

**PENNSYLVANIA PUBLIC UTILITY COMMISSION**

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**PUBLIC MEETING**

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**THURSDAY, NOVEMBER 8, 2018 (DS)  
10:00 A.M.**

**MAIN HEARING ROOM NO. 1  
SECOND FLOOR COMMONWEALTH KEYSTONE BUILDING**

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The Commission will act on various matters at today's meeting, which is open to the public. However, since adequate forums have been made available for public participation in cases before the Commission, there will be no opportunity for the public to address the Commission.

The attached agenda is complete at the time of issuance, but other items may be added and some stricken without further notice.

The listing of an item on the agenda does not necessarily mean that the Commission will take final action on it at this meeting. When the Commission does take final action, its decision---except on routine, uncontested tariff filings---will be put in writing and served on the interested parties and made public at the time it is entered and served.

All public documents---such as orders, opinions, hearing transcripts, comments, initial and recommended decisions, and the like---relating to items on the agenda, may be examined in the Commission's File Room located in Room N-201, Second Floor, this Building.

The Commissioners seated on the bench are:

<b>COMMISSIONER</b>	<b>VICE CHAIRMAN</b>	<b>CHAIRMAN</b>	<b>COMMISSIONER</b>	<b>COMMISSIONER</b>
<b>David W. Sweet</b>	<b>Andrew G. Place</b>	<b>Gladys M. Brown</b>	<b>Norman J. Kennard</b>	<b>John F. Coleman, Jr.</b>

**THE TAKING OF PHOTOGRAPHS IS PERMITTED PROVIDED FLASH IS NOT USED.**

The Next Public Meeting is Tentatively Scheduled for Thursday, December 6, 2018 at 10:00 A.M.

Minutes of the Meeting of Thursday, October 4, 2018 (AP)

**\*\*\*ANNOUNCEMENTS\*\*\***

THE NEXT PUBLIC MEETING OF THE PENNSYLVANIA PUBLIC UTILITY COMMISSION IS SCHEDULED FOR THURSDAY, DECEMBER 6, 2018, AT 10:00 A.M. IN HEARING ROOM #1, SECOND FLOOR, COMMONWEALTH KEYSTONE BUILDING, 400 NORTH STREET. AN AGENDA FOR PUBLIC MEETING WILL BE MADE AVAILABLE TO ALL COMMISSIONERS AND INTERESTED PERSONS PRIOR TO THE PUBLIC MEETING.

THE COMMISSION WILL HOLD ITS NEXT EXECUTIVE SESSION ON WEDNESDAY, DECEMBER 5, 2018, AT 1:00 PM IN THE JR. EXECUTIVE CHAMBERS, THIRD FLOOR, COMMONWEALTH KEYSTONE BUILDING.

THE COMMISSION'S AGENDA WILL BE LIMITED TO:

1. DISCUSSING PERSONNEL MATTERS.
2. CONSULTING WITH ITS LEGAL OR TECHNICAL STAFF REGARDING INFORMATION AND STRATEGY IN CONNECTION WITH CURRENT OR POTENTIAL LITIGATION.
3. DISCUSSING MATTERS RELATED TO THE INITIATION AND CONDUCT OF INVESTIGATIONS, AND QUASI-JUDICIAL DELIBERATIONS.
4. REVIEWING LEGALLY PRIVILEGED OR CONFIDENTIAL MATTERS.
5. DISCUSSING COLLECTIVE BARGAINING ISSUES.
6. CONSIDERING THE PURCHASE OR LEASE OF REAL ESTATE.

AN AGENDA FOR THE EXECUTIVE SESSION WILL BE DISTRIBUTED TO ALL COMMISSIONERS IN ADVANCE OF THIS SESSION. THIS NOTICE IS PROVIDED IN ACCORDANCE WITH ACT 84 OF 1986, KNOWN AS THE SUNSHINE ACT.

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**MOTIONS AND STATEMENTS OF THE CHAIRMAN  
AND COMMISSIONERS WILL BE AVAILABLE  
ON THE COMMISSION'S WEBSITE AT  
[WWW.PUC.PA.GOV](http://WWW.PUC.PA.GOV) AFTER PUBLIC MEETING.**

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**FOR YOUR SAFETY, PLEASE TAKE NOTE OF THE EXITS, DOWN THE STAIRS ON EITHER SIDE OF THE HALLWAY OUTSIDE OF HEARING ROOM 1. IN A TRUE EMERGENCY, A PUC EMPLOYEE IN AN ORANGE VEST WILL BE THERE TO HELP THOSE WHO NEED ASSISTANCE. ONCE YOU MOVE DOWN THE STAIRS, PLEASE EXIT ONTO NORTH STREET. ALSO, FOR YOUR CONVENIENCE, RESTROOMS ARE LOCATED ON THE ATRIUM LEVEL NEAR THE CAFETERIA.**

PENNSYLVANIA PUBLIC UTILITY COMMISSION

FINAL AGENDA

November 8, 2018

OFFICE OF SPECIAL ASSISTANTS

<u>AGENDA NO.</u>	<u>DOCKET NO.</u>	<u>NAME AND SUBJECT</u>
2375552-OSA	M-2013-2375552	<p>HANDY DELIVERY INC</p> <p>- On 7/10/87, the Commission issued a Certificate of Public Convenience to Handy Delivery for taxi and trucking authority. On 3/3/12, Handy Delivery submitted an assessment report to the Commission which reported its intrastate operating revenues for property delivery and passenger transportation for the 2011 calendar year. After review of the filing by the Bureau of Audits, the bureau determined that that the company had understated its jurisdictional operating revenues. The matter was referred to the Commission's Bureau of Investigation and Enforcement for appropriate action. The parties entered into negotiations and agreed to resolve this informal investigation by settling the matter. On 10/1/13, the parties filed a Settlement Agreement. On 12/5/13, the Commission entered an Order seeking comments by any interested party. No comments were filed.</p> <p>RECOMMENDATION:</p> <p>That the Commission adopt the proposed Opinion and Order that approves the Settlement Agreement.</p>
2515642-OSA	M-2015-2515642	<p>PPL ELECTRIC UTILITIES CORPORATION</p> <p>- On 7/20/18, PPL filed a Petition for Approval of Changes to its Phase III Plan. Comments to the eight proposed modifications within the Petition were filed by the PP&amp;L Industrial Customer Alliance (PPLICA), the OCA, the Coalition for Affordable Utility Services and Energy Efficiency in Pennsylvania (CAUSE-PA) and the Sustainable Energy Fund of Central Eastern Pennsylvania on 8/20/18. Reply Comments were filed by PPL on 9/10/18.</p> <p>RECOMMENDATION:</p> <p>The Office of Special Assistants recommends that the Commission adopt the proposed Opinion and Order.</p>

**2515642-OSA**

**M-2015-2515642**

**PPL ELECTRIC UTILITIES CORPORATION**

- On 6/6/17, PPL filed a petition for approval of major and minor changes to its Phase III Energy Efficiency and Conservation (EE&C) Plan. On 11/21/17, the Commission entered an order approving most of the proposed changes but referred one change, the Enhanced Localized Incentives Pilot (Pilot Program), to the OALJ for hearings and a recommended decision. On 2/16/18, PPL filed a Petition for Leave to Withdraw Without Prejudice the Remainder of its 6/6/17 EE&C Plan Change Petition (Change No. 10 – pertaining to a Pilot program). ALJ Myers granted the Petition by Recommended Decision issued on 4/9/18. PPLICA filed Exceptions on 4/30/18 to the Recommended Decision. PPL filed Replies to Exceptions on 5/10/18.

**RECOMMENDATION:**

That the Commission adopt the proposed Opinion and Order that grants the Petition for Leave to Withdraw.

**2551126-OSA**

**A-2016-2551126**

**THE CONNECTIONS GROUP INC**

- On 9/23/16, the Applicant filed an Amended Application for the right to transport as a common carrier by motor vehicle, persons in paratransit service, from points in the counties of Bucks, Chester, Delaware, Montgomery and Philadelphia. Notice of the Application was published in the Pa. Bulletin on 10/22/16. Suburban Transit Network, Inc. t/a TransNet, Willow Grove Yellow Cab Co., Inc., t/d/b/a Bux-Mont Yellow Cab and t/d/b/a Bux-Mont Transportation Services Co., Easton Coach Company t/a Norristown Transportation Company, Tri County Transit Service, Inc., and Bucks County Transport, Inc., (Protestants) filed a joint protest on 10/26/16. A hearing was held on 5/2/17. By Initial Decision issued on 1/5/18, ALJ Guhl recommended that the Amended Application be granted, in part, and denied, in part. The Protestants filed Exceptions on 1/24/18. The Applicant filed Replies to Exceptions 2/5/18.

**RECOMMENDATION:**

That the Commission adopt the proposed Opinion and Order.

**2573166-OSA**

**C-2016-2573166**

**THOMAS BAKER VS PECO ENERGY COMPANY**

- On 10/26/16, Mr. Baker filed a Formal Complaint, alleging, inter alia, that PECO provided inadequate and unreasonable service to his place of business when responding to a hot socket meter alarm. On 11/17/16, PECO filed an Answer, denying all material allegations of fact in the Complaint. On 4/27/17, an evidentiary hearing was held before ALJ Pell. On 8/28/17, the Initial Decision of ALJ Pell was issued, which denied the Complaint. The Complainant filed Exceptions on 10/10/17. PECO filed Replies to Exceptions on 10/20/17.

**RECOMMENDATION:**

That the Commission adopt the proposed Opinion and Order that denies the Exceptions and modifies the ALJ's Initial Decision consistent with the discussion in the proposed Opinion and Order.

**2592335-OSA**

**C-2017-2592335**

**KA AT FAIRLESS HILLS LLC VS PECO ENERGY COMPANY**

- Formal Complaint filed on 2/20/17, alleging that PECO violated Section 1303 of the Code, 66 Pa. C.S. § 1303, by failing to bill it at the most advantageous rate. KA owns the Fairless Hills Shopping Center and requested that service be placed in its name after the bankruptcy and rejection of its shopping center lease by its former tenant, Pathmark. The matter was assigned to ALJ Vero. On 12/19/17, the Initial Decision of ALJ Vero was issued. On 1/10/18, PECO filed a Motion to File Exceptions Nunc Pro Tunc, and Exceptions. KA filed a Response in Opposition to the PECO Motion on 1/18/18.

**RECOMMENDATION:**

That the Commission adopt the proposed Opinion and Order which grants PECO's Motion, denies PECO's Exceptions and adopts the ALJ's Initial Decision that sustains the Complaint.

2634221-OSA

C-2017-2634221

PUC - INVESTIGATION AND ENFORCEMENT VS  
MILLCREEK PARAMEDIC SERVICE INC

- Complaint filed on 11/17/17, alleging that the Respondent failed to file its annual assessment report for the 2015 calendar year and also failed to pay its annual assessment for fiscal year 7/1/16 to 6/30/17. I&E recommended that the Respondent be ordered to pay \$5,009, consisting of the outstanding assessment balance of \$3,921 and civil penalties in the amounts of \$500 and \$588, respectively, for the two above-stated violations and that the Respondent's Certificate of Public Convenience be revoked if it failed to pay the assessment and civil penalties. The Respondent did not file an Answer to the Complaint. On 4/25/18, I&E filed a Motion for Default Judgment, requesting that the Commission direct the Respondent to pay the outstanding assessment and civil penalties. No Answer to the Motion was filed.

RECOMMENDATION:

That the Commission adopt the proposed Opinion and Order, which grants the Motion for Default Judgment.

2637177-OSA

M-2018-2637177

ARTESIAN WATER PENNSYLVANIA INC

- Application filed on 5/10/16, seeking approval of two affiliated interest agreements by and between Artesian PA and its parent affiliate, Artesian Resources Corp. By Secretarial Letter dated 3/7/17, the Application was rejected. On 3/27/17, Artesian filed a Petition for Reconsideration of Staff Action. On 12/7/17, the Commission entered an Opinion and Order that referred this matter to the Bureau of Technical Utility Services (TUS) for further review and I&E with regard to the timing of the filing of the Agreements by Artesian PA. I&E initiated an informal investigation as directed in the 12/7/17 Order. On 7/5/18, I&E and Artesian PA submitted a Joint Petition for Settlement and Statements in Support of the Settlement. By Order entered 9/20/18, the Commission provided interested parties with the opportunity to file comments on the Settlement. No comments were filed.

RECOMMENDATION:

That the Commission adopt the proposed Opinion and Order that grants the Joint Petition for Settlement.

**2638130-OSA C-2017-2638130**

**PUC - INVESTIGATION AND ENFORCEMENT VS ROYAL  
TRANSPORTATION GROUP LLC**

- Complaint filed on 12/13/17, alleging that Respondent failed to pay its assessment amount for Fiscal Year 2016-2017. I&E requested that the Respondent be ordered to pay \$2,515 (consisting of the outstanding assessment balance of \$2,187 and a civil penalty of \$328) and that the Respondent's Certificates of Public Convenience be revoked if it failed to pay the assessment and civil penalty. The Respondent did not file an Answer to the Complaint. On 7/16/18, I&E filed a Motion for Default Judgment, requesting that the Commission direct the Respondent to pay the outstanding assessment and the civil penalty. On 7/23/18, the Respondent's Certificates were cancelled. No Answer to the Motion was filed.

**RECOMMENDATION:**

That the Commission adopt the proposed Opinion and Order, which grants the Motion for Default Judgment, as modified by this Opinion and Order.

**2641735-OSA C-2018-2641735**

**PUC - INVESTIGATION AND ENFORCEMENT VS DAVID M  
SAUL**

- Complaint filed on 1/9/18, alleging that Respondent failed to pay its assessment amount for Fiscal Year 2016-2017. I&E requested that the Respondent be ordered to pay \$279 (consisting of the outstanding assessment balance of \$179 and a civil penalty of \$100) and that the Respondent's Certificate of Public Convenience be revoked if it failed to pay the assessment and civil penalty. The Respondent did not file an Answer to the Complaint. On 7/16/18, I&E filed a Motion for Default Judgment, requesting that the Commission direct the Respondent to pay the outstanding assessment and the civil penalty. No Answer to the Motion was filed.

**RECOMMENDATION:**

That the Commission adopt the proposed Opinion and Order, which grants the Motion for Default Judgment.

**BUREAU OF TECHNICAL UTILITY SERVICES**

<b><u>AGENDA NO.</u></b>	<b><u>DOCKET NO.</u></b>	<b><u>NAME AND SUBJECT</u></b>
<b>1184239-TUS</b>	<b>M-00031715F0004</b>	<p>METROPOLITAN EDISON COMPANY AND PENNSYLVANIA ELECTRIC COMPANY SUSTAINABLE ENERGY FUND</p> <p>- Letter/petition filed on 9/24/18, for approval of a Member to the Advisory Board of the Met-Ed and Penelec Sustainable Energy Fund.</p> <p>RECOMMENDATION:</p> <p>That the Commission adopt the proposed Order.</p>
<b>2640827-TUS</b>	<b>M-2018-2640827</b>	<p>ELECTRIC GENERATION SUPPLIER (EGS) LICENSE CANCELLATIONS</p> <p>- The Commission's regulations at 52 Pa. Code § 54.40(a) state that an EGS license will not be issued or remain in force until the licensee furnishes a bond or other security approved by the Commission. 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. As of 10/30/18, the companies listed in the Supplier Table of the Tentative Order are not in compliance with 52 Pa. Code §54.40(a) and (d).</p> <p>RECOMMENDATION:</p> <p>That the Commission adopt the proposed Tentative Order.</p>
<b>3002121-TUS</b>	<b>A-2018-3002121</b>	<p>HUDSON ENERGY SERVICES LLC</p> <p>- Application filed on 5/23/18, for approval to offer, render, furnish, or supply natural gas services as a supplier to residential, small commercial, large commercial, industrial and governmental customers in the natural gas distribution company service territories of Columbia Gas, PECO, Peoples Natural Gas, Peoples Natural Gas - Equitable, Peoples Gas and UGI Utilities, within PA.</p> <p>RECOMMENDATION:</p> <p>That the Commission adopt the proposed Order.</p>
<b>3002362-TUS</b>	<b>A-2018-3002362</b>	<p>BBPC LLC D/B/A GREAT EASTERN ENERGY</p> <p>- Application filed on 6/1/18, for approval for a license to offer, render, furnish or supply electricity or electric generation services as a supplier to residential, small commercial, large commercial, industrial, and governmental customers in all of the electric distribution company service territories throughout PA.</p> <p>RECOMMENDATION:</p> <p>That the Commission adopt the proposed Order.</p>



<b>3002376-TUS</b>	<b>A-2018-3002376</b>	<p>BBPC LLC D/B/A GREAT EASTERN ENERGY</p> <p>- Application filed on 6/1/18, for approval to offer, render, furnish, or supply natural gas services as a supplier to residential, small commercial, large commercial, industrial and governmental customers in the natural gas distribution company service territories of Columbia Gas, NFGD Corp., PECO, Peoples Natural Gas, Peoples Natural Gas - Equitable, Peoples Gas, PGW, UGI, and Valley Energy, within PA.</p> <p>RECOMMENDATION:</p> <p>That the Commission adopt the proposed Order.</p>
<b>3003855-TUS</b>	<b>R-2018-3003855</b> <b>R-2018-3003851</b> <b>R-2018-3003850</b>	<p>PEOPLES NATURAL GAS COMPANY LLC, PEOPLES NATURAL GAS COMPANY LLC – EQUITABLE, AND PEOPLES AS COMPANY LLC</p> <p>- Supplement Nos. 93, 62, and 52 to Tariff Gas - Pa. P.U.C. Nos. 45, 46, and 8 filed on 7/31/18, proposing to limit the Customer Assistance Program (CAP) Plus payment amount to a maximum of \$5.00.</p> <p>RECOMMENDATION:</p> <p>That the Commission adopt the proposed Order.</p>
<b>3004019-TUS</b>	<b>R-2018-3004019</b> <b>P-00981410F1000</b> <b>C-2018-3005400</b>	<p>UNITED TELEPHONE COMPANY OF PENNSYLVANIA D/B/A CENTURYLINK</p> <p>- 2018 Price Stability Index/Service Price Index Report filed on 8/29/18, On 10/15/18, the OCA filed a Formal Complaint.</p> <p>RECOMMENDATION:</p> <p>That the Commission adopt the proposed Order.</p>
<b>3005138-TUS</b>	<b>S-2018-3005138</b>	<p>WEST PENN POWER COMPANY</p> <p>- Securities Certificate filed on 9/27/18, for approval of the proposed issuance and sale of debt securities and/or credit facilities in a principal amount not to exceed \$250 million.</p> <p>RECOMMENDATION:</p> <p>That the Commission register the securities certificate consistent with the proposed Order.</p>

**3005140-TUS S-2018-3005140**

**PENNSYLVANIA ELECTRIC COMPANY**

- Securities Certificate filed on 9/27/18, for approval of the proposed issuance and sale of debt securities and/or credit facilities in a principal amount not to exceed \$550 million.

**RECOMMENDATION:**

That the Commission register the securities certificate consistent with the proposed Order.

**3005372-TUS A-2018-3005372**

**BROOKFIELD RENEWABLE ENERGY MARKETING US LLC  
D/B/A BROOKFIELD RENEWABLE**

- Application filed on 10/15/18, for approval for a license to offer, render, furnish or supply electricity or electric generation services as a supplier to large commercial, industrial, and governmental customers in the electric distribution company service territories of PECO and PPL in PA.

**RECOMMENDATION:**

That the Commission adopt the proposed Order.

**LAW BUREAU**

<b><u>AGENDA NO.</u></b>	<b><u>DOCKET NO.</u></b>	<b><u>NAME AND SUBJECT</u></b>
<b>2604382-LAW</b>	<b>M-2017-2604382</b>	<p><b>POLICY STATEMENT ON THIRD PARTY ELECTRIC VEHICLE CHARGING</b></p> <p>- On 3/15/18, the Commission adopted a proposed policy statement to encourage the development of electric vehicle (EV) charging infrastructure by (1) clarifying that it is the policy of the Commission that an EV charging facility open to the public for the sole purpose of recharging an EV battery not be construed as selling electricity to residential customers and (2) requesting that electric distribution companies expressly address EV charging stations in their tariffs. After consideration of the comments filed by stakeholders, the Commission adopts its final policy statement at 52 Pa. Code §§ 69.3501-3502 to address the above-noted concerns.</p> <p><b>RECOMMENDATION:</b></p> <p>That the Commission adopt the proposed Order.</p>
<b>3000562-LAW</b>	<b>R-2018-3000562 R-2018-3000558</b>	<p><b>WELLSBORO ELECTRIC COMPANY AND CITIZENS ELECTRIC COMPANY OF LEWISBURG PA</b></p> <p>- Joint Petition for amendment of the Commission's Orders issued on 5/17/18.</p> <p><b>RECOMMENDATION:</b></p> <p>That the Commission adopt the proposed order.</p>
<b>3003742-LAW</b>	<b>M-2018-3003742</b>	<p><b>CANCELLATION OF CERTIFICATES OF PUBLIC CONVENIENCE FOR COMMON CARRIERS FOR FAILURE TO OPERATE OR REPORT ANY OPERATING REVENUE</b></p> <p>- On August 23, 2018, the Commission entered a Tentative Order (TO) to cancel the Certificates of Public Convenience (CPC) for common carriers that failed to follow the Commission's revenue reporting and/or continuous operating requirements. Carriers were provided notice and given until 9/28/18 to respond to the TO or have their CPCs cancelled. This Final Order carries out the TO's objective to cancel the CPCs of carriers in appropriate circumstances while at the same time allowing carriers that reported their 2017 operating revenue—and are now in compliance with the Commission's reporting and operating requirements—to retain their CPCs.</p> <p><b>RECOMMENDATION:</b></p> <p>That the Commission adopt the proposed Final Order</p>

**POLICY STATEMENT REGARDING THE REPORTING OF  
INTRASTATE OPERATING REVENUES FOR SECTION 510  
ASSESSMENT PURPOSES BY JURISDICTIONAL  
TELECOMMUNICATIONS CARRIERS OFFERING SPECIAL  
ACCESS AND OTHER SIMILAR JURISDICTIONALLY MIXED  
USE TELECOMMUNICATIONS SERVICES**

- The Commission is issuing this proposed policy statement to address the issue of whether jurisdictional telecommunications providers who provide jurisdictionally-mixed telecommunications services should report and file their de facto intrastate revenues in order to comply with the annual Section 510 assessment process and pay a reasonable share of the costs of administering the Code. The policy statement amends Chapter 69 of the Commission's regulations to provide guidance to carriers providing jurisdictionally mixed-use telecommunications services regarding their obligation under Section 510 of the Public Utility Code to report their de facto total gross intrastate operating revenues in order to accurately allocate the costs incurred by the Commission to administer the Public Utility Code.

**RECOMMENDATION:**

That the Commission adopt the proposed Policy Statement.

**OFFICE OF ADMINISTRATIVE LAW JUDGE**

<b><u>AGENDA NO.</u></b>	<b><u>DOCKET NO.</u></b>	<b><u>NAME AND SUBJECT</u></b>
<b>3003104-ALJ</b>	<b>R-2018-3003104 C-2018-3003507</b>	<p>TIMBERLEE VALLEY SANITATION COMPANY INC</p> <p>- Supplement No. 6 To Tariff – Wastewater Pa. P.U.C. No. 1 filed on 6/29/18, to become effective 9/1/18 proposing to increase Timberlee Valley’s annual wastewater revenue by approximately \$22,560 or 36.36% based on the future test year ending 12/31/18. By Order entered 8/23/18, the Commission suspended the proposed tariff until 4/1/19 and instituted an investigation. On 9/25/18, a Joint Petition for Settlement, with Statements in Support, was filed by all parties, including the formal complainants.</p> <p>COMMISSION REVIEW:</p> <p>That the Commission adopt ALJ Dunderdale’s Recommended Decision approving the Joint Petition for Settlement.</p>

**PENNSYLVANIA PUBLIC UTILITY COMMISSION**

**Carry-In Agenda**

**November 8, 2018**

**LAW BUREAU**

<b><u>AGENDA NO.</u></b>	<b><u>DOCKET NO.</u></b>	<b><u>NAME AND SUBJECT</u></b>
<b>3005531-LAW</b>	<b>P-2018-3005531</b>	<b>AFFINITI PA LLC</b>  - On 8/29/13, the Commission entered an Order granting Affiniti the authority to operate as a Competitive Access Provider. On 9/18/13, the Commission approved Affiniti's request to acquire assets and customers of Last Mile, Inc., d/b/a Sting Communications. On 4/24/13, Affiniti and Zayo Group executed an Agreement, in which Zayo granted Affiniti an indefeasible right of use (IRU) in certain dark fiber strands in its telecom network. Affiniti's actual operating experience serving customers in PA under the Agreement reveals that the IRU Agreement has become unsustainable, and the structure of the Agreement has directly resulted in several years of successive financial losses for Affiniti. On 10/19/18, Affiniti filed a Petition for Emergency Relief requesting the IRU Agreement be subject to Commission jurisdiction and subject to such changes/modifications, and to modify the terms of the Agreement to provide an opportunity for termination of the Agreement with 90 days written notice. A Secretarial Letter was issued 10/31/18.  <b>RECOMMENDATION:</b>  That, consistent with 52 Pa. Code § 3.3(c), this action be recorded and entered in the minutes of this public meeting.

**COMMISSIONERS**

<b><u>AGENDA NO.</u></b>	<b><u>DOCKET NO.</u></b>	<b><u>NAME AND SUBJECT</u></b>
<b>2484229-CMR</b>	<b>P-2015-2484229</b> <b>M-00900239</b> <b>M-2018-2640814</b>	<b>PROPOSED PILOT FOR TELECOMMUNICATIONS RELAY SERVICE WIRELESS EQUIPMENT DISTRIBUTION</b>  - MOTION OF CHAIRMAN GLADYS M BROWN