinded). Prior to 1999, three geographic splits have been implemented (610, 570 and 724). There are benefits and disadvantages to either method.

With the imposition of an overlay, existing land-based telephone customers are not likely to have to change telephone numbers. Therefore, customers will not need to change their advertising and stationery. However, the FCC requires that ten digits be used to dial all numbers in the overlaid area when an overlay is implemented.

¹⁴ In the Matter of Numbering Resource Optimization, CC Docket Nos. 99-200, 96-98, NSD File No. L-99-101 (2000).

¹⁵ See In the Matter of Petition for Declaratory Ruling and Request for Expedited Action on the July 15, 1997 Order of the Pennsylvania Public Utility Commission Regarding Area Codes 412, 610, 215, 717; Implementation of the Local Competition Provisions of the Telecommunications Act of 1996, Memorandum Opinion and Order and Order on Reconsideration, 13 FCC Rcd 190029 (1998).

Thus, seven-digit dialing is no longer permissible or valid. New NXX numbers from the new area code are assigned to carriers that do not have numbers available in a given rate center. Therefore, the first three digits of a ten-digit telephone number around the corner or down the block might be from the new area code. Eventually, a single customer might have two different area codes for telephone lines serving his or her home or place of business if the existing carrier has run out of numbers in an NXX assigned to the old area code.

On the other hand, implementation of a geographic split involves dividing an existing area code into two or more parts, with one part retaining the old area code and other(s) receiving the new area code(s). Callers are presently able to continue using seven-digit dialing for calls made within the area code boundaries. Customers in the area retaining the old area code are minimally impacted. Customers in the new area code, however, must change their area codes. Businesses must revise their stationery and their advertising. Commercial customers may not be able to retain "vanity numbers," upon which they have spent advertising dollars. Callers, particularly at the border of the old and new area codes are temporarily inconvenienced. They often must dial eleven digits to make calls that were previously seven-digit numbers. Although local calling areas actually have not changed and calls that were local before the area code split remain local calls, even if they cross into the new area code, people are initially disconcerted and distrusting of the concept of an eleven-digit local call. Indeed, local calling areas do not change no matter which method of area code relief is implemented.

Upon our review of the written comments received and the transcript from the "smart" public input hearing, many agree with the industry's consensus recommendation to implement an all-services distributed overlay for the geographic area covered by the 717 NPA. The Commission prefers to implement the form of area code relief that is the least disruptive to the residential customers and businesses that reside within the 717 area code.

The Commission notes that the industry reached a consensus to implement an all-services distributed overlay for the geographic area covered by the 717 NPA, which would create a new area code to service the area and require ten-digit dialing to complete all calls. Additionally, the Commission notes that an overwhelming majority of the comments advocated for the implementation of an all-services distributed overlay as the form of area code relief for the 717 area code instead of a geographic split. The Commission notes that implementing a geographic split in the 717 NPA would create smaller and smaller geographic sections that result in arbitrary regions that make no geographic sense at all. A geographic split can divide communities of interest, such as neighborhoods, school districts and municipalities. Thus, the area code loses its meaning because there are too many areas and too many codes.

Furthermore, we believe that the imposition of an overlay would be the least disruptive to the residential customers and the businesses that reside within the 717 area code. With a geographic split, individuals and businesses in the area that changes or receives the new area code would have to re-print stationery and signs, write letters and send e-mails announcing the change of their phone number, or risk having their incoming calls misdirected. Further, the persons who call the affected numbers typically have to call twice and then update their paper and computer records. Accordingly, the Commission

agrees with the industry's recommendation and the sentiments of the majority of the commenters, and we will direct Neustar to implement an all-service distributed overlay for the 717 area code.

2. Implementation Schedule And Activation Of The Relief Plan Chosen For The 717 NPA

Next, we must determine the implementation timeline for the overlay of the 717 area code. The FCC regulations at 47 CFR 52.19(a) state that "state commissions may resolve matters involving the introduction of new area codes within their states," which includes establishing the necessary dates for the implementation of relief plans.

In the instant Petition, the industry initially requested thirteen months for full implementation of the new NPA for the 717 area code. Specifically, the industry recommended the following implementation schedule:

<i>Event</i>	<i>Time Frame</i>
Network Preparation Period	6 months
Permissive 10-Digit Dialing and Customer Education Period (Calls within 717 NPA can be dialed using 7 or 10 digits) Mandatory dialing period begins at the end of the Permissive Dialing Period	6 months
First Code Activation after end of Permissive Dialing Period	1 month (after Mandatory Dialing Period)
Total Implementation Interval	13 months

The Commission notes that, since the filing of the Petition, Neustar has declared jeopardy for the 717 area code. The new projected exhaust date for the 717 NPA is the third quarter (3Q) of 2017, from the initial exhaust date of 2Q of 2018 set forth in the Petition. Thus, the 717 area code is projected to exhaust its remaining supply of NXX codes by 3Q 2017, or approximately July 1, 2017. Hence, the Commission acknowledges that it can no longer accommodate the industry's initial request of thirteen months due to the declaration of jeopardy for the 717 area code. Nevertheless, from past experience, the Commission believes that the time line for the implementation of the new area code in the 717 geographic region does not necessarily have to be a length of thirteen months and can be shortened. The Commission notes that it has directed that an area code overlay be fully implemented within as little as 6 months. Therefore, the Commission will be revising the proposed timeframe to implement the overlay for the 717 area code so as not to impact consumers adversely.

Nonetheless, while a state commission may not utilize numbering optimization measures in lieu of implementing timely area code relief, it may minimize the consumer impact of traditional area code relief by not implementing new area codes sooner than necessary. In view of the well-documented disruption to customers caused by changes in their area code, it is in the public interest to assure that new area codes are opened only when it is necessary, and only after the existing number resources in the existing area code are close to exhaustion. The mere fact that we are implementing timely area code relief does not mean we should not be diligent in ensuring that the remaining NXX codes in the existing area code are properly allocated or allow the premature exhaust of the existing area code. Thus, we direct Neustar to

continue the rationing of 3 codes per month for the 717 area code per the Jeopardy Procedures that were previously established.¹⁶ This rationing will continue until the complete exhaust of numbering resources in the 717 area code.

The FCC has noted that the implementation of new area codes before they are necessary forces consumers to go through the expense, trouble and dislocation of changing telephone numbers or dialing patterns earlier or more often than necessary.¹⁷ Thus, the Commission is revising the implementation schedule of the new overlay NPA in this fashion. We direct that all network preparation for the implementation of the new overlay be completed no later than March 1, 2017, at 12:01a.m (EST). We believe that this timeframe is sufficient for telecommunications carriers to prepare their individual networks for the new overlay area code.

Also, in the past, specifically, for proposed area code relief in Southeastern Pennsylvania, the Commission had directed that Neustar not activate the new NPA or assign any NXX or central office codes from the additional proposed overlays over the 610/484 NPAs and over the 215/267 NPAs (which were ultimately rescinded) until a specific threshold had been met, i.e., three months to NXX code of the underlying NPAs. Likewise, we will direct Neustar not to activate the new overlay NPA or assign any NXX or central office codes from the new overlay until one month prior to NXX code exhaust in the 717 area code. The NANPA will comply with this directive until this threshold has been met and will continue to honor code requests for NXXs in the existing NPA in accordance with the aforementioned jeopardy procedures for as long as numbering resources are available. We also direct NANPA to provide the Commission with monthly updates on the projected exhaust date of the 717 NPA so that the Commission can ensure that no NXX code holders in Pennsylvania will be without adequate numbering resources to meet customer demand. The Commission will inform all NXX code holders in Pennsylvania when the 717 NPA is one month away from exhaust so that the Commission can ensure that all code holders, including nonpooling carriers, will have non-discriminatory access to numbers when needed to meet customer demand.

Lastly, when introducing a new area code, there is an adjustment period commonly known as a permissive dialing period. During the permissive dialing period, customers may reach numbers in the area that is to be overlaid by either dialing the area code plus the number (ten-digit dialing) or the old way by dialing the seven-digit number. During the permissive period, customers are encouraged to make calls using ten-digits. At the end of the permissive period, the mandatory dialing period commences and all calls must be made using the area code plus the seven-digit number (ten-digit dialing). If only the seven-digit number is dialed at this time, the customer will reach a recorded announcement stating they must hang up and redial the number using the area code plus the seven-digit number. This recording will be available permanently. The Commission directs that once the 'three months to exhaust' threshold has been reached

¹⁶ Effective September 9, 2016, interim jeopardy procedures were placed into effect for the 717 NPA. On September 29, 2016, finalized jeopardy procedures were established and consensus reached to set the rationing quantity ("base allocation") at 3 codes per month.

¹⁷ In the Matter of Numbering Resource Optimization, Second Report and Order, CC Docket No 99-200, FCC 00-429 (rel. December 29, 2000).

for the 717 NPA, the permissive dialing period will begin and the telecommunications industry can start customer education programs for the new NPA, including the fact that when the new overlay area code is finally activated the FCC requires that all calls be made dialing ten digits, dialing the area code and the seven-digit number.

However, the Commission notes that, during the public input hearings, some commenters expressed reservations regarding the introduction of ten-digit dialing in the 717 area code. In fact, we understand that this was a primary motive of some who commented that the Commission should implement a geographic split. As noted above, while all existing customers would retain the 717 area code and would not have to change their telephone

numbers; consistent with FCC regulations, an overlay relief plan would require ten-digit dialing for all calls within the 717 NPA and the new NPA and all calls between the 717 NPA and the new NPA. The Commission acknowledges that ten-digit dialing has become more prevalent nationwide and overlays, with mandatory ten-digit dialing, have been implemented in southeastern, central, and western Pennsylvania. Notwithstanding, we determine that the requirement of mandatory ten-digit dialing throughout the 717 NPA and new overlay NPA be suspended until the actual assignment of an NXX code from the new overlay NPA.

With the assignment of an NXX code from the new overlay NPA, the dialing plan will be as follows:

Dialing Plan for the All Services Distributed Overlay for the 717 NPA

Type of Call	Call Terminating in	Dialing Plan
Local & Toll Calls	Overlay Home NPAs (HNPA)	10 digits (NPA-NXX-XXXX)*
Local & Toll Calls	Foreign NPA (FNPA) outside of overlay	1+10 digits (1+NPA-NXX-XXXX)
Operator Services Credit card, collect, third party	HNPA or FNPA	0+10 digits (0+NPA-NXX-XXXX)

*1+10 digit dialing for all HNPA and FNPA calls permissible at each service provider's discretion

Thus, the implementation schedule for the new overlay NPA will be as follows:

Event	Time Frame
Network Preparation Period	No later than March 1, 2017 at 12:01 AM EST
Permissive 10-Digit Dialing and Customer Education Period (Calls within 717 NPA can be dialed using 7 or 10 digits) However mandatory ten-digit dialing period begins with first code activation	3 months prior to exhaust
First Code Activation after end of Permissive Dialing Period	1 month prior to exhaust
Total Implementation Interval	9 months

Conclusion

In view of the declaration of jeopardy for the 717 area code, it is in the public interest and coincides with the policy of the Commission to ensure that numbering resources are made available on an equitable, efficient, and timely basis in Pennsylvania; *Therefore,*

It Is Ordered:

1. Neustar, Inc.'s petition filed with the Commission on behalf of the Pennsylvania telecommunications industry at the above docket for approval of its consensus relief plan for the 717 area code is hereby granted to the extent consistent with the body of this Order.

2. An all-services distributed overlay shall be implemented over the 717 area code.

3. All NXX code holders in Pennsylvania are directed to complete all network preparation to their systems that is necessary to implement the new overlay NPA over the existing 717 NPA no later than March 1, 2017.

4. From the entry date of this Order, the North American Numbering Plan Administrator shall provide this Commission with monthly updates on the projected exhaust date of the 717 NPA. Time to exhaust in months shall be calculated and based on actual carrier demand for numbers. The monthly updates shall be addressed to Ms. Deborah Sagerer, Bureau of Technical Utility Services.

5. All NXX code holders in Pennsylvania shall not commence their permissive dialing period and customer education program for the new overlay code until the 717 area code is set to exhaust within 3 months.

6. The Commission shall inform all NXX code holders in Pennsylvania when the 717 NPA is one month to NXX code exhaust so that the Commission can ensure that all carriers, including nonpooling carriers, will have non-discriminatory access to numbers when needed to meet customer demand.

7. The NANPA shall not activate the new overlay NPA or assign any NXX or central office codes from the new overlay until one month prior to NXX code exhaust in the 717 area code.

8. A copy of this order shall be published in the *Pennsylvania Bulletin* and also posted on the Commission's website at <http://www.puc.pa.gov/>.

9. That a copy of this Order shall be served on the Office of Consumer Advocate, the Office of Small Business Advocate and Wayne Milby and Beth Sprague of the North American Numbering Plan Administrator.

ROSEMARY CHIAVETTA,
Secretary

[Pa.B. Doc. No. 16-1966. Filed for public inspection November 10, 2016, 9:00 a.m.]

Pilot Plan and Temporary Waiver

P-2016-2573023. PECO Energy Company. PECO Energy Company pilot plan (plan) for an advance payments program and petition for temporary waiver of portions of the Pennsylvania Public Utility Commission's (Commission) regulations with respect to the plan.

PECO Energy Company proposes to implement a prepayment meter program (the PECO Advance Payments Plan) that will allow certain of its residential customers/applicants to voluntarily enter a program in which they pay their bills for utility service in advance of receiving that service. The programs are authorized in the Commission's regulations under the general heading of "advance payments" with the specific characterization as a "prepayment meter program." (see 52 Pa. Code § 56.17 (relating to advance payments)).

Comments must be filed in accordance with 52 Pa. Code (relating to public utilities) on or before December 15, 2016. Reply comments must be filed on or before January 16, 2017. Filings must be made with the Secretary of the Pennsylvania Public Utility Commission, 400 North Street, Harrisburg, PA 17120, with a copy served on the applicant. The documents filed in support of the application are available for inspection and copying at the Office of the Secretary between 8 a.m. and 4:30 p.m., Monday through Friday, on the Commission's web site at www.puc.pa.gov and at the applicant's business address.

Applicant: PECO Energy Company

Through and By Counsel: Ward L. Smith, Esquire, Assistant General Counsel, PECO Energy Company, 2301 Market Street, S23-1, Philadelphia, PA 19101-8699

ROSEMARY CHIAVETTA,
Secretary

[Pa.B. Doc. No. 16-1967. Filed for public inspection November 10, 2016, 9:00 a.m.]

Service of Notice of Motor Carrier Applications

The following temporary authority and/or permanent authority applications for the right to render service as a common carrier or contract carrier in this Commonwealth have been filed with the Pennsylvania Public Utility Commission. Formal protests and petitions to intervene must be filed in accordance with 52 Pa. Code (relating to public utilities). A protest shall indicate whether it applies to the temporary authority application, the permanent authority application, or both. Filings must be made with the Secretary, Pennsylvania Public Utility Commission, P.O. Box 3265, Harrisburg, PA 17105-3265, with a copy served on the applicant by November 28, 2016. Documents filed in support of the applications are available for inspection and copying at the Office of the Secretary between 8 a.m. and 4:30 p.m., Monday through Friday, and at the business address of the respective applicant.

Applications of the following for approval to begin operating as common carriers for transportation of persons as described under each application.

A-2016-2572886. Joseph D. Sloan, t/a Sloan Taxi (730 Scenic Avenue, Bloomsburg, Columbia County, PA 17815) for the right to transport as a common carrier, by motor vehicle, persons in call or demand service, between points in the City of Bloomsburg.

A-2016-2573164. Academy Limousine Service, Inc. (4430 Carwithan Street, Philadelphia, Philadelphia County, PA 19136) for the right to transport as a common carrier, by motor vehicle, persons in limousine service, from points in the Counties of Bucks, Chester, Delaware, Lehigh and Montgomery, to points in Pennsylvania, and return; excluding service that is under the jurisdiction of the Philadelphia Parking Authority.

ROSEMARY CHIAVETTA,
Secretary

[Pa.B. Doc. No. 16-1968. Filed for public inspection November 10, 2016, 9:00 a.m.]

Service of Notice of Motor Carrier Formal Complaints

Formal Complaints have been issued by the Pennsylvania Public Utility Commission. Answers must be filed in accordance with 52 Pa. Code (relating to public utilities). Answers are due November 28, 2016, and must be made with the Secretary, Pennsylvania Public Utility Commission, P.O. Box 3265, Harrisburg, PA 17105-3265, with a copy to the First Deputy Chief Prosecutor, Pennsylvania Public Utility Commission.

Pennsylvania Public Utility Commission; Bureau of Investigation and Enforcement v. Lem Moore, LLC, t/a Lem Moore Transportation; Docket No. C-2016-2567533

COMPLAINT

The Pennsylvania Public Utility Commission (Commission) is a duly constituted agency of the Commonwealth of Pennsylvania empowered to regulate public utilities within the Commonwealth. The Commission has delegated its authority to initiate proceedings which are prosecutory in nature to the Bureau of Investigation and Enforcement and other bureaus with enforcement responsibilities. Pursuant to that delegated authority and Section 701 of the Public Utility Code, the Bureau of Investigation and Enforcement hereby represents as follows:

1. That all authority issued to Lem Moore, LLC, t/a Lem Moore Transportation, (respondent) is under suspension effective September 06, 2016 for failure to maintain evidence of insurance on file with this Commission.
2. That respondent maintains a principal place of business at 5 Shed Road, P.O. Box 307, Douglassville, PA 19518.
3. That respondent was issued a Certificate of Public Convenience by this Commission on October 02, 1996, at A-00113309.
4. That respondent has failed to maintain evidence of Liability insurance and Cargo insurance on file with this Commission. The Bureau of Investigation and Enforcement's proposed civil penalty for this violation is \$500 and cancellation of the Certificate of Public Convenience.
5. That respondent, by failing to maintain evidence of insurance on file with this Commission, violated 66 Pa.C.S. § 512, 52 Pa. Code § 32.2(c), and 52 Pa. Code § 32.11(a), § 32.12(a) or § 32.13(a).

Wherefore, unless respondent pays the penalty of \$500 or files an answer in compliance with the attached notice and/or causes its insurer to file evidence of insurance

with this Commission within twenty (20) days of the date of service of this Complaint, the Bureau of Investigation and Enforcement will request that the Commission issue an Order which (1) cancels the Certificate of Public Convenience held by respondent at A-00113309 for failure to maintain evidence of current insurance on file with the Commission, (2) fines Respondent the sum of five hundred dollars (\$500.00) for the illegal activity described in this Complaint, (3) orders such other remedy as the Commission may deem to be appropriate, which may include the suspension of a vehicle registration and (4) imposes an additional fine on the respondent should cancellation occur.

Respectfully submitted,
David W. Loucks, Chief
Motor Carrier Enforcement
Bureau of Investigation and Enforcement
P.O. Box 3265
Harrisburg, PA 17105-3265

VERIFICATION

I, David W. Loucks, Chief, Motor Carrier Enforcement, Bureau of Investigation and Enforcement, hereby state that the facts above set forth are true and correct to the best of my knowledge, information and belief and that I expect that the Bureau will be able to prove same at any hearing held in this matter. I understand that the statements herein are made subject to the penalties of 18 Pa.C.S. § 4904 relating to unsworn falsification to authorities.

Date: 9/28/2016

David W. Loucks, Chief
Motor Carrier Enforcement
Bureau of Investigation and Enforcement

NOTICE

A. You must file an Answer within 20 days of the date of service of this Complaint. The date of service is the mailing date as indicated at the top of the Secretarial Letter. See 52 Pa. Code § 1.56(a). The Answer must raise all factual and legal arguments that you wish to claim in your defense, include the docket number of this Complaint, and be verified. You may file your Answer by mailing an original to:

Rosemary Chiavetta, Secretary
Pennsylvania Public Utility Commission
P.O. Box 3265
Harrisburg, PA 17105-3265

Or, you may eFile your Answer using the Commission's website at www.puc.pa.gov. The link to eFiling is located under the Filing & Resources tab on the homepage. If your Answer is 250 pages or less, you are not required to file a paper copy. If your Answer exceeds 250 pages, you must file a paper copy with the Secretary's Bureau.

Additionally, a copy should either be mailed to:

Michael L. Swindler, Deputy Chief
Prosecutor
Pennsylvania Public Utility Commission
Bureau of Investigation and Enforcement
P.O. Box 3265
Harrisburg, PA 17105-3265

Or, emailed to Mr. Swindler at: RA-PCCmplntResp@pa.gov

B. If you fail to answer this Complaint within 20 days, the Bureau of Investigation and Enforcement will request that the Commission issue an Order imposing the penalty.

C. You may elect not to contest this Complaint by causing your insurer to file proper evidence of current insurance in accordance with the Commission's regulations and by paying the fine proposed in this Complaint by certified check or money order within twenty (20) days of the date of service of this Complaint. Accord certificates of insurance and faxed form Es and Hs are unacceptable as evidence of insurance.

The proof of insurance must be filed with the:

Compliance Office, Bureau of Technical
Utility Services
Pennsylvania Public Utility Commission
P.O. Box 3265
Harrisburg, PA 17105-3265

Payment of the fine must be made to the Commonwealth of Pennsylvania and should be forwarded to:

Rosemary Chiavetta, Secretary
Pennsylvania Public Utility Commission
P.O. Box 3265
Harrisburg, PA 17105-3265

Your payment is an admission that you committed the alleged violation and an agreement to cease and desist from further violations. Upon receipt of the evidence of insurance from your insurer, and upon receipt of your payment, the Complaint proceeding shall be closed.

D. If you file an Answer which either admits or fails to deny the allegations of the Complaint, the Bureau of Investigation and Enforcement will request the Commission to issue an Order imposing the penalty set forth in this Complaint.

E. If you file an Answer which contests the Complaint, the matter will be assigned to an Administrative Law Judge for hearing and decision. The Judge is not bound by the penalty set forth in the Complaint, and may impose additional and/or alternative penalties as appropriate.

F. If you are a corporation, you must be represented by legal counsel. 52 Pa. Code § 1.21.

Alternative formats of this material are available for persons with disabilities by contacting the Commission's ADA Coordinator at 717-787-8714. Do not call this number if you have questions as to why you received this complaint. For those questions you may call 717-783-3847.

[Pa.B. Doc. No. 16-1969. Filed for public inspection November 10, 2016, 9:00 a.m.]

Telecommunications

A-2016-2573160. The United Telephone Company of Pennsylvania, LLC d/b/a CenturyLink and Level 3 Communications, LLC. Joint petition of The United Telephone Company of Pennsylvania, LLC d/b/a CenturyLink and Level 3 Communications, LLC for approval of the carrier partner for the interconnected VoIP provider amendment to the interconnection agreement under section 252(e) of the Telecommunications Act of 1996.

The United Telephone Company of Pennsylvania, LLC d/b/a CenturyLink and Level 3 Communications, LLC, by their counsel, filed on October 27, 2016, at the Pennsylvania Public Utility Commission, a joint petition for approval of the carrier partner for the interconnected VoIP provider amendment to the interconnection agreement under sections 251 and 252 of the Telecommunications Act of 1996.

Interested parties may file comments concerning the petition and agreement with the Secretary, Pennsylvania Public Utility Commission, P.O. Box 3265, Harrisburg, PA 17105-3265. Comments are due on or before 10 days after the date of publication of this notice. The documents filed in support of The United Telephone Company of Pennsylvania, LLC d/b/a CenturyLink and Level 3 Communications, LLC joint petition are available for inspection and copying at the Office of the Secretary between 8 a.m. and 4:30 p.m., Monday through Friday, at the Commission's web site at www.puc.pa.gov and at the applicant's business address.

The contact person is Cheryl Walker Davis, Director, Office of Special Assistants, (717) 787-1827.

ROSEMARY CHIAVETTA,
Secretary

[Pa.B. Doc. No. 16-1970. Filed for public inspection November 10, 2016, 9:00 a.m.]

PHILADELPHIA PARKING AUTHORITY

Notice of Citation Complaints

Attention Thomas Neilsen, President, Eagle Chauffeured Services, LLC, last known address 99 Aldan Avenue, Glen Mills, PA 19342. Citations T-20939, T-20940, T-21081 have been issued to you by the Enforcement Department of the Taxicab and Limousine Division of the Philadelphia Parking Authority seeking cancellation of CPC # 1025937-04, CPC # 1025937-06 and CPC # 1025937-07 citing a violation of 52 Pa. Code § 1051.4, "Failure To Pay Assessment" due September 17, 2016. Three (3) separate citations mailed to your address of record have been returned by the Postal Service marked "Forwarding time expired, Return to sender." You have 15 days to answer these citations from date of publication by either pleading *Liable*, or by pleading *Not Liable*, and notifying the Philadelphia Parking Authority, Taxicab and Limousine Division, 2415 South Swanson Street, Philadelphia, PA 19148-4113, attention TLD Clerk.

The Philadelphia Parking Authority
Taxicab and Limousine Division
By: William Schmid
Deputy Director of the TLD

CLARENA TOLSON,
Executive Director

[Pa.B. Doc. No. 16-1971. Filed for public inspection November 10, 2016, 9:00 a.m.]

PORT OF PITTSBURGH COMMISSION

Financial Statement

Summary Financial Information
Derived from the Audited Financial Statements

Summary Statement of Net Position
June 30, 2016

<u>Assets</u>	
Cash and cash equivalents	\$ 2,530,402
Other assets	1,035,361
Capital assets, net of accumulated depreciation/amortization	770,429
Total Assets	<u>\$ 4,336,192</u>
Deferred Outflows of Resources	
	\$ 167,771
<u>Liabilities, Deferred Inflows of Resources, and Net Position</u>	
<u>Liabilities</u>	<u>\$ 4,195,009</u>
<u>Deferred Outflow of Resources</u>	<u>63,284</u>
<u>Net Position:</u>	
Net investment in capital assets	(1,242,867)
Restricted for port development	1,488,537
Total Net Position	<u>245,670</u>
Total Liabilities, Deferred Outflows of Resources, and Net Position	<u>\$ 4,503,963</u>

Summary Statement Activities
Year Ended June 30, 2016

Functions/Programs	Expenses	Program Revenues		Net (Expense) Revenue and Changes in Net Position
		Charges for Services	Operating Grants and Contributions	Governmental Activities
Governmental Activities:				
Port development	\$ 3,016,877	\$ 4,720	\$ 2,964,524	\$ (47,633)
General revenues:				
	Miscellaneous income			31,438
	Investment income			15,531
Change in Net Position				(644)
Net Position:				
	Beginning of year			246,334
	Ending of year			\$ 245,670

MARY ANN BUCCI,
Executive Director

[Pa.B. Doc. No. 16-1972. Filed for public inspection November 10, 2016, 9:00 a.m.]

STATE BOARD OF NURSING

Commonwealth of Pennsylvania, Bureau of Professional and Occupational Affairs v. Ramie Beth Kantner, LPN, Respondent; File No. 14-51-06151; Doc. No. 1184-51-15

Notice to Ramie Beth Kantner, LPN:

On July 8, 2015, the Commonwealth of Pennsylvania, Department of State, Bureau of Professional and Occupational Affairs, instituted a formal administrative action against you by filing an Order to Show Cause, before the State Board of Nursing, alleging that you have violated certain provisions of the Pennsylvania Practical Nurse Law, Act of March 2, 1955, P.L. (1955) 1211, ("Act"). Pursuant to 1 Pa. Code § 33.31 and Rule 430 of the Pennsylvania Rules of Civil Procedure, 231 Pa. Code Rule 430, the State Board of Nursing has issued an Order authorizing service of process upon you by publication.

Notice

Formal disciplinary action has been filed against you. You may lose your license, certificate, registration or permit to practice your profession or occupation. You may be subject to civil penalties of up to \$10,000 for each violation, and the imposition of costs of investigation.

If you wish to defend against the charges in the attached Order to Show Cause or to present evidence to mitigate any penalty that may be imposed, the procedures for doing so are explained in the Order to Show Cause. You may obtain a copy of the Order to Show Cause

from the Prothonotary for the Department of State, 2601 North Third Street, P.O. Box 2649, Harrisburg, PA 17105, telephone number, (717) 772-2686.

You have the right to retain an attorney. Although you may represent yourself without an attorney, you are advised to seek the help of an attorney. You also have the right to have an interpreter provided should you request one.

All proceedings are conducted under the Administrative Agency Law and the General Rules of Administrative Practice and Procedures.

You are directed to respond to the charges by filing a written answer within thirty (30) days of this NOTICE. IF YOU DO NOT FILE AN ANSWER, DISCIPLINARY ACTION MAY BE TAKEN AGAINST YOU WITHOUT A HEARING. To file your answer, you must bring or send an original and three (3) copies of your answer and any pleadings or other documents related to this matter to the following address:

Prothonotary
Department of State
2601 North Third Street
P.O. Box 2649
Harrisburg, PA 17105

You must also send a separate copy of your answer and any other pleadings or documents related to this case to the prosecuting attorney named in the Order to Show Cause.

KRISTIN MALADY, BSN, RN,
Chairperson

[Pa.B. Doc. No. 16-1973. Filed for public inspection November 10, 2016, 9:00 a.m.]

