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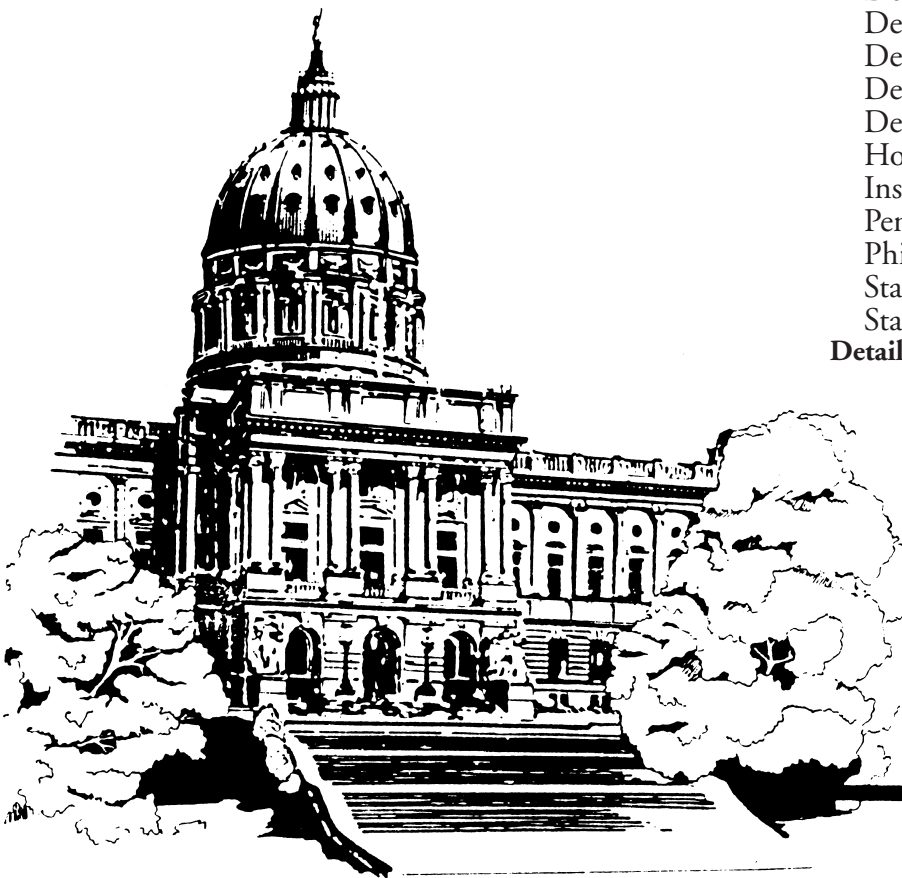
# PENNSYLVANIA BULLETIN

Volume 45  
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Number 4  
Pages 401—534

## Agencies in this issue

The Courts  
Department of Banking and Securities  
Department of Conservation and Natural Resources  
Department of Drug and Alcohol Programs  
Department of Education  
Department of Environmental Protection  
Department of General Services  
Department of Health  
Department of Revenue  
Department of Transportation  
Housing Finance Agency  
Insurance Department  
Pennsylvania Public Utility Commission  
Philadelphia Regional Port Authority  
State Employees Retirement Board  
State Police

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

**No. 482, January 2015**

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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](http://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](http://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](http://www.pabulletin.com).

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

### Fiscal Notes

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

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

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## List of Pa. Code Chapters Affected

The following numerical guide is a list of the chapters of each title of the *Pennsylvania Code* affected by documents published in the *Pennsylvania Bulletin* during 2015.

### 7 Pa. Code (Agriculture)

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### 10 Pa. Code (Banking and Securities)

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# THE COURTS

## Title 255—LOCAL COURT RULES

### BEAVER COUNTY

#### Policy and Procedures for Constables in the 36th Judicial District; No. AD-2-2015

##### Administrative Order

By the authority granted at Pennsylvania Rule of Judicial Administration 1907.2(b) and (c), it is hereby Ordered and Directed that all elected or appointed Constables in the 36th Judicial District must comply, in total, with all provisions of the "Constable Policies, Procedures and Standards of Conduct" as adopted and published by The Pennsylvania State Court Administrator in May, 2013, as the Policies and Procedures for all Constables in this Judicial District. Further, the Beaver County Constable Cost Sheet, as prepared by the District Court Administrator, and, as may be amended from time to time, is the designated form when requesting approved payment of fees and costs from the Court. Still further, the District Court Administrator is directed to create and maintain a Master List of Constables approved for assignment by the Courts of this Judicial District. Finally, the Complaint forms, as prepared to process both Complaints against and Complaints by Constables, are the only forms to be completed and filed with the District Court Administrator for Court action.

The District Court Administrator is Directed to:

(1) file one (1) certified copy of this Administrative Order with the Administrative Office of Pennsylvania Courts;

(2) submit two (2) certified copies of this Administrative Order and a copy on computer diskette or CD-ROM to the Legislative Reference Bureau for publication in the *Pennsylvania Bulletin*;

(3) keep a copy of this Administrative Order continuously available for public inspection and copying in the Office of the Clerk of Courts of Beaver County and in the Beaver County Law Library, and upon request and payment of reasonable costs of reproduction and mailing, the Clerk of Courts or the Law Librarian shall furnish to any person a copy of this Administrative Order (see Pa.R.J.A. Rule 103(c)).

This Administrative Order is effective thirty (30) days after publication in the *Pennsylvania Bulletin*.

*By the Court*

JOHN D. McBRIDE,  
*President Judge*

[Pa.B. Doc. No. 15-123. Filed for public inspection January 23, 2015, 9:00 a.m.]

### JEFFERSON COUNTY

#### Administrative Order Amending Local Rule 208.3; No. 1-2015 AD

##### Order Amending Local Rule 208.3

*And Now*, this 8th day of January 2015, *It Is Ordered That* Jeff.Co.R.C.P. 208.3 is hereby amended to add the following sentence to paragraph 1:

The Court may nonetheless exercise its discretion to schedule argument or decide the motion or petition without argument.

*It Is Furthered Ordered That* existing paragraphs 2 and 3 shall be eliminated in their entirety and replaced with the following language:

2. Whenever a party files a motion or petition, the Prothonotary shall forward a copy to the Court. In the case of preliminary objections, motions for judgment on the pleadings, and motions for summary judgment, the Court Administrator shall prepare a briefing schedule advising the parties of the dates when their respective briefs are due. In the event a party does not receive a briefing schedule from the Court, the *Pennsylvania Rules of Civil Procedure* shall govern.

3. Paragraph 1 notwithstanding, preliminary objections and summary judgment motions in debt collection and mortgage foreclosure cases shall be decided on the briefs alone.

*It Is Further Ordered That* Section B. Filing and Service of Briefs shall hereafter read as follows:

All briefs, including a copy for the Court, shall be filed in the Prothonotary's Office and served on the other party(ies). No motions or petitions other than preliminary objections, motions for judgment on the pleadings, and motions for summary judgment will be assigned briefing schedules unless the Court deems it to be necessary in any given case.

This Order shall become effective thirty (30) days after the date of publication in the *Pennsylvania Bulletin*.

*By the Court*

HONORABLE JOHN HENRY FORADORA,  
*President Judge*

[Pa.B. Doc. No. 15-124. Filed for public inspection January 23, 2015, 9:00 a.m.]

### JEFFERSON COUNTY

#### Administrative Order Rescinding Local Rule 206.4(c); No. 2-2015 AD

##### Order Rescinding Local Rule 206.4(c)

*And Now*, this 8th day of January 2015, *It Is Ordered That* Jeff.Co.R.C.P. 206.4(c), providing that a rule to show cause shall be issued as of course, is *Rescinded*.

This Order shall become effective thirty (30) days after the date of publication in the *Pennsylvania Bulletin*.

*By the Court*

HONORABLE JOHN HENRY FORADORA,  
*President Judge*

[Pa.B. Doc. No. 15-125. Filed for public inspection January 23, 2015, 9:00 a.m.]



# RULES AND REGULATIONS

## Title 10—BANKING AND SECURITIES

### DEPARTMENT OF BANKING AND SECURITIES

[ 10 PA. CODE CH. 57 ]

#### Debt Management Services Continuing Education

The Department of Banking and Securities (Department) adds Chapter 57 (relating to debt management services continuing education) under the authority of section 9(c) of the Debt Management Services Act (act) (63 P. S. § 2409(c)).

##### *Purpose*

This final-form rulemaking implements continuing education requirements for credit counselors and supervisors employed by a debt management services licensee. The final-form rulemaking satisfies the Department's obligation under section 9(c) of the act to promulgate regulations delineating the continuing education requirements for credit counselors and supervisors employed by debt management services licensees.

##### *Comments and Responses*

Notice of proposed rulemaking was published at 44 Pa.B. 2751 (May 10, 2014) with a 30-day public comment period. The Department did not receive comments during the public comment period.

The Department received six comments from the Independent Regulatory Review Commission (IRRC).

*Comment:* IRRC requested that the Department explain why the approach taken by the Department in § 57.32 (relating to criteria) is appropriate and how it satisfies the statutory mandate to establish continuing education requirements through regulation. IRRC commented that it believed § 57.32 created a confusing regulatory environment for the regulated community and would be difficult for the Department to implement in a consistent manner.

*Response:* The final-form rulemaking satisfies the statutory mandate because the language of the act contemplates that the Department will utilize the already existing certifying organization structure. Section 5(11) of the act (63 P. S. § 2405(11)) specifically states that credit counselors and supervisors requiring certification will obtain that certification through "an independent certifying organization acceptable to the department." The final-form rulemaking incorporates the continuing education requirement of the certifying organizations because the General Assembly permitted the Department to approve independent organizations for certification of credit counselors and supervisors employed by licensees and the certification process requires continuing education.

Using the current certifying organization structure reduces confusion because the final-form rulemaking permits credit counselors and supervisors to obtain certification and meet the continuing education requirements at the same time. A separate structure would create a confusing regulatory environment because credit counselors and supervisors, the majority of whom are located outside of this Commonwealth, would need to track which continuing education credits counted for certification and

which counted toward a separate continuing education structure specifically for this Commonwealth.

In addition, for the Department to develop an entirely separate structure for continuing education would be burdensome on the Department and the regulated community. The costs to the Department to develop a program and implement it on a Nationwide basis would be unmanageable because of the Department's 45 licensees, only 6 are located in this Commonwealth. A separate structure would require the regulated community to pay for certification and also pay for continuing education classes. Unless licensees require employees to pay for their own continuing education, this added cost is burdensome because many of the licensees are nonprofits.

To further clarify the requirements on licensees, the Department included two additional criteria. The Department will verify whether the certifying organizations offer the required continuing education courses every 24 months. If the courses offered are not acceptable to the Department, the certifying organization will be removed from the list of acceptable providers. This structure is analogous to other regulatory structures in this Commonwealth, such as the continuing education requirements for attorneys.

IRRC pointed out that one certifying organization permits a 45-day grace period to obtain the continuing education credits required for credit counselor certification through that certifying organization. IRRC asked how that 45-day grace period will affect the requirement of § 57.32(3) to obtain all 16 continuing education credits within a 24-month period. Section 5(11) of the act requires credit counselors to be certified and section 9(c) of the act requires continuing education. In accordance with section 5(11) of the act, credit counselors obtain certification through "an independent certifying organization acceptable to the department." Although continuing education is a part of the credit counselor certification, continuing education and certification are two distinct requirements of the act. If a credit counselor chooses to utilize the 45-day grace period for purposes of his certification, it is permitted by the act and not addressed in regulation. However, that grace period applies only to credit counselor certification. The regulation is clear that as to the Department's continuing education requirements, 16 continuing education credits must be completed every 24 months. Therefore, a grace period does not exist.

*Comment:* IRRC suggested the Department make changes to the definition of "certifying organization" in § 57.1 (relating to definitions) to reflect that certifying organizations offer continuing education courses to both counselors and supervisors.

*Response:* The Department added "credit counselors and" to the definition as suggested by IRRC.

*Comment:* IRRC suggested the Department make changes to the definition of "supervisor" to replace "for example" with "including" to better reflect the requirements of the act.

*Response:* The Department deleted "for example" from the definition and added "including" as suggested by IRRC.

*Comment:* IRRC recommended the Department amend § 57.11(1) and (2) (relating to continuing education requirements) to state that credit counselors and supervi-

sors shall complete a minimum of 16 continuing education units every 2 years through a registered certifying organization.

*Response:* The Department revised § 57.11 to address IRRC's concern. The continuing education requirements for credit counselors and supervisors are now together to reduce confusion. For further clarity, the Department deleted the reference to certification because the requirement that credit counselors maintain valid certification is already addressed in section 5 of the act. The Department also further clarified what topics the continuing education units should address.

*Comment:* Regarding § 57.13 (relating to former registered certifying organizations), IRRC asked what is meant by "take action."

*Response:* "Take action" refers to the administrative remedies available to the Department under the act to regulate the actions of a licensee. The phrase "or take other actions" is used after listing the power and duties of the Department in section 17 of the act (63 P. S. § 2417). To clarify this term, the Department added "administrative" between "take" and "action." The Department also cited sections 10(2), 16 and 17 of the act (63 P. S. §§ 2410(2), 2416 and 2417) which, when a violation of the act occurs, grant the Department the specific authority to: (1) deny, suspend, revoke or refuse to renew a license; (2) impose a civil penalty up to \$10,000 for each violation; (3) issue orders to ensure the proper conduct of licensees, including cease and desist orders; (4) prohibit a person or licensee from working in any capacity related to activities regulated by the Department; (5) order restitution paid for actual damages to consumers; and (6) order refunds for fees collected.

*Comment:* Regarding § 57.13, IRRC asked how will credit counselors and supervisors know if the Department plans to take action against the certifying organizations.

*Response:* The final-form rulemaking indicates the Department would consider taking action against the licensee, not a certifying organization. Whether the Department plans to take action against a licensee will not affect the ability of a credit counselor or supervisor to comply with the final-form rulemaking, so notification to the credit counselors and supervisors is not necessary.

*Comment:* Regarding § 57.13, IRRC asked if the Department will maintain a list of these certifying organizations on the Department's web site with an indication of whether action will be taken.

*Response:* As indicated in response to the previous question, the Department will not take administrative action against a certifying organization. Unless the act is amended to state otherwise, the Department will never take action against a certifying organization because it does not regulate those entities. As indicated in § 57.32, the Department will maintain a list of acceptable certifying organizations on the Department's web site.

If the Department takes administrative action against a licensee which results in a final adjudication, those final orders are public documents which the Department posts on the Department's web site under section 18(c)(2) of the act (63 P. S. § 2418(c)(2)).

*Comment:* IRRC recommended the Department delete "at least" from § 57.22 (relating to recordkeeping) because it did not provide an exact time frame for which records shall be kept.

*Response:* The Department deleted "at least" from § 57.22 in the final-form rulemaking as recommended by IRRC.

*Comment:* IRRC requested that the Department replace "periodically" in § 57.32 with more specific language because "periodically" is vague and does not establish a binding norm.

*Response:* The Department replaced "periodically" with "every 24 months" to address IRRC's concern regarding the lack of a binding norm.

*Fiscal Impact*

*State government*

The final-form rulemaking has a de minimus impact on the Department. The Department already regulates debt management services providers. The final-form rulemaking only adds another item that the Department will review in its investigations and examinations. The final-form rulemaking does not have an impact on the Commonwealth and its political subdivisions.

*Regulated community*

The final-form rulemaking has a de minimus impact on the regulated community. Credit counselors employed by debt management services licensees already complete continuing education to obtain and maintain credit counselor certification. The final-form rulemaking only adds the cost of attendance of continuing education for supervisors if the supervisors are not also certified as credit counselors.

*Paperwork*

The final-form rulemaking requires the regulated community to maintain documentation to verify that the credit counselors and supervisors in its employ completed the continuing education requirements.

*Effectiveness and Sunset Dates*

Chapter 57 will be effective upon final-form publication in the *Pennsylvania Bulletin*. Chapter 57 does not have a sunset date because the Department will periodically review the effectiveness of the regulation.

*Regulatory Review*

Under section 5(a) of the Regulatory Review Act (71 P. S. § 745.5(a)), on April 24, 2014, the Department submitted a copy of the notice of proposed rulemaking, published at 44 Pa.B. 2751, to IRRC and the Chairpersons of the House Commerce Committee and the Senate Banking and Insurance Committee for review and comment.

Under section 5(c) of the Regulatory Review Act, IRRC and the House and Senate Committees were provided with copies of the comments received during the public comment period, as well as other documents when requested. In preparing the final-form rulemaking, the Department has considered all comments from IRRC, the House and Senate Committees and the public.

Under section 5.1(j.2) of the Regulatory Review Act (71 P. S. § 745.5a(j.2)), on November 12, 2014, the final-form rulemaking was deemed approved by the House and Senate Committees. Under section 5.1(e) of the Regulatory Review Act, IRRC met on November 20, 2014, and approved the final-form rulemaking.

*Findings*

The Department finds that:

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

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

(3) The regulation does not enlarge the purpose of the proposed rulemaking published at 44 Pa.B. 2751.

(4) The final-form rulemaking is necessary and appropriate for the administration and enforcement of the act.

*Order*

The Department, acting under section 9(c) of the act, orders that:

(a) The regulations of the Department, 10 Pa. Code, are amended by adding §§ 57.1, 57.11—57.13, 57.21—57.24 and 57.31—57.33 to read as set forth in Annex A.

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

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

(d) This order shall take effect immediately upon publication in the *Pennsylvania Bulletin*.

GLENN E. MOYER,  
*Secretary*

*(Editor's Note: For the text of the order of the Independent Regulatory Review Commission relating to this document, see 44 Pa.B. 7622 (December 6, 2014).)*

**Fiscal Note:** Fiscal Note 3-52 remains valid for the final adoption of the subject regulations.

**Annex A**

**TITLE 10. BANKING AND SECURITIES**

**PART IV. BUREAU OF CONSUMER CREDIT AGENCIES**

**CHAPTER 57. DEBT MANAGEMENT SERVICES CONTINUING EDUCATION**

Subchap.

- A. GENERAL PROVISIONS
- B. CREDIT COUNSELORS AND SUPERVISORS
- C. LICENSEES
- D. CERTIFYING ORGANIZATIONS

**Subchapter A. GENERAL PROVISIONS**

Sec.

57.1. Definitions.

**§ 57.1. Definitions.**

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

*Act*—Debt Management Services Act (63 P. S. §§ 2401—2449).

*Certifying organization*—An independent third-party offering debt management services certification for credit counselors and continuing education courses for credit counselors and supervisors.

*Continuing education unit*—An hour of continuing education.

*Credit counselor*—An individual who interacts, corresponds or otherwise communicates with a consumer on behalf of a licensee to discuss, develop, implement or maintain a consumer education program for the consumer regarding debt management services.

*Licensee*—A debt management service provider licensed by the Department under the act.

*Supervisor*—An individual with direct responsibility for the actions of one or more credit counselors, including a manager.

**Subchapter B. CREDIT COUNSELORS AND SUPERVISORS**

Sec.

- 57.11. Continuing education requirements.
- 57.12. Course format.
- 57.13. Former registered certifying organizations.

**§ 57.11. Continuing education requirements.**

Credit counselors and supervisors shall complete a minimum of 16 continuing education units every 2 years which meet the following criteria:

(1) The continuing education units shall be earned through a registered certifying organization.

(2) A minimum of 1 of the 16 continuing education units must relate to ethics.

(3) The continuing education units which do not relate to ethics must address topics associated with consumer education programs as defined in section 2 of the act (63 P. S. § 2402).

**§ 57.12. Course format.**

A credit counselor or supervisor may complete continuing education units through a course format offered by a registered certifying organization including live instruction, web and teleconference formats.

**§ 57.13. Former registered certifying organizations.**

(a) The Department will remove a certifying organization from the acceptable provider list posted on the Department's web site under § 57.31(b) (relating to registration) if the certifying organization does not meet the requirements of this chapter.

(b) If a credit counselor or supervisor completes courses with a certifying organization that the Department removes from the provider list, the Department will consider the continuing education units:

(1) Valid if the credit counselor or supervisor completed the units before the Department removed the certifying organization from the list and the Department will not take administrative action against the licensee for failing to comply with a regulation issued by the Department as permitted under sections 10(2), 16 and 17 of the act (63 P. S. §§ 2410(2), 2416 and 2417).

(2) Invalid if the credit counselor or supervisor completed the units after the Department removed the certifying organization from the list and the Department will consider taking administrative action against the licensee for failing to comply with a regulation issued by the Department as permitted under sections 10(2), 16 and 17 of the act.

**Subchapter C. LICENSEES**

Sec.

- 57.21. Reporting.
- 57.22. Recordkeeping.
- 57.23. Compliance.
- 57.24. Enforcement.

**§ 57.21. Reporting.**

(a) The licensee shall prepare a statement verifying that the credit counselors and supervisors employed by the licensee meet the continuing education requirements.

(b) The statement must include a list for each credit counselor that contains the credit counselor's:

- (1) Name.
- (2) Job title.
- (3) Work address.
- (4) Certification number.
- (5) Hire date.
- (6) Certification effective date.
- (7) Certification expiration date.
- (8) Certifying organization.

(c) The statement must include a list for each supervisor that contains the supervisor's:

- (1) Name.
- (2) Job title.
- (3) Work address.
- (4) Completed continuing education units within the past 24 months.
- (5) Hire date.
- (6) Certifying organization.

(d) The licensee shall submit the statement to the Department as part of each debt management license renewal application.

**§ 57.22. Recordkeeping.**

The licensee shall keep records regarding completion of the continuing education requirements for four license renewal periods.

**§ 57.23. Compliance.**

The Department will verify compliance with this chapter through the methods statutorily available to the Department under the act, including examination. If the Department conducts an examination, the Department will assess examination costs on the licensee consistent with section 17(1) of the act (63 P. S. § 2417(1)).

**§ 57.24. Enforcement.**

- (a) A violation of this chapter is a violation of the act.

(b) If the licensee violates this chapter, the Department will use the enforcement options statutorily available to it under the act, including revocation of the license, suspension of the license or assessment of a penalty.

**Subchapter D. CERTIFYING ORGANIZATIONS**

Sec.	
57.31.	Registration.
57.32.	Criteria.
57.33.	Verification.

**§ 57.31. Registration.**

(a) The certifying organization shall submit a completed registration form to the Department to be considered an acceptable certifying organization. The Department will provide the form on the Department's web site.

(b) The Department will maintain a list of registered certifying organizations on its web site at [www.dobs.pa.gov](http://www.dobs.pa.gov).

**§ 57.32. Criteria.**

The Department will consider the certifying organization to be an acceptable continuing education provider if the certifying organization:

- (1) Submits the registration form to the Department.
- (2) Requires at least 16 continuing education units for credit counselor certification of which:
  - (i) A minimum of one continuing education unit is related to ethics.
  - (ii) The continuing education units not related to ethics address topics associated with consumer education programs as defined in section 2 of the act (63 P. S. § 2402).

(3) Offers credit counselor certification that is valid for no longer than 24 months.

(4) Permits supervisors to attend continuing education courses.

**§ 57.33. Verification.**

The Department will request that the registered certifying organization resubmit the registration form to the Department every 24 months as verification that the certifying organization continues to meet the criteria listed in § 57.32 (relating to criteria).

[Pa.B. Doc. No. 15-126. Filed for public inspection January 23, 2015, 9:00 a.m.]



# 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 January 13, 2015.

Under section 503.E of the Department of Banking and Securities Code (71 P. S. § 733-503.E), any person wishing to comment on the following applications, with the exception of branch applications, may file their comments in writing with the Department of Banking and Securities, Corporate Applications Division, 17 North Second Street, Suite 1300, Harrisburg, PA 17101-2290. Comments must be received no later than 30 days from the date notice regarding receipt of the application is published in the *Pennsylvania Bulletin*. The nonconfidential portions of the applications are on file at the Department and are available for public inspection, by appointment only, during regular business hours. To schedule an appointment, contact the Corporate Applications Division at (717) 783-2253. Photocopies of the nonconfidential portions of the applications may be requested consistent with the Department's Right-to-Know Law Records Request policy.

#### BANKING INSTITUTIONS

##### Branch Applications

##### De Novo Branches

<i>Date</i>	<i>Name and Location of Applicant</i>	<i>Location of Branch</i>	<i>Action</i>
1-12-2015	ACNB Bank Gettysburg Adams County	915 Wayne Avenue Chambersburg Franklin County	Filed

##### Articles of Amendment

<i>Date</i>	<i>Name and Location of Institution</i>	<i>Action</i>
1-12-2015	Beneficial Mutual Savings Bank Philadelphia Philadelphia County	Effective

Amendment to Article I, Section I, of the institution's Articles of Incorporation provides for a change in name from Beneficial Mutual Savings Bank to Beneficial Bank.

#### CREDIT UNIONS

##### Branch Applications

##### De Novo Branches

<i>Date</i>	<i>Name and Location of Applicant</i>	<i>Location of Branch</i>	<i>Action</i>
1-7-2015	Diamond Credit Union Pottstown Montgomery County	22 Anchor Parkway Royersford Montgomery County	Filed

The Department's web site at [www.dobs.state.pa.us](http://www.dobs.state.pa.us) includes public notices for more recently filed applications.

ROBIN L. WIESSMANN,  
*Acting Secretary*

[Pa.B. Doc. No. 15-127. Filed for public inspection January 23, 2015, 9:00 a.m.]

## DEPARTMENT OF CONSERVATION AND NATURAL RESOURCES

### Conservation and Natural Resources Advisory Council Meeting

The Conservation and Natural Resources Advisory Council to the Department of Conservation and Natural Resources (Department) will hold a meeting on Wednesday, January 28, 2015, at 10 a.m. in Room 105, Lobby

Level, Rachel Carson State Office Building, 400 Market Street, Harrisburg, PA 17101.

Questions concerning this meeting or agenda items can be directed to Gretchen Leslie at (717) 787-9293. Persons who wish to participate during the public comment section are encouraged to submit their comments in writing to Gretchen Leslie, Advisor, Conservation and Natural Resources Advisory Council, 400 Market Street, Harrisburg, PA 17101.

Persons in need of accommodations as provided for in the Americans with Disabilities Act of 1990 should contact Lauren Adair directly at (717) 787-9293 or through

the Pennsylvania AT&T Relay Service at (800) 654-5984 (TDD) to discuss how the Department may accommodate their needs.

CINDY DUNN,  
Acting Secretary

[Pa.B. Doc. No. 15-128. Filed for public inspection January 23, 2015, 9:00 a.m.]

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### Request for Bids

The Department of Conservation and Natural Resources is soliciting bids for the following projects. Bid documents can be obtained from the Administrative Services Section, Bureau of Facility Design and Construction at (717) 787-5055:

*FDC-003-101026.1—West Licking Creek Road Reclamation, Forest District #3, Tuscarora State Forest, Huntingdon County.* Work included under this contract consists of conversion from the existing bituminous pavement surface to a stabilized aggregate surface at Forest District #3, Tuscarora State Forest, West Licking Creek Road. Work includes construction of a 4"–6" compacted depth stabilized subbase by the use of in-place equipment capable of pulverizing, blending and mixing existing materials with an additional 4" of #2A limestone aggregate placed prior to pulverization as shown on the drawings. The manufacture of the base course shall be done by in-place pulverizing and blending of the existing pavement, base materials and additional subbase placed on roadway to establish the required depth. The process which results in a stabilized base course, that is shaped and compacted, shall be accomplished in accordance with these specifications. An overlay of Driving Surface Aggregate shall be paver placed over the reclaimed base.

Responsive bidders must hold a current small business certification from the Department of General Services (DGS).

*FDC-001-100193.1—Bridge Rehabilitation, Structure No. 01-0007, Strohms Hollow Road over Strohms Hollow Run, Forest District 1, Michaux State Forest, Cumberland County.* Work included under this contract consists of installation of rock protection; guide rail repair; repair of existing and installation of new concrete aprons at the substructures; cleaning and painting steel beams; clearing of vegetation; deck cleaning; and masonry substructure repair.

Responsive bidders must hold a current small business certification from DGS.

*FDC-002-100716.1—Structure Replacement, Abey Road over Town Creek, Georgetown Branch, Forest District 02, Buchannan State Forest, Bedford County.* Work included under this contract consists of a prestressed concrete box beam bridge, guide rail, driving surface aggregate paving, architectural surface treatment and rock protection.

Bid documents will be available on or after January 28, 2015. The bid opening will be held on February 26, 2015.

CINDY DUNN,  
Acting Secretary

[Pa.B. Doc. No. 15-129. Filed for public inspection January 23, 2015, 9:00 a.m.]

## DEPARTMENT OF DRUG AND ALCOHOL PROGRAMS

### Pennsylvania Advisory Council on Drug and Alcohol Abuse Meeting

The Pennsylvania Advisory Council on Drug and Alcohol Abuse (Council) will hold a public meeting on February 11, 2015, from 1 p.m. to 3:30 p.m. The meeting will be held at the Child Welfare Resource Center, 403 East Winding Hill Road, Mechanicsburg, PA 17050, (717) 795-9048. The meeting is open to the public. For additional information, visit the Department of Drug and Alcohol Programs' (Department) web site at [www.ddap.pa.gov](http://www.ddap.pa.gov).

The primary focus of this Council meeting is for the Council members to meet to discuss current drug and alcohol issues and challenges facing this Commonwealth and to serve in an advisory capacity to the Department on these issues.

For additional information visit the Department's previously listed web site or contact the Executive Office at (717) 214-1937.

Persons with disabilities who wish to attend the meeting and require an auxiliary aid, service or other accommodation should contact Ann Catalano at (717) 214-1937.

This meeting is subject to cancellation without notice.

GAROLD E. TENNIS,  
Secretary

[Pa.B. Doc. No. 15-130. Filed for public inspection January 23, 2015, 9:00 a.m.]

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## DEPARTMENT OF EDUCATION

### Application by Relay Graduate School of Education to Operate a Location in this Commonwealth

#### Notice of Opportunity for Hearing and Invitation to Protest

Under 24 Pa.C.S. § 6503(e) (relating to certification of institutions), the Department of Education (Department) will consider the application for approval of a Certificate of Authority for Relay Graduate School of Education to open a location in Philadelphia, PA.

In accordance with 24 Pa.C.S. § 6503(e), the Department will act upon the application without a hearing, unless within 30 days after the publication of this notice in the *Pennsylvania Bulletin* a written request for public hearing is filed with the Department, along with a notice of intervention, a petition to intervene or protest in accordance with 1 Pa. Code §§ 35.23 and 35.24 (relating to protests) or 1 Pa. Code §§ 35.27–35.32 (relating to intervention).

Petitions to intervene, protest and request for hearing shall be filed with the Division of Higher and Career Education, 333 Market Street, Harrisburg, PA 17126-0333 on or before the due date prescribed by this notice.



Persons wishing to review the application should phone (717) 783-8228 or write to the previous address to schedule a time for an in-office review. Duplicate copies of the application are not available.

Persons with a disability who wish to attend the hearing, if held, and require an auxiliary aid, service or other accommodations to participate should contact the

Division of Higher and Career Education at (717) 783-8228 to discuss accommodations.

CAROLYN C. DUMARESQ, Ed.D.,  
*Acting Secretary*

[Pa.B. Doc. No. 15-131. Filed for public inspection January 23, 2015, 9:00 a.m.]

## DEPARTMENT OF ENVIRONMENTAL PROTECTION

### Applications, Actions and Special Notices

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#### APPLICATIONS

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#### THE CLEAN STREAMS LAW AND THE FEDERAL CLEAN WATER ACT

#### APPLICATIONS FOR NATIONAL POLLUTION DISCHARGE ELIMINATION SYSTEM (NPDES) PERMITS AND WATER QUALITY MANAGEMENT (WQM) PERMITS

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

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

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

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

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

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

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

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

**I. NPDES Renewal Applications**

*Southeast Region: Clean Water Program Manager, 2 East Main Street, Norristown, PA 19401. Phone: 484.250.5970*

<i>NPDES No. (Type)</i>	<i>Facility Name &amp; Address</i>	<i>County &amp; Municipality</i>	<i>Stream Name (Watershed No.)</i>	<i>EPA Waived Y/N?</i>
PA0057801 (Sewage)	Bennington SRSTP 520 Ridge Valley Road Sellersville, PA 18960	Bucks County West Rockhill Township	Unnamed Tributary to Ridge Valley Creek (3-E)	Y

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

<i>NPDES No. (Type)</i>	<i>Facility Name &amp; Address</i>	<i>County &amp; Municipality</i>	<i>Stream Name (Watershed #)</i>	<i>EPA Waived Y/N?</i>
PA0082287— (Sew)	PA DE District Council Assemblies of God— Bongiorno Conference Center 430 Union Hall Road Carlisle, PA 17013-8303	Cumberland County / North Middleton Township	Conodoguinete Creek / 7B	Y

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

<i>NPDES No. (Type)</i>	<i>Facility Name &amp; Address</i>	<i>County &amp; Municipality</i>	<i>Stream Name (Watershed#)</i>	<i>EPA Waived Y/N?</i>
PA0223018 (Sewage)	Farmington Township STP Warren 595 Fairbanks Road Russell, PA 16345	Warren County Farmington Township	Kiantone Creek (16-B)	Y

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

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

**PA0058831**, SIC Code 2033, **Queens Produce, LLC**, 554 Creek Road, Kennett Square, PA 19348-2620. Facility Name: Queens Produce, LLC. This existing facility is located in Kennett Township, **Chester County**.

Description of Existing Activity: The application is for a renewal of an NPDES permit for an existing discharge of treated rinsing and cooking of mushrooms.

The receiving stream(s), East Branch Red Clay Creek, is located in State Water Plan watershed 3-I and is classified for Trout Stocking and Migratory Fishes, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

The proposed effluent limits for Outfall 001 are based on a design flow of 0.015 MGD.

<i>Parameters</i>	<i>Mass (lb/day)</i>			<i>Concentration (mg/l)</i>		
	<i>Average Monthly</i>	<i>Daily Maximum</i>	<i>Instant. Minimum</i>	<i>Average Monthly</i>	<i>Daily Maximum</i>	<i>Instant. Maximum</i>
Flow (MGD)	Report	Report	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	XXX	9.0
Dissolved Oxygen	XXX	XXX	6.0	XXX	XXX	XXX
Total Residual Chlorine	XXX	XXX	XXX	0.5	XXX	1.2
Temperature (°F)	XXX	XXX	XXX	XXX	XXX	110
CBOD <sub>5</sub>						
May 1 - Oct 31	1.1	2.3	XXX	9.0	18.0	22.5
Nov 1 - Apr 30	2.3	4.5	XXX	18.0	36.0	45.0
Total Suspended Solids	1.3	2.5	XXX	10.0	20.0	25.0
Fecal Coliform (CFU/100 ml)	XXX	XXX	XXX	50	XXX	1,000
				Geo Mean		
Nitrate-Nitrite as N	1.3	2.5	XXX	10.0	20.0	25.0
Total Nitrogen	Report	XXX	XXX	Report	XXX	XXX
Ammonia-Nitrogen						
May 1 - Oct 31	0.2	0.4	XXX	1.5	3.0	3.8
Nov 1 - Apr 30	0.4	0.8	XXX	3.0	6.0	7.5
Total Phosphorus	0.1	0.2	XXX	0.5	1.0	1.3
Total Zinc	Report	XXX	XXX	Report	XXX	XXX

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

- I. Other Requirements
  - A. Acquiring all Necessary Property Rights
  - B. Proper Sludge Removal
  - C. WQM permit superseded by this NPDES permit
  - D. BAT/BCT Reopener
  - E. TRC Requirements
  - F. 2°F Temperature Change
  - G. Responsible Operator
  - H. Public Nuisance
  - I. 2/Month Monitoring
  - J. DMR for No Discharge

You may make an appointment to review the DEP files on this case by calling the File Review Coordinator at 484-250-5910.

The EPA Waiver is not in effect.

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

**PA0034746**, Sewage, SIC Code 5271, 6515, **MHC Li'l Wolf LP**, 2 North Riverside Plaza, Chicago, IL 60606-2682. Facility Name: Li'l Wolf MHP. This existing facility is located in North Whitehall Township, **Lehigh County**.

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

The receiving stream(s), Unnamed Tributary to Coplay Creek, is located in State Water Plan watershed 2-C and is classified for Cold Water Fishes and Migratory Fishes, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

The following effluent limits for Outfall 001 are based on an existing design flow of 0.038 MGD.

Parameters	Mass (lb/day)			Concentration (mg/l)		Instant. Maximum
	Average Monthly	Daily Maximum	Minimum	Average Monthly		
Flow (MGD)	Report	Report	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	XXX	9.0
Dissolved Oxygen	XXX	XXX	3.0	XXX	XXX	XXX
Total Residual Chlorine	XXX	XXX	XXX	1.2	XXX	2.8
CBOD <sub>5</sub>						
May 1 - Oct 31	XXX	XXX	XXX	10.0	XXX	20.0
Nov 1 - Apr 30	XXX	XXX	XXX	20.0	XXX	40.0
Total Suspended Solids	XXX	XXX	XXX	10.0	XXX	20.0
Fecal Coliform (CFU/100 ml)						
May 1 - Sep 30	XXX	XXX	XXX	200	XXX	1,000
Oct 1 - Apr 30	XXX	XXX	XXX	Geo Mean 2,000	XXX	10,000
Nitrate-Nitrite as N	XXX	XXX	XXX	Report	XXX	XXX
Total Nitrogen	XXX	XXX	XXX	Report	XXX	XXX
Ammonia-Nitrogen						
May 1 - Oct 31	XXX	XXX	XXX	3.0	XXX	6.0
Nov 1 - Apr 30	XXX	XXX	XXX	9.0	XXX	18.0
Total Kjeldahl Nitrogen	XXX	XXX	XXX	Report	XXX	XXX
Total Phosphorus	XXX	XXX	XXX	Report	XXX	XXX

The following effluent limits for Outfall 001 are based on a proposed design flow of 0.070 MGD.

Parameters	Mass (lb/day)			Concentration (mg/l)		Instant. Maximum
	Average Monthly	Daily Maximum	Minimum	Average Monthly		
Flow (MGD)	Report	Report	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	XXX	9.0
Dissolved Oxygen	XXX	XXX	6.0	XXX	XXX	XXX
Total Residual Chlorine	XXX	XXX	XXX	0.09	XXX	0.2
CBOD <sub>5</sub>	XXX	XXX	XXX	10.0	XXX	20.0
Total Suspended Solids	XXX	XXX	XXX	10.0	XXX	20.0

Parameters	Mass (lb/day)			Concentration (mg/l)		Instant. Maximum
	Average Monthly	Daily Maximum	Minimum	Average Monthly	Daily Maximum	
Fecal Coliform (CFU/100 ml)						
May 1 - Sep 30	XXX	XXX	XXX	200 Geo Mean	XXX	1,000
Oct 1 - Apr 30	XXX	XXX	XXX	2,000 Geo Mean	XXX	10,000
Nitrate-Nitrite as N	XXX	XXX	XXX	Report	XXX	XXX
Total Nitrogen	XXX	XXX	XXX	5.0	XXX	10.0
Ammonia-Nitrogen						
May 1 - Oct 31	XXX	XXX	XXX	2.4	XXX	4.8
Nov 1 - Apr 30	XXX	XXX	XXX	7.2	XXX	14.4
Total Kjeldahl Nitrogen	XXX	XXX	XXX	Report	XXX	XXX
Total Phosphorus	XXX	XXX	XXX	0.5	XXX	1.0

You may make an appointment to review the DEP files on this case by calling the File Review Coordinator at 570-826-5472.

The EPA Waiver is in effect.

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

**PA0101508**, Industrial Waste, SIC Code 1389, **Fluid Recovery Services, LLC**, P.O. Box 232, Creekside, PA 15732. Facility Name: Fluid Recovery Services—Franklin Facility. This existing facility is located in Cranberry Township, **Venango County**.

Description of Existing Activity: The application is for a renewal of an NPDES permit for an existing discharge of treated natural gas drilling wastewater. This is the second draft due to numerous changes made after the first draft comment period.

The receiving stream(s), Allegheny River, is located in State Water Plan watershed 16-G and is classified for Warm Water Fishes, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

The proposed effluent limits for Outfall 001 are based on a design flow of 0.3 MGD.

Parameters	Mass (lb/day)			Concentration (mg/l)		Instant. Maximum
	Average Monthly	Daily Maximum	Minimum	Average Monthly	Daily Maximum	
Flow (MGD)	Report	0.3	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	XXX	9.0
BOD <sub>5</sub> (Final)	Report	Report	XXX	53	163	163
Total Suspended Solids (Interim)	Report	Report	XXX	30	60	60
(Final)	Report	Report	XXX	11.3	29.6	29.6
Total Dissolved Solids (Interim)	Report	Report	XXX	Report	Report	XXX
(Final)	1,251	2,502	XXX	500	1,000	1,250
Oil and Grease	Report	XXX	XXX	15	XXX	30
Acidity, Total (as CaCO <sub>3</sub> )	XXX	XXX	XXX	Report	XXX	XXX
Alkalinity, Total (as CaCO <sub>3</sub> ) Effluent Net	XXX	XXX	0	XXX	XXX	XXX
Alkalinity, Total (as CaCO <sub>3</sub> )	XXX	XXX	XXX	Report	XXX	XXX
Ammonia-Nitrogen	Report	XXX	XXX	Report	XXX	XXX
Total Antimony (Interim)	Report	Report	XXX	0.206	0.249	0.515
(Final)	Report	Report	XXX	0.0312	0.111	0.111
Total Arsenic (Interim)	Report	Report	XXX	0.104	0.162	0.26
(Final)	Report	Report	XXX	0.0199	0.0993	0.0993
Total Barium (Interim)	Report	Report	XXX	Report	Report	XXX
(Final)	Report	Report	XXX	10	20	25
Total Cadmium	Report	Report	XXX	0.0102	0.0172	0.0255
Total Chromium (Interim)	Report	Report	XXX	0.323	0.746	0.807
(Final)	Report	Report	XXX	0.0522	0.167	0.167
Total Cobalt (Interim)	Report	Report	XXX	0.124	0.192	0.31
(Final)	Report	Report	XXX	0.0703	0.182	0.182

<i>Parameters</i>	<i>Mass (lb/day)</i>			<i>Concentration (mg/l)</i>		<i>Instant. Maximum</i>
	<i>Average Monthly</i>	<i>Daily Maximum</i>	<i>Minimum</i>	<i>Average Monthly</i>	<i>Daily Maximum</i>	
Total Copper (Interim)	Report	Report	XXX	0.242	0.50	0.605
(Final)	Report	Report	XXX	0.216	0.50	0.53
Total Iron	Report	XXX	XXX	3.5	XXX	7.0
Total Lead	0.392	0.785	XXX	0.157	0.314	0.392
Total Mercury (Interim)	Report	Report	XXX	0.000739	0.00234	0.00234
(Final)	Report	Report	XXX	0.000246	0.000641	0.000641
Total Nickel (Interim)	Report	Report	XXX	1.45	3.95	3.95
(Final)	Report	Report	XXX	0.309	0.794	0.794
Total Selenium (Final)	Report	Report	XXX	0.0698	0.176	0.176
Total Silver (Interim)	Report	Report	XXX	0.0351	0.120	0.120
(Final)	Report	Report	XXX	0.0122	0.0318	0.0318
Total Strontium (Interim)	Report	Report	XXX	Report	Report	XXX
(Final)	Report	Report	XXX	10	20	25
Sulfate	Report	XXX	XXX	Report	XXX	XXX
Total Tin (Interim)	Report	Report	XXX	0.12	0.335	0.335
(Final)	Report	Report	XXX	0.0367	0.0955	0.0955
Total Titanium (Interim)	Report	Report	XXX	0.0618	0.0947	0.154
(Final)	Report	Report	XXX	0.00612	0.0159	0.0159
Total Vanadium (Interim)	Report	Report	XXX	0.0662	0.218	0.218
(Final)	Report	Report	XXX	0.0518	0.0628	0.130
Total Zinc (Interim)	Report	Report	XXX	0.641	2.87	2.87
(Final)	Report	Report	XXX	0.252	0.497	0.63
o-Cresol (Final)	Report	Report	XXX	0.561	1.92	1.92
2,4,6-Trichlorophenol (Final)	Report	Report	XXX	0.106	0.155	0.265
Phenol (Final)	Report	Report	XXX	1.08	3.65	3.65
Acetone (Final)	Report	Report	XXX	7.97	30.2	30.2
Acetophenone (Final)	Report	Report	XXX	0.0562	0.114	0.141
Butyl Benzyl Phthalate	Report	Report	XXX	0.0887	0.188	0.222
Chloride (Interim)	Report	Report	XXX	Report	Report	XXX
(Final)	625	1,251	XXX	250	500	625
Bromide	Report	XXX	XXX	Report	XXX	XXX
2-Butanone (Final)	Report	Report	XXX	1.85	4.81	4.81
Bis (2-Ethylhexyl) Phthalate	Report	Report	XXX	0.101	0.215	0.253
Fluoranthene	Report	Report	XXX	0.0268	0.0537	0.067
Carbazole	Report	Report	XXX	0.276	0.598	0.698
n-Decane	Report	Report	XXX	0.437	0.948	1.09
n-Octadecane	Report	Report	XXX	0.302	0.589	0.755
p-Cresol (Final)	Report	Report	XXX	0.205	0.698	0.698
Pyridine (Final)	Report	Report	XXX	0.182	0.37	0.455
Radium 226/228, Total (pCi/L) (Final)	XXX	XXX	XXX	Report	Report	XXX
Radium-226 (pCi/L) (Interim)	XXX	XXX	XXX	Report	Report	XXX
Radium-228 (pCi/L) (Interim)	XXX	XXX	XXX	Report	Report	XXX



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

- Chemical Additives
- Quantitative Mussel Survey Requirement
- Schedule of Compliance

You may make an appointment to review the DEP files on this case by calling the File Review Coordinator at 814-332-6340.

The EPA Waiver is not in effect.

**PA0100200**, Sewage, SIC Code 4953, **Reynolds Disposal Co.**, 301 Arlington Drive, Greenville, PA 16125-8214. Facility Name: Reynolds Disposal. This existing facility is located in Pymatuning Township, **Mercer County**.

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

The receiving stream, an unnamed tributary to the Shenango River, is located in State Water Plan watershed 20-A and is classified for warm water fishes, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

The proposed effluent limits for Outfall 001 are based on a design flow of 1.25 MGD.

Parameters	Mass (lb/day)			Concentration (mg/l)		Instant. Maximum
	Average Monthly		Minimum	Average Monthly		
Flow (MGD)	Report	XXX	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	XXX	9.0
Dissolved Oxygen	XXX	XXX	4	XXX	XXX	XXX
Total Residual Chlorine	XXX	XXX	XXX	0.5	XXX	1.6
CBOD <sub>5</sub>	XXX	XXX	XXX	25	XXX	50
CBOD <sub>20</sub>						
Raw Sewage Influent	Report	XXX	XXX	Report	XXX	XXX
Total Suspended Solids						
Raw Sewage Influent	Report	XXX	XXX	Report	XXX	XXX
Total Suspended Solids	XXX	XXX	XXX	30	XXX	60
Fecal Coliform (CFU/100 ml)						
May 1 - Sep 30	XXX	XXX	XXX	200	XXX	1,000
				Geo Mean		
Oct 1 - Apr 30	XXX	XXX	XXX	2,000	XXX	10,000
				Geo Mean		
Total Nitrogen	XXX	XXX	XXX	Report	XXX	XXX
Ammonia-Nitrogen						
May 1 - Oct 31	XXX	XXX	XXX	9.5	XXX	19
Total Phosphorus	XXX	XXX	XXX	1	XXX	2

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

- Chlorine Minimization
- Electronic Discharge Monitoring Reporting requirement

You may make an appointment to review the DEP files on this case by calling the File Review Coordinator at 814-332-6340.

The EPA Waiver is in effect.

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

**PA0096733**, Sewage, **Gayle DeGrano**, PO Box 654, Murrysville, PA 15668. Facility Name: Pleasant View MHP STP. This existing facility is located in Saltlick Township, **Fayette County**.

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

The receiving stream(s), is located in State Water Plan watershed and is classified for High Quality Waters—Cold Water Fishes, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

The proposed effluent limits for Outfall 001 are based on a design flow of 0.024 MGD.

Parameters	Mass (lb/day)			Concentration (mg/l)		Instant. Maximum
	Average Monthly		Minimum	Average Monthly	Daily Maximum	
Flow (MGD)	0.024	XXX	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	XXX	9.0
Dissolved Oxygen	XXX	XXX	4.0	XXX	XXX	XXX
Total Residual Chlorine	XXX	XXX	XXX	0.5	XXX	1.6



Parameters	Mass (lb/day)			Concentration (mg/l)		Instant. Maximum
	Average Monthly		Minimum	Average Monthly	Daily Maximum	
CBOD <sub>5</sub>	XXX	XXX	XXX	25	XXX	50
Total Suspended Solids	XXX	XXX	XXX	30	XXX	60
Fecal Coliform (CFU/100 ml)						
May 1 - Sep 30	XXX	XXX	XXX	200 Geo Mean	XXX	1,000
Oct 1 - Apr 30	XXX	XXX	XXX	2,000 Geo Mean	XXX	10,000
Total Nitrogen	XXX	XXX	XXX	XXX	Report	XXX
Ammonia-Nitrogen						
May 1 - Oct 31	XXX	XXX	XXX	Report	XXX	Report
Nov 1 - Apr 30	XXX	XXX	XXX	Report	XXX	Report
Total Phosphorus	XXX	XXX	XXX	XXX	Report	XXX

The EPA Waiver is in effect.

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

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

**WQM Permit No. 2670202 A-2**, Industrial Waste, **Municipal Authority of Westmoreland County**, 124 Park & Pool Road, New Stanton, PA 15672.

This existing facility is located in Dunbar Township, **Fayette County**.

Description of Proposed Action/Activity: Construction of a mechanical sludge dewatering facility.

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

**WQM Permit No. 6115401**, Sewage, **Jeannette Kilner**, 259 Old State Road, Titusville, PA 16354.

This proposed facility is located in Cherrytree Township, **Venango County**.

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

**WQM Permit No. WQG02201501**, Sewage, **Vernon Township Sanitary Authority**, 16678 McMath Avenue, Meadville, PA 16335.

This proposed facility is located in Vernon Township, **Crawford County**.

Description of Proposed Action/Activity: Extension of Vernon Township's existing sanitary sewer system to serve 8 existing single family residences and 2 commercial customers along a portion of Route 98 north of Route 322 in Vernon Township, Crawford County.

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

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

NPDES Permit No.	Applicant Name & Address	County	Municipality	Receiving Water/Use
PAI010914007	Springfield Township 2320 Township Road Quakertown, PA 18951	Bucks	Springfield Township	Unnamed Tributary Cooks Creek EV-MF
PAI011514049	L&I Properties, Inc. 231 Maple Street Honey Brook, PA 19344	Chester	Honey Brook Township	West Branch Brandywine Creek HQ-TSF-MF
PAI011514048	Lionville Retail Center, LLC 120 Arrandale Boulevard Exton, PA 19341	Chester	Uwchlan Township	Pickering Creek HQ-TSF-MF

*Northeast Region: Watershed Management Program Manager, 2 Public Square, Wilkes-Barre, PA 18701-1915.*

*Carbon County Conservation District, 5664 Interchange Road, Lehighton, PA 18235-5114*

NPDES Permit No.	Applicant Name & Address	County	Municipality	Receiving Water/Use
PAI021314003	Wesley Westenhofer Reading Blue Mountain Northern Railroad 1 Railroad Blvd Port Clinton, PA 19549	Carbon	Jim Thorpe Borough Nesquehoning Borough	Lehigh River (HQ-CWF, MF)

*Luzerne Conservation District, 325 Smiths Pond Road, Shavertown PA 18708*

<i>NPDES Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI024014012	DCNR Bureau of Facility Design and Construction Philip Kozak 400 Market Street Harrisburg, PA 17101-2301	Luzerne	Fairmount Township	Kitchen Creek (HQ-CWF, MF)

*Schuylkill County Conservation District, 1206 Ag Center Dr., Pottsville PA 17901*

<i>NPDES Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI025414002	Pusti Margiya Vaushna Samaj (aka VRAJ) VRAJ Temple 51 Manor Road Schuylkill Haven, PA 17972	Schuylkill	Wayne Township	Lower Little Swatara Creek (CWF, MF)

*Northcentral Region: Waterways & Wetlands Program Manager, 208 West Third Street, Williamsport, PA 17701**Centre County Conservation District: 414 Holmes Avenue, Suite 4, Bellefonte, PA 16823, (814) 355-6817*

<i>NPDES Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI041409014R	John Rhodes ADG-Hospital Drive Assoc 1300 Market St, PO Box 622 Lemoyne, PA 17043	Centre	College Township	Spring Creek HQ-CWF
PAI041414007	Columbia Gas of PA Inc 1600 Colony Dr York, PA 17408	Centre	Burnside & Snow Shoe Townships	North Beech Creek CWF, MF Little Sandy Run CWF, MF

*Lycoming County Conservation District: 542 County Farm Road Suite 202, Montoursville, PA 17754, (570) 433-3003*

<i>NPDES Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI044114007	Robert Saul Montoursville Area Sc Dist 50 N Arch St Montoursville, PA 17754	Lycoming	Montoursville Borough	Loyalsock Creek EV

*Northwest Region: Waterways and Wetlands Program Manager, 230 Chestnut Street, Meadville, PA 16335-3481**Jefferson County Conservation District, 1514 Route 28, Brookville, PA 15825*

<i>NPDES Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI063314004	PA Fish and Boat Commission 450 Robinson Lane Bellefonte, PA 16823	Jefferson	Washington Township	UNT Falls Creek HQ-CWF

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

PAG-12      CAFOs

**STATE CONSERVATION COMMISSION**  
**PROPOSED NUTRIENT MANAGEMENT PLANS RELATED TO APPLICATIONS**  
**FOR NPDES PERMITS FOR CAFOS**

This notice provides information about agricultural operations that have submitted nutrient management plans (NMPs) for approval under 3 Pa.C.S. Chapter 5 and that have or anticipate submitting applications for new, amended or renewed NPDES permits, or Notices of Intent (NOIs) for coverage under a general permit, for CAFOs, under 25 Pa. Code Chapter 92a. This notice is provided in accordance with 25 Pa. Code Chapter 92a and 40 CFR Part 122, implementing The Clean Streams Law and the Federal Clean Water Act.

Based upon preliminary reviews, the State Conservation Commission (SCC) or County Conservation Districts (CCD) working under a delegation agreement with the SCC have completed an administrative review of NMPs described. These NMPs are published as proposed plans for comment prior to taking final actions. The NMPs are available for review at the CCD office for the county where the agricultural operation is located. A list of CCD office locations is available at <http://www.nacdnet.org/about/districts/directory/pa.phtml> or can be obtained from the SCC at the office address listed or by calling (717) 787-8821.

Persons wishing to comment on an NMP are invited to submit a statement outlining their comments on the plan to the CCD, with a copy to the SCC for each NMP, within 30 days from the date of this public notice. Comments received within the respective comment periods will be considered in the final determinations regarding the NMPs. Comments should include the name, address and telephone number of the writer and a concise statement to inform the SCC of the exact basis of the comments and the relevant facts upon which they are based. Comments should be sent to the SCC, Agriculture Building, Room 310, 2301 North Cameron Street, Harrisburg, PA 17110.

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

**APPLICATIONS**

**NUTRIENT MANAGEMENT PLAN—PUBLIC NOTICE SPREADSHEET**

<i>Agricultural Operation Name and Address</i>	<i>County</i>	<i>Total Acres</i>	<i>Animal Equivalent Units</i>	<i>Animal Type</i>	<i>Special Protection Waters (HQ or EV or NA)</i>	<i>Renewal/ New</i>
Wingert Farms William & Karol Wingert 5497 Shade Lane Alexandria, PA 16611	Huntingdon	1,502 acres for manure application	1,839.63 AEU's  1.22 AEU's/ac	Dairy	HQ	Renewal
Evergreen Farms Inc. Andy Harpster 3102 Evergreen Lane Spruce Creek, PA 16683	Huntingdon	4,932 acres for manure application	6,849.08 AEU's  1.39 AEU's/ac	Dairy	HQ	Renewal
Kulp Family Dairy LLC 1691 Millerstown Rd Martinsburg, PA 16662	Blair, Bedford	2,205.9	3,462.63	Dairy	Clover Creek—HQ Yellow Creek—HQ Middle Run—HQ	Renewal
Stoner's Hijos Hill, Inc. Tim Stoner 7678 Oellig Road Mercersburg, PA 17236	Franklin	1,419.9	1,202.65	Dairy	NA	Renewal

**PUBLIC WATER SUPPLY (PWS) PERMITS**

Under the Pennsylvania Safe Drinking Water Act (35 P. S. §§ 721.1—721.17), the following parties have applied for PWS permits to construct or substantially modify public water systems.

Persons wishing to comment on permit applications are invited to submit statements to the office listed before the application within 30 days of this public notice. Comments received within this 30-day comment period will be considered in the formulation of the final determinations regarding an application. A comment should include the name, address and telephone number of the writer and a concise statement to inform the Department of the exact basis of a comment and the relevant facts upon which it is based. A public hearing may be held after consideration of comments received during the 30-day public comment period.

Following the comment period, the Department will make a final determination regarding the proposed permit. Notice of this final determination will be published in the *Pennsylvania Bulletin* at which time this determination may be appealed to the Environmental Hearing Board.

The permit application and related documents are on file at the office listed before the application and available for public review. Arrangements for inspection and copying information should be made with the office listed before the application.

Persons with a disability that require an auxiliary aid, service or other accommodations to participate during the 30-day public comment period should contact the office

listed before the application. TDD users may contact the Department through the Pennsylvania AT&T Relay Service at (800) 654-5984.

**SAFE DRINKING WATER**

**Applications Received Under the Pennsylvania Safe Drinking Water Act**

*Southeast Region: Safe Drinking Water Program Manager, 2 East Main Street, Norristown, PA 19401*

<b>Permit No. 1514538</b>	Public Water Supply
Applicant	<b>Downingtown Municipal Water Authority</b>
City	Chester
Borough	Downingtown
Responsible Official	Dr. Fred Bopp III Interim Executive Director 100 Water Plant Way Downingtown, PA, 19335
Type of Facility	PWS
Consulting Engineer	Charlie Liu, P.E. Cardno BCM Engineers 920 Germantown Pike Suite—200 Plymouth Meeting, PA 19462
Application Received Date	December 9, 2014
Description of Action	Installation of a PAX water mixer at the South Water Storage Tank.

*Southwest Region: Safe Drinking Water Program Manager, 400 Waterfront Drive, Pittsburgh, PA 15222-4745*

**Permit No. 5614509**, Public Water Supply.

Applicant **Windber Area Authority**  
1700 Stockholm Avenue  
Windber, PA 15963

[Township or Borough] Pain Township

Responsible Official William J Oldham, Chairman  
Windber Area Authority  
1700 Stockholm Avenue  
Windber, PA 15963

Type of Facility Water system

Consulting Engineer The EADS Group, Inc.  
450 Aberdeen Drive  
PO Box 837  
Somerset, PA 15501

Application Received Date December 29, 2014

Description of Action Construction of two (2) 153,000 gallon water storage tanks and installation of two booster pumps associated with the tanks.

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

**Permit No. 1014508**, Public Water Supply

Applicant **Ice Connection**

Township or Borough Middlesex Township

County **Butler**

Responsible Official Ron Jeet Mullich

Type of Facility Public Water Supply

Consulting Engineer Ronald Olsen, P.E.  
Olsen & Associates, LLC  
126 South Main Street  
Butler, PA 16001

Application Received Date December 24, 2014

Description of Action 4-Log treatment of viruses.

## 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 AT&T Relay Service at (800) 654-5984.

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

*Northeast Region: Eric Supey, Environmental Cleanup and Brownfields Program Manager, 2 Public Square, Wilkes-Barre, PA 18701-1915.*

**Locklin Oil Company**, State Route 590 & Cemetery Road, Salem Township, **Wayne County**. Mr. Martin Gilgallon, Pennsylvania Tectonics Inc., 723 Main Street, Archbald, PA 18403, on behalf of Locklin Oil Company, PO Box 177, Hamlin, PA 18427, submitted a Notice of Intent to Remediate. The site soils and groundwater have been impacted by the release of petroleum products from unregulated UST systems. The future use of the property is for residential and non-residential purposes. The proposed cleanup standard for the site is Site Specific for soil and groundwater. The Notice of Intent to Remediate was published in *The Scranton Times* on November 21, 2014

**Bethlehem Village Shoppes**, 3650 Nazareth Pike, Bethlehem Township, **Northampton County**. Mr. Martin Gilgallon, Pennsylvania Tectonics Inc., 723 Main Street, Archbald, PA 18403, on behalf of Bethlehem Village Associates, c/o Danella Realty & Management Company, P.O. Box 1017, Blue Bell, PA 19422, submitted a Notice of Intent to Remediate. Chlorinated solvents including PCE and its breakdown compounds were identified in the soil, groundwater, and vapors at concentrations exceeding their respective MSCs. The anticipated



future use of the site is for non-residential purposes. The proposed cleanup standard for the site is Statewide Health for soil and groundwater. The Notice of Intent to Remediate was published in *The Morning Call* on December 12, 2014

**Bridgewater Township Building**, 12751 SR 29, Bridgewater Township, **Susquehanna County**. Dawn Washo, Resource Environmental, 36 Taylor Lane, Montrose, PA 18801, on behalf of Bridgewater Township, PO Box 297, Montrose, PA 18801, submitted a Notice of Intent to Remediate. An unknown volume of heating oil was released from an underground storage tank. The proposed future use of the site is non-residential. The proposed cleanup standard for the site is Site Specific and Statewide Health for soil. The Notice of Intent to Remediate was published in *The Susquehanna County Independent* on November 5, 2014.

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

**Ardmore MGP Site Greenfield Avenue Parcel**, 44 Greenfield Avenue, Lower Merion Township, **Montgomery County**. Bruce Middleman, Static Consulting Services, Inc., 400 Davis Drive, Suite 400, Plymouth Meeting, PA 19462, Peter Farad, PECO Energy, 2301 Market Street, S7-2 Philadelphia, PA 19103, Brett DiFelice, Stantec Consulting Services, Inc. 400 Drive, Suite 400, Plymouth Meeting, PA 19462 on behalf of Phillip Hughes, Fox Park Corporation, 50 Greenfield Avenue, Suite 201, Ardmore, PA 19003 has submitted a Notice of Intent to Remediate. Soil and groundwater at the site has been impacted with the release of inorganics. Future use of the property will be consistent with the local mixed-use ownership zoning ordinance. The Notice of Intent to Remediate was published in *The Philadelphia Inquiry* on November 7, 2014. PF665878.

**Kiesling Residence**, 5 Hickory Lane, Bristol Borough, **Bucks County**. Jeremy Bolyn, Environmental Maintenance Company, Inc., 1420 East Mermaid Lane, Glenside PA 19038 on behalf of Alyce Kiesling, 5 Hickory Lane, Levittown, PA 19055 has submitted a Notice of Intent to Remediate. Soil and groundwater at the site has been impacted with the release of no. 2 fuel oil. The future use of the property will remain residential. The Notice of Intent to Remediate was published in *The Bucks County Courier Times* on December 12, 2014. PF782379.

**Romano Residence/Colonial Heritage MHP**, 288 Evergreen Drive, New Britain Township, **Bucks County**. James Perano, GPS Management, P. O. Box 677, Morgantown, PA 19543 on behalf of Alan R. Hirschfeld, L&A Environmental Specialists, Inc., 219 Laureen Road, Schwenksville, PA 19473 has submitted a Notice of Intent to Remediate. Soil at the site has been impacted with the release of no. 2 fuel oil. The intended future use of the property is residual. The Notice of Intent to Remediate was published in *The Doylestown Intelligencer Newspaper* on December 12, 2014. PF777387.

**Apartments Building**, 3443 West Marshall Road, Upper Darby Township, **Delaware County**. Staci Cottle, J&J Environmental, P. O. Box 370, Blue Bell, PA 19422 on behalf of Aris Karalis, KRE Investors, LP, P.O. Box 73, Broomall, PA 19008 has submitted a Notice of Intent to Remediate. Soil at site has been impacted with the release of no. 2 fuel oil. The future use of the property will remain residential. The Notice of Intent to Remediate

was published in *The Delaware County Daily Times* on December 06, 2014. PF782138.

**Sunoco Inc. Philadelphia Refinery Site-wide**, 3144 Passyunk Avenue, City of Philadelphia, **Philadelphia County**. Jim Oppenheim, Evergreen Resources Management Operations, 2 Righter Parkway, Suite 200, Wilmington, DE 19803, Jennifer Menges, Stantec, 1060 Andrew Drive, Suite 140, West Chester, PA 19380 on behalf of Charles Barksdale Jr., Philadelphia Energy Solutions Refining and Marketing, LLC, 3144 Passyunk Avenue, Philadelphia, PA 19145 has submitted a Notice of Intent to Remediate. Soil and groundwater at the site has been impacted with the release of lead and inorganics. The future use of the facility is to remain industrial. PF780190.

**Leof Building Site**, 2231 Bryn Mawr Avenue, City of Philadelphia, **Philadelphia County**. Michael A. Christie, P.G., Penn Environmental & Remediation, Inc., 2755 Bergey Road, Hatfield, PA 19440, Darryl D. Borrelli, Manko, Gold, Katcher, Fox, LLP, 401 City Avenue, Suite 901, Bala Cynwyd, PA 19004 on behalf of David Groverman, Wynnefield Plaza Associates, L.P., 1151 Walton Road, Blue Bell, PA 19422 has submitted a Notice of Intent to Remediate. Soil and groundwater at the site has been impacted with the release of volatile organics. The property is planned for continued future mixed use maintaining residential apartment space on the upper floor of the building on the site, with retail and office tenant on the ground floor. The Notice of Intent to Remediate was published in *The Philadelphia Daily News* on October 17, 2014. PF781307.

**Barakat Property**, 1056-1058 Middletown Road, Edgmont Township, **Delaware County**. Terrance A. O'Reilly, TriState Environmental Management Services, Inc., 368 Dunksferry Road, Bensalem, PA 19020, Michael A. Downs, PE, Toll PA XI, L.P., 516 North Newtown Street Road, PA 19073 on behalf of Joseph Barakat, P. O. Box 200, Chadds Ford, PA 19317 has submitted a Notice of Intent to Remediate. Soil and groundwater at the site has been impacted with the release of no. 2 fuel oil. The intended future use of the property is residential. The Notice of Intent to Remediate was published in *The Delaware County Daily Times* on October 1, 2014. PF781316.

**Rittenhouse Square Parking Garage**, City of Philadelphia, **Philadelphia County**. Daniel E. Erdman, P.G., Keystone E-Science Group, Inc., 590 East Lancaster Avenue, Suite 200, Frazer, PA 19355 on behalf of Dr. Richard Pastcan, 397b Lakeview Drive, Napa, CA 94559 has submitted a Notice of Intent to Remediate. Soil at the site has been impacted with the release of other organics. The property is currently a commercial parking garage. The Notice of Intent to Remediate was published in *The Philadelphia Daily News* on September 29, 2014. PF780090.

**d'Arcy Residence**, 100 Blue Ridge Avenue, Bristol Borough, **Bucks County**. Richard D. Trimpi, Trimpi Associates, Inc., 1635 Old Plains Road, Pennsburg, PA 19073, Clark Miller, State Farm Insurance, PA Fire Claims P. O. Box 106110, Atlanta, GA 30348-6110 on behalf of Brian D'Arcy, 100 Blue Ridge Drive, Levittown, PA 19057 has submitted a Notice of Intent to Remediate. Soil and groundwater at the site has been impacted with release of no. 2 fuel oil. The intended future use of the site is residential. The Notice of Intent to Remediate was published in *The Bucks County Courier Times* on October 23, 2014. PF781306.

**Waterloo Garden Property**, 200 North Whitford Road, West Whiteland Township, **Chester County**. Terence A. O'Reilly, PG, TriState Environmental Management, Services, Inc., 368 Dunksferry Road, Bensalem, PA 19020 on behalf of Peter J. Clelland, BT Exton, L.P., 200 Witner Road, Suite 200, Horsham, PA 19044 has submitted a Notice of Intent to Remediate. Soil at the site has been impacted with release of arsenic and dieldrient. The intended future use of the property is residential. The Notice of Intent to Remediate was published in *The Daily Local News* on October 28, 2014. PF781706.

**Dolata Residence**, 1475 Washington Lane, Pocopson Township, **Chester County**. Richard D. Trimpi, Trimpi Associates, Inc., 1635 Old Plains Road, Pennsburg, PA 18073, Theresa O'Connor, State Farm Insurance, PA Fire Claims, P. O. Box 106110, Atlanta, GA 30348-6110 on behalf of Richard and Lynn Dolata, 1475 Washington Lane, West Chester, PA 19382 has submitted a Notice of Intent to Remediate. Soil at the site has been impacted with the release of no. 2 fuel oil. The intended future use of the site is residential. The Notice of Intent to Remediate was published in *The Daily Local News* on December 8, 2014. PF774872.

**Gau Residence**, 209 North Fairfield Road, Easttown Township, **Chester County**. Richard D. Trimpi, Trimpi Associates Inc., 1635 Old Plains Road, Pennsburg, PA 18073, Theresa O'Connor, State Farm Insurance, PA Fire Claims, P. O. Box 106110, Atlanta, GA 30348-6110 on behalf of Bih-shya Gau, 209 North Fairfield Road, Devon, PA 19333 has submitted a Notice of Intent to Remediate. Soil and groundwater at the site has been impacted with the release of no. 2 fuel oil. The intended future use of the site is residential. The Notice of Intent to Remediate was published in *The Daily Local News* on December 8, 2014. PF777395.

**Kitt Residence**, 873 Edgewood Road, Lower Makefield Township, **Bucks County**. Thomas Hippensteal, P.G., Envirosearch Consultants, P. O. Box 940, Springhouse, PA 19477 on behalf of Stephen and Rosemary Kitts, 873 Edgewood Road, Yardley, PA 19067 has submitted a Notice of Intent to Remediate. Soil and groundwater at the site has been impacted with the release of no. 2 fuel oil. The intended future use of the site is residential. The Notice of Intent to Remediate was published in *The Advance of Bucks County* on December 21, 2014. PF782451.

**5701 Tacony Street**, 5701 Tacony Street, City of Philadelphia, **Philadelphia County**. Jeffery A. Smith, P.G., Langan Engineering and Environmental Services, Inc., 30 South 17th Street, Suite 1300, Philadelphia, PA 19103, Charlene Drake, Langan Engineering and Environmental Services, Inc., 30 South 17th Street, Suite 1300, Philadelphia, PA 19103 on behalf of Chris Envi, Dietz & Watson, Inc., 5701 Tacony Street, Philadelphia, PA 19135 has submitted a Notice of Intent to Remediate. Soil at the site has been impacted with the release of voc, svocs and metals. The proposed future use of the property will be non-residential for use as a distribution facility building for the Dietz and Watson manufacturing operation and associated parking area. The Notice of Intent to Remediate was published in *The Philadelphia Daily News* on November 12, 2014. PF781677.

**Riegel Residence**, 526 West Broad Street, Quakertown Borough, **Bucks County**. Richard D. Trimpi, Trimpi Associates Inc., 1635 Old Plains Road, Pennsburg, PA 18073, Gene Noce, Harleysville Insurance, PA Fire Claims, 355 Maple Avenue, Harleysville, PA

19438-2297 on behalf of John Riegel, 111 Ridge Run Road, Sellersville, PA 18960 has submitted a Notice of Intent to Remediate. Soil at the site has been impacted with the release of no. 2 fuel oil. The intended future use of the site is residential. The Notice of Intent to Remediate was published in *The Bucks County Courier Times* on October 23, 2014. PF776008.

**Bottom Dollar Food Northeast**, 6301 Chew Avenue, City of Philadelphia, **Philadelphia County**. John Filoon REPSG, 6901 Kingsessing Avenue, Suite 201, Philadelphia, PA 19142, Brenda MacPhail Kellogg, REPSG, 6901 Kingsessing Avenue, Suite 201, Philadelphia, PA 19142 on behalf of Mark Ruffy, Bottom Dollar Food Northeast, LLC, P.O. Box 1330, Salisbury, NC 28145-1330 has submitted a Notice of Intent to Remediate. Soil and groundwater at the site has been impacted with the release of unregulated petroleum compounds. The Notice of Intent to Remediate was published in *The Philadelphia Daily News* on October 15, 2014. PF781702

**144 Lancaster Avenue Site**, 144 Lancaster Avenue, Easttown Township, **Chester County**. Michael S. Welsh, P.E., 131 Clearview Drive, Downingtown, PA 19335 on behalf of Eli Kahn, 144 Lancaster Avenue Associates, L.P., 55 County Club Drive, Downingtown, PA 19335 has submitted a Notice of Intent to Remediate. Soil and groundwater at the site has been impacted with the release of petroleum hydrocarbons. Current use is non-residential, future use may be residential. PF781702

#### HAZARDOUS WASTE TREATMENT, STORAGE AND DISPOSAL FACILITIES

**Applications received under the Solid Waste Management Act (35 P. S. §§ 6018.101—6018.1003) and Regulations to Operate a Hazardous Waste Treatment, Storage or Disposal Facility.**

*Northeast Region: Regional Solid Waste Manager, 2 Public Square, Wilkes-Barre, PA 18701-1915*

**PA002390961. Bethlehem Apparatus Company, Inc.**, 890 Front Street, Hellertown, PA 18055. This application is for the 10-year renewal of the existing Hazardous Waste Treatment, Storage and Disposal permit for Bethlehem Apparatus' facility located in Hellertown Borough, **Northampton County**. The application was received by the Northeast Regional Office on December 5, 2014 and accepted as complete on January 12, 2015.

#### REGULATED MEDICAL WASTE GENERAL PERMITS

**Application(s) received Under the Solid Waste Management Act; the Municipal Waste Planning, Recycling and Waste Reduction Act (53 P. S. §§ 4000.101—4000.1904); and Residual Waste Regulations for a General Permit to Operate Residual Waste Processing Facilities and the Beneficial Use of Residual Waste other than Coal Ash.**

*Central Office: Division of Municipal and Residual Waste, Rachel Carson State Office Building, 14th Floor, 400 Market Street, Harrisburg, PA 17105-8472.*

**General Permit Application No. WMGI015. Clean Waste Systems, LLC**, 3535 Plymouth Boulevard, Plymouth, MN 55447. The general permit application is for a proposed waste processing technology that involves mechanical processing in combination with ozone to disinfect regulated medical waste. The application was received by PA DEP's Central Office on October 23, 2014.



Comments concerning the application should be directed to Scott E. Walters, Chief, Permits Section, Division of Municipal and Residual Waste, Bureau of Waste Management, P.O. Box 69170, Harrisburg, PA 17106-9170. TDD users may contact the Department through the Pennsylvania Relay service, (800) 654-5984. Comments may also be submitted via e-mail at rapbenuseall@pa.gov. When submitting comment via e-mail, place "Comments on General Permit Number WMGI015" in the subject line. Faxed comments will not be accepted. Public comments must be submitted within 60 days of this notice and may recommend revisions to, and approval or denial of the application.

### RESIDUAL WASTE GENERAL PERMITS

#### **Application Received for Determination of Applicability under the Solid Waste Management Act, the Municipal Waste Planning, Recycling and Waste Reduction Act and Residual Waste Regulations for a General Permit to Operate Residual Waste Processing Facilities and the Beneficial Use of Residual Waste other than Coal Ash.**

*Central Office: Division of Municipal and Residual Waste, Rachel Carson State Office Building, 14th Floor, 400 Market Street, Harrisburg, PA 17105-8472.*

**General Permit Application No. WMGR017D001. Danville Municipal Authority**, 12 West Main Street, Danville, PA 17821. For the beneficial use of water supply treatment plant sludge in Mahoning Township, **Montour County**, as (i) a soil additive by land application upon, agricultural, agronomic, horticultural, and silvicultural lands and (ii) land application on disturbed lands to facilitate re-vegetation for land reclamation purposes. The Department has deemed the renewal application to be administratively complete on December 31, 2014.

Written comments concerning the renewal application should be directed to Scott E. Walters, Chief, Permits Section, Division of Municipal and Residual Waste, Bureau of Waste Management, P.O. Box 69170, Harrisburg, PA 17106-9170. TDD users may contact the Department through the Pennsylvania Relay Service, (800) 654-5984. Comments may also be submitted via e-mail at rapbenuseall@pa.gov. When submitting comment via e-mail, place "Comments on General Permit Number WMGR017D001" in the subject line. Faxed comments will not be accepted. Public comments must be submitted within 60 days of this notice and may recommend revisions to, and approval or denial of the application.

### 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 appli-

cation 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.

### PLAN APPROVALS

#### **Plan Approval Applications Received under the Air Pollution Control Act (35 P.S. §§ 4001—4015) and 25 Pa. Code Chapter 127, Subchapter B that may have special public interest. These applications are in review and no decision on disposition has been reached.**

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

*Contact: Edward Orris, New Source Review Chief—Telephone: 814-332-6636*

**42-174G: Casella Waste Management—McKean County Landfill** (19 Ness Lane, Kane, PA 16735-5335),

for the modification of conditions from plan approval 42-174F with regards to submittal of a plan approval application for the gas collection system in Sergeant Township, **McKean County**. This is a Title V facility.

**25-025U: General Electric Transportation—Erie** (2901 East Lake Road, Bldg 9-201, Erie, PA 16531), for the modification of Boiler #6 (Source 042) with regards to de-rating the boiler from 133 mmbtu/hr to 95 mmbtu/hr and to remove 40 CFR 60 Subpart Db requirements and replace with Subpart Dc requirements in Lawrence Park Township, **Erie County**. This is a Title V facility.

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

*Contact: Raymond Kempa, New Source Review Chief—Telephone: 570-826-2507*

**40-00129A: Moxie Freedom LLC** (612 Center Street South, Vienna, VA 22180) to construct a natural gas-fired combined-cycle power plant to produce a nominal 1,050 MW of electricity in Salem Township, **Luzerne County**.

The project consists of two (2) identical 1 x 1 power blocks. Each combined-cycle process (CTG or CT) block includes one (1) combustion gas turbine and one (1) heat recovery steam generator (HRSG) with duct burner and one (1) steam turbine (ST). Each CT and ST train will share one common electric generator. Additionally, one (1) 1,000 kw diesel-fired emergency generator, one (1) 1,000 kw diesel-fired emergency fire water pump, two (2) CT inlet evaporative coolers (one for each CT, two (2) air-cooled condensers (ACCs) one for each HRSG, one (1) 55.4 MM BTU/hr Auxiliary natural gas fired boiler, one (1) 14.6 MMBTU natural gas fuel gas heater, lube oil storage tanks, and aqueous ammonia storage tanks are proposed to be constructed and operated. The heat input rating of each combustion gas turbine is 3,329 MMBtu/hr (HHV) or less, and the heat input rating of each supplemental duct burner is equal to 401 MMBtu/hr (HHV) or less.

This application is subject to the Prevention of Significant Deterioration (PSD) of Air Quality regulations of 40 CFR 52.21, the Nonattainment New Source Review (NNSR) regulations of 25 Pa. Code §§ 127.201–127.218, and the Best Available Technology (BAT) requirements of 25 Pa. Code §§ 127.1 and 127.12. The facility's total particulate matter (PM) including total PM<sub>10</sub> and total PM<sub>2.5</sub>, nitrogen oxides, carbon monoxide, volatile organic compounds, and greenhouse gas emissions are subject to the PSD requirements. The facility's nitrogen oxides and volatile organic compounds emissions are also subject to the NNSR requirements. The Department has determined that the proposed levels of the air contaminants emissions satisfy best available control technology (BACT) and Lowest Achievable Emission Rate (LAER) requirements as well as the Department's BAT requirements.

The facility is also subject to the following Standards of Performance for New Stationary Sources (NSPS): 40 CFR Part 60 Subpart KKKK—Standards of Performance for Stationary Combustion Turbines codified in 40 CFR 60.4300 through 60.4420 and 40 CFR Part 60 Subpart IIII—Standards of Performance for Stationary Compression Ignition Internal Combustion Engines codified in 40 CFR 60.4200 through 60.4219. The proposed project is also subject to the National Emission Standards for Hazardous Air Pollutants for Stationary Reciprocating Internal Combustion Engines codified 40 CFR 63.6580 through 63.6675 as applicable to the proposed diesel-fired engines. The Department has determined that this facil-

ity satisfies all applicable requirements of these subparts including Maximum Achievable Control Technology (MACT) requirements.

Pursuant to the PSD provisions of 40 CFR 52.21 and 25 Pa. Code § 127.83, Moxie Freedom LLC has performed dispersion modeling. The air quality analysis methodology is consistent with the "Guideline on Air Quality Models" codified in Appendix W to 40 CFR Part 51, associated United States Environmental Protection Agency modeling policy and guidance, and the Department's recommendations. The air quality analysis adequately demonstrates that the proposed emissions due to the project will not cause or significantly contribute to air pollution in violation of the National Ambient Air Quality Standards for carbon monoxide (CO), nitrogen dioxide (NO<sub>2</sub>), particulate matter less than 2.5 micrometers (PM<sub>2.5</sub>), and particulate matter less than 10 micrometers (PM<sub>10</sub>), and the PSD standards for NO<sub>2</sub>, PM<sub>2.5</sub>, and PM<sub>10</sub>. In addition, the analysis adequately demonstrates that the project's proposed emissions, in conjunction with anticipated emissions due to general commercial, residential, industrial, and other growth associated with the project, will not impair visibility, soils, and vegetation. Furthermore, the effect of the project's emissions on air quality related values, including visibility, in Federal Class I areas is adequately addressed.

The Plan Approval and Operating permit will contain additional recordkeeping and operating restrictions designed to keep the facility operating within all applicable air quality requirements.

Copies of the application, DEP's analysis and other documents used in the evaluation of the application are available for public review during normal business hours at Air Quality Program, 2 Public Square, Wilkes-Barre, PA 18701-1915.

Any person(s) wishing to provide DEP with additional information, which they believe should be considered prior to the issuance of this permit, may submit the information to the address shown in the preceding paragraph. Each written comment must contain the name, address and telephone number of the person submitting the comments, identification of the proposed permit No.: 40-00129A and a concise statement regarding the relevancy of the information or objections to the issuance of the permit.

A public hearing may be held, if the Department of Environmental Protection, in its discretion, decides that such a hearing is warranted based on the comments received. All persons submitting comments or requesting a hearing will be notified of the decision to hold a hearing by publication in the newspaper or the *Pennsylvania Bulletin* or by telephone, where DEP determines such notification is sufficient. Written comments or requests for a public hearing should be directed to Ray Kempa, Chief, New Source Review Section, Air Quality Program, 2 Public Square, Wilkes-Barre, PA 18701-1915, Phone 570-826-2511 within 30 days after publication date.

**66-0001D: Proctor and Gamble Paper Products Co.** (P.O. Box 32, State Route 87 South, Mehoopany, PA 18629) for revising some of the existing terms and conditions of Plan Approval 66-328-022 which P&G installed and presently operates a Rolls Royce Trent 60 natural gas-fired combustion turbine at their facility in Washington Township, **Wyoming County**.

**Intent to Issue Plan Approvals and Intent to Issue or Amend Operating Permits under the Air Pollution Control Act and 25 Pa. Code Chapter 127, Subchapter B. These actions may include the administrative amendments of an associated operating permit.**

*Southeast Region: Air Quality Program, 2 East Main Street, Norristown, PA 19428*

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

**46-0018D: QG Printing III Company** (668 Gravel Pike, East Greenville, PA 18041-2199) for installing a new lithographic printing press to replace an existing press at its facility in Upper Hanover Township, **Montgomery County**. The VOC emissions from this press shall not exceed 8.3 tons per year, and the operating hours are limited to 7,000 hours per year. This project will not trigger applicability to the Federal PSD regulations or PADEP's NSR regulations. The new press is subject to applicable CAM requirements. The plan approval will include all applicable monitoring, recordkeeping and reporting requirements designed to keep the facility operating within all applicable air quality requirements.

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

*Contact: Thomas Hanlon, Facilities Permitting Chief, 717-705-4762, Lisa Dorman, New Source Review Permitting Chief—Telephone: 717-705-4863 or William Weaver, Regional Air Quality Manager, Telephone: 717-705-4702.*

**36-05156B: L&S Sweeteners, Inc.** (388 East Main Street, Leola, PA 17540) for an increase in the SO<sub>2</sub> limit for each of the facility's two landfill gas-fired engines and to establish an annual combined SO<sub>2</sub> emission limit for the facility's boilers located in Upper Leacock Township, **Lancaster County**. As a result of the changes proposed, the modification will revise the facility's potential-to-emit (pte) for SO<sub>x</sub> emissions to 26.3 tpy. The facility's pte for all other pollutants will remain unchanged with CO emissions at 188.8 tpy, NO<sub>x</sub> emissions at 61.0 tpy, VOC emissions at 43.2 tpy, PM<sub>10/2.5</sub> emissions at 20.7 tpy, and HAP emissions at 23.8 tpy. The facility is a Title V facility. DEP's review of the information submitted by the applicant indicates that the air contamination sources as constructed or modified will comply with all regulatory requirements pertaining to air contamination sources and the emission of air contaminants including the best available technology requirement (BAT) of 25 Pa. Code §§ 127.1 and 127.12, and 25 Pa. Code § 123.13 Process Particulate Matter. Based on these findings, the Department proposes to issue a plan approval for the proposed construction. If, after the project has been implemented, the Department determines that the sources are constructed and operated in compliance with the plan approval conditions and the specification of the application for plan approval, the requirements established in the plan approval will be incorporated into an Operating Permit pursuant to the administrative amendment provisions of 25 Pa. Code § 127.450.

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

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

**14-00002Q: Graymont (PA) Inc.** (965 East College Avenue, Pleasant Gap, PA 16823-6823) has submitted a plan approval application to the Pennsylvania Depart-

ment of Environmental Protection for the proposed installation of preheat burners in each of the rotary kilns located at the Pleasant Gap plant. The Pleasant Gap plant is located in Spring Township, **Centre County**.

The Department's review of the plan approval application and supplementary information submitted by Graymont indicate that the proposed installations will meet all of the applicable air quality regulatory requirements pertaining to the project, including the Department's best available technology (BAT) requirements of 25 Pa. Code §§ 127.1 and 127.12. Based on these findings, the Department intends to approve the application and issue a plan approval for the proposed installations.

The following are, but not limited to, the conditions that the Department proposes to place in the plan approval to ensure that the proposed preheat burner installations and operation of the burners will be carried out in compliance with the applicable air quality regulatory requirements. All applicable Federal and State regulatory requirements including monitoring, recordkeeping, reporting and work practice condition that show compliance with the applicable requirements have been included in the plan approval.

1. This plan approval condition amends and supersedes condition no. 2 of Plan Approval 14-00002A to the extent that the restriction to only fire No. 2 fuel oil for kiln startup (preheat) is hereby revised to permit the firing of No. 2 fuel oil or pipeline quality natural gas for kiln preheat operations in accordance with the conditions of this plan approval.

2. (a) Source ID P408 is a 1,200 ton per day rotary lime kiln, designated as Kiln No. 6 that is equipped with a preheater and a 240 million Btu per hour coal/petroleum coke-fired burner, and is capable of firing No. 2 fuel oil or pipeline quality natural gas during kiln preheat at a maximum rate equal to 60 MMBtu/hr.

(b) ID C408 is a F.L. Smidth fabric collector containing 8 compartments and 360 bags per compartment. The bags associated with ID C408 are constructed of 16 weight woven fiberglass and e-PTFE-coated membrane, and each has an effective filter area equal to 17 square feet.

3. (a) Source ID P413 is a 1,050 ton per day rotary lime kiln, designated as Kiln No. 7 that is equipped with a 280 million Btu per hour coal/petroleum coke-fired burner and capable of firing on No. 2 fuel oil or pipeline quality natural gas during kiln preheat at a maximum rate equal to 60 MMBtu/hr.

(b) ID C413A is a semi-wet scrubbing system, consisting of the following equipment:

(1) One (a) Solios model VVR-14-82 Venturi reactor (or equivalent, as approved by the Department),

(2) Two (2) 35 ton per hour capacity conditioning drums,

(3) One (1) 35 ton per hour capacity pre-conditioning drum,

(4) One (1) 65 ton capacity recycle bin,

(5) One (1) 10 ton capacity lime kiln dust (LKD) surge bin,

(6) One (1) 25 ton capacity fresh lime bin,

(7) One (1) screw conveyor from conditioning drums to Venturi reactor,

(8) One (1) screw conveyor from fabric collector to bucket elevators,



(9) Two (2) bucket elevators to the recycle bin,

(10) Other conveyors as described in the application and supplemental materials for Plan Approval 14-00002H.

(c) ID C413B is a Solios Environment fabric collector containing 8 compartments and 336 bags per compartment. The bags associated with ID C413B are constructed of woven fiberglass and e-PTFE-coated membrane, and each has an effective area equal to 17.5 square feet.

4. Pursuant to the provisions of 25 Pa. Code §§ 139.101 and 139.103, the permittee shall install, certify, maintain and operate a continuous emission monitoring system for nitrogen oxides ( $\text{NO}_x$ , expressed as  $\text{NO}_2$ ), carbon monoxide, sulfur oxides ( $\text{SO}_x$ , expressed as  $\text{SO}_2$ ) emissions and opacity on the kiln in accordance with all of the applicable requirements specified in 25 Pa. Code Chapter 139 and the Department's Continuous Source Monitoring Manual. The continuous emission monitoring systems shall be capable of monitoring the  $\text{NO}_x$ , carbon monoxide and  $\text{SO}_x$  concentrations, expressed in ppm, emission rates, expressed in pounds per hour, and total emissions in any 12 consecutive month period, expressed in tons per year, for each kiln.

5. (a) The permittee shall perform fuel sampling and test analyses or obtain fuel certification reports of each delivery of No. 2 fuel oil, to verify the percent sulfur by weight of the No. 2 oil used to preheat the kiln.

(b) The reports shall contain the name of the fuel oil supplier, sampling and test methods, and statement certifying the results of the sampling and test methods used to determine the sulfur weight percentage of the shipments of No. 2 fuel oil received for kiln preheat.

(c) All sampling and testing methods used to determine or report the sulfur weight percentage of the shipments of No. 2 fuel oil received for kiln preheat shall be in accordance with the requirements pertaining to sampling and testing as specified in 25 Pa. Code Chapter 139.

(d) All information used to satisfy this recordkeeping condition shall be kept for a period of five years, at least, and shall be made available to the Department upon request. The records shall include, but not be limited to, all of the applicable information specified in 25 Pa. Code § 127.511(b).

6. (a) The permittee shall perform fuel sampling and test analyses or keep copy of the current valid fuel purchase contract, to verify the fuel quality characteristic of the natural gas used as fuel to preheat the kiln.

(b) All sampling and testing methods used to determine the natural gas fuel quality characteristic shall be in accordance with the requirements pertaining to sampling and testing as specified in 25 Pa. Code Chapter 139.

(c) All information used to satisfy this recordkeeping condition shall be kept for a period of five years, at least, and shall be made available to the Department upon request. The records shall include, but not be limited to, all of the applicable information specified in 25 Pa. Code § 127.511(b).

7. The permittee shall monitor usage of kiln preheat fuels, monitor hours of kiln preheat operations, and keep records of total usage of each fuel and total hours of firing each fuel during kiln preheat operations, on a monthly basis, to verify compliance with the maximum heat input rate associated with kiln preheat. The monthly records shall be kept for period of five years, at least, and shall be made available to the Department upon request.

8. The permittee shall conduct annual tune-ups on the preheat burner associated with this kiln, and maintain and operate the preheat burner in accordance with the burner manufacturer's recommended specifications and instructions. The tune-ups shall be conducted within one year of the date when normal kiln preheat burner operations resume and include the following procedures, at least. After the performance of the first tune-up, the permittee shall conduct subsequent tune-ups within one year after the previous tune-up.

(a) Inspect the burner, and clean or replace any components of the burner as necessary (the permittee may delay the burner inspection until the next scheduled kiln shutdown);

(b) Inspect the flame pattern, as applicable, and adjust the burner as necessary to optimize the flame pattern. The adjustment should be consistent with the manufacturer's specifications, if available;

(c) Inspect the system controlling the air-to-fuel ratio, as applicable, and ensure that it is correctly calibrated and functioning properly (the permittee may delay the inspection until the next scheduled kiln shutdown);

(d) Optimize total emissions of CO. This optimization should be consistent with the manufacturer's specifications, if available, and with any  $\text{NO}_x$  emissions restrictions; and

(e) Measure the concentrations in the effluent stream of CO in parts per million, by volume, and oxygen in volume percent, before and after the adjustments are made (measurements may be either on a dry or wet basis, as long as it is the same basis before and after the adjustments are made). Measurements may be taken using a portable CO analyzer.

9. The permittee shall maintain records to verify compliance with the yearly requirement to perform preheat burner tune-ups. The records shall include the following information, at least, and shall be kept for a period of five years and made available to the Department upon request:

(a) Date and time of the performance of each of the annual work practice procedures;

(b) The concentrations of CO in the effluent stream in parts per million by volume, and oxygen in volume percent, measured at high fire or typical operating load, before and after the tune-up of the boiler or process heater; and

(c) A description of any corrective actions taken as a part of the tune-up.

10. (a) The No. 2 fuel oil used for kiln preheat operations shall satisfy the following requirements regarding the applicable maximum allowable sulfur content as specified in 25 Pa. Code § 123.22.

(b) Pursuant to 25 Pa. Code § 123.22, the permittee shall only fire No. 2 fuel oil which has a maximum sulfur content by weight equal to or less than 0.5% through June 30, 2016. After this date, the permittee shall only fire No. 2 fuel oil which has a maximum sulfur content by weight equal to or less than 500 ppm, except as specified by the provision at 25 Pa. Code § 123.22(a)(2)(ii) if applicable.

The facility is a 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 14-00002Q, the requirements established in the plan ap-

proval will be incorporated into Title V Operating Permit 14-00002 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.

#### OPERATING PERMITS

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

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

*Contact: Thomas Hanlon, Facilities Permitting Chief, 717-705-4762, Lisa Dorman, New Source Review Permitting Chief—Telephone: 717-705-4863 or William Weaver, Regional Air Quality Manager, Telephone: 717-705-4702.*

**28-05004: Grove US LLC** (1565 Buchanan Trail East, Shady Grove, PA 17256) to issue a Title V Permit renewal for their hydraulic mobile crane manufacturing plant in Antrim Township, **Franklin County**. Volatile organic compound (VOC) emissions from the facility in 2013 were about 67 tons; hazardous air pollutant (HAP) emissions were 5.3 tons in 2013. The Title V Operating Permit will include emission limits and work practice standards along with monitoring, recordkeeping and reporting requirements to ensure the facility complies with the applicable air quality regulations. Among other items, the permit conditions include provisions derived from 40 CFR Part 63, Subpart XXXXXX—National Emission Standards for Hazardous Air Pollutants Area Source Standards for Nine Metal Fabrication and Finishing Source Categories.

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

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

**53-00001: Tennessee Gas Pipeline Company, LLC** (P.O. Box 2511, Houston, TX 77252-2511) to renew the Title V Operating Permits for their Compressor Station 313 facility located in Hebron Township, **Potter County**. The representative of Tennessee Gas Pipeline to contact regarding Title V Operating Permit 53-00001 is Mr. Murali Ramamoorthy, Principal Engineer, P.O. Box 2511, Houston, TX 77252-2511.

The facility's main sources include 13 compressor engines. They also operate process heaters and a natural gas dehydration process at the facility. No emission or equipment modifications are being proposed by this action. The emission restriction, testing, monitoring, recordkeeping, reporting and work practice conditions of the TVOP have been derived from the applicable requirements of 40 CFR Part 63 as well as 25 Pa. Code Chapters 121—145. The facility has the potential to emit major levels of emissions, including hazardous air pollutants. The air contaminant emissions from the facility's 2013 Air Information Management System (AIMS) report are as follows; 87 tpy of carbon monoxide, 66.5 tpy of nitrogen oxides, 8.7 tpy of particulate matter less than 10 microns (PM<sub>10</sub>), 8.0 tpy of PM<sub>2.5</sub>, 0.3 tpy of sulfur oxides, 15.1 tpy of volatile organic compounds, 8.35 tpy of total hazardous air pollutants and 4.9 tpy of hydrogen chloride.

The proposed renewal TVOP for the facility has included the upcoming applicable New Source Performance

Standard (NSPS) requirements for the dehydration process, which must be met prior to October 15, 2015 compliance date. The proposed Title V operating permit contains all applicable regulatory requirements including monitoring, recordkeeping, and reporting conditions to ensure compliance with the applicable Federal and State air quality regulations.

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

##### **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 19428*

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

**09-00063: New Hope Crushed Stone and Lime Company** (6970 Phillips Mill Road, New Hope, PA 18938) for operation of one non-metallic mineral processing plants and three diesel engines in Solebury Township, **Bucks County**. This action is a renewal of a State Only Operating Permit, which was originally issued on February 18, 2005. The renewal contains monitoring, recordkeeping and reporting requirements designed to keep the facility operating within all applicable air quality requirements.

**23-0119D: Sunoco Partners Marketing & Terminals, L.P. (SPMT)** (2nd and Green Streets, Marcus Hook, PA 19061-0426) for the installation of four (4) cryogenic storage tanks as follows: one 300,000 barrel (bbl) for ethane, one 600,000 bbl for butane, one 900,000 bbl for propane, and one 600,000 for propane. Additionally, this project will also install a new cold flare for emergency depressurization events, modify a previously permitted cold flare, install a new 50,000 gpm cooling tower, a pipeline dehydration system, along with the necessary piping for each of the above at an existing facility, in Marcus Hook Borough, **Delaware County**. The plan approval is for a Title V facility. This project by itself or in aggregation, does not trigger applicability toward PADEP's NSR or the Federal PSD regulations. Potential annual emissions from this project will be fugitive and are as follows: VOC—22.27 tons, NO<sub>x</sub>—0.09 ton, CO—0.50 ton, SO<sub>2</sub>—0.0008 ton, GHG—208 tons, PM—0.40 ton, PM<sub>10</sub>—0.38 ton, and PM<sub>2.5</sub>—0.06 ton. The plan approval 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 Elmerton Avenue, Harrisburg, PA 17110*

*Contact: Thomas Hanlon, Facilities Permitting Chief, 717-705-4762, Lisa Dorman, New Source Review Permitting Chief—Telephone: 717-705-4863 or William Weaver, Regional Air Quality Manager, Telephone: 717-705-4702.*

**07-03051: Sheetz Distribution Services, Inc.** (242 Sheetz Way, Claysburg, PA 16626) to issue a State Only Operating Permit for operation of a food processing facility which includes baking ovens and donut fryers in Greenfield Township, **Blair County**. The potential emissions of the facility are 5.3 tons of CO per year, 8.6 tons of NO<sub>x</sub> per year, less than 1.6 ton of PM per year, 1.5 ton

of SO<sub>x</sub> per year, and 50 tons of VOC 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. The facility is subject to 40 CFR Part 60, Subpart IIII—Standards of Performance for Stationary Compression Ignition Internal Combustion Engines, and 40 CFR Part 63 Subpart ZZZZ—National Emissions Standards for Hazardous Air Pollutants for Stationary Reciprocating Internal Combustion Engines.

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

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

**41-00062: Wheeland Lumber Company, Inc.** (RR #1, Box 220B Liberty, PA 16930) for their lumber mill facility located in Jackson Township, **Lycoming County**. The facility is currently operating under State Only operating permit NMOP 49-00062 and will expire on February 10, 2015. The facilities main source includes two (2) stoker wood-fired boilers for producing steam for lumber-drying kilns. Other sources at the facility include a two (2) emergency generators, one (1) parts cleaning station and one (1) oil-fired office furnace. In accordance with 25 Pa. Code §§ 127.424 and 127.425, the Department of Environmental Protection (DEP) has received an application and intends to issue a renewal of an Air Quality Operating Permit for the abovementioned facility. The subject facility has the following potential emissions: 36.01 TPY of carbon monoxide; 25.41 TPY of nitrogen oxides; 2.27 TPY of sulfur oxides; 25.34 TPY of particulate matter; 3.21 TPY of volatile organic compounds and 17,175 TPY of greenhouse gases. The Department has determined that the sources at the facility satisfy best available technology (BAT) requirements, pursuant to 25 Pa. Code §§ 127.1 and 127.12. The operating permit will include emission limits and work practice standards along with monitoring, record keeping and reporting requirements to ensure the facility complies with all applicable air quality regulations.

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 as well as 40 CFR Parts 60 and 63.

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: Barbara Hatch, Facilities Permitting Chief—Telephone: 412-442-4174*

**03-00173: Armstrong Terminal, Inc.** (P.O. Box 58, Schenley, PA 15682) for port and harbor operations at their Schenley Terminal in Gilpin Township, **Armstrong County**. This is a State-Only Operating Permit renewal application submittal.

**26-00470: Mon River Energy Corporation** (P.O. Box 466, Brier Hill, PA 15415) for bituminous coal and lignite

surface mining at the Brier Hill Site in Redstone Township, **Fayette County**. This is a State-Only Operating Permit renewal application submittal.

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

*Contact: Edward Orris, New Source Review Chief—Telephone: 814-332-6131*

**10-00230: Lindy Paving Incorporated, Zelienople Plant previously IA Construction Corporation** (158 Lindsay Road, Zelienople, PA 16063) for renewal of a Synthetic Minor Permit to operate a hot mix asphalt plant located at Jackson Township, **Butler County**. The emitting sources include: 1) Continuous Mix Asphalt Plant, 2) Fugitives from transfer points and, 3) Aggregate storage piles. The facility has taken a restriction on production of less than 495,000 tons of hot mix asphalt per year to qualify as a Synthetic Minor facility. The emission inventory submitted by the facility for 2013 is as follows: CO: 14.27 Tons per year, Lead (Pb): 0.0005 TPY, Nitrogen Oxides (NO<sub>x</sub>): 6.60 TPY, Particulate matter less than 10 micron size (PM<sub>10</sub>): 4.36 TPY, Sulfur Oxides (SO<sub>x</sub>): 1.22 TPY, Volatile Organic Compound: 4.59 TPY, Methane (CH<sub>4</sub>): 2.00 TPY, Ammonia (NH<sub>3</sub>): 0.0032 TPY, Acetone: 0.0003 TPY, Carbon Di Oxide (CO<sub>2</sub>): 3,550.32 TPY, Nitrous Oxide (N<sub>2</sub>O): 0.0051 TPY, Particulate Matter, Condensable: 1.66 TPY, Acetaldehyde: 0.0004 TPY, Ethyl Benzene: 0.0239 TPY, Formaldehyde: 0.3114 TPY, Hexane: 0.0924 TPY, 1,4 Benzoquinone: 0.0001 TPY, Toluene: 0.0162 TPY, Xylene: 0.0318 TPY, Benzene: 0.0392 TPY.

**61-00193: NFG Henderson Compressor Station** (6363 Main Street, Williamsville, NY 14221), to issue a renewal State Only Operating Permit for the natural gas transmission station located in Mineral Township, **Venango County**. The facility is a Natural Minor. The primary sources at the facility include two 1,350 HP compressor units, a 119 HP auxiliary generator, a natural gas fired triethylene glycol (TEG)dehydrator reboiler, a TEG dehydrator still, a 75 HP natural gas fired air compressor, two parts washers, and a 1,000 gallon gasoline tank. The VOC emissions from the TEG dehydrator still are controlled by a thermal oxidizer. The stationary reciprocating internal combustion engines are subject to 40 CFR 63 Subpart ZZZZ. The gasoline tank is subject to 40 CFR 63 Subpart CCCCC. The potential emissions from the facility are: VOC—19.74 TPY, NO<sub>x</sub>—62.74 TPY, CO—65.93 TPY, Formaldehyde—4.96 TPY, Total HAPs—7.77 TPY, SO<sub>x</sub>—0.08 TPY, PM<sub>10</sub>—4.66 TPY, PM<sub>2.5</sub>—4.66 TPY, and CO<sub>2e</sub>—17,767 TPY.

## PLAN APPROVALS

**Receipt of Plan Approval Applications and Intent to Issue Plan Approvals, and Intent to Issue Amended Operating Permits under the Air Pollution Control Act and 25 Pa. Code Chapter 127, Subchapter B And Subchapter F. These actions may include the administrative amendments of an associated operating permit.**

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

*Contact: Raymond Kempa, New Source Review Chief—Telephone: 570-826-2507*

Notice is hereby given in accordance with 25 Pa. Code §§ 127.44(a) and 127.45(a), that the Department of Environmental Protection (DEP) has received and intends to issue a Plan Approval to **Silberline Manufacturing Co.**,



**Inc.** (130 Lincoln Drive, Tamaqua, PA 18252) for their Tidewood facility located in Rush Twp., **Schuylkill County**. This Plan Approval No. 54-00066B will be incorporated into the companies State Only Permit through an administrative amendment at a later date.

**Plan Approval No. 54-00066B** is for the installation of a new process equipment to manufacture aluminum pigments. VOC emissions from the plant will remain under their 50 TPY threshold limit, 12-month rolling sum. VOC emissions will be controlled by the existing oxidizer. The oxidizer has a destruction efficiency of at least 98%. These limits will meet BAT requirements for this source. A stack test will be required to verify these limits. The Plan Approval and Operating permit will contain additional recordkeeping and operating restrictions designed to keep the facility operating within all applicable air quality requirements.

Copies of the application, DEP's analysis and other documents used in the evaluation of the application are available for public review during normal business hours at Air Quality Program, 2 Public Square, Wilkes-Barre, PA 18711.

Any person(s) wishing to provide DEP with additional information, which they believe should be considered prior to the issuance of this permit, may submit the information to the address shown in the preceding paragraph. Each written comment must contain the name, address and telephone number of the person submitting the comments, identification of the proposed permit No.: 54-00066B and a concise statement regarding the relevancy of the information or objections to the issuance of the permit.

A public hearing may be held, if the Department of Environmental Protection, in its discretion, decides that such a hearing is warranted based on the comments received. All persons submitting comments or requesting a hearing will be notified of the decision to hold a hearing by publication in the newspaper or the *Pennsylvania Bulletin* or by telephone, where DEP determines such notification is sufficient. Written comments or requests for a public hearing should be directed to Ray Kempa, Chief, New Source Review Section, Air Quality Program, 2 Public Square, Wilkes-Barre, PA 18711, Phone 570-826-2511 within 30 days after publication date.

Notice is hereby given in accordance with 25 Pa. Code §§ 127.44(a) and 127.45(a), that the Department of Environmental Protection (DEP) has received and intends to issue a Plan Approval to **Sawmill Valley Hardwoods, Inc** (7025 State Route 92, South Gibson, PA 18842) for their facility located in Lenox Twp, **Susquehanna County**. This Plan Approval No. 58-00016A will be incorporated into a Synthetic Minor Permit through an administrative amendment at a later date.

**Plan Approval No. 58-00016A** is for the operation of one a wood fired boiler with cyclone at the site. This facility is a Non-Title V facility. The company shall comply with 123.41 for opacity. The company shall comply with 123.31 for malodorous emissions. The company will operate the sources and maintain the system in accordance with the good engineering practices to assure proper operation of the system. The Plan Approval and Operating permit will contain additional recordkeeping and operating restrictions designed to keep the facility operating within all applicable air quality requirements.

Copies of the application, DEP's analysis and other documents used in the evaluation of the application are

available for public review during normal business hours at Air Quality Program, 2 Public Square, Wilkes-Barre, PA 18711.

Any person(s) wishing to provide DEP with additional information, which they believe should be considered prior to the issuance of this permit, may submit the information to the address shown in the preceding paragraph. Each written comment must contain the name, address and telephone number of the person submitting the comments, identification of the proposed permit No.: 58-00016A and a concise statement regarding the relevancy of the information or objections to the issuance of the permit.

A public hearing may be held, if the Department of Environmental Protection, in its discretion, decides that such a hearing is warranted based on the comments received. All persons submitting comments or requesting a hearing will be notified of the decision to hold a hearing by publication in the newspaper or the *Pennsylvania Bulletin* or by telephone, where DEP determines such notification is sufficient. Written comments or requests for a public hearing should be directed to Ray Kempa, Chief, New Source Review Section, Air Quality Program, 2 Public Square, Wilkes-Barre, PA 18711, Phone 570-826-2511 within 30 days after publication date.

**40-00005B: UGI Development Co.** (390 Route 11, PO Box 224, Hunlock Creek, PA 18621) for their facility located Hunlock Township, **Luzerne County**.

In accordance with 25 Pa. Code §§ 127.44(a) and 127.45(a), that the Department of Environmental Protection (DEP) has received and intends to issue a Plan Approval to UGI Development Co. (390 Route 11, PO Box 224, Hunlock Creek, PA 18621) for their facility located in Hunlock Township, Luzerne County. This Plan Approval No. 40-00005B will be incorporated into a Synthetic Minor Permit through an administrative amendment at a later date.

Plan Approval No. 40-00005B is for the installation and operation of the following equipment:

- Two GE LM6000 PC-Sprint CTGs.
- Two (2) supplementary natural gas-fired HRSGs with separate exhaust stacks One for each Combustion Turbine ("CT")
- One (1) STG (steam turbine generator)
- Nominal 10,000-gallon capacity aqueous ammonia storage tank
- Demineralized water storage tank, nominally 300,000-gallon capacity
- City Water storage tank, nominally 500,000-gallon capacity

The proposed emission control systems are carbon monoxide ("CO") oxidation catalyst and selective catalytic reduction ("SCR") systems.

The source main emissions for the new sources are NO<sub>x</sub>, CO, and VOC. The new sources will meet all applicable requirements. The Plan Approval and Operating permit will contain additional recordkeeping and operating restrictions designed to keep the facility operating within all applicable air quality requirements.

Copies of the application, DEP's analysis and other documents used in the evaluation of the application are available for public review during normal business hours at Air Quality Program, 2 Public Square, Wilkes-Barre, PA 18701-1915.

Any person(s) wishing to provide DEP with additional information, which they believe should be considered prior to the issuance of this permit, may submit the information to the address shown in the preceding paragraph. Each written comment must contain the name, address and telephone number of the person submitting the comments, identification of the proposed permit No.: 40-00005B and a concise statement regarding the relevancy of the information or objections to the issuance of the permit.

A public hearing may be held, if the Department of Environmental Protection, in its discretion, decides that such a hearing is warranted based on the comments received. All persons submitting comments or requesting a hearing will be notified of the decision to hold a hearing by publication in the newspaper or the *Pennsylvania Bulletin* or by telephone, where DEP determines such notification is sufficient. Written comments or requests for a public hearing should be directed to Ray Kempa, Chief, New Source Review Section, Air Quality Program, 2 Public Square, Wilkes-Barre, PA 18701-1915, Phone 570-826-2511 within 30 days after publication date.

**40-00036B: SAPA Extruder, Inc.** (330 Elmwood Ave, Crestwood Industrial Park, Mountaintop, PA 18707) for their facility located in Wright Twp, **Luzerne County**.

In accordance with 25 Pa. Code §§ 127.44(a) and 127.45(a), that the Department of Environmental Protection (DEP) has received and intends to issue a Plan Approval to SAPA Extruder, Inc. (330 Elmwood Ave, Crestwood Industrial Park, Mountaintop, PA 18707 for their facility located in Wright Twp, Luzerne County. This Plan Approval No. 40-00036B will be incorporated into a Synthetic Minor Permit through an administrative amendment at a later date.

Plan Approval No. 40-00036B is for Deburring process with a cyclone and baghouse to control particulate emissions. The company shall be subject to and comply with 25 Pa. Code § 123.31 for malodorous emissions. These limits will meet BAT requirements for this source. The Plan Approval and Operating permit will contain additional recordkeeping and operating restrictions designed to keep the facility operating within all applicable air quality requirements.

Copies of the application, DEP's analysis and other documents used in the evaluation of the application are available for public review during normal business hours at Air Quality Program, 2 Public Square, Wilkes-Barre, PA 18701-1915.

Any person(s) wishing to provide DEP with additional information, which they believe should be considered prior to the issuance of this permit, may submit the information to the address shown in the preceding paragraph. Each written comment must contain the name, address and telephone number of the person submitting the comments, identification of the proposed permit No.: 40-00036B and a concise statement regarding the relevancy of the information or objections to the issuance of the permit.

A public hearing may be held, if the Department of Environmental Protection, in its discretion, decides that such a hearing is warranted based on the comments received. All persons submitting comments or requesting a hearing will be notified of the decision to hold a hearing by publication in the newspaper or the *Pennsylvania Bulletin* or by telephone, where DEP determines such notification is sufficient. Written comments or requests

for a public hearing should be directed to Ray Kempa, Chief, New Source Review Section, Air Quality Program, 2 Public Square, Wilkes-Barre, PA 18701-1915, Phone 570-826-2511 within 30 days after publication date.

## COAL AND NONCOAL MINING ACTIVITY APPLICATIONS

Applications under the Surface Mining Conservation and Reclamation Act (52 P. S. §§ 1396.1—1396.19a); the Noncoal Surface Mining Conservation and Reclamation Act (52 P. S. §§ 3301—3326); The Clean Streams Law (35 P. S. §§ 691.1—691.1001); the Coal Refuse Disposal Control Act (52 P. S. §§ 30.51—30.66); and The Bituminous Mine Subsidence and Land Conservation Act (52 P. S. §§ 1406.1—1406.20a). Mining activity permits issued in response to such applications will also address the applicable permitting requirements of the following statutes: the Air Pollution Control Act (35 P. S. §§ 4001—4015); the Dam Safety and Encroachments Act (32 P. S. §§ 693.1—693.27); and the Solid Waste Management Act (35 P. S. §§ 6018.101—6018.1003).

The following permit applications to conduct mining activities have been received by the Department. A copy of the application is available for inspection at the district mining office indicated before each application. Notices of requests for 401 Water Quality Certifications are included in individual application notices, as noted.

Written comments or objections, or requests for an informal conference, or a public hearing, as applicable, on a mining permit application and request for Section 401 water quality certification application may be submitted by any person or any officer or head of any Federal, state or local government agency or authority to the Department at the address of the district mining office indicated before each application within 30 days of this publication, or within 30 days after the last publication of the applicant's newspaper advertisement as provided by 25 Pa. Code §§ 77.121—77.123 and 86.31—86.34.

Written comments or objections regarding a mining permit application should contain the name, address and telephone number of persons submitting comments or objections, application number and a statement of sufficient detail to inform the Department on the basis of comment or objection and relevant facts upon which it is based.

A request for an informal conference or a public hearing, as applicable, on a mining permit application, as provided by 25 Pa. Code § 77.123 or § 86.34, must contain the name, address and telephone number of the requestor; the application number; a brief summary of the issues to be raised by the requestor at the conference; and a statement whether the requestor desires to have the conference conducted in the locality of the proposed mining activities.

When an NPDES number is listed, the mining activity permit application was accompanied by an application for an individual NPDES permit. A separate notice will be provided after the draft NPDES permit is prepared.

### *Coal Applications Received*

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

**30831303 and NPDES No. PA0013511. Cumberland Coal Resources, LP**, (158 Portal Road, PO Box 1020, Waynesburg, PA 15370). To revise the permit for the Cumberland Mine in Wayne and Center Townships,



**Greene County** and related NPDES permit to install seven (7) fresh-air intake boreholes. Surface Acres Proposed 4.41. No additional discharges. The application was considered administratively complete on January 7, 2015. Application received: June 9, 2014.

*Cambria District Mining Office: 286 Industrial Park Road, Ebensburg, PA 15931-4119, 814-472-1900*

**Permit No. 56960105 and NPDES No. PA0234168. LK Mining, Inc.**, 323 Coalyard Road, Rockwood, PA 15557, permit renewal for reclamation only of a bituminous surface mine in Milford Township, **Somerset County** affecting 20.2 acres. Receiving stream: unnamed tributary to South Glade Creek, classified for the following use: warm water fishery. There are no potable water supply intakes within 10 miles downstream. Application received: November 20, 2014.

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

**24673003. Tamburlin Brothers Coal Company, Inc.** (P.O. Box 1419, Clearfield, PA 16830) Renewal of an existing bituminous surface and auger mine in Fox Township, **Elk County**, affecting 56.2 acres. Receiving streams: Limestone Run, classified for the following uses: CWF. There are no potable surface water supply intakes within 10 miles downstream. This renewal is for reclamation only. Application received: January 2, 2015.

**33090104. Amerikohl Mining, Inc.** (202 Sunset Drive, Butler, PA 16001). Renewal of an existing bituminous surface mine in Pine Creek Township, **Jefferson County** affecting 41.1 acres. Receiving streams: Unnamed tributaries to Mill Creek, classified for the following uses: CWF. There are no potable surface water supply intakes within 10 miles downstream. This renewal is for reclamation only. Application received: January 8, 2015.

**24990102 and NPDES Permit No. PA0241580. Tamburlin Brothers Coal Company, Inc.** (P.O. Box 1419, Clearfield, PA 16830) Renewal of an existing bituminous surface and auger mine in Fox Township, **Elk County**, affecting 136.0 acres. Receiving streams: Limestone Run and Little Toby Creek, both classified for the following uses: CWF. There are no potable surface water supply intakes within 10 miles downstream. Application received: January 7, 2015.

*Moshannon District Mining Office: 186 Enterprise Drive, Philipsburg, PA 16866, 814-342-8200*

**17060112 and NPDES PA0238376. Rosebud Mining Company** (301 Market Street, Kittanning, PA 16201). Transfer of an existing bituminous surface and auger mine from AMFIRE Mining Company LLC. This site is located in Bell Township, **Clearfield County** affecting 367.0 acres. Receiving stream(s): Lost Run and Laurel Run classified for the following use(s): HQ-CWF. There are no potable water supply intakes within 10 miles downstream. Application received: December 31, 2014.

**17990122 and NPDES PA0242772. Rosebud Mining Company** (301 Market Street, Kittanning, PA 16201). Transfer of an existing bituminous surface and auger mine from AMFIRE Mining Company LLC. This site is located in Brady and Bloom Townships, **Clearfield County** affecting 107.2 acres. Receiving stream(s): Unnamed Tributaries of Little Anderson Creek to Anderson Creek, Unnamed Tributary to Bell Run, and Unnamed Tributary to Irish Run classified for the following use(s): CWF. There are no potable water supply intakes within 10 miles downstream. Application received: December 31, 2014.

**17990110 and NPDES PA0238333. Rosebud Mining Company** (301 Market Street, Kittanning, PA 16201). Transfer of an existing bituminous surface and auger mine from AMFIRE Mining Company LLC. This site is located in Chest Township, **Clearfield County** affecting 350.0 acres. Receiving stream(s): Unnamed Tributaries of Chest Run and Chest Run classified for the following use(s): CWF. There are no potable water supply intakes within 10 miles downstream. Application received: December 31, 2014.

**17120104 and NPDES PA0269531. Rosebud Mining Company** (301 Market Street, Kittanning, PA 16201). Transfer of an existing bituminous surface and auger mine from AMFIRE Mining Company LLC. This site is located in Cooper Township, **Clearfield County** affecting 584.9 acres. Receiving stream(s): Weber Run, Unnamed Tributaries A, B, C, and D to Moshannon Creek classified for the following use(s): CWF and MF. There are no potable water supply intakes within 10 miles downstream. Application received: December 31, 2014.

**17020106 and NPDES PA0243264. Rosebud Mining Company** (301 Market Street, Kittanning, PA 16201). Transfer of an existing bituminous surface and auger mine from AMFIRE Mining Company LLC. This site is located in Girard Township, **Clearfield County** affecting 169.0 acres. Receiving stream(s): Deer Creek, Unnamed Tributaries to Deer Creek, and Unnamed Tributaries to Bald Hill Run classified for the following use(s): CWF. There are no potable water supply intakes within 10 miles downstream. Application received: December 31, 2014.

**17040107 and NPDES PA0243817. Rosebud Mining Company** (301 Market Street, Kittanning, PA 16201). Transfer of an existing bituminous surface and auger mine from AMFIRE Mining Company LLC. This site is located in Girard Township, **Clearfield County** affecting 155.0 acres. Receiving stream(s): Unnamed Tributaries to Deer Creek and Deer Creek classified for the following use(s): CWF. There are no potable water supply intakes within 10 miles downstream. Application received: December 31, 2014.

**17050107 and NPDES PA0256269. Rosebud Mining Company** (301 Market Street, Kittanning, PA 16201). Transfer of an existing bituminous surface and auger mine from AMFIRE Mining Company LLC. This site is located in Girard Township, **Clearfield County** affecting 209.6 acres. Receiving stream(s): Unnamed Tributaries to Little Surveyor Run and Unnamed Tributary to Surveyor Run classified for the following use(s): CWF. There are no potable water supply intakes within 10 miles downstream. Application received: December 31, 2014.

**17070103 and NPDES PA0256498. Rosebud Mining Company** (301 Market Street, Kittanning, PA 16201). Transfer of an existing bituminous surface mine from AMFIRE Mining Company LLC. This site is located in Girard Township, **Clearfield County** affecting 326.1 acres. Receiving stream(s): Unnamed Tributaries to Deer Creek, Unnamed Tributaries to Little Deer Creek, and Deer Creek classified for the following use(s): CWF. There are no potable water supply intakes within 10 miles downstream. Application received: December 31, 2014.

**17070114 and NPDES PA0256480. Rosebud Mining Company** (301 Market Street, Kittanning, PA 16201). Transfer of an existing bituminous surface mine from AMFIRE Mining Company LLC. This site is located in Girard Township, **Clearfield County** affecting 119.4 acres. Receiving stream(s): Unnamed Tributaries to Bald

Hill Run and Bald Hill Run classified for the following use(s): CWF. There are no potable water supply intakes within 10 miles downstream. Application received: December 31, 2014.

**17110103 and NPDES PA0257605. Rosebud Mining Company** (301 Market Street, Kittanning, PA 16201). Transfer of an existing bituminous surface and auger mine from AMFIRE Mining Company LLC. This site is located in Girard Township, **Clearfield County** affecting 257.0 acres. Receiving stream(s): Unnamed Tributaries to Bald Hill Run and Bald Hill Run classified for the following use(s): CWF. There are no potable water supply intakes within 10 miles downstream. Application received: December 31, 2014.

**17110105 and NPDES PA0257630. Rosebud Mining Company** (301 Market Street, Kittanning, PA 16201). Transfer of an existing bituminous surface and auger mine from AMFIRE Mining Company LLC. This site is located in Girard Township, **Clearfield County** affecting 233.9 acres. Receiving stream(s): Unnamed Tributaries to Bald Hill Run and Bald Hill Run classified for the following use(s): CWF. There are no potable water supply intakes within 10 miles downstream. Application received: December 31, 2014.

**17840126 and NPDES PA0609781. Rosebud Mining Company** (301 Market Street, Kittanning, PA 16201). Transfer of an existing bituminous surface and auger mine from AMFIRE Mining Company LLC. This site is located in Jordan Township, **Clearfield County** affecting 341.7 acres. Receiving stream(s): Unnamed Tributaries to Comfort Run, Unnamed Tributaries to Hunter Run, Comfort Run, and Hunter Run to North Witmer Run classified for the following use(s): CWF and MF. There are no potable water supply intakes within 10 miles downstream. Application received: December 31, 2014.

**17813093 and NPDES PA0609609. Rosebud Mining Company** (301 Market Street, Kittanning, PA 16201). Transfer of an existing bituminous surface and auger mine from AMFIRE Mining Company LLC. This site is located in Lawrence Township, **Clearfield County** affecting 112.5 acres. Receiving stream(s): Unnamed Tributaries to Wolf Run. There are no potable water supply intakes within 10 miles downstream. Application received: December 31, 2014.

**17910125 and NPDES PA0206733. Rosebud Mining Company** (301 Market Street, Kittanning, PA 16201). Transfer of an existing bituminous surface and auger mine from AMFIRE Mining Company LLC. This site is located in Lawrence Township, **Clearfield County** affecting 112.6 acres. Receiving stream(s): Unnamed Tributaries to Wallace Run, Wallace Run, Mitchell Run to Little Clearfield Creek to Clearfield Creek classified for the following use(s): HQ-CWF. There are no potable water supply intakes within 10 miles downstream. Application received: December 31, 2014.

**17020107 and NPDES PA0243281. Rosebud Mining Company** (301 Market Street, Kittanning, PA 16201). Transfer of an existing bituminous surface mine from AMFIRE Mining Company LLC. This site is located in Lawrence Township, **Clearfield County** affecting 112.0 acres. Receiving stream(s): Unnamed Tributaries to West Branch Susquehanna River classified for the following use(s): CWF. There are no potable water supply intakes within 10 miles downstream. Application received: December 31, 2014.

**17900143 and NPDES PA0206458. Rosebud Mining Company** (301 Market Street, Kittanning, PA 16201). Transfer of an existing bituminous surface mine from AMFIRE Mining Company LLC. This site is located in Penn and Brady Townships, **Clearfield County** affecting 324.5 acres. Receiving stream(s): Unnamed Tributary to Irish Run to Curry Run classified for the following use(s): CWF. There are no potable water supply intakes within 10 miles downstream. Application received: December 31, 2014.

**17930128 and NPDES PA 0219720. Rosebud Mining Company** (301 Market Street, Kittanning, PA 16201). Transfer of an existing bituminous surface and auger mine from AMFIRE Mining Company LLC. This site is located in Penn Township, **Clearfield County** affecting 106.2 acres. Receiving stream(s): Unnamed Tributaries to Bell Run classified for the following use(s): CWF. There are no potable water supply intakes within 10 miles downstream. Application received: December 31, 2014.

**17970110 and NPDES PA0220655. Rosebud Mining Company** (301 Market Street, Kittanning, PA 16201). Transfer of an existing bituminous surface and auger mine from AMFIRE Mining Company LLC. This site is located in Penn Township, **Clearfield County** affecting 256.0 acres. Receiving stream(s): Bell Run and three Unnamed Tributaries to Bell Run classified for the following use(s): CWF. There are no potable water supply intakes within 10 miles downstream. Application received: December 31, 2014.

**17990120 and NPDES PA0242756. Rosebud Mining Company** (301 Market Street, Kittanning, PA 16201). Transfer of an existing bituminous surface and auger mine from AMFIRE Mining Company LLC. This site is located in Penn Township, **Clearfield County** affecting 37.5 acres. Receiving stream(s): Unnamed Tributary to Bell Run classified for the following use(s): CWF. There are no potable water supply intakes within 10 miles downstream. Application received: December 31, 2014.

**17030101 and NPDES PA0243418. Rosebud Mining Company** (301 Market Street, Kittanning, PA 16201). Transfer of an existing bituminous surface and auger mine from AMFIRE Mining Company LLC. This site is located in Penn Township, **Clearfield County** affecting 220.8 acres. Receiving stream(s): Unnamed Tributaries to Bell Run and Bell Run classified for the following use(s): CWF. There are no potable water supply intakes within 10 miles downstream. Application received: December 31, 2014.

**17030121 and NPDES PA0243671. Rosebud Mining Company** (301 Market Street, Kittanning, PA 16201). Transfer of an existing bituminous surface and auger mine from AMFIRE Mining Company LLC. This site is located in Penn Township, **Clearfield County** affecting 43.2 acres. Receiving stream(s): Unnamed Tributary to Bell Run classified for the following use(s): CWF. There are no potable water supply intakes within 10 miles downstream. Application received: December 31, 2014.

**17130107 and NPDES PA0269611. Rosebud Mining Company** (301 Market Street, Kittanning, PA 16201). Transfer of an existing bituminous surface and auger mine from AMFIRE Mining Company LLC. This site is located in Penn Township, **Clearfield County** affecting 126.5 acres. Receiving stream(s): Unnamed Tributaries to Daily Run, Daily Run, and Curry Run classified for the following use(s): CWF. There are no potable water supply intakes within 10 miles downstream. Application received: December 31, 2014.



**17040112 and NPDES PA0256129. Rosebud Mining Company** (301 Market Street, Kittanning, PA 16201). Transfer of an existing bituminous surface mine from AMFIRE Mining Company LLC. This site is located in Penn Township, **Clearfield County** affecting 55.1 acres. Receiving stream(s): Unnamed Tributary A to Kratzer Run, Unnamed Tributary C to Kratzer Run, Ephemeral Tributary D to Kratzer Run, and Ephemeral Tributary E to Kratzer Run classified for the following use(s): CWF. There are no potable water supply intakes within 10 miles downstream. Application received: December 31, 2014.

**17010106 and NPDES PA0243086. Rosebud Mining Company** (301 Market Street, Kittanning, PA 16201). Transfer of an existing bituminous surface and auger mine from AMFIRE Mining Company LLC. This site is located in Woodward and Bigler Townships, **Clearfield County** affecting 299.0 acres. Receiving stream(s): Unnamed Tributaries to Upper Morgan Run, Unnamed Tributary to Goss Run, and Unnamed Tributary to North Branch of Upper Morgan Run classified for the following use(s): CWF. There are no potable water supply intakes within 10 miles downstream. Application received: December 31, 2014.

**14820103 and NPDES PA0611719. Rosebud Mining Company** (301 Market Street, Kittanning, PA 16201). Transfer of an existing bituminous surface and auger mine from AMFIRE Mining Company LLC. This site is located in Rush Township, **Centre County** affecting 379.7 acres. Receiving stream(s): Unnamed Tributaries to Moshannon Creek and Unnamed Tributaries to Trout Run classified for the following use(s): CWF. There are no potable water supply intakes within 10 miles downstream. Application received: December 31, 2014.

**14080102 and NPDES PA0256854. Rosebud Mining Company** (301 Market Street, Kittanning, PA 16201). Transfer of an existing bituminous surface mine from AMFIRE Mining Company LLC. This site is located in Rush Township, **Centre County** affecting 173.4 acres. Receiving stream(s): Unnamed Tributaries to Moshannon Creek classified for the following use(s): CWF. There are no potable water supply intakes within 10 miles downstream. Application received: December 1, 2014.

**14090102 and NPDES PA0257117. Rosebud Mining Company** (301 Market Street, Kittanning, PA 16201). Transfer of an existing bituminous surface mine from AMFIRE Mining Company LLC. This site is located in Rush Township, **Centre County** affecting 236.6 acres. Receiving stream(s): Trout Run, Unnamed Tributaries to Trout Run, and Unnamed Tributaries to Moshannon Creek classified for the following use(s): CWF. There are no potable water supply intakes within 10 miles downstream. Application received: December 31, 2014.

**14030101 and NPDES PA0243493. Rosebud Mining Company** (301 Market Street, Kittanning, PA 16201). Transfer of an existing bituminous surface mine from AMFIRE Mining Company LLC. This site is located in

Snow Shoe Township, **Centre County** affecting 218.9 acres. Receiving stream(s): Unnamed Tributaries to Sandy Run, Sandy Run to Beech Creek to Bald Eagle Creek classified for the following use(s): CWF. There are no potable water supply intakes within 10 miles downstream. Application received: December 31, 2014.

*Noncoal Applications Received*

*Cambria District Mining Office: 286 Industrial Park Road, Ebensburg, PA 15931-4119, 814-472-1900*

**Permit No. 32040301 and NPDES No. PA0249611. Penn Run Quarry 2** Spruce Mine, 456 Weston Road, Penn Run, PA 15765, renewal of an NPDES permit located in Cherryhill and Pine Townships, Indiana County. Receiving streams: unnamed tributaries to Yellow Creek to Two Lick Creek to Blacklick Creek, classified for the following uses: cold water fishery & trout stocked fishery. The first downstream potable water supply intake from the point of discharge is Central **Indiana County** Water Authority Intake on Yellow Creek. Application received: December 29, 2014.

*New Stanton District Office: 131 Broadview Road, New Stanton, PA 15672, 724-925-5500*

**26980601 and NPDES Permit No. PA0202193. Hanson Aggregates BMC, Inc.** (2200 Springfield Pike, Connellsville, PA 15425-9503). Revision application for the addition of the Savage property to an existing underground noncoal mine, located in Bullsken Township, **Fayette County**, affecting 856.4 acres. Receiving streams: unnamed tributaries to Polecat Hollow Run and Breakneck Run, classified for the following use: WWF. There is no potable water supply intake within 10 miles downstream from the point of discharge. Application received: January 2, 2015.

*Pottsville District Office: 5 West Laurel Boulevard, Pottsville, PA 17901-2522, 570-621-3118*

**Permit No. 67910301C7 and NPDES Permit No. PA0595284. Codorus Stone & Supply Co., Inc.**, (135 Mundis Race Road, York, PA 17406), correction to an existing quarry operation to update the post-mining land use from agricultural use and unmanaged water impoundment to industrial/commercial land and unmanaged water impoundment in Manchester and East Manchester Townships, York County affecting 30.0 acres, receiving stream: Codorus Creek, classified for the following uses: warm water and migratory fishes. Application received: December 4, 2014.

**Permit No. 67960301C10 and NPDES Permit No. PA0223701. Codorus Stone & Supply Co., Inc.**, (135 Mundis Race Road, York, PA 17406), correction to an existing quarry operation to update the post-mining land use from unmanaged water impoundment to industrial/commercial land and unmanaged water impoundment in Manchester and East Manchester Townships, **York County** affecting 42.2 acres, receiving stream: Codorus Creek, classified for the following uses: warm water and migratory fishes. Application received: December 4, 2014.

#### MINING ACTIVITY NPDES DRAFT PERMITS

This notice provides information about applications for a new, amended or renewed NPDES permits associated with mining activity (coal or noncoal) permits. The applications concern industrial waste (mining) discharges to surface water and discharges of stormwater associated with mining activities. This notice is provided in accordance with 25 Pa. Code Chapters 91 and 92a and 40 CFR Part 122, implementing provisions of The Clean Streams Law (35 P.S. §§ 691.1—691.1001) and the Federal Clean Water Act (33 U.S.C.A. §§ 1251—1376).

The Department of Environmental Protection (Department) has prepared a draft NPDES permit and made a tentative determination to issue the NPDES permit in conjunction with the associated mining activity permit.

*Effluent Limits for Coal Mining Activities*

For coal mining activities, NPDES permits, when issued, will contain effluent limits that are the more stringent of technology-based (BAT) effluent limitations or Water Quality Based Effluent Limits (WQBEL).

The BAT limits for coal mining activities, as provided in 40 CFR Part 434 and 25 Pa. Code Chapters 87—90 are as follows:

<i>Parameter</i>	<i>30-Day Average</i>	<i>Daily Maximum</i>	<i>Instantaneous Maximum</i>
Iron (Total)	3.0 mg/l	6.0 mg/l	7.0 mg/l
Manganese (Total)	2.0 mg/l	4.0 mg/l	5.0 mg/l
Suspended solids	35 mg/l	70 mg/l	90 mg/l
pH*		greater than 6.0; less than 9.0	
Alkalinity greater than acidity*			

\* The parameter is applicable at all times.

A settleable solids instantaneous maximum limit of 0.5 ml/l applies to: surface runoff (resulting from a precipitation event of less than or equal to a 10-year 24-hour event) from active mining areas; active areas disturbed by coal refuse disposal activities; mined areas backfilled and revegetated; and all other discharges and drainage (resulting from a precipitation event of greater than 1-year 24-hour to less than or equal to a 10-year 24-hour event) from coal refuse disposal piles. Similarly, modified BAT limits apply to iron, manganese and suspended solids in surface runoff, discharges and drainage resulting from these precipitation events and those of greater magnitude in accordance with 25 Pa. Code §§ 87.102, 88.92, 88.187, 88.292, 89.52 and 90.102.

Exceptions to BAT effluent limits may be applicable in accordance with 25 Pa. Code §§ 87.102, 88.92, 88.187, 88.292, 89.52 and 90.102.

*Effluent Limits for Noncoal Mining Activities*

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

Discharges from noncoal mines located in some geologic settings (for example, in the coal fields) may require additional water quality based effluent limits. If additional effluent limits are needed for an NPDES permit associated with a noncoal mining permit, then the permit description specifies the parameters.

In addition to BAT or WQBEL limits, coal and noncoal NPDES permits establish effluent limitations in the form of implemented Best Management Practices (BMPs) identified in the associated Erosion and Sedimentation Plan, the Reclamation Plan and the NPDES permit application. These BMPs restrict the rates and quantities of associated pollutants from being discharged into surface waters in this Commonwealth.

More restrictive effluent limitations, restrictions on discharge volume or restrictions on the extent of mining that may occur are incorporated into an NPDES permit when necessary for compliance with water quality standards and antidegradation requirements (in accordance with 25 Pa. Code Chapters 91—96).

The procedures for determining the final effluent limits, using a mass-balance equation or model, are found in Technical Guidance Document 563-2112-115, Developing National Pollutant Discharge Elimination System (NPDES) Permits for Mining Activities. Other specific factors to be considered include public comments and Total Maximum Daily Load(s). Additional discharge limitations may apply in the event that unexpected discharges occur.

Discharge rates for surface mining activities are precipitation driven. Discharge rates for proposed discharges associated with underground mining are noted in the permit description.

Persons wishing to comment on an NPDES draft permit should submit a written statement to the Department at the address of the district mining office indicated before each draft permit within 30 days of this public notice. Comments received within the comment period will be considered in the final determinations regarding the NPDES permit applications. Comments must include the name, address and telephone number of the writer and a concise statement to inform the Department of the exact basis of a comment and the relevant facts upon which it is based.

The Department will also accept requests or petitions for a public hearing on NPDES permit applications, as provided in 25 Pa. Code § 92a.82(d). The request or petition for a public hearing shall be filed within 30 days of this public notice and contain the name, address, telephone number and the interest of the party filing the request, and state the reasons why a hearing is warranted. A public hearing may be held if the Department considers the public interest significant. If a hearing is scheduled, a notice of the hearing on the NPDES permit application will be published in the *Pennsylvania Bulletin* and a newspaper of general circulation within the relevant geographical area. When a public hearing is held, the Department will consider comments from the public hearing in the final determination on the NPDES permit application.

*Coal NPDES Draft Permits*

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

**NPDES No. PA0212806 (Permit No. 32940105), CONSOL Mining Company, LLC**, 1000 Consol Energy Drive, Canonsburg, PA 15317, renewal of an NPDES permit for bituminous surface mine in Center Township, **Indiana County**, affecting 2.2 acres. Receiving stream: unnamed tributary to Yellow Creek, classified for the following use: cold water fishery. This receiving stream is included in the Kiski-Conemaugh TMDL. Application received: October 31, 2014.

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

The outfall listed below discharge to unnamed tributary to Yellow Creek:

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

There are no point source discharges remaining on this permit. This mine site is hydrologically connected to substandard discharges for which there is no responsible party. The permittee has incurred a perpetual treatment obligation for this discharge. Pursuant to 25 Pa. Code § 87.201, effluent limits for outfall 009 are based upon the existing baseline pollution load, or the standards found at 25 Pa. Code § 87.102(a) Group A, whichever is least stringent.

*New Stanton District Office: 131 Broadview Road, New Stanton, PA 15672, 724-925-5500, (Contact: Cathy Hillman)*

**NPDES No. PA0251577 (Mining permit no. 03090101), RES Coal, LLC**, 224 Grange Hall Road, Armaugh, PA 15920, renewal NPDES permit for a bituminous surface mine in Madison Township, **Armstrong County**, affecting 117.2 acres. Receiving stream(s): unnamed tributaries to Redbank Creek and Redbank Creek, classified for the following use(s): TSF and CWF. This receiving stream is included in the Redbank Creek Watershed. Application received: June 23, 2014.

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

The treated wastewater outfall(s) listed below discharge to unnamed tributaries to Redbank Creek and Redbank Creek:

<i>Outfall Nos.</i>	<i>New Outfall (Y/N)</i>	<i>TYPE</i>
004	N	Mine Drainage Treatment
005	N	Mine Drainage Treatment
006	N	Mine Drainage Treatment

The proposed effluent limits for the above listed outfall(s) are as follows:

<i>Outfalls: 004, 005, 006</i>	<i>30-Day</i>	<i>Daily</i>	<i>Instant.</i>
<i>Parameter</i>	<i>Average</i>	<i>Maximum</i>	<i>Maximum</i>
Iron (mg/l)	1.5	3.0	3.8
Manganese (mg/l)	1.0	2.0	2.5
Aluminum (mg/l)	0.75	1.5	1.9
Total Suspended Solids (mg/l)	35	70	90
pH (S.U.): Must be between 6.0 and 9.0 standard units at all times			
Alkalinity must exceed acidity at all times			

The stormwater outfall(s) listed below discharge to: unnamed tributaries to Redbank Creek & Redbank Creek

<i>Outfall Nos.</i>	<i>New Outfall (Y/N)</i>	<i>TYPE</i>
001	N	Sedimentation Pond
002	N	Sedimentation Pond
003	N	Sedimentation Pond

The proposed effluent limits for the above listed outfall(s) are as follows: for dry weather discharges

<i>Outfalls: 001, 002, 003</i>	<i>30-Day</i>	<i>Daily</i>	<i>Instant.</i>
<i>Parameter</i>	<i>Average</i>	<i>Maximum</i>	<i>Maximum</i>
Iron (mg/l)	1.5	3.0	3.8
Manganese (mg/l)	1.0	2.0	2.5
Aluminum (mg/l)	0.75	1.5	1.9
Total Suspended Solids (mg/l)	35	70	90
pH (S.U.): Must be between 6.0 and 9.0 standard units at all times			
Alkalinity must exceed acidity at all times			

*Noncoal NPDES Draft Permits*

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

**NPDES No. PA0258717 (Permit No. 61090301). Schiffer Excavating, Inc. d/b/a Cooperstown Sand & Gravel** (P.O. Box 4, Cooperstown, PA 16317) Renewal of an existing NPDES permit for a large industrial minerals surface mine in Jackson Township, **Venango County**, affecting 25.5 acres. Receiving streams: Unnamed tributaries to Wolf Run and Wolf Run, classified for the following uses: CWF. TMDL: None. Application received: November 21, 2014.

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

The outfall(s) listed below discharge to unnamed tributaries to Wolf Run and Wolf Run:

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

The proposed effluent limits for the above listed outfall(s) are as follows:

<i>Parameter</i>	<i>Minimum</i>	<i>30-Day Average</i>	<i>Daily Maximum</i>	<i>Instant. Maximum</i>
pH <sup>1</sup> (S.U.)	6.0			9.0
Alkalinity greater than acidity <sup>1</sup>				
Total Suspended Solids (mg/l)		35	70	90

<sup>1</sup> The parameter is applicable at all times.

The outfall(s) listed below discharge to unnamed tributaries to Wolf Run and Wolf Run:

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

The proposed effluent limits for the above listed outfall(s) are as follows:

<i>Parameter</i>	<i>Minimum</i>	<i>30-Day Average</i>	<i>Daily Maximum</i>	<i>Instant. Maximum</i>
pH <sup>1</sup> (S.U.)	6.0			9.0
Alkalinity greater than acidity <sup>1</sup>				
Total Settleable Solids (ml/l)				0.5

### FEDERAL WATER POLLUTION CONTROL ACT, SECTION 401

The following permit applications, requests for Environmental Assessment approval and requests for 401 Water Quality Certification have been received by the Department. Section 401 of the Federal Water Pollution Control Act (FWPCA) (33 U.S.C.A. § 1341) requires the Commonwealth to certify that the involved projects will not violate the sections 301—303, 306 and 307 of the FWPCA (33 U.S.C.A. §§ 1311—1313, 1316 and 1317) as well as relevant State requirements. Persons objecting to approval of a request for certification under section 401 of the FWPCA, the issuance of a Dam Permit or Water Obstruction and Encroachment Permit or the approval of an Environmental Assessment shall submit comments, suggestions or objections within 30 days of the date of this notice as well as any questions to the office noted before an application. Comments should contain the name, address and telephone number of the person commenting, identification of the certification request to which the comments or objections are addressed and a concise statement of comments, objections or suggestions including the relevant facts upon which they are based.

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

Persons with a disability who wish to attend the hearing and require an auxiliary aid, service or other accommodation to participate in the proceedings should contact the specified program. TDD users may contact the Department through the Pennsylvania AT&T Relay Service at (800) 654-5984.

#### Applications Received under the Dam Safety and Encroachments Act (32 P. S. §§ 693.1—693.27) and section 302 of the Flood Plain Management Act (32 P. S. § 679.302) and Requests for Certification under section 401(a) of the FWPCA.

#### WATER OBSTRUCTIONS AND ENCROACHMENTS

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

**E07-456: Allegheny Township Sewer and Water Authority, 3131 Colonial Drive, Duncansville, PA 16635 in Allegheny Township, Blair County, U.S. Army Corps of Engineers Baltimore District.**

To install and maintain the following 8-inch diameter sanitary sewer crossings:

<i>Description of Impact</i>	<i>Resource Name (Classification)</i>	<i>Length of Crossing</i>	<i>Impact area (acres)</i>	<i>Latitude (North)</i>	<i>Longitude (West)</i>
Spencer Run	WWF, MF	50	0	40° 26' 57"	78° 27' 07"
UNT Spencer Run	WWF, MF	15	0	40° 27' 03"	78° 27' 23"
Spencer Run	WWF, MF	31	.02	40° 27' 04"	78° 27' 31"
UNT Spencer Run	WWF, MF	30	.01	40° 27' 07"	78° 27' 39"
Spencer Run	WWF, MF	40	0	40° 27' 06"	78° 27' 38"
UNT Spencer Run	WWF, MF	30	0	40° 27' 07"	78° 27' 45"
Spencer Run	WWF, MF	30	.01	40° 27' 11"	78° 27' 52"
Spencer Run	WWF, MF	30	.01	40° 27' 14"	78° 27' 54"
Spencer Run	WWF, MF	30	.01	40° 27' 17"	78° 27' 58"
Spencer Run	WWF, MF	30	.01	40° 27' 19"	78° 28' 00"
Spencer Run	WWF, MF	30	.02	40° 27' 20"	78° 28' 02"



<i>Description of Impact</i>	<i>Resource Name (Classification)</i>	<i>Length of Crossing</i>	<i>Impact area (acres)</i>	<i>Latitude (North)</i>	<i>Longitude (West)</i>
Spencer Run	WWF, MF	30	.02	40° 27' 23"	78° 28' 12"
Spencer Run	WWF, MF	30	.02	40° 27' 23"	78° 28' 14"
Spencer Run	WWF, MF	30	.02	40° 27' 28"	78° 28' 27"
Spencer Run	WWF, MF	30	.01	40° 27' 31"	78° 28' 48"
Spencer Run	WWF, MF	30	.02	40° 27' 33"	78° 28' 52"
Spencer Run	WWF, MF	30	0	40° 27' 35"	78° 28' 54"
Wetlands	EV	8	.01	40° 27' 01"	78° 27' 14"
Wetlands	EV	85	.06	40° 27' 02"	78° 27' 15"
Wetlands	EV	11	.01	40° 27' 04"	78° 27' 26"
Wetlands	EV	8	.01	40° 27' 22"	78° 28' 04"
Wetlands	EV	95	.07	40° 27' 22"	78° 28' 07"

The project directly affects a total of 526 linear feet of stream and .15 ac. of wetlands for the purpose of construction a sanitary sewer system.

**E36-939: Lancaster County**, 150 North Queen Street, Suite 612, Lancaster, Pennsylvania, 17603 in Earl Township, **Lancaster County**, U.S. Army Corps of Engineers Baltimore District.

To remove an existing structure and to 1) construct and maintain a 99.0-foot long 24.48-foot wide simple span composite pre-stressed concrete adjacent box beam bridge having an underclearance of 10.17 feet across the Conestoga River (WWF, MF); and 2) install and maintain an 18.0-inch diameter thermoplastic pipe outfall with a concrete endwall and R-4 rock rip rap apron in and along the Conestoga River (WWF, MF). The project is located along White Oak Road near its intersection with Conestoga Avenue (Latitude: 40° 08' 44.6", Longitude: -76° 04' 40.0") in Earl Township, Lancaster County. No wetlands will be impacted by this project.

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

**E10-491, FWH Development**, 1028 Riviera Rd, Emlenton PA 16373. Whitetail Meadows, in Adams Township, **Butler County**, ACOE Pittsburgh District (Mars, PA Quadrangle N: 40°, 41', 31"; W: 80°, 02', 54").

To develop a 57 acre lot for a commercial/residential uses including 130 townhome units, 30 single family lots, multiple commercial lots, a sports complex, and a hotel along with associated infrastructure. Project will permanently impact portions of 7 PEM wetlands totaling 0.32 acre and 3 streams (each less than 100 acre drainage) totaling 1,075 LF. Applicant proposes to mitigate for wetland impacts by expanding existing, on-site wetlands in 5 locations totaling 0.38 acre. Stream impacts will be mitigated by relocation of 653 LF of perennial channel, creation of 110 LF of ephemeral channel, and restoration of 372 LF of perennial channel.

**E43-361, American Transmission Systems, Inc.**, 800 Cabin Hill Drive, Greensburg PA 15601. Campbell Substation Expansion Project, in Pine Township, **Mercer County**, ACOE Pittsburgh District (Grove City, PA Quadrangle N: 41°, 08', 48"; W: 80°, 04', 51").

To expand an existing electric substation to accommodate necessary additional equipment. Project impacts include 0.72 acre of wetland fill, 2 rip-rap outfalls to UNT Wolf Creek (.21 acre floodway impact), and temporary impacts to 25 LF of UNT Wolf Creek for construction access. Applicant proposes to mitigate for these impacts through a combination of wetland re-establishment, enhancement, and protection on a 1.5 acre site located nearby.

#### ENVIRONMENTAL ASSESSMENTS

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

**EA36-035: Mr. Howard Groff**, 214 Stanton Road, Quarryville, Pennsylvania, 17566 in Quarryville Borough, **Lancaster County**, U.S. Army Corps of Engineers Baltimore District

To 1.) remove 242.0 feet of an existing 54.0-inch diameter steel pipe from an unnamed tributary to Big Beaver Creek (TSF, MF); 2.) re-grade 242.0 feet of an unnamed tributary to Big Beaver Creek (TSF, MF); 3.) install and maintain a cross rock vane in an unnamed tributary to Big Beaver Creek (TSF, MF); and 4.) install and maintain a concrete headwall on an existing 54.0-inch diameter steel pipe in an unnamed tributary to Big Beaver Creek (TSF, MF), all for the purpose of correcting a safety hazard that is being presented by the existing failing pipe. The project is located along East State Street approximately 0.3 mile east of its intersection with South Lime Street (Latitude 39° 54' 1.5", Longitude -76° 09' 10.7") in Quarryville Borough, Lancaster County. No wetlands will be impacted by this project.

## 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 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**

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

<i>NPDES No. (Type)</i>	<i>Facility Name &amp; Address</i>	<i>County &amp; Municipality</i>	<i>Stream Name (Watershed No.)</i>	<i>EPA Waived Y/N?</i>
PA0098779	Portage Borough Municipal Authority—Martindale WTP 606 Cambria Street Portage, PA 15946	Cambria County Portage Township	Trout Run (18-E)	Y
PA0098787	Portage Borough Municipal Authority WTP 606 Cambria Road Portage, PA 15946	Cambria County Portage Township	Bens Creek (18-E)	Y

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

<i>NPDES No. (Type)</i>	<i>Facility Name &amp; Address</i>	<i>County &amp; Municipality</i>	<i>Stream Name (Watershed No.)</i>	<i>EPA Waived Y/N?</i>
PA0204901 (Industrial Waste)	Port Authority of Allegheny County Ross Township Garage 4600 Perry Highway Pittsburgh, PA 15229	Allegheny County Ross Township	(18-A)	Y
PA0204889 (Industrial Waste)	Port Authority of Allegheny County—Harmar Garage 2851 Freeport Road Pittsburgh, PA 15238-1415	Allegheny County Harmar Township	UNT to Deer Creek (18-A)	Y
PA0032271 (Sewage)	Keystone St Park 1150 Keystone Prk Road Derry, PA 15627	Westmoreland County Derry Township	McCune Run (18-C)	N

<i>NPDES No. (Type)</i>	<i>Facility Name &amp; Address</i>	<i>County &amp; Municipality</i>	<i>Stream Name (Watershed No.)</i>	<i>EPA Waived Y/N?</i>
PA0216721 (Sewage)	Meerhoff SFSTP 1118 Old Route 31 Mount Pleasant, PA 15666	Westmoreland County Mount Pleasant Township	UNT of Jacobs Creek (18-E)	Y

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

*Northwest Region: Water Management Program Manager, 230 Chestnut Street, Meadville, PA 16335-3481*

**PA0105295**, Industrial Waste, SIC Code 1389 (Oil & Gas Field Services), **Minard Run Oil Co.**, 609 South Avenue, Bradford, PA 16701-3977. Facility Name: Minard Run Dent Facility.

This existing facility is located in Lafayette Township, **McKean County**.

Description of Existing Activity: Renewal of an NPDES permit for an existing discharge of treated stripper well wastewater.

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

*Northeast Region: Watershed Management Program Manager, 2 Public Square, Wilkes-Barre, PA 18701-1915.*

<i>NPDES Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI024014003	PPL Electric Utilities Corporation Two North Ninth Street GENN 4 Allentown, PA 18101	Luzerne County Monroe County	Plains Township Bear Creek Township Buck Township Tobyhanna Township	Gardner Creek (CWF, MF) Mill Creek (CWF, MF) Bear Creek (HQ-CWF, MF) Meadow Run (HQ-CWF, MF) Little Shades Creek (HQ-CWF, MF) Shades Creek (HQ-CWF, MF) UNT to Stony Run (HQ-CWF, MF) UNT to Stony Run (HQ-CWF, MF) Kendall Creek (EV, MF) White House Run (HQ-CWF, MF) Lehigh River (EV, MF)
PAI024814010	Mr. Nicholas Witko 4635 Rose Drive Emmaus, PA 18049	Northampton	Lower Saucon Township	UNT to Cooks Creek (EV, MF)

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

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

### List of NPDES and/or Other General Permit Types

PAG-1	General Permit for Discharges From Stripper Oil Well Facilities
PAG-2	General Permit for Discharges of Stormwater Associated With Construction Activities
PAG-3	General Permit for Discharges of Stormwater From Industrial Activities
PAG-4	General Permit for Discharges From Small Flow Treatment Facilities
PAG-5	General Permit for Discharges From Gasoline Contaminated Ground Water Remediation Systems
PAG-6	General Permit for Wet Weather Overflow Discharges From Combined Sewer Systems (CSO)
PAG-7	General Permit for Beneficial Use of Exceptional Quality Sewage Sludge by Land Application
PAG-8	General Permit for Beneficial Use of Non-Exceptional Quality Sewage Sludge by Land Application to Agricultural Land, Forest, a Public Contact Site or a Land Reclamation Site
PAG-8 (SSN)	Site Suitability Notice for Land Application Under Approved PAG-8 General Permit Coverage

PAG-9	General Permit for Beneficial Use of Residential Septage by Land Application to Agricultural Land, Forest, or a Land Reclamation Site
PAG-9 (SSN)	Site Suitability Notice for Land Application Under Approved PAG-9 General Permit Coverage
PAG-10	General Permit for Discharge Resulting from Hydrostatic Testing of Tanks and Pipelines
PAG-11	(To Be Announced)
PAG-12	Concentrated Animal Feeding Operations (CAFOs)
PAG-13	Stormwater Discharges from Municipal Separate Storm Sewer Systems (MS4)
PAG-14	(To Be Announced)
PAG-15	General Permit for Discharges From the Application of Pesticides

*General Permit Type—PAG-02*

<i>Facility Location &amp; Municipality</i>	<i>Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office &amp; Phone No.</i>
New Garden Township Chester County	PAG02001514039	CFMC Associates, LLC 8990 Gap Newport Pike Avondale, PA 19311	Unnamed Tributary to West Branch Red Clay Creek TSF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
East Vincent Township Chester County	PAG02001514025	PA Department of General Services 18th & Herr Streets Harrisburg, PA 17125	Schuylkill River WWF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
New Garden Township Chester County	PAG02001509006 (2)	The Oppy Property, LP P. O. Box 368 Kennett Square, PA 19348	Unnamed Tributary to West Branch Red Clay Creek TSF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
East Marlborough Township Chester County	PAG02001514034	Long Wood Gardens P. O. Box 501 Kennett Square, PA 19348 Co-Applicant: Bancroft Construction 1300 N. Grant Ave, Suite 101 Wilmington, DE 19806	East Branch White/Red Clay Creek TSF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
Kennett Township Chester County	PAG02001514030	Chatham Financial 235 Whitehorse Road Kennett Square, PA 19348	Unnamed Tributary to East Branch of Red Clay TSF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
Uwchlan Township Chester County	PAG02001514040	Downingtown Area School District 540 Trestle Place Downingtown, PA 19355	Unnamed Tributary to Valley Creek CWF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
Pennsbury Township Chester County	PAG02001514016	Cornell Homes by Ryland Homes 126 East State Street Media, PA 19063	Craigs Mill Run WWF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
Tredyffrin Township Chester County	PAG02001514028	HMS Host Corp 6600 Rockledge Drive Bethesda, MD 20817 Co-Applicant: PA Turnpike Commission PTC Central Office P. O. Box 67676 Harrisburg, PA 17106-7676	Trout Creek WWF-MF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
West Bradford Township Chester County	PAG02001513033	Sextant Building & Development 485 Devon Park Drive Suite 110 Devon, PA 19087	Unnamed Tributary to West Branch Brandywine Creek CWF-WWF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900



## NOTICES

<i>Facility Location &amp; Municipality</i>	<i>Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office &amp; Phone No.</i>
West Whiteland Township Chester County	PAG02001514031	Main Street Office II, L.P. 120 West Germantown Pike Suite 120 Plymouth Meeting, PA 19462	Valley Creek CWF-MF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
East Fallowfield Township Chester County	PAG02001508055-R	Real Estate Finders, LLC 702 Lenape Road West Chester, PA 19382	Unnamed Tributary to West Branch Brandywine Creek, West Branch Brandywine Creek WWF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
West Whiteland Township Chester County	PAG02001514020	New Garden Capital 70 Pottstown Pike Exton, PA 19431	Valley Creek CWF-MF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
London Grove Township Chester County	PAG02001514017	Land Willow Creek, LLC 227 Granite Run Drive Suite 100 Lancaster, PA 17601	Middle Branch White Clay Creek TSF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
Londonderry Township Chester County	PAG02001514022	Mollie Cameron, Owner 151 Grubb Road Malvern, PA 19355	Doe Run TSF-MF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
Caln Township Chester County	PAG02001514021	The Caln Nether Property 1380 Wilmington Pike West Chester, PA 19382	Unnamed Tributary to Valley Run CWF-MF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
Plymouth Township Montgomery County	PAG02004614071	Storage Partners of Chemical Road LP 636 Skippack Pike Suite 100 Blue Bell, PA 19422	Unnamed Tributary to Plymouth Creek WWF-MF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900

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

<i>Facility Location: Municipality &amp; County</i>	<i>Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office &amp; Phone No.</i>
Mount Pleasant Township Adams County	PAG02000109005R Issued	Chesapeake Estates of New Oxford, LLP	South Branch Conewago Creek/WWF, MF	Adams County Conservation District 670 Old Harrisburg Road, Suite 201 Gettysburg, PA 17325 717.334.0636
Susquehanna Township Dauphin County	PAG02002214050 Issued	Vartan Group, Inc. 3605 Vartan Way Harrisburg, PA 17110	Paxton Creek/WWF	Dauphin County Conservation District 1451 Peter's Mountain Road Dauphin, PA 17018-9504 717.921-8100
City of Harrisburg Dauphin County	PAG02002214062 Issued	3300 Industrial Road Associates 3833 Pamay Drive Mechanicsburg, PA 17050	Paxton Creek/WWF, MF	Dauphin County Conservation District 1451 Peter's Mountain Road Dauphin, PA 17018-9504 717.921-8100

*Northcentral Region: Waterways & Wetlands Program Manager, 208 West Third Street, Williamsport, PA 17701, 570.327.3636*

<i>Facility Location &amp; Municipality</i>	<i>Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office &amp; Phone No.</i>
Clinton County Wayne Township	PAG02001814007	Rippon Enterprises LLC 546 Villa Vista Ave Lewisburg, PA 17837	McElhattan Creek CWF	Clinton County Conservation District 45 Cooperation Ln Mill Hall, PA 17751 (570) 726-3798
Clinton County Woodward Township	PAG02001814008	Cellco Partnership d/b/a Verizon Wireless 4642 Jonestown Rd Ste 200 Harrisburg, PA 17109	UNT to Big Plum Run CWF	Clinton County Conservation District 45 Cooperation Ln Mill Hall, PA 17751 (570) 726-3798
Northumberland County Ralpho Twp	PAG02004910004R	Shepard Pond Estates Joseph Shepard Jr 477 Blue Church Rd Paxinos, PA 17860	UNT to Shamokin Creek Watershed CWF, MF	Northumberland County Conservation District 441 Plum Creek Rd Sunbury, PA 17801 (570) 286-7114 ext. 4
Northumberland County Upper Augusta Twp	PAG02004914011	Ryan Bonney Whispering Oaks Vineyard 1306 SR 61 Sunbury, PA 17801	Non-surface waters in Little Shamokin Creek Watershed CWF, MF	Northumberland County Conservation District 441 Plum Creek Rd Sunbury, PA 17801 (570) 286-7114 ext. 4
Union County East Buffalo Twp	PAG02006014018	David & Becky Gose 1750 Coachtrail Dr Hebron, KY 44048	UNT to Limestone Run WWF	Union County Conservation District Union County Government Center 155 N 15th St Lewisburg, PA 17837 (570) 524-3860
Butler Township Butler County	PAG02001014026	Butler (68) DPPX, LLC 9010 Overlook Blvd Brentwood, TN 37027	Sawmill Run Creek WWF	Butler County Conservation District 724-284-5270
Allegheny Township Butler County	PAG02001014035	AC Valley Development Corporation c/o Mr. Walter Frint 241 Parker Pike Parker, PA 16049	UNT Little Scrubgrass Creek CWF	Butler County Conservation District 724-284-5270
Jackson Township Butler County	PAG02001014046	Bame Dairy Farm John O. Bame 14 Snowdrop Lane Evans City, PA 16033	UNT Connoquenessing Creek WWF	Butler County Conservation District 724-284-5270
<i>Facility Location: Municipality &amp; County</i>	<i>Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>Receiving Water/ Use</i>	<i>Contact Office &amp; Phone No.</i>
Elder Township, Cambria County	PAG02091115001	Bureau of Abandoned Mine Reclamation Cambria Office 286 Industrial Park Road Ebensburg, PA 15931-4119	Brubaker Run (CWF), Unnamed Tributary to Brubaker Run (CWF)	Attention: Patrick M. Webb PA DEP Cambria Office 286 Industrial Park Road Ebensburg, PA 15931-4119 814-472-1800

*General Permit Type—PAG-3*

<i>Facility Location &amp; Municipality</i>	<i>Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office &amp; Phone No.</i>
Lebanon County North Lebanon Township	PAR233544	The Valspar Corporation PO Box 1461 Minneapolis, MN 55440 <hr/> Valspar Coatings North Lebanon Township Facility 3050 Hanford Drive Lebanon, PA 17046	Quittapahilla Creek/TSF	DEP—SCRO— Clean Water Program 909 Elmerton Avenue Harrisburg, PA 17110 717-705-4707
Franklin County Antrim Township	PAR113508	Grove US LLC 1565 Buchanan Trail East Shady Grove, PA 17256	Marsh Run/WWF	DEP—SCRO— Clean Water Program 909 Elmerton Avenue Harrisburg, PA 17110 717-705-4707
Berks County Reading City	PAR493501	Evergreen Community Power 800 South Street Reading, PA 19602	Schuylkill River/WWF	DEP—SCRO— Clean Water Program 909 Elmerton Avenue Harrisburg, PA 17110 717-705-4707
Adams County Straban Township	PAR213501	Dal-Tile Corporation 211 North Fourth Street Gettysburg, PA 17325 <hr/> Dal-Tile Lincoln Way East Plant 2938 York Road Gettysburg, PA 17325	UNT of Swift Run/WWF	DEP—SCRO— Clean Water Program 909 Elmerton Avenue Harrisburg, PA 17110 717-705-4707
Adams County Gettysburg Borough	PAR213503	Dal-Tile Corporation Dal-Tile Gettysburg Plant 211 North Fourth Street Gettysburg, PA 17325	Stevens Run/WWF	DEP—SCRO— Clean Water Program 909 Elmerton Avenue Harrisburg, PA 17110 717-705-4707

*General Permit Type—PAG-8 (SSN)*

<i>Facility Location: Municipality &amp; County</i>	<i>Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>Site Name &amp; Location</i>	<i>Contact Office &amp; Phone No.</i>
York County/ Windsor Township	PAG083505	Springettsbury Township Wastewater Treatment Facility 3501 North Sherman Street York, PA 17401	Jim Rexroth Farm #5 Oberdorff Road & Bahnes Mill Road	DEP—SCRO— Clean Water Program 909 Elmerton Avenue Harrisburg, PA 17110-8200 717-705-4707

*General Permit Type—PAG-10*

<i>Facility Location &amp; Municipality</i>	<i>Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office &amp; Phone No.</i>
Perry County Carroll Township	PAG103565	Texas Eastern Transmission LP 5400 Westheimer Court, 5D-65 Houston, TX 77056 <hr/> Texas Eastern 2015 Shermansdale Site #1 DOT Replacement Project Pipeline ROW East of Mountainview Road (SR203) Carroll, PA 17090	Sherman Creek/WWF	DEP—SCRO— Clean Water Program 909 Elmerton Avenue Harrisburg, PA 17110 717-705-4707

<i>Facility Location &amp; Municipality</i>	<i>Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office &amp; Phone No.</i>
Dauphin County East Hanover Township	PAG103567	Texas Eastern Transmission LP 5400 Westheimer Court, 5D-65 Houston, TX 77056	Bow Creek/WWF	DEP—SCRO— Clean Water Program 909 Elmerton Avenue Harrisburg, PA 17110 717-705-4707
Dauphin County Middle Paxton Township	PAG103566	Texas Eastern—2015 Grantville DOT Replacement Project Pipeline ROW West and East of Bow Creek Road (SR 743) Lines 12, 19, 27 and 28 East Hanover, PA 17028		
		Texas Eastern Transmission LP 5400 Westheimer Court, 5D-65 Houston, TX 77056	Stony Creek/CWF	DEP—SCRO— Clean Water Program 909 Elmerton Avenue Harrisburg, PA 17110 717-705-4707
		Texas Eastern—2015 Shermansdale Site #2 DOT Replacement Project Line 19 Middle Paxton, PA 17018		

*General Permit Type—MS4 PAG13*

<i>Facility Location Municipality &amp; County</i>	<i>Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office &amp; Phone No.</i>
Youngwood Borough Westmoreland County	PAG136145	Youngwood Borough 17 South Sixth Street Youngwood, PA 15697	Jacks Run 19-D	DEP Southwest Regional Office Clean Water Program 400 Waterfront Drive, Pittsburgh, PA 15222-4745 412.442.4000
City of McKeesport Allegheny County	PAG136219	City of McKeesport 500 Fifth Avenue McKeesport, PA 15132	Monongahela River Crooked Run, Long Run and Youghioghney River 19-A and 19-D	DEP Southwest Regional Office Clean Water Program 400 Waterfront Drive, Pittsburgh, PA 15222-4745 412.442.4000
Green Tree Borough Allegheny County	PAG136268	Green Tree Borough 10 West Manilla Avenue Pittsburgh, PA 15220	Whiskey Run 20-F	DEP Southwest Regional Office Clean Water Program 400 Waterfront Drive, Pittsburgh, PA 15222-4745 412.442.4000
Stowe Township Allegheny County	PAG136366	Stowe Township 555 Broadway Avenue McKees Rocks, PA 15136	Unnamed Tributary of Ohio River 20-G	DEP Southwest Regional Office Clean Water Program 400 Waterfront Drive, Pittsburgh, PA 15222-4745 412.442.4000
McKees Rocks Borough Allegheny County	PAG136375	McKees Rocks Borough 340 Bell Avenue McKees Rocks, PA 15136	Ohio River 20-F	DEP Southwest Regional Office Clean Water Program 400 Waterfront Drive, Pittsburgh, PA 15222-4745 412.442.4000
Oakdale Borough Storm Sewer System Allegheny County	PAG136310	Oakdale Borough 6115 Noblestown Road Oakdale, PA 15071	Robinson Run and Unnamed Tributary to Robinson Run 20-F	DEP Southwest Regional Office Clean Water Program 400 Waterfront Drive, Pittsburgh, PA 15222-4745 412.442.4000



<i>Facility Location Municipality &amp; County</i>	<i>Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office &amp; Phone No.</i>
Verona Borough Allegheny County	PAG136323	Verona Borough 736 East Railroad Avenue Verona, PA 15147	Allegheny River and Plum Creek 18-A	DEP Southwest Regional Office Clean Water Program 400 Waterfront Drive, Pittsburgh, PA 15222-4745 412.442.4000

## STATE CONSERVATION COMMISSION

### NUTRIENT MANAGEMENT PLANS RELATED TO APPLICATIONS FOR NPDES PERMITS FOR CAFOs

The State Conservation Commission has taken the following actions on previously received applications for nutrient management plans under 3 Pa.C.S. Chapter 5, for agricultural operations that have or anticipate submitting applications for new, amended or renewed NPDES permits or NOIs for coverage under a general permit for CAFOs under 25 Pa. Code Chapter 92a. This notice is provided in accordance with 25 Pa. Code Chapter 92a and 40 CFR Part 122, implementing The Clean Streams Law and the Federal Clean Water Act.

Persons aggrieved by an action may appeal under 3 Pa.C.S. § 517, section 4 of the Environmental Hearing Board Act and 2 Pa.C.S. §§ 501—508 and 701—704 to the Environmental Hearing Board, Second Floor, Rachel Carson State Office Building, 400 Market Street, P. O. Box 8457, Harrisburg, PA 17105-8457, (717) 787-3483. TDD users should contact the Environmental Hearing Board (Board) through the Pennsylvania AT&T Relay Service at (800) 654-5984. Appeals must be filed with the Board within 30 days of publication of this notice in the *Pennsylvania Bulletin*. Copies of the appeal form and the Board's rules of practice and procedure may be obtained from the Board. The appeal form and the Board's rules of practice and procedure are also available in Braille or on audiotape from the Secretary of the Board at (717) 787-3483. This paragraph does not, in and of itself, create a right of appeal beyond that permitted by applicable statutes and decision law.

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

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

#### NUTRIENT MANAGEMENT PLAN PUBLIC NOTICE SPREADSHEET—ACTIONS

<i>Agricultural Operation Name and Address</i>	<i>County</i>	<i>Total Acres</i>	<i>AEUs</i>	<i>Animal Type</i>	<i>Special Protection Waters (HQ or EV or NA)</i>	<i>Approved or Disapproved</i>
Greg Kennard 1277 Bridgeton Road Airville, PA 17302	York	73.6	332.17	Broiler/ Horse	None	Approved
Laverne Rohrer 118 Bentz Mill Road East Berlin, PA 17316	York	6	573.73	Turkey	NA	Approved
Smith Station Acres LLC Donald Weaver 1871 Smith Station Rd. Spring Grove, PA 17362	York	9.7	492.4	Swine/ Turkey	None	Approved
Monte Edgin 10368 Chester Furnace Road Shirleysburg, PA 17260	Huntingdon	289.5 acres for manure application	590.06 AEU's 2.04 AEU's/ac	Swine	Not Applicable	Approved

### PUBLIC WATER SUPPLY PERMITS

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

Persons aggrieved by an action may appeal that action to the Environmental Hearing Board (Board) under section 4 of the Environmental Hearing Board Act and 2

Pa.C.S. §§ 501—508 and 701—704. The appeal should be sent to the Environmental Hearing Board, Second Floor, Rachel Carson State Office Building, 400 Market Street, PO Box 8457, Harrisburg, PA 17105-8457, (717) 787-3483. TDD users may contact the Board through the Pennsylvania 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 proce-

dures 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).

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

#### Permit No. 1914503MA—Construction and Operation—Public Water Supply.

Applicant	<b>Catawissa Borough Municipal Water Authority</b>
Township/Borough	Catawissa Borough
County	<b>Columbia</b>
Responsible Official	Ms. Cindy Bachman Catawissa Borough Municipal Water Authority 19 Schoolhouse Road P. O. Box 54 Catawissa, PA 17820
Type of Facility	Public Water Supply
Consulting Engineer	Randy Heard, P.E. Larson Design Group, Inc. 1 West Market Street, Suite 301 Corning, NY 14830
Permit Issued	January 9, 2015
Description of Action	Authorizes upgrades of the submersible pump motor controls for Well Nos. 5, 6, and 9.

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

<b>Permit No. 0214539</b> , Public Water Supply.	
Applicant	<b>Pennsylvania American Water Company</b> 800 West Hersheypark Drive Hershey, PA 17033
[Borough or Township]	North Strabane Township
County	<b>Washington</b>
Type of Facility	Water system
Consulting Engineer	Lennon, Smith, Souleret, Engineering, Inc. Civil Engineers and Surveyors 846 Fourth Avenue Coraopolis, PA 15108
Permit to Construct Issued	December 31, 2014

**Operations Permit** issued to: **Pennsylvania American Water Company**, 800 West Hersheypark Drive, Hershey, PA 17033, (PWSID #5020039) South Fayette Township, **Allegheny County** on December 12, 2014 for the operation of facilities approved under Construction Permit # 0214545MA.

#### Permit No. 6314503WMP, Minor Amendment. Public Water Supply.

Applicant	<b>Tri-County Joint Municipal Authority</b> PO Box 758 Fredericktown, PA 15333
[Borough or Township]	North Bethlehem Township
County	<b>Washington</b>
Type of Facility	Water system
Consulting Engineer	Chester Engineers 501 McKean Avenue Charleroi, PA 15022
Permit to Operate Issued	December 12, 2014

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

#### Permit No., 8372W-T1-MA3 Public Water Supply

Applicant	<b>Johnsonburg Municipal Authority</b>
Township or Borough	Johnsonburg Borough
County	<b>Elk</b>
Type of Facility	Public Water Supply
Consulting Engineer	Mark V. Glenn, P.E. Gwin, Dobson and Foreman, Inc. 3121 Fairway Drive Altoona, PA 16602
Permit to Construct Issued	January 7, 2015

**Permit No. 6616480-T2-MA21.** The Department issued a special permit by rule to **Primo Refill, LLC**, 104 Cambridge Plaza Drive, Winston Salem, NC 27104, to operate one additional vending machine located at Entry Point 120 (Clarion Wal-Mart).

#### Permit No., 8372W-T1-MA3 Public Water Supply

Applicant	<b>Brockway Borough Municipal Authority</b>
Township or Borough	Brockway Boro, Snyder & Horton Township
County	<b>Jefferson and Elk</b>
Type of Facility	Public Water Supply
Consulting Engineer	N. Peter Fleszar, P.E. Glace Associates, Inc. 3705 Trindle Road Camp Hill, PA 17011
Permit to Construct Issued	January 5, 2015

## SEWAGE FACILITIES ACT PLAN DISAPPROVAL

### Plan Approvals Granted Under the Pennsylvania Sewage Facilities Act (35 P. S. § 750.5)

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

#### Plan Location:

Borough or Township	Borough or Township Address	County
Washington Township	13013 Welty Rd, Waynesboro, PA 17268	Franklin

*Plan Description:* The planning module for Donald & Beverly Fahrney, DEP Code No. A3-28922-429-2, APS Id 856818, consisting of one new single family residential lot using an individual on-lot sewage disposal system, is disapproved. The proposed development is located on Hoovers Mill Road in Washington Township, Franklin County. The plan is disapproved because plot plan shows the soil profile excavations and percolation test were done in a surface drainage way in violation of the isolation distances prescribed in Chapter 73, Section 73.13(c)(7).

## 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 con-

cerning plans or reports is required in an alternative form, contact the community relations coordinator at the appropriate regional office. TDD users may telephone the Department through the Pennsylvania AT&T Relay Service at (800) 654-5984.

The Department has received the following plans and reports:

*Northeast Region: Eric Supey, Environmental Cleanup and Brownfields Program Manager, 2 Public Square, Wilkes-Barre, PA 18701-1915.*

**Bridgewater Township Building**, 12751 SR 29, Bridgewater Township, **Susquehanna County**. Dawn Washo, Resource Environmental, 36 Taylor Lane, Montrose, PA 18801, on behalf of Bridgewater Township, PO Box 297, Montrose, PA 18801, submitted a Final Report concerning remediation of site soils contaminated with heating oil. The report is intended to document remediation of the site to meet the Site Specific and Statewide Health Standard.

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

**Former Graybill Site**, 200 North Broad Street, York, PA 17401, City of York, **York County**. Thomas I Warman, LLC, 393 Tri Hill Drive, York, PA 17403, on behalf of City of York Redevelopment Authority, 101 South George Street, York, PA 17401, submitted a Final Report concerning remediation of site soils contaminated with lead and cadmium from historical operations of a metal scrap yard and recycling facility. The Report is intended to document remediation of the site to meet the Nonresidential Statewide Health Standard.

## LAND RECYCLING AND ENVIRONMENTAL REMEDIATION

### UNDER ACT 2, 1995 PREAMBLE 3

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

Section 250.8 of 25 Pa. Code and administration of the Land Recycling and Environmental Remediation Standards Act (act) require the Department to publish in the *Pennsylvania Bulletin* a notice of its final actions on plans and reports. A final report is submitted to document cleanup of a release of a regulated substance at a site to one of the remediation standards of the act. A final report provides a description of the site investigation to characterize the nature and extent of contaminants in environmental media, the basis of selecting the environmental media of concern, documentation supporting the selection of residential or nonresidential exposure factors, a description of the remediation performed and summaries of sampling methodology and analytical results which demonstrate that the remediation has attained the cleanup standard selected. Plans and reports required by the act for compliance with selection of remediation to a site-specific standard, in addition to a final report, include a remedial investigation report, risk assessment report and cleanup plan. A remedial investigation report includes conclusions from the site investigation; concentration of regulated substances in environmental media; benefits of reuse of the property; and, in some circumstances, a fate



and transport analysis. If required, a risk assessment report describes potential adverse effects caused by the presence of regulated substances. If required, a cleanup plan evaluates the abilities of potential remedies to achieve remedy requirements. A work plan for conducting a baseline remedial investigation is required by the act for compliance with selection of a special industrial area remediation. The baseline remedial investigation, based on the work plan, is compiled into the baseline environmental report to establish a reference point to show existing contamination, describe proposed remediation to be done and include a description of existing or potential public benefits of the use or reuse of the property. The Department may approve or disapprove plans and reports submitted. This notice provides the Department's decision and, if relevant, the basis for disapproval.

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

The Department has received the following plans and reports:

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

**Former Graybill Site**, 200 North Broad Street, York, PA 17401, City of York, **York County**. Thomas I Warman, LLC, 393 Tri Hill Drive, York, PA 17403, on behalf of City of York Redevelopment Authority, 101 South George Street, York, PA 17401, submitted a Final Report concerning remediation of site soils contaminated with lead and cadmium from historical operations of a metal scrap yard and recycling facility. The Report is intended to document remediation of the site to meet the Nonresidential Statewide Health Standard. The Final Report was administratively incomplete and was disapproved by the Department on January 7, 2014.

**C-B Tool Company**, 640 Bean Hill Road, Lancaster, PA 17603, Lancaster Township, **Lancaster County**. Becker Engineering, 115 Millersville Road, Lancaster, PA 17603, on behalf of C-B Tool Company, 640 Bean Hill Road, Lancaster, PA 17603, submitted a Remedial Investigation Report and Final Report concerning remediation of groundwater contaminated with chlorinated solvents from historical machine shop operations. The combined report did not demonstrate attainment of the Site Specific Standard, and was disapproved by the Department on January

*Southwest Region: Environmental Cleanup & Brownfield Development Program Manager, 400 Waterfront Drive, Pittsburgh, PA 15222-4745*

**Ambridge 14 Street and North Property**, (14th to north of 16th Street) Ambridge Borough, **Beaver County**. KU Resources, Inc., 22 South Linden Street, Duquesne, PA 15110 on behalf of New Economy Business Park, L.P., 700 5th Ave., New Brighton, PA 15066 submitted a Final Report concerning the remediation of site soil contaminated with PCB's, lead, heavy metals, poly aromatic hydrocarbons (PAH's), volatile & semi-volatile organic compounds and groundwater contaminated with

lead, heavy metals, VOC's and SVOC's. For the areas identified in the Final Report, the Final Report demonstrated attainment for both residential Statewide Health standard and non-residential Site Specific standard for soils, and Site Specific Standard for groundwater. The Final Report was approved by the Department on January 8, 2015.

#### REGISTRATION FOR MUNICIPAL WASTE GENERAL PERMITS

**Registration for General Permit issued under the Solid Waste Management Act (35 P. S. §§ 6018.101—6018.1003); and Municipal Waste Regulations for a General Permit To Operate Municipal Waste Processing Facilities (25 Pa. Code § 271.811 relating to authorization for general permit).**

*South Central Regional Office: Waste Management Program, 909 Elmerton Avenue, Harrisburg, PA 17110-8200.*

**General Permit No. WMGM038-SC001A. Agri-Marketing, Inc., dba USA Gypsum**, 1370 West Route 897, Denver, PA 17517. The Department of Environmental Protection has approved a registration under General Permit WMGM038 to Agri-Marketing, Inc. for the processing and beneficial use of ground gypsum wallboard. This Registration is for their location at 1370 West Route 897, Denver PA in West Cocalico Township, **Lancaster County**. The permit for this facility was issued on January 8, 2014.

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

#### AIR QUALITY

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

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

*Contact: Raymond Kempa, New Source Review Chief—Telephone: 570-826-2507*

**GP5-58-015A: Williams Field Service Company, LLC** (310 SR 29 North, Tunkhannock, PA 18657) on January 5, 2015, for the operation of existing equipment permitted under General Permit and the construction and operation of additional equipment at its Natural Gas Compression Station at their Central Compressor Station, Bridgewater/Brooklyn Township, **Susquehanna County**.

**GP5-58-018A: Williams Field Service Company, LLC** (310 SR 29 North, Tunkhannock, PA 18657) on December 11, 2014, for the operation of existing equipment permitted under General Permit and the construction and operation of additional equipment at its Natural Gas Compression Station at their Zick Compressor Station, Lenox Township, **Susquehanna County**.

**GP5-58-006A: Williams Field Service Company, LLC** (310 SR 29 North, Tunkhannock, PA 18657) on December 31, 2014, for the operation of existing equip-



ment permitted under General Permit and the construction and operation of additional equipment at its Natural Gas Compression Station at their Church Compressor Station, Dimock Township, **Susquehanna County**.

**GP5-58-026: Williams Field Service Company, LLC** (310 SR 29 North, Tunkhannock, PA 18657) on December 11, 2014, for the operation of existing equipment permitted under General Permit and the construction and operation of additional equipment at its Natural Gas Compression Station at their Auburn Compressor Station, Auburn Township, **Susquehanna County**.

**GP5-58-017A: Williams Field Service Company, LLC** (310 SR 29 North, Tunkhannock, PA 18657) on December 11, 2014, for the operation of existing equipment permitted under General Permit and the construction and operation of additional equipment at its Natural Gas Compression Station at their Central Compressor Station, Springville Township, **Susquehanna County**.

**GP1-35-008: General Dynamics Ordnance and Tactical Systems PA** (156 Cedar Ave., Scranton, PA 18505) on December 29, 2014, for the construction and operation of a Burhham 14 MBTU/Hr Boiler at their facility in, City of Scranton, **Lackawanna County**.

**GP3-58-034: Poppo Construction, Inc.** (215 E. Saylor Ave., Laffin, PA 18702) on December 30, 2014, for the construction and operation of screens controlled by water sprays at their Rushville Aggregates Quarry facility in, Rush Township, **Susquehanna County**.

**GP9-58-034: Poppo Construction, Inc.** (215 E. Saylor Ave., Laffin, PA 18702) on December 30, 2014, for the construction and operation of one Caterpillar Engine at their Rushville Aggregates Quarry facility in, Rush Township, **Susquehanna County**.

**GP3-58-030: F.S. Lopke Construction, Inc.** (3430 State Route 434, Apalachin, NY 13732) on October 16, 2014, for the construction and operation of crushers, screens, and conveyors controlled by water sprays at their O'Dell Quarry facility in, Harford Township, **Susquehanna County**.

**GP9-58-030: F.S. Lopke Construction, Inc.** (3430 State Route 434, Apalachin, NY 13732) on October 16, 2014, for the construction and operation of (3) Three Generators at their O'Dell Quarry facility in, Harford Township, **Susquehanna County**.

**GP3-58-033: F.S. Lopke Construction, Inc.** (3430 State Route 434, Apalachin, NY 13732) on November 20, 2014, for the construction and operation of crushers, screens, and conveyors controlled by water sprays at their Chamberlain Quarry facility in, Jackson Township, **Susquehanna County**.

**GP9-58-031: F.S. Lopke Construction, Inc.** (3430 State Route 434, Apalachin, NY 13732) on November 20, 2014, for the construction and operation of (3) Three Generators at their Chamberlain Quarry facility in, Jackson Township, **Susquehanna County**.

**GP13-40-001: Pennsy Supply, Inc.** (P. O. Box 3331, Harrisburg, PA 17105) on December 11, 2014, for the construction and operation of a Drum Mix Plant, Cyclone and (3) three Horizontal Cylindrical Tanks at their Dorrance HMA Plant facility in, Dorrance Township, **Luzerne County**.

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**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.**

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*Southeast Region: Air Quality Program, 2 East Main Street, Norristown, PA 19428*

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

**46-0027D: Janssen Research & Development, LLC** (1400 McKean Road, Spring House, PA 19477) On January 7, 2015 for the replacement of burners in two (2) existing 15.0 MMBtu/hr boilers (Source ID 036 and Source ID 037) at the pharmaceutical plant located in Lower Gwynedd Township, **Montgomery County**. Janssen is a major source of Nitrogen Oxide (NO<sub>x</sub>) and Carbon Monoxide (CO) emissions, currently operating under Title V Operating Permit No. 46-00027. The installation will not trigger New Source Review or Prevention of Severe Deterioration for any criteria pollutant, including Greenhouse Gases. The sources are not subject to Compliance Assurance Monitoring pursuant to 40 CFR Part 64. The plan approval will include monitoring, testing, 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, 717-705-4762, Lisa Dorman, New Source Review Permitting Chief—Telephone: 717-705-4863 or William Weaver, Regional Air Quality Manager, Telephone: 717-705-4702.*

**ER-06-05024: NRG REMA, LLC** (121 Champion Way, Canonsburg, PA 15317) on January 5, 2015, for an Air Quality Emission Reduction Credit (ERC) approval of the following emission reductions from the permanent shutdown of Utility Boilers 1, 2 and 3 (Source IDs 031, 032 and 033), at the Titus Electric Generating Station in Cumru Township, **Berks County**:

CO: 94.79 tpy  
Lead: 0.06 tpy  
NO<sub>x</sub>: 1,453.26 tpy  
PM<sub>10</sub>: 223.38 tpy  
PM<sub>2.5</sub>: 96.57 tpy  
SO<sub>x</sub>: 9,100.08 tpy  
VOC: 11.32 tpy

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

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

**AMS 06050A:** (PES 3144 Passyunk Avenue, Philadelphia PA 19145 to replace a 0.035 lb/MMBtu NO<sub>x</sub> limit of the 433 H1 heater (max. rating 260 MMBtu/hr) with a 5.0 lbs/hr NO<sub>x</sub> during periods of start-ups and shutdowns. The permit will also replace the fuel oil limits for the #3 Boiler House with a condition that the #3 Boiler House shall only burn refinery gas. No increase in potential emissions is expected from the permit modifications. The permit modifications will reduce potential emissions for the #3 Boiler House. The plan approval will contain operating, monitoring, recordkeeping, and reporting requirements to ensure operation within all applicable requirements.

Copies of all documents and information concerning this plan approval are available for review in the offices

of AMS, room 218, 321 University Ave., Philadelphia, PA 19104-4543 during normal business hours. Persons wishing to review these documents or to submit written comments should contact Mr. Edward Wiener (215 685-9426) at the above address. All written comments must be received by 30 days from this publication date. Comments received by facsimile will not be accepted.

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**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.**

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*Southeast Region: Air Quality Program, 2 East Main Street, Norristown, PA 19428*

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

**23-0009G: The Boeing Co.** (P. O. Box 16858, MS P29-14, Philadelphia, PA 19142-0858) On January 8, 2015 for the operation of a manufacturing aircraft in Ridley Township, **Delaware County**.

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

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

**08-00043A: Glenn O Hawbaker, Inc.** (711 East College Ave. Bellefonte, PA 16823) on December 30, 2014, to extend the authorization for the construction of a wet sand and gravel operation at the Green's Landing facility located in Athens Township, **Bradford County** from January 5, 2015, to July 4, 2015. The plan approval has been extended.

**41-00025C: Lycoming County Resource Management Services** (P. O. Box 187, Montgomery, PA 17752) located in Brady Township, **Lycoming County** on December 30, 2014 to extend the authorization to operate the sources pursuant to the plan approval an additional 180 days from January 15, 2015 to July 14, 2015. The plan approval has been extended.

**19-00024A: Benton Foundry, Inc.** (5297 State Route 487 Benton, PA 17814-6711) on December 30, 2014, to extend authorization for construction of additional robotic and manual grinders and the replacement of a fabric collector in the finishing department of their foundry in Sugarloaf Township, **Columbia County**, from January 5, 2015, to July 4, 2015. The plan approval has been extended.

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

*Contact: Mark R. Gorog, P.E., Environmental Engineer Manager—Telephone: 412-442-4150*

**03-00027B: GenOn Northeast Management Company** (121 Champion Way, Suite 200, Canonsburg, PA 15317) Extension effective January 13, 2015, to allow additional time to install the permanent sorbent injection system and the continued temporary operation of the Unit 1 & 2 FGD systems and emergency generator authorized under plan approval 03-00027B until July 13, 2015, at the Keystone Generating Station located in Plumcreek Township, **Armstrong County**.

**65-00986A: Tiger Door, Inc.** (P. O. Box 70, Greensburg, PA 15601-2148) Plan Approval minor modification effective on January 6, 2015, to change the responsible official and plan approval contact person for the Tiger Door Manufacturing Plant located in Hempfield Township, **Westmoreland County**.

**63-00936F: MarkWest Liberty Midstream & Resources, LLC** (1515 Arapahoe Street, Tower 2, Suite 1600, Denver, CO 80202) on January 8, 2015, to extend the period of temporary operation of the Houston Gas Plant located in Chartiers Township, **Washington County**. The new expiration date is July 8, 2015.

**65-00629A: CBC Latrobe Acquisition, LLC** (100 33rd Street, Latrobe, PA 15650-1474) on January 9, 2015, to extend the temporary operation period for the wastewater pretreatment system to allow additional shake-down of the new sources at the Latrobe Brewery located in Latrobe Borough, **Westmoreland County**. The new expiration date is July 9, 2015.

**30-00072I: Consol Pennsylvania Coal Company, LLC** (1000 Consol Energy Drive, Canonsburg, PA 15317) plan approval extension is effective January 11, 2015, with an expiration date of July 11, 2015, to authorize continued temporary operation of sources and controls associated with the Enlow Fork Overland Conveyor located in Richhill Township, **Greene County**. The Bailey Prep Plant is a Title V facility.

**65-00986A: Tiger Door, Inc.** (P. O. Box 70, Greensburg, PA 15601-2148) Plan Approval Extension effective on January 14, 2015, with an expiration date of July 14, 2015, to extend the period of temporary operation of sources and controls at the Tiger Door Manufacturing Plant located in Hempfield Township, **Westmoreland County**.

**03-00246B: Bedrock Mines, LP** (111 Freeport Road, Aspinwall, PA 15215-2943) on January 9, 2015 to extend the period of temporary operation for 180 days for their Coal Blending Facility located in Plumcreek Township, **Armstrong County**.

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

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*Southeast Region: Air Quality Program, 2 East Main Street, Norristown, PA 19428*

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

**23-00082: Liberty Electric Power, LLC** (1000 Industrial Highway, Eddystone, PA 19022) On December 29, 2014 for renewal of the facility's Phase II Title V Acid Rain Permit (ORIS No. 55231) in Eddystone Borough, **Delaware County**. The affected units at the facility consist of two (2) combined cycle gas turbines with duct burners. The affected units shall hold sufficient SO<sub>2</sub> allowances in accordance with 40 CFR § 72.9(c)(1). This renewal issuance of the Title IV Operating Permit does not authorize any increase in emissions. All monitoring, recordkeeping, and reporting shall be in conformance with 25 Pa. Code § 127.531 and the Acid Rain Permit application.

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

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

**59-00002: Dominion Transmission, Inc.** (445 West Main St. Clarksburg, WV 26302), on January 9, 2015, for operation of their Tioga Station facility located in Farmington Township, **Tioga County**. The Title V operating permit contains requirements including monitoring, recordkeeping, and reporting conditions to ensure compliance with applicable Federal and State regulations.



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

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

*Contact: Thomas Hanlon, Facilities Permitting Chief, 717-705-4762, Lisa Dorman, New Source Review Permitting Chief—Telephone: 717-705-4863 or William Weaver, Regional Air Quality Manager, Telephone: 717-705-4702.*

**22-03052: Harman Home Heating** (352 Mountain House Road, Halifax, PA 17032) on January 6, 2015, for the residential heating unit manufacturing facility in Jackson Township, **Dauphin County**. The State-only permit was renewed.

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**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.**

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

*Contact: Barbara Hatch, Facilities Permitting Chief—Telephone: 412-442-4174*

**65-00207: OMNOVA Solutions, Inc.** (1001 Chambers Ave. Jeannette, PA 15644-3207) on January 7, 2015, to issue an administrative amendment to the Title V Operating Permit for the operation of a plastic film plant in the City of Jeannette, **Westmoreland County**. The amendment incorporated the change of Responsible Official. All sources, control devices, and conditions remain the same as in the previous issued operating permit.

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**De Minimis Emissions Increases Authorized under 25 Pa. Code § 127.449.**

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

*Contact: Ronald Davis, New Source Review Chief—Telephone: 717-705-4702*

**21-05029: Sunoco Partners Marketing & Terminals LP** (17351 Market Street, 29MBC, Philadelphia, PA 19103). Pursuant to 25 Pa. Code § 127.449(i), this *PA Bulletin* Notice is for a de minimis emissions increase of 0.25 TPY VOC, 0.01 TPY NO<sub>x</sub> and 0.2 TPY CO resulting from the installation and operation of a John Zink 4#X30# Enclosed ZTOP flare at the Mechanicsburg Station located at Hampden Township, **Cumberland County**. This is the first de minimis emissions increase at the facility during the term of the current operating permit.

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

*Contact: Mark R. Gorog, P.E., Environmental Engineer Manager—Telephone: 412-442-4150*

**56-00262: Advanced Disposal Services, Inc.** (7095 Glades Pike Road, Somerset, PA 15501). Per 25 Pa. Code Section 127.449(i), this Notice is for the following de minimis emission increase at the Advanced Disposal Services, Inc. Mostoller Landfill facility, located in Somerset Township, **Somerset County**:

This project will allow aeration of an existing leachate storage tank with control by bio-filtration. The emission increase resulting from this project will not exceed 0.34 tpy VOC.

The list of de minimis increases for this facility includes only this project.

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

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*Southeast Region: Air Quality Program, 2 East Main Street, Norristown, PA 19428*

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

**09-00139: Safety-Kleen Systems, Inc.** (77 Towpath Road, Fairless Hills, PA 19030) for operation of mineral spirit solvent and windshield washer liquid storage, solvent drum washing and recovery facility in Falls Township, **Bucks County**. The Pennsylvania Department of Environmental Protection (DEP) has determined that this facility meets the Operating Permit exemption criteria. Therefore, the DEP will not renew this Operating Permit. The Operating Permit will expire on its own term.

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

*Contact: Edward Orris, New Source Review Chief—Telephone: 814-332-616636*

**16-00002: RFI Energy Incorporated** (P. O. Box 162, 1513 Shannon Tipple Road, Sligo, PA 16255-0162) on December 19, 2014, for the Shannon Tipple coal processing plant in Toby Township, **Clarion County**. This State Operating Permit was revoked because production ceased at the facility on November 19, 2014. The facility applied for a land use change and the facility is being sold. No further processing of coal will be conducted at the site.

**33-00178: Triangle Suspension Systems** (1 Meter Street, Punxsutawney, PA 15767-1836) on November 20, 2014, for the Short Run Plant in Punxsutawney Borough, **Jefferson County**. This State Operating Permit was revoked because the equipment was relocated to the main office in Dubois, **Clearfield County**.

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**ACTIONS ON COAL AND NONCOAL MINING ACTIVITY APPLICATIONS**

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

*Coal Permits Issued*

*Cambria District Mining Office: 286 Industrial Park Road, Ebensburg, PA 15931-4119, 814-472-1900*

**Permit No. 56890102 and NPDES No. PA0598372, Svonavec, Inc.,** 150 West Union Street, Suite 201,

Somerset, PA 15501, permit renewal for reclamation only of a bituminous surface and auger mine in Lower Turkeyfoot Township, **Somerset County**, affecting 92.5 acres. Receiving streams: unnamed tributaries to/and Casselman River classified for the following uses: warm water fishery. The first downstream potable water supply intake from the point of discharge is Ohiopyle Borough Municipal Waterworks Youghiogheny River SWW. Application received: June 20, 2014. Permit issued: December 24, 2014.

*New Stanton District Office: 131 Broadview Road, New Stanton, PA 15672, 724-925-5500*

**26090104 and NPDES Permit No. PA0251721. David L. Patterson, Jr.** (12 Shortcut Road, Smithfield, PA 15478). Permit renewal issued for reclamation only to an existing bituminous surface mine, located in Nicholson Township, **Fayette County**, affecting 43.6 acres. Receiving streams: unnamed tributaries to Cats Run. Application received: September 11, 2014. Permit issued: January 5, 2015.

*Pottsville District Office: 5 West Laurel Boulevard, Pottsville, PA 17901-2522, 570-621-3118*

**Permit No. 54830206R6. Meadowbrook Coal Co., Inc.**, (PO Box 1, Wiconisco, PA 17097), renewal of an existing anthracite coal refuse reprocessing operation in Tremont Township, **Schuylkill County** affecting 11.1 acres, receiving stream: Stumps Run. Application received: August 7, 2013. Renewal issued: January 6, 2015.

**Permit No. 54830206C2. Meadowbrook Coal Co., Inc.**, (PO Box 1, Wiconisco, PA 17097), correction to update the post-mining land use on an existing anthracite coal refuse reprocessing operation in Tremont Township, **Schuylkill County** affecting 11.1 acres, receiving stream: Stumps Run. Application received: August 7, 2013. Renewal issued: January 6, 2015.

**Permit No. 54830206GP104. Meadowbrook Coal Co., Inc.**, (PO Box 1, Wiconisco, PA 17097), General NPDES Stormwater Permit for stormwater discharges associated with mining activities on Surface Mining Permit No. 54830206 in Tremont Township, **Schuylkill County**, receiving stream: Stumps Run. Application received: August 7, 2013. Permit issued: January 6, 2015.

**Permit No. 54830101T3. Premium Fine Coal, Inc.**, (PO Box 268, Tamaqua, PA 18252), transfer of an existing anthracite surface mine and coal refuse disposal in Blythe Township, **Schuylkill County** affecting 152.1 acres, receiving stream: unnamed tributary to Schuylkill River. Application received: November 12, 2013. Transfer issued: January 8, 2015.

**Permit No. 54830101C. Premium Fine Coal, Inc.**, (PO Box 268, Tamaqua, PA 18252), correction to update the permit acres on an existing anthracite surface mine and coal refuse disposal in Blythe Township, **Schuylkill County** affecting 152.1 acres, receiving stream: unnamed tributary to Schuylkill River. Application received: November 12, 2013. Correction issued: January 8, 2015.

**Permit No. 54830101R6. Premium Fine Coal, Inc.**, (PO Box 268, Tamaqua, PA 18252), renewal of an existing anthracite surface mine and coal refuse disposal in Blythe Township, **Schuylkill County** affecting 152.1 acres, receiving stream: unnamed tributary to Schuylkill River. Application received: November 12, 2013. Renewal issued: January 8, 2015.

**Permit No. 54830101GP104. Premium Fine Coal, Inc.**, (PO Box 268, Tamaqua, PA 18252), General NPDES Stormwater Permit for stormwater discharges associated

with mining activities on Surface Mining Permit No. 54830101 in Blythe Township, **Schuylkill County**, receiving stream: unnamed tributary to Schuylkill River. Application received: November 12, 2013. Permit issued: January 8, 2015.

*Noncoal Permits Issued*

*Cambria District Mining Office: 286 Industrial Park Road, Ebensburg, PA 15931-4119, 814-472-1900*

**Permit No. 28130301 and NPDES No. PA0279285. David H. Martin Excavating, Inc.**, 4961 Cumberland Highway, Chambersburg, PA 17202, commencement, operation and restoration of a noncoal surface mine in Hamilton Township, **Franklin County** affecting 67.2 acres. Receiving streams: unnamed tributaries to East Branch Conococheague Creek classified for the following use: warm water fishery. There are no potable water supply intakes within 10 miles downstream. Application received: June 13, 2014. Permit issued: January 5, 2015.

**Permit No. 28130301-GP104. David H. Martin Excavating, Inc.**, 4961 Cumberland Highway, Chambersburg, PA 17202. General NPDES Permit for stormwater discharges associated with mining activities on surface mining permit No. 28130301 located in Hamilton Township, **Franklin County**. Receiving stream: unnamed tributary to East Branch of Conococheague Creek classified for the following use: warm water fishery. There are no potable water supply intakes within 10 miles downstream. Notice of Intent for Coverage received: June 13, 2014. Coverage approved: January 5, 2015.

**Permit No. 34130301 and NPDES No. PA0269409. Jay Fulkroad & Sons, Inc.**, 2736 Free Spring Church Road, McAlisterville, PA 17049, commencement, operation and restoration of a noncoal surface mine in Fayette Township, **Juniata County** affecting 32.74 acres. Receiving streams: Delaware Creek classified for the following use: trout stocked fishery/migratory fishery. There are no potable water supply intakes within 10 miles downstream. Application received: March 31, 2014. Permit issued: January 5, 2015.

**Permit No. 34130301-GP104. Jay Fulkroad & Sons, Inc.**, 2736 Free Spring Church Road, McAlisterville, PA 17049-8598. General NPDES Permit for stormwater discharges associated with mining activities on surface mining permit No 34130301 located in Fayette Township, **Juniata County**. Receiving stream: Delaware Creek classified for the following use: Trout Stocked Fishery, Migratory Fishery. There are no potable water supply intakes within 10 miles downstream. Notice of Intent for coverage received: March 31, 2014: Coverage Approved: January 5, 2015.

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

**25022801. Raymond D. Showman & Sons, Inc.** (12851 Sharp Road, Edinboro, PA 16412). Final bond release for a small industrial minerals surface mine in LeBoeuf Township, **Erie County**. Restoration of 5.0 acres completed. Receiving streams: French Creek. Application Received: October 24, 2014. Final bond release approved: January 6, 2015.

**25960801. William R. Coe, Jr.** (9889 Mitchell Road, Union City, PA 16438). Final bond release for a small industrial minerals surface mine in Union Township, **Erie County**. Restoration of 1.0 acre completed. Receiving streams: Unnamed tributary to South Branch French Creek. Application Received: October 27, 2014. Final bond release approved: January 6, 2015.



*Pottsville District Office: 5 West Laurel Boulevard, Pottsville, PA 17901-2522, 570-621-3118*

**Permit No. 58140805 and NPDES Permit No. PA0225474. Daniel Pompey**, (231 Pompey Road, Nicholson, PA 18336), commencement, operation and restoration of a quarry operation and NPDES Permit for discharge of treated mine drainage in New Milford Township, **Susquehanna County** affecting 5.0 acres, receiving stream: unnamed tributary to Wellman Creek. Application received: May 13, 2014. Permit issued: January 8, 2015.

### ACTIONS ON BLASTING ACTIVITY APPLICATIONS

**Actions on applications under the Explosives Acts of 1937 and 1957 and 25 Pa. Code § 211.124. Blasting activity performed as part of a coal or noncoal mining activity will be regulated by the mining permit for that coal or noncoal mining activity.**

#### *Blasting Permits Issued*

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

**04144003. Contract Drilling & Blasting, LLC** (P. O. Box 51468, Jacksonville Beach, FL 32240) Blasting Activity Permit for smoke stack demolition in Potter Township, **Beaver County**. This blasting activity permit will expire on July 1, 2015. Permit Issued: January 6, 2015.

*Pottsville District Office: 5 West Laurel Boulevard, Pottsville, PA 17901-2522, 570-621-3118*

**Permit No. 36154101. Maine Drilling & Blasting, Inc.**, (P. O. Box 1140, Gardiner, ME 04345), construction blasting for Mill Creek Development in West Lampeter Township, **Lancaster County** with an expiration date of January 5, 2016. Permit issued: January 8, 2015.

**Permit No. 58144188. Meshoppen Blasting, Inc.**, (P. O. Box 127, Meshoppen, PA 18630), construction blasting for SWN RU 71 Pad & access road in Jackson and New Milford Townships, **Susquehanna County** with an expiration date of December 24, 2015. Permit issued: January 8, 2015.

**Permit No. 67154101. Maine Drilling & Blasting, Inc.**, (P. O. Box 1140, Gardiner, ME 04345), construction blasting for Penns Preserve in York and West Manchester Townships, **York County** with an expiration date of January 7, 2016. Permit issued: January 8, 2015.

### FEDERAL WATER POLLUTION CONTROL ACT SECTION 401

The Department has taken the following actions on previously received permit applications, requests for Environmental Assessment approval and requests for Water Quality Certification under section 401 of the Federal Water Pollution Control Act (FWPCA) (33 U.S.C.A. § 1341).

Except as otherwise noted, the Department has granted 401 Water Quality Certification certifying that the construction and operation described will comply with sections 301–303, 306 and 307 of the FWPCA (33 U.S.C.A. §§ 1311–1313, 1316 and 1317) and that the construction will not violate applicable Federal and State water quality standards.

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

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

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

**Actions on applications for the following activities filed under the Dam Safety and Encroachments Act (32 P. S. §§ 693.1–693.27), section 302 of the Flood Plain Management Act (32 P. S. § 679.302) and The Clean Streams Law and Notice of Final Action for Certification under section 401 of the FWPCA.**

*Permits, Environmental Assessments and 401 Water Quality Certifications Issued:*

#### WATER OBSTRUCTIONS AND ENCROACHMENTS

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

**E21-442: South Newton Township**, 11 High Mountain Road, PO Box 11, Walnut Bottom, PA 17266-0011 in South Newton, North Newton, Southampton and Penn Townships, **Cumberland County**, U.S. Army Corps of Engineers, Baltimore District

To install and maintain 6.0-inch PVC dry hydrants in Yellow Breeches Creek (HQ-CWF, MF) in seven locations (Latitude: 40° 04' 27.70"; Longitude: -77° 24' 35.58"; Latitude: 40° 05' 31.53"; Longitude: -77° 24' 30.94"; Latitude: 40° 03' 49.28"; Longitude: -77° 24' 46.46"; Latitude: 40° 03' 37.57"; Longitude: -77° 24' 53.50"; Latitude: 40° 05' 47.25"; Longitude: -77° 23' 29.61"; Latitude: 40° 05' 47.36"; Longitude: -77° 22' 44.11"; and Latitude: 40° 05' 48.07"; Longitude: -77° 22' 23.40"), two unnamed tributaries to Yellow Breeches Creek (HQ-CWF, MF) (Latitude: 40° 04' 11.86"; Longitude: -77° 24' 21.21"; and Latitude: 40° 03' 05.76"; Longitude: -77° 24' 20.90"), Big Spring creek (EV, MF) (Latitude: 40° 07' 49.36"; Longitude: -77° 24' 27.60") and a private pond (Latitude: 40° 05' 26.36"; Longitude: -77° 23' 17.53"), impacting a total of 55 linear feet of stream channel, all for the purpose of improved fire protection in South Newton, North Newton, Southampton and Penn Townships, **Cumberland County**.

To: Southwest District Oil & Gas Management Program Manager, 400 Waterfront Drive, Pittsburgh, PA 15222-4745

[ **Permit # E03-07-002** ]. **EQT Gathering LLC**, 455 Racetrack Road Washington, PA 15301-8910. To construct an 8.1-mile long, 12-inch diameter natural gas pipeline and associated access roads from a proposed well pad to an existing natural gas gathering line (NITE-S004) in Kiskiminetas, Parks, and Burrell Townships, **Armstrong County**, Pittsburgh ACOE District, State Water Plan Basin 17-E, (Leechburg, Whitesburg and Vandergrift, PA Quadrangle; Start at Latitude: N 40° 41' 55.27"; Longitude: W 79° 28' 49.43"; End at N 40° 36' 36.29"; Longitude: W 79° 30' 29.26"), Crooked Creek Watershed. The project will consist of 36 utility line crossings of 28 streams and 8 wetlands, 42 temporary road crossings of 32 streams and 10 wetlands, and additional crossings eligible for the Department's 105.12(a)(2) waiver. This project is proposed to avoid direct impacts to a 10+ acre wetlands by using directional bore method of installation. All crossings with the exception of the 10+ acre wetland utility line crossing are eligible as General Permits. A total of 0.48 acre of wetland and 737 linear feet of numerous named and unnamed tributaries to Crooked Creek (WWF) will be temporarily impacted.

Southwest Region: Oil and Gas Management Program Manager 400 Waterfront Drive, Pittsburgh PA, 15222

**E30-07-009: Energy Corporation of America**—101 Heritage Run Road, Suite 1 Indiana, PA 15701

*Project Location*—Whiteley Township **Greene County**, PA (ACOE Pittsburgh District)

Energy Corporation of America is proposing to construct a Natural Gas Well Pad known as the Coastal Greene Pad Project located west of Dutch Run Road Whiteley Township, Greene County, PA (39.851523, -80.108003). This project appears on the Garards Fort, Pennsylvania U.S. Geological Survey (USGS) 7.5minute Topographic Quadrangle. The project is proposing to build a natural gas well pad, tank pad and a 24-foot wide gravel access drive.

The project is a Joint Permit Application due to the proposed project not meeting the terms and conditions of the General Permit 07 (Minor Road Crossings). The project will result in one (1) perennial stream crossing (Dutch Run) with the installation of one 3 ft x 5 ft concrete culvert resulting in permanent and temporary impacts to Dutch Run and its associated floodway (Table 1).

The table describes the proposed stream crossing and floodway impacts that will result from the construction of the Coastal Greene Pad Project:

**Table 1. Associated Stream and Floodway Impacts to the Coastal Green Well Pad Project**

<i>Stream Crossing</i>	<i>Latitude/Longitude</i>	<i>Area of Impact</i>	
Perennial Stream Crossing Dutch Run (TSF)	39.851516N, -80.108359W	Temporary:	17 Linear Ft. (0.003 ac)
		Permanent:	78 ln. ft. (0.014 ac)
Assocaiated Floodway Impacts		Temporary:	0.084 ac
		Permanent:	0.055 ac

**ENVIRONMENTAL ASSESSMENTS**

*Central Office: Bureau of Waterways Engineering and Wetlands, Rachel Carson State Office Building, Floor 3, 400 Market Street, P. O. Box 8460, Harrisburg, PA 17105-8460*

**D09-247EA. Andrea Lowery**, Architectural Supervisor, Pennsylvania Historical and Museum Commission, 400 North Street, Room N118, Harrisburg, PA 17120-0053. Solebury Township, **Bucks County**, USACOE Philadelphia District.

Project proposes to remove Washington Crossing Dam #2 for the purpose of eliminating a threat to public safety and restoring the stream to a free-flowing condition. The proposed restoration project includes the complete removal of the wood, metal and concrete components of the dam and minor regarding of the stream channel. The project is located across a tributary to Pidcock Creek (WWF) (Lambertville, PA Quadrangle; Latitude: 40.3281, Longitude: -74.9465).

**EROSION AND SEDIMENT CONTROL**

The following Erosion and Sediment Control permits have been issued.

Persons aggrieved by an action may appeal that action to the Environmental Hearing Board (Board) under section 4 of the Environmental Hearing Board Act and 2 Pa.C.S. §§ 501—508 and 701—704. The appeal should be sent to the Environmental Hearing Board, Second Floor,

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

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

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

*Eastern Region: Oil & Gas Management Program Manager, 208 West Third Street, Williamsport, PA 17701*

ESCGP-2 # ESX29-117-14-0023  
 Applicant Name SWEPI LP  
 Contact Person Jason Shoemaker  
 Address 2100 Georgetown Drive, Suite 400

City, State, Zip Sewickley, PA 15143  
 County Tioga County  
 Township(s) Middlebury Township  
 Receiving Stream(s) and Classification(s) Tribs to Crooked  
 Creek (WWF/MF);  
 Secondary: Crooked Creek to Tioga River

ESCGP-2 # ESX29-015-14-0094  
 Applicant Name Chesapeake Appalachia, LLC  
 Contact Person Eric Haskins  
 Address 14 Chesapeake Lane  
 City, State, Zip Sayre, PA 18840  
 County Bradford County  
 Township(s) Wysox Township  
 Receiving Stream(s) and Classification(s) UNT to  
 Susquehanna River (WWF/MF);  
 Secondary: Susquehanna River (WWF/MF)

ESCGP-2 # ESX29-015-14-0067 (01)  
 Applicant Name Appalachia Midstream Services, LLC  
 Contact Person Randy DeLaune  
 Address 400 Ist Center, Suite 404  
 City, State, Zip Horseheads, NY 14845  
 County Bradford County  
 Township(s) Tuscarora Township  
 Receiving Stream(s) and Classification(s) Trib 29482 to  
 Mill Creek and Mill Creek (CWF);  
 Secondary: Tuscarora Creek

ESCGP-2 # ESX12-115-0217 (01)  
 Applicant Name Williams Field Services Company, LLC  
 Contact Person Julie Nicholas  
 Address 310 State Route 29 North  
 City, State, Zip Tunkhannock, PA 18657  
 County Susquehanna County  
 Township(s) Dimock Township  
 Receiving Stream(s) and Classification(s) Meshoppen  
 Creek (CWF/MF) and UNTs thereto

ESCGP-2 # ESX29-115-14-0060(01)  
 Applicant Name Williams Field Services, LLC

Contact Person Sandra Lojek  
 Address 2000 Commerce Drive  
 City, State, Zip Pittsburgh, PA 15275  
 County Susquehanna County  
 Township(s) Brooklyn Township  
 Receiving Stream(s) and Classification(s) Dry Creek  
 (CWF/MF)

ESCGP-2 # ESX29-015-14-0049 (01)  
 Applicant Name Appalachia Midstream Services, LLC  
 Contact Person Randy DeLaune  
 Address 400 Ist Center, Suite 404  
 City, State, Zip Horseheads, NY 14845  
 County Bradford County  
 Township(s) Canton Township  
 Receiving Stream(s) and Classification(s) UNT Towanda  
 Creek, Trib 30582 to Towanda Creek, Williams Hollow  
 Creek, UNT 30590 to Beech Flats Creek (All CWF);  
 Secondary: Towanda Creek, Beech Flats Creek

ESCGP-2 # ESG29-113-14-0027  
 Applicant Name Appalachia Midstream Services, LLC  
 Contact Person Randy DeLaune  
 Address 400 Ist Center, Suite 404  
 City, State, Zip Horseheads, NY 14845  
 County Sullivan County  
 Township(s) Cherry Township  
 Receiving Stream(s) and Classification(s) Little Loyalsock  
 Creek (EV)

ESCGP-2 # ESX29-117-14-0022  
 Applicant Name SWEPI LP  
 Contact Person Jason Shoemaker  
 Address 2100 Georgetown Drive, Suite 400  
 City, State, Zip Sewickley, PA 15143  
 County Tioga County  
 Township(s) Deerfield Township  
 Receiving Stream(s) and Classification(s) Yarnell Brook  
 (WWF/MF), UNT to Yarnell Brook (WWF/MF);  
 Secondary: Cowanesque River

**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—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 &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Tank Type</i>	<i>Tank Capacity</i>
15-23-012	Sunoco Partners Marketing & Terminals, L.P. 1818 Market Street, Suite 1500 Philadelphia, PA 19103-3615 Attn: David Caracappa	Delaware	Upper Chichester Township	4 ASTs storing Biodiesel	132,000 gallons total

**SPECIAL NOTICES**

**Public Hearing for the NPDES Permit Application for Storm Water Discharges Associated with Construction Activities Submitted by Clean Earth Inc. for the Proposed Wellsboro Johnston Airport Expansion Project in Shippen and Delmar Townships in Tioga County**

*Northcentral Region: Waterways and Wetlands Program, 208, West Third Street, Suite 101, Williamsport, PA 17701*

The Department of Environmental Protection (DEP) will hold a public meeting to be followed by a public hearing to accept comments on a National Pollutant Discharge Elimination System (NPDES) permit application for the discharge of storm water associated with construction activities submitted by Clean Earth Inc. for the proposed Wellsboro Johnston Airport expansion project in Shippen and Delmar Townships in Tioga County. Clean Earth Inc. is proposing a three phased project to use treated drill cuttings from the natural gas industry as engineered fill for several construction projects at the airport. The first phase, currently under technical review,



would allow Clean Earth to transport treated drill cuttings to the airport. The cuttings would be stored and used as fill to support construction of a hanger for future use by Clean Earth and the airport. The construction of this hanger is the second phase of the project. Finally, the third phase of the project would be to utilize drill cuttings processed on site for the extension of the airport runway. In this first phase of the project, the cuttings could not be used anywhere else on the airport property. The proposed total earth disturbance area for the three phases is 32.2 acres. The airport is located within the Pine Creek Watershed.

In addition to the NPDES permit, DEP's Waste Management program also must issue a site-specific approval for Clean Earth's Research and Development General Permit that was renewed in February 2014 in order for the project to proceed. The public meeting and hearing will address the NPDES permit and the Research and Development General permit as it relates to this project.

The public meeting will be held at 6:00 p.m., followed by the public hearing at 7:30 p.m., on Wednesday, Feb. 25, 2015, at the Wellsboro Fire Department Annex, 21 East Ave., Wellsboro.

During the public meeting, DEP staff will explain the NPDES application review process and applicable regulations and the applicant will explain the proposed project to the audience. These presentations will be followed by a question and answer session.

During the public hearing, citizens will have an opportunity to present up to five minutes of oral testimony regarding the permits. Written testimony of any length also will be accepted. The testimony will be recorded by a court reporter and transcribed into a written document. DEP will provide a written response to all relevant testimony provided during the public hearing. Those who wish to present oral testimony may register on-site prior to the hearing.

Written comment will also be accepted and can be mailed to David W. Garg, P.E., Environmental Program Manager, Waterways and Wetlands Program, PADEP, 208 West Third Street, Williamsport, PA 17701 through the close of business March 12, 2015. DEP will provide a written response to all significant testimony or written comment provided during the public hearing and public comment period. The Department will consider all comments in review of the application.

A copy of the NPDES permit application is available for review weekdays by appointment at DEP's North-central Regional office in Williamsport from 9:00 a.m. until 3:30 p.m. Those interested should call 570-327-0550 to schedule an appointment. The application can also be reviewed at the Tioga County Conservation District office in Wellsboro from 8 a.m. until 4:30 p.m.

Documents relating to the Waste Management General Permit as it relates to this project will be available on the DEP web page at [www.dep.state.pa.us](http://www.dep.state.pa.us), click on "Regional Resources," then "North-central," then "Community Information", or they may be obtained by contacting Patrick H. Brennan, Environmental Program Manager, Waste Management Program, PADEP, 208 West Third Street, Williamsport, PA 17701 or Stephen Socash, Environmental Program Manager, Waste Management Program, PADEP, 400 Market Street, Fl 14, Harrisburg, PA 17106..

Persons with a disability who wish to attend the hearing and require auxiliary aid, service or other accommodations to participate in the proceedings should call

Daniel Spadoni at 570-327-3659 or through the Pennsylvania AT&T Relay Service at 1-800-654-5984 (TDD) to discuss how the department may accommodate your needs.

[Pa.B. Doc. No. 15-132. Filed for public inspection January 23, 2015, 9:00 a.m.]

## DEPARTMENT OF GENERAL SERVICES

### Lease Office Space to the Commonwealth Allegheny County

Proposers are invited to submit proposals to the Department of General Services to provide the Department of Human Services with 19,132 usable square feet of office space in Allegheny County. Downtown locations will be considered. For more information on SFP No. 94685, which is due on February 27, 2015, visit [www.dgs.state.pa.us](http://www.dgs.state.pa.us) or contact Scott Shelton, Bureau of Real Estate, (717) 787-5546, [scshelton@pa.gov](mailto:scshelton@pa.gov).

CURT TOPPER,  
*Acting Secretary*

[Pa.B. Doc. No. 15-133. Filed for public inspection January 23, 2015, 9:00 a.m.]

## DEPARTMENT OF HEALTH

### Long-Term Care Nursing Facilities; Request for Exception

The following long-term care nursing facilities are seeking exceptions to 28 Pa. Code § 211.9(g) (relating to pharmacy services):

Angela Jane Pavilion  
8410 Roosevelt Boulevard  
Philadelphia, PA 19152  
FAC ID # 12800200

Gettysburg Lutheran Nursing and Rehabilitation Center  
1075 Old Harrisburg Road  
Gettysburg, PA 17325  
FAC ID # 124402

ManorCare Health Services at Mercy Fitzgerald  
600 South Wycombe Avenue  
Yeadon, PA 19050  
FAC ID # 074902

River's Edge Nursing and Rehabilitation Center  
9501 State Road  
Philadelphia, PA 19114  
FAC ID # 183502

Saint Francis Center for Rehabilitation and Healthcare  
1412 Lansdowne Avenue  
Darby, PA 19023-1218  
FAC ID # 190502

The following long-term care nursing facility is seeking an exception to 28 Pa. Code § 205.24(a) (relating to dining room):

Forbes Center for Rehabilitation and Healthcare  
6655 Frankstown Avenue  
Pittsburgh, PA 15206  
FAC ID # 060402



The following long-term care nursing facility is seeking an exception to 28 Pa. Code § 205.28(b) (relating to nurses' station):

The Quadrangle  
3300 Darby Road  
Haverford, PA 19041  
FAC ID # 170702

The following long-term care nursing facility is seeking an exception to 28 Pa. Code § 205.33(a) (relating to utility room):

The Quadrangle  
3300 Darby Road  
Haverford, PA 19041  
FAC ID # 170702

The following long-term care nursing facility is seeking an exception to 28 Pa. Code § 205.36(h) (relating to bathing facilities):

The Quadrangle  
3300 Darby Road  
Haverford, PA 19041  
FAC ID # 170702

These requests are on file with the Department of Health (Department). Persons may receive a copy of a request for exception by requesting a copy from the Department of Health, Division of Nursing Care Facilities, Room 526, Health and Welfare Building, Harrisburg, PA 17120, (717) 787-1816, fax (717) 772-2163, ra-paexcept@pa.gov.

Persons who wish to comment on an exception request may do so by sending a letter by mail, e-mail or facsimile to the Division at the address listed previously.

Comments received by the Department within 10 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of the request and/or provide comments to the Department and require an auxiliary aid, service or other accommodation to do so should contact the Division at the address or phone number listed previously, or for speech and/or hearing impaired persons V/TT (717) 783-6514 or the Pennsylvania AT&T Relay Service (800) 654-5984 (TT).

KAREN M. MURPHY, PhD, RN,  
*Acting Secretary*

[Pa.B. Doc. No. 15-134. Filed for public inspection January 23, 2015, 9:00 a.m.]

## DEPARTMENT OF REVENUE

### Pennsylvania \$300,000 Buried Treasure Instant Lottery Game

Under the State Lottery Law (72 P.S. §§ 3761-101—3761-314) and 61 Pa. Code § 819.203 (relating to notice of instant game rules), the Secretary of Revenue hereby provides public notice of the rules for the following instant lottery game:

1. *Name:* The name of the game is Pennsylvania \$300,000 Buried Treasure.

2. *Price:* The price of a Pennsylvania \$300,000 Buried Treasure instant lottery game ticket is \$10.

3. *Play Symbols:* Each Pennsylvania \$300,000 Buried Treasure instant lottery game ticket will contain one play area featuring a "WINNING NUMBERS" area and a "YOUR NUMBERS" area. The play symbols and their captions located in the "WINNING NUMBERS" area are: 1 (ONE), 2 (TWO), 3 (THREE), 4 (FOUR), 5 (FIVE), 6 (SIX), 7 (SEVEN), 8 (EIGHT), 9 (NINE), 10 (TEN), 11 (ELEVN), 12 (TWLV), 13 (THRTN), 14 (FORTN), 15 (FIFTN), 16 (SIXTN), 17 (SVNTN), 18 (EGHTN), 19 (NINTN), 20 (TWENT), 21 (TWYONE), 22 (TWYTWO), 23 (TWYTHR), 24 (TWYFOR), 25 (TWYFIV), 26 (TWYSIX), 27 (TWYSVN), 28 (TWYEGT), 29 (TWYNIN), 30 (THIRTY), 31 (THYONE), 32 (THYTWO), 33 (THYTHR), 34 (THYFOR), 35 (THYFIV), 36 (THYSIX), 37 (THYSVN), 38 (THYEGT), 39 (THYNIN) and 40 (FORTY). The play symbols and their captions located in the "YOUR NUMBERS" area are: 1 (ONE), 2 (TWO), 3 (THREE), 4 (FOUR), 5 (FIVE), 6 (SIX), 7 (SEVEN), 8 (EIGHT), 9 (NINE), 10 (TEN), 11 (ELEVN), 12 (TWLV), 13 (THRTN), 14 (FORTN), 15 (FIFTN), 16 (SIXTN), 17 (SVNTN), 18 (EGHTN), 19 (NINTN), 20 (TWENT), 21 (TWYONE), 22 (TWYTWO), 23 (TWYTHR), 24 (TWYFOR), 25 (TWYFIV), 26 (TWYSIX), 27 (TWYSVN), 28 (TWYEGT), 29 (TWYNIN), 30 (THIRTY), 31 (THYONE), 32 (THYTWO), 33 (THYTHR), 34 (THYFOR), 35 (THYFIV), 36 (THYSIX), 37 (THYSVN), 38 (THYEGT), 39 (THYNIN), 40 (FORTY), Treasure Map (MAP) symbol, Parrot (PARROT) symbol and a Chest (CHEST) symbol.

4. *Prize Symbols:* The prize symbols and their captions located in the "YOUR NUMBERS" area are: \$5<sup>00</sup> (FIV DOL), \$10<sup>00</sup> (TEN DOL), \$20<sup>00</sup> (TWENTY), \$40<sup>00</sup> (FORTY), \$50<sup>00</sup> (FIFTY), \$100 (ONE HUN), \$200 (TWO HUN), \$500 (FIV HUN), \$1,000 (ONE THO), \$10,000 (TEN THO), \$20,000 (TWY THO) and \$300,000 (THRHUNTHO).

5. *Prizes:* The prizes that can be won in this game are: \$5, \$10, \$20, \$40, \$50, \$100, \$200, \$500, \$1,000, \$10,000, \$20,000 and \$300,000. A player can win up to 15 times on a ticket.

6. *Approximate Number of Tickets Printed For the Game:* Approximately 8,400,000 tickets will be printed for the Pennsylvania \$300,000 Buried Treasure instant lottery game.

#### 7. *Determination of Prize Winners:*

(a) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches any of the "WINNING NUMBERS" play symbols and a prize symbol of \$300,000 (THRHUNTHO) appears under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$300,000.

(b) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a Treasure Chest (CHEST) symbol, on a single ticket, shall be entitled to a prize of \$300,000.

(c) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches any of the "WINNING NUMBERS" play symbols and a prize symbol of \$20,000 (TWY THO) appears under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$20,000.

(d) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches any of the "WINNING NUMBERS" play symbols and a prize symbol

of \$10,000 (TEN THO) appears under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$10,000.

(e) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a Treasure Map (MAP) symbol, and a prize symbol of \$10,000 (TEN THO) appears under the Treasure Map (MAP) symbol, on a single ticket, shall be entitled to a prize of \$10,000.

(f) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches any of the "WINNING NUMBERS" play symbols and a prize symbol of \$1,000 (ONE THO) appears under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$1,000.

(g) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a Treasure Map (MAP) symbol, and a prize symbol of \$1,000 (ONE THO) appears under the Treasure Map (MAP) symbol, on a single ticket, shall be entitled to a prize of \$1,000.

(h) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a Parrot (PARROT) symbol, and a prize symbol of \$100 (ONE HUN) appears in five of the "prize" areas, and a prize symbol of \$50<sup>00</sup> (FIFTY) appears in ten of the "prize" areas, on a single ticket, shall be entitled to a prize of \$1,000.

(i) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches any of the "WINNING NUMBERS" play symbols and a prize symbol of \$500 (FIV HUN) appears under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$500.

(j) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a Treasure Map (MAP) symbol, and a prize symbol of \$500 (FIV HUN) appears under the Treasure Map (MAP) symbol, on a single ticket, shall be entitled to a prize of \$500.

(k) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a Parrot (PARROT) symbol, and a prize symbol of \$100 (ONE HUN) appears in two of the "prize" areas, a prize symbol of \$40<sup>00</sup> (FORTY) appears in two of the "prize" areas, and a prize symbol of \$20<sup>00</sup> (TWENTY) appears in eleven of the "prize" areas, on a single ticket, shall be entitled to a prize of \$500.

(l) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a Parrot (PARROT) symbol, and a prize symbol of \$40<sup>00</sup> (FORTY) appears in ten of the "prize" areas, and a prize symbol of \$20<sup>00</sup> (TWENTY) appears in five of the "prize" areas, on a single ticket, shall be entitled to a prize of \$500.

(m) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches any of the "WINNING NUMBERS" play symbols and a prize symbol of \$200 (TWO HUN) appears under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$200.

(n) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a Treasure Map (MAP) symbol, and a prize symbol of \$200 (TWO HUN) appears under the Treasure Map (MAP) symbol, on a single ticket, shall be entitled to a prize of \$200.

(o) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a Parrot (PARROT)

symbol, and a prize symbol of \$20<sup>00</sup> (TWENTY) appears in five of the "prize" areas, and a prize symbol of \$10<sup>00</sup> (TEN DOL) appears in ten of the "prize" areas, on a single ticket, shall be entitled to a prize of \$200.

(p) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches any of the "WINNING NUMBERS" play symbols and a prize symbol of \$100 (ONE HUN) appears under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$100.

(q) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a Treasure Map (MAP) symbol, and a prize symbol of \$100 (ONE HUN) appears under the Treasure Map (MAP) symbol, on a single ticket, shall be entitled to a prize of \$100.

(r) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a Parrot (PARROT) symbol, and a prize symbol of \$10<sup>00</sup> (TEN DOL) appears in five of the "prize" areas, and a prize symbol of \$5<sup>00</sup> (FIV DOL) appears in ten of the "prize" areas, on a single ticket, shall be entitled to a prize of \$100.

(s) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches any of the "WINNING NUMBERS" play symbols and a prize symbol of \$50<sup>00</sup> (FIFTY) appears under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$50.

(t) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a Treasure Map (MAP) symbol, and a prize symbol of \$50<sup>00</sup> (FIFTY) appears under the Treasure Map (MAP) symbol, on a single ticket, shall be entitled to a prize of \$50.

(u) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches any of the "WINNING NUMBERS" play symbols and a prize symbol of \$40<sup>00</sup> (FORTY) appears under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$40.

(v) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a Treasure Map (MAP) symbol, and a prize symbol of \$40<sup>00</sup> (FORTY) appears under the Treasure Map (MAP) symbol, on a single ticket, shall be entitled to a prize of \$40.

(w) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches any of the "WINNING NUMBERS" play symbols and a prize symbol of \$20<sup>00</sup> (TWENTY) appears under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$20.

(x) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a Treasure Map (MAP) symbol, and a prize symbol of \$20<sup>00</sup> (TWENTY) appears under the Treasure Map (MAP) symbol, on a single ticket, shall be entitled to a prize of \$20.

(y) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches any of the "WINNING NUMBERS" play symbols and a prize symbol of \$10<sup>00</sup> (TEN DOL) appears under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$10.

(z) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a Treasure Map (MAP) symbol, and a prize symbol of \$10<sup>00</sup> (TEN DOL) appears under the Treasure Map (MAP) symbol, on a single ticket, shall be entitled to a prize of \$10.

8. *Number and Description of Prizes and Approximate Odds:* The following table sets forth the approximate

number of winners, amounts of prizes, and approximate odds of winning:

<i>When Any Of Your Numbers Match Any Winning Number, Win Prize Shown Under The Matching Number. Win With:</i>	<i>Win:</i>	<i>Approximate Odds Are 1 In:</i>	<i>Approximate No. Of Winners Per 8,400,000 Tickets:</i>
\$10 w/ TREASURE MAP	\$10	12	700,000
\$10	\$10	12	700,000
\$10 × 2	\$20	60	140,000
\$20 w/ TREASURE MAP	\$20	30	280,000
\$20	\$20	40	210,000
\$10 × 4	\$40	300	28,000
\$20 × 2	\$40	300	28,000
(\$10 w/ TREASURE MAP) × 4	\$40	300	28,000
\$40 w/ TREASURE MAP	\$40	300	28,000
\$40	\$40	300	28,000
\$10 × 5	\$50	600	14,000
(\$20 × 2) + \$10	\$50	120	70,000
(\$10 w/ TREASURE MAP) × 5	\$50	300	28,000
\$50 w/ TREASURE MAP	\$50	600	14,000
\$50	\$50	600	14,000
PARROT w/ ((\$10 × 5) + (\$5 × 10))	\$100	300	28,000
\$10 × 10	\$100	600	14,000
\$20 × 5	\$100	600	14,000
\$100 w/ TREASURE MAP	\$100	600	14,000
\$100	\$100	600	14,000
PARROT w/ ((\$20 × 5) + (\$10 × 10))	\$200	1,500	5,600
\$20 × 10	\$200	12,000	700
\$40 × 5	\$200	6,000	1,400
\$50 × 4	\$200	3,000	2,800
(\$20 w/ TREASURE MAP) × 10	\$200	6,000	1,400
\$200 w/ TREASURE MAP	\$200	6,000	1,400
\$200	\$200	12,000	700
PARROT w/ ((\$40 × 10) + (\$20 × 5))	\$500	3,000	2,800
PARROT w/ ((\$100 × 2) + (\$40 × 2) + (\$20 × 11))	\$500	4,000	2,100
\$100 × 5	\$500	12,000	700
(\$200 × 2) + \$100	\$500	12,000	700
\$500 w/ TREASURE MAP	\$500	6,000	1,400
\$500	\$500	12,000	700
PARROT w/ ((\$100 × 5) + (\$50 × 10))	\$1,000	10,000	840
\$200 × 5	\$1,000	24,000	350
(\$100 w/ TREASURE MAP) × 10	\$1,000	24,000	350
\$1,000 w/ TREASURE MAP	\$1,000	24,000	350
\$1,000	\$1,000	24,000	350
\$10,000 w/ TREASURE MAP	\$10,000	280,000	30
\$10,000	\$10,000	280,000	30
\$20,000	\$20,000	280,000	30
\$300,000 w/ TREASURE CHEST	\$300,000	1,680,000	5
\$300,000	\$300,000	1,680,000	5

Reveal a "TREASURE MAP" (MAP) symbol, win prize shown under that symbol automatically.

Reveal a "PARROT" (PARROT) symbol, win all 15 prizes shown!

Reveal a "TREASURE CHEST" (CHEST) win \$300,000 instantly!

Prizes, including top prizes, are subject to availability at the time of purchase.

9. *Retailer Incentive Awards:* The Lottery may conduct a separate Retailer Incentive Program for retailers who sell Pennsylvania \$300,000 Buried Treasure instant lottery game tickets.

10. *Retailer Bonus:* The Lottery may offer a retailer bonus in connection with the sale of Pennsylvania instant lottery game tickets. If a retailer bonus is offered, a Lottery retailer shall be eligible for a bonus as described

in this section. Lottery retailers who sell a winning ticket that entitles the ticket holder to a prize, either payable in a single installment or having a guaranteed minimum payout, of at least \$100,000 and not exceeding \$500,000 shall be paid a bonus of \$500. Lottery retailers who sell a winning ticket that entitles the ticket holder to a prize, either payable in a single installment or having a guaranteed minimum payout, of at least \$500,001 and not exceeding \$1,000,000 shall be paid a bonus of \$5,000. Lottery retailers who sell a winning ticket that entitles the ticket holder to a prize, either payable in a single



installment or having a guaranteed minimum payout, of at least \$1,000,001 and not exceeding \$10,000,000 shall be paid a bonus of \$10,000. A Lottery retailer is entitled only to the largest bonus for which he qualifies on a winning ticket. A bonus will be initiated for payment after the instant ticket is claimed and validated. A bonus will not be awarded to a Lottery retailer that sells a non-winning Pennsylvania Lottery instant ticket used to enter a Pennsylvania Lottery second-chance drawing or promotion that is subsequently selected to win a prize.

11. *Unclaimed Prize Money*: For a period of 1 year from the announced close of Pennsylvania \$300,000 Buried Treasure, prize money from winning Pennsylvania \$300,000 Buried Treasure instant lottery game tickets will be retained by the Secretary for payment to the persons entitled thereto. If no claim is made within 1 year of the announced close of the Pennsylvania \$300,000 Buried Treasure instant lottery game, the right of a ticket holder to claim the prize represented by the ticket, if any, will expire and the prize money will be paid into the State Lottery Fund and used for purposes provided for by statute.

12. *Governing Law*: In purchasing a ticket, the customer agrees to comply with and abide by the State Lottery Law (72 P. S. §§ 3761-101—3761-314), 61 Pa. Code Part V (relating to State Lotteries) and the provisions contained in this notice.

13. *Termination of the Game*: The Secretary may announce a termination date, after which no further tickets from this game may be sold. Such announcement will be disseminated through media used to advertise or promote Pennsylvania \$300,000 Buried Treasure or through normal communications methods.

DANIEL MEUSER,  
Secretary

[Pa.B. Doc. No. 15-135. Filed for public inspection January 23, 2015, 9:00 a.m.]

## Pennsylvania Lucky Leprechaun '15 Instant Lottery Game

Under the State Lottery Law (72 P. S. §§ 3761-101—3761-314) and 61 Pa. Code § 819.203 (relating to notice of instant game rules), the Secretary of Revenue hereby provides public notice of the rules for the following instant lottery game:

1. *Name*: The name of the game is Pennsylvania Lucky Leprechaun '15.

2. *Price*: The price of a Pennsylvania Lucky Leprechaun '15 instant lottery game ticket is \$5.

3. *Play Symbols*: Each Pennsylvania Lucky Leprechaun '15 instant lottery game ticket will contain one play area and a separate "BONUS" area containing two prize symbols. The "BONUS" area is played separately. The play symbols and their captions printed in black ink and located in the play area are: 1 (ONE), 2 (TWO), 3 (THREE), 4 (FOUR), 5 (FIVE), 6 (SIX), 7 (SEVEN), 8 (EIGHT), 9 (NINE), 10 (TEN), 11 (ELEVN), 12 (TWLV), 13 (THRTN), 14 (FORTN), 15 (FIFTN), 16 (SIXTN), 17 (SVNTN), 18 (EGHTN), 19 (NINTN), 20 (TWENT), 21 (TWYONE), 22 (TWYTWO), 23 (TWYTHR), 24 (TWYFOR), 25 (TWYFIV), 26 (TWYSIX), 27 (TWYSVN), 28 (TWYEGT), 29 (TWININ), 30 (THIRTY), 31 (THYONE), 32 (THYTWO), 33 (THYTHR), 34 (THYFOR),

35 (THYFIV), 36 (THYSIX), 37 (THYSVN), 38 (THYEGT), 39 (THYNIN), 40 (FORTY), Leprechaun (LEPCH) symbol and a Rainbow (RNBO) symbol. The play symbols and their captions printed in green ink and located in the play area are: 1 (ONE), 2 (TWO), 3 (THREE), 4 (FOUR), 5 (FIVE), 6 (SIX), 7 (SEVEN), 8 (EIGHT), 9 (NINE), 10 (TEN), 11 (ELEVN), 12 (TWLV), 13 (THRTN), 14 (FORTN), 15 (FIFTN), 16 (SIXTN), 17 (SVNTN), 18 (EGHTN), 19 (NINTN), 20 (TWENT), 21 (TWYONE), 22 (TWYTWO), 23 (TWYTHR), 24 (TWYFOR), 25 (TWYFIV), 26 (TWYSIX), 27 (TWYSVN), 28 (TWYEGT), 29 (TWININ), 30 (THIRTY), 31 (THYONE), 32 (THYTWO), 33 (THYTHR), 34 (THYFOR), 35 (THYFIV), 36 (THYSIX), 37 (THYSVN), 38 (THYEGT), 39 (THYNIN), 40 (FORTY) and Shamrock (5TIMES) symbol.

4. *Prize Symbols*: The prize symbols and their captions located in the play area are: \$5<sup>00</sup> (FIV DOL), \$10<sup>00</sup> (TEN DOL), \$20<sup>00</sup> (TWENTY), \$25<sup>00</sup> (TWY FIV), \$40<sup>00</sup> (FORTY), \$50<sup>00</sup> (FIFTY), \$100 (ONE HUN), \$250 (TWOHUNFTY), \$400 (FOR HUN), \$500 (FIV HUN), \$1,000 (ONE THO), \$5,000 (FIV THO) and \$50,000 (FTY THO). The prize play symbols and their captions located in the "BONUS" area are: \$10<sup>00</sup> (TEN DOL), \$15<sup>00</sup> (FIFTN), \$20<sup>00</sup> (TWENTY), \$25<sup>00</sup> (TWY FIV), \$50<sup>00</sup> (FIFTY), \$100 (ONE HUN), \$250 (TWOHUNFTY) and \$500 (FIV HUN).

5. *Prizes*: The prizes that can be won in this game are: \$5, \$10, \$20, \$25, \$40, \$50, \$100, \$250, \$400, \$500, \$1,000, \$5,000 and \$50,000. The prizes that can be won in the "BONUS" are: \$10, \$15, \$20, \$25, \$50, \$100, \$250 and \$500. A player can win up to 12 times on a ticket.

6. *Second-Chance Drawings*: The Pennsylvania Lottery will conduct an O'Lucky 7 Second-Chance Drawing for which non-winning Pennsylvania Lucky Leprechaun '15 instant lottery game tickets may be eligible as provided for in section 10.

7. *Approximate Number of Tickets Printed For the Game*: Approximately 5,400,000 tickets will be printed for the Pennsylvania Lucky Leprechaun '15 instant lottery game.

### 8. Determination of Prize Winners:

(a) Holders of tickets with a Leprechaun (LEPCH) symbol in the play area, and a prize symbol of \$50,000 (FTY THO) in the "PRIZE" area to the right of that Leprechaun (LEPCH) symbol, on a single ticket, shall be entitled to a prize of \$50,000.

(b) Holders of tickets with a Leprechaun (LEPCH) symbol in the play area, and a prize symbol of \$5,000 (FIV THO) in the "PRIZE" area to the right of that Leprechaun (LEPCH) symbol, on a single ticket, shall be entitled to a prize of \$5,000.

(c) Holders of tickets with a Leprechaun (LEPCH) symbol in the play area, and a prize symbol of \$1,000 (ONE THO) in the "PRIZE" area to the right of that Leprechaun (LEPCH) symbol, on a single ticket, shall be entitled to a prize of \$1,000.

(d) Holders of tickets with a RAINBOW (RNBO) symbol in the play area, and a prize symbol of \$50<sup>00</sup> (FIFTY) in six of the "PRIZE" areas, a prize symbol of \$40<sup>00</sup> (FORTY) in five of the "PRIZE" areas, and a prize symbol of \$500 (FIV HUN) in one of the "PRIZE" areas, on a single ticket, shall be entitled to a prize of \$1,000.

(e) Holders of tickets with a RAINBOW (RNBO) symbol in the play area, and a prize symbol of \$250 (TWOHUNFTY) in two of the "PRIZE" areas and a prize



symbol of \$50<sup>00</sup> (FIFTY) in ten of the "PRIZE" areas, on a single ticket, shall be entitled to a prize of \$1,000.

(f) Holders of tickets with a Leprechaun (LEPCH) symbol in the play area, and a prize symbol of \$500 (FIV HUN) in the "PRIZE" area to the right of that Leprechaun (LEPCH) symbol, on a single ticket, shall be entitled to a prize of \$500.

(g) Holders of tickets with a Shamrock (5TIMES) symbol in the play area, with the symbol and caption printed in green ink, and a prize symbol of \$100 (ONE HUN) in the "PRIZE" area to the right of that Shamrock (5TIMES) symbol, on a single ticket, shall be entitled to a prize of \$500.

(h) Holders of tickets with a RAINBOW (RNBOV) symbol in the play area, and a prize symbol of \$100 (ONE HUN) in two of the "PRIZE" areas, a prize symbol of \$40<sup>00</sup> (FORTY) in five of the "PRIZE" areas, and a prize symbol of \$20<sup>00</sup> (TWENTY) in five of the "PRIZE" areas, on a single ticket, shall be entitled to a prize of \$500.

(i) Holders of tickets with two \$500 (FIV HUN) prize play symbols in the "BONUS" area, on a single ticket, shall be entitled to a prize of \$500.

(j) Holders of tickets with a Leprechaun (LEPCH) symbol in the play area, and a prize symbol of \$400 (FOR HUN) in the "PRIZE" area to the right of that Leprechaun (LEPCH) symbol, on a single ticket, shall be entitled to a prize of \$400.

(k) Holders of tickets with a RAINBOW (RNBOV) symbol in the play area, and a prize symbol of \$100 (ONE HUN) in two of the "PRIZE" areas and a prize symbol of \$20<sup>00</sup> (TWENTY) in ten of the "PRIZE" areas, on a single ticket, shall be entitled to a prize of \$400.

(l) Holders of tickets with a Leprechaun (LEPCH) symbol in the play area, and a prize symbol of \$250 (TWOHUNFTY) in the "PRIZE" area to the right of that Leprechaun (LEPCH) symbol, on a single ticket, shall be entitled to a prize of \$250.

(m) Holders of tickets with a Shamrock (5TIMES) symbol in the play area, with the symbol and caption printed in green ink, and a prize symbol of \$50<sup>00</sup> (FIFTY) in the "PRIZE" area to the right of that Shamrock (5TIMES) symbol, on a single ticket, shall be entitled to a prize of \$250.

(n) Holders of tickets with a RAINBOW (RNBOV) symbol in the play area, and a prize symbol of \$25<sup>00</sup> (TWY FIV) in two of the "PRIZE" areas and a prize symbol of \$20<sup>00</sup> (TWENTY) in ten of the "PRIZE" areas, on a single ticket, shall be entitled to a prize of \$250.

(o) Holders of tickets with two \$250 (TWOHUNFTY) prize play symbols in the "BONUS" area, on a single ticket, shall be entitled to a prize of \$250.

(p) Holders of tickets with a Leprechaun (LEPCH) symbol in the play area, and a prize symbol of \$100 (ONE HUN) in the "PRIZE" area to the right of that Leprechaun (LEPCH) symbol, on a single ticket, shall be entitled to a prize of \$100.

(q) Holders of tickets with a Shamrock (5TIMES) symbol in the play area, with the symbol and caption printed in green ink, and a prize symbol of \$20<sup>00</sup> (TWENTY) in the "PRIZE" area to the right of that Shamrock (5TIMES) symbol, on a single ticket, shall be entitled to a prize of \$100.

(r) Holders of tickets with a RAINBOW (RNBOV) symbol in the play area, and a prize symbol of \$10<sup>00</sup> (TEN DOL) in five of the "PRIZE" areas, a prize symbol of

\$5<sup>00</sup> (FIV DOL) in six of the "PRIZE" areas, and a prize symbol of \$20<sup>00</sup> (TWENTY) in one of the "PRIZE" areas, on a single ticket, shall be entitled to a prize of \$100.

(s) Holders of tickets with two \$100 (ONE HUN) prize play symbols in the "BONUS" area, on a single ticket, shall be entitled to a prize of \$100.

(t) Holders of tickets with a Leprechaun (LEPCH) symbol in the play area, and a prize symbol of \$50<sup>00</sup> (FIFTY) in the "PRIZE" area to the right of that Leprechaun (LEPCH) symbol, on a single ticket, shall be entitled to a prize of \$50.

(u) Holders of tickets with a Shamrock (5TIMES) symbol in the play area, with the symbol and caption printed in green ink, and a prize symbol of \$10<sup>00</sup> (TEN DOL) in the "PRIZE" area to the right of that Shamrock (5TIMES) symbol, on a single ticket, shall be entitled to a prize of \$50.

(v) Holders of tickets with two \$50<sup>00</sup> (FIFTY) prize play symbols in the "BONUS" area, on a single ticket, shall be entitled to a prize of \$50.

(w) Holders of tickets with a Leprechaun (LEPCH) symbol in the play area, and a prize symbol of \$40<sup>00</sup> (FORTY) in the "PRIZE" area to the right of that Leprechaun (LEPCH) symbol, on a single ticket, shall be entitled to a prize of \$40.

(x) Holders of tickets with a Leprechaun (LEPCH) symbol in the play area, and a prize symbol of \$25<sup>00</sup> (TWY FIV) in the "PRIZE" area to the right of that Leprechaun (LEPCH) symbol, on a single ticket, shall be entitled to a prize of \$25.

(y) Holders of tickets with a Shamrock (5TIMES) symbol in the play area, with the symbol and caption printed in green ink, and a prize symbol of \$5<sup>00</sup> (FIV DOL) in the "PRIZE" area to the right of that Shamrock (5TIMES) symbol, on a single ticket, shall be entitled to a prize of \$25.

(z) Holders of tickets with two \$25<sup>00</sup> (TWY FIV) prize play symbols in the "BONUS" area, on a single ticket, shall be entitled to a prize of \$25.

(aa) Holders of tickets with a Leprechaun (LEPCH) symbol in the play area, and a prize symbol of \$20<sup>00</sup> (TWENTY) in the "PRIZE" area to the right of that Leprechaun (LEPCH) symbol, on a single ticket, shall be entitled to a prize of \$20.

(bb) Holders of tickets with two \$20<sup>00</sup> (TWENTY) prize play symbols in the "BONUS" area, on a single ticket, shall be entitled to a prize of \$20.

(cc) Holders of tickets with two \$15<sup>00</sup> (FIFTN) prize play symbols in the "BONUS" area, on a single ticket, shall be entitled to a prize of \$15.

(dd) Holders of tickets with a Leprechaun (LEPCH) symbol in the play area, and a prize symbol of \$10<sup>00</sup> (TEN DOL) in the "PRIZE" area to the right of that Leprechaun (LEPCH) symbol, on a single ticket, shall be entitled to a prize of \$10.

(ee) Holders of tickets with two \$10<sup>00</sup> (TEN DOL) prize play symbols in the "BONUS" area, on a single ticket, shall be entitled to a prize of \$10.

(ff) Holders of tickets with a Leprechaun (LEPCH) symbol in the play area, and a prize symbol of \$5<sup>00</sup> (FIV DOL) in the "PRIZE" area to the right of that Leprechaun (LEPCH) symbol, on a single ticket, shall be entitled to a prize of \$5.

9. *Number and Description of Prizes and Approximate Odds:* The following table sets forth the approximate

number of winners, amounts of prizes, and approximate odds of winning:

<i>Reveal a "Leprechaun" (LEPCH) Symbol, Win Prize Shown To The Right Of That Symbol. Win With:</i>	<i>Win:</i>	<i>Approximate Odds Are 1 In:</i>	<i>Approximate No. Of Winners Per 5,400,000 Tickets:</i>
\$5	\$5	8.57	630,000
\$5 × 2	\$10	60	90,000
2 - \$10s w/ BONUS	\$10	60	90,000
\$10	\$10	40	135,000
\$5 × 4	\$20	200	27,000
\$10 × 2	\$20	200	27,000
(\$5 × 2) + \$10	\$20	200	27,000
(2 - \$10s w/ BONUS) + \$10	\$20	200	27,000
\$20	\$20	200	27,000
(\$10 × 2) + \$5	\$25	600	9,000
\$20 + \$5	\$25	600	9,000
(2 - \$15s w/ BONUS) + \$10	\$25	300	18,000
\$5 w/ SHAMROCK	\$25	600	9,000
\$25	\$25	600	9,000
\$10 × 4	\$40	600	9,000
\$20 × 2	\$40	600	9,000
(2 - \$20s w/ BONUS) + \$20	\$40	600	9,000
(\$5 w/ SHAMROCK) + \$10 + \$5	\$40	600	9,000
\$40	\$40	600	9,000
\$5 × 10	\$50	600	9,000
(2 - \$25s w/ BONUS) + \$25	\$50	600	9,000
2 - \$50s w/ BONUS	\$50	600	9,000
\$10 w/ SHAMROCK	\$50	600	9,000
\$50	\$50	600	9,000
RAINBOW w/ ((\$10 × 5) + (\$5 × 6) + \$20)	\$100	1,263	4,275
\$10 × 10	\$100	3,429	1,575
\$25 × 4	\$100	3,429	1,575
\$50 × 2	\$100	3,429	1,575
(2 - \$20s w/ BONUS) + (\$20 × 4)	\$100	1,500	3,600
(2 - \$50s w/ BONUS) + \$50	\$100	1,500	3,600
\$20 w/ SHAMROCK	\$100	1,500	3,600
\$100	\$100	1,333	4,050
RAINBOW w/ ((\$25 × 2) + (\$20 × 10))	\$250	12,000	450
(\$40 × 5) + (\$10 × 5)	\$250	24,000	225
(2 - \$50s w/ BONUS) + (\$50 × 4)	\$250	12,000	450
(2 - \$100s w/ BONUS) + (\$25 × 6)	\$250	8,000	675
\$50 w/ SHAMROCK	\$250	12,000	450
\$250	\$250	8,000	675
RAINBOW w/ ((\$100 × 2) + (\$20 × 10))	\$400	40,000	135
\$40 × 10	\$400	120,000	45
\$100 × 4	\$400	40,000	135
(2 - \$50s w/ BONUS) + (\$50 × 7)	\$400	40,000	135
(2 - \$100s w/ BONUS) + (\$50 × 4) + (\$25 × 4)	\$400	40,000	135
\$400	\$400	40,000	135
RAINBOW w/ ((\$100 × 2) + (\$40 × 5) + (\$20 × 5))	\$500	60,000	90
\$50 × 10	\$500	60,000	90
\$250 × 2	\$500	60,000	90
(2 - \$50s w/ BONUS) + (\$50 × 9)	\$500	60,000	90
(2 - \$250s w/ BONUS) + (\$50 × 5)	\$500	120,000	45
\$100 w/ SHAMROCK	\$500	120,000	45
\$500	\$500	60,000	90
RAINBOW w/ ((\$250 × 2) + (\$50 × 10))	\$1,000	60,000	90
RAINBOW w/ ((\$50 × 6) + (\$40 × 5) + \$500)	\$1,000	120,000	45
\$250 × 4	\$1,000	60,000	90
\$500 × 2	\$1,000	120,000	45

Reveal a "Leprechaun" (LEPCH) Symbol, Win Prize Shown To The Right Of That Symbol. Win With:

	Win:	Approximate Odds Are 1 In:	Approximate No. Of Winners Per 5,400,000 Tickets:
(2 - \$500s w/ BONUS) + (\$100 × 5)	\$1,000	120,000	45
(\$100 w/ SHAMROCK) + \$500	\$1,000	60,000	90
\$1,000	\$1,000	120,000	45
\$1,000 × 5	\$5,000	1,080,000	5
\$5,000	\$5,000	1,080,000	5
\$50,000	\$50,000	540,000	10

Reveal a green "SHAMROCK" (5TIMES) symbol, win 5 times the prize shown to the right of it.

Reveal a "RAINBOW" (RNBOV) symbol, win all 12 prizes shown!

BONUS: Get two like amounts, win that amount! Bonus played separately.

Prizes, including top prizes, are subject to availability at the time of purchase.

10. *Second-chance drawing*: Pennsylvania Lottery's O'Lucky 7 Second-Chance Drawing (hereafter, the "Drawing").

(a) *Qualifying Tickets*: Non-winning PA-1125 Pot of Gold '15 (\$2) and PA-1123 Lucky Leprechaun '15 (\$5) instant lottery tickets ("Qualifying Tickets") are eligible for entry in the Drawing.

(b) *Participation and Entry*:

(1) Entrants must be members of the Pennsylvania Lottery VIP Players Club to participate in the Drawing. To join the VIP Players Club, visit <http://www.palottery.state.pa.us/vipplayersclub/login.aspx>. Becoming a VIP Players Club member is free.

(2) To enter the Drawing, entrants must submit the identifying information from at least one non-winning Qualifying Ticket via the Drawing's promotional website, available at <http://www.palottery.com>, or the Pennsylvania Lottery's official mobile application during the entry period. The identifying information from a Qualifying Ticket may be submitted only once in the Drawing. No other method of submission will be accepted. Entries submitted using any other method, including entries mailed or hand-delivered to the Pennsylvania Lottery, are not valid and will be disqualified.

(3) The entry period for the Drawing begins after 11:59:59 p.m. January 25, 2015 and ends at 11:59:59 p.m. March 19, 2015. All time references are Eastern Prevailing Time.

(4) Each entry must be complete and the information supplied by the entrant must be accurate. Incomplete entries cannot be submitted.

(5) Only one claimant per entry allowed.

(6) Entrants must be 18 years of age or older.

(7) Players may submit the identifying information from an unlimited number of Qualifying Tickets in the Drawing.

(c) *Drawing Description*.

(1) Each Qualifying Ticket will have a predetermined ticket file assigned at the time the ticket is printed that will determine the number of entries the ticket holder shall receive when the ticket is entered in the Drawing.

(2) A Qualifying Ticket will receive at minimum a number of entries equal to the purchase price of the ticket. The respective purchase prices and corresponding number of minimum entries for Qualifying Tickets are as follows: PA-1125 Pot of Gold '15 (\$2) = 2 entries and PA-1123 Lucky Leprechaun '15 (\$5) = 5 entries.

(3) Every seventh Qualifying Ticket printed will be programmed to award double the number of entries equal to the purchase price of the ticket.

(4) Every 1,000th Qualifying Ticket printed will be programmed to award 100 entries instead of the number of entries the ticket would otherwise receive.

(5) Players may review their entries for the Drawing via the Drawing's promotional website.

(d) *Prizes Available to be Won, Determination of Winners, and Odds of Winning*.

(1) The Lottery will conduct one Drawing from among all the entries received during the entry period. The first through the seventh entries selected in the drawing will be winning entries, and the entrants who submitted the winning entries shall be entitled to a prize of \$25,000, less required federal income tax withholding. This prize shall be paid as a lump-sum cash payment. The drawing will occur between March 20, 2015 and March 23, 2015.

(2) The odds of winning the Drawing depend upon the number of entries received for the drawing.

(e) *Drawing Restrictions*.

(1) A computer generated randomizer will be used to select the winning entries for the Drawing.

(2) To be eligible to participate in the Drawing, entrants must have complied with the requirements of these rules.

(3) The Lottery is not responsible for late, lost or misdirected entries not entered into the Drawing. The Lottery is not responsible for entries that are not entered into the Drawing because of incompatible internet browsers, mobile lottery application failure or other technical issues. If a Drawing entry is selected as a winner and rejected during or following the Drawing, the Lottery will select another entry to replace the rejected entry in accordance with these rules and Lottery procedure.

(4) If any discrepancy exists between these rules and any material describing the Drawing, these rules shall govern.

(5) Employees of the Pennsylvania Lottery, MARC Advertising, Scientific Games International Inc., MDI Entertainment, LLC, and their subcontractors, or a spouse, child, brother, sister or parent residing as a member of the same household in the principle place of residence of any such person are not eligible to participate in the Drawing. Offer void where prohibited or restricted.

(6) The Pennsylvania Lottery reserves the right, in its sole discretion, to cancel or suspend the Drawing and change these rules if the Drawing cannot be conducted as planned due to errors in these rules or advertising, unauthorized intervention, tampering, fraud, technical



errors, viruses, worms, bugs, or any other cause beyond the control of the Pennsylvania Lottery that, in the Pennsylvania Lottery's sole judgment, could corrupt or impair the administration, security, fairness, integrity, or proper conduct of the Drawing.

(7) All entries shall be subject to verification by the Pennsylvania Lottery.

(8) The Pennsylvania Lottery reserves the right, in its sole discretion, to disqualify an entrant found to be tampering with the operation of the Drawing or to be acting in violation of these rules or applicable law.

(9) The Drawing is governed by the laws of the Commonwealth of Pennsylvania. Applicable laws and regulations apply.

(10) Winners of prizes awarded in the Drawing must claim their prize within one year of the date the prize was won. If no claim is made within one year of the date the prize was won, the right of an entrant to claim the prize won, if any, will expire and the prize money will be paid into the State Lottery Fund and used for purposes provided by statute.

(11) Final determination of winners will be made by the Secretary, whose judgment will be final and binding.

(12) The payment of a prize awarded in the Drawing to a person who dies before receiving the prize shall be paid according to 61 Pa. Code § 811.16 (relating to prizes payable after death of a prize winner).

(13) A winner is responsible for all taxes arising from or in connection with any prize won.

11. *Retailer Incentive Awards:* The Lottery may conduct a separate Retailer Incentive Program for retailers who sell Pennsylvania Lucky Leprechaun '15 instant lottery game tickets.

12. *Retailer Bonus:* The Lottery may offer a retailer bonus in connection with the sale of Pennsylvania instant lottery game tickets. If a retailer bonus is offered, a Lottery retailer shall be eligible for a bonus as described in this section. Lottery retailers who sell a winning ticket that entitles the ticket holder to a prize, either payable in a single installment or having a guaranteed minimum payout, of at least \$100,000 and not exceeding \$500,000 shall be paid a bonus of \$500. Lottery retailers who sell a winning ticket that entitles the ticket holder to a prize, either payable in a single installment or having a guaranteed minimum payout, of at least \$500,001 and not exceeding \$1,000,000 shall be paid a bonus of \$5,000. Lottery retailers who sell a winning ticket that entitles the ticket holder to a prize, either payable in a single installment or having a guaranteed minimum payout, of at least \$1,000,001 and not exceeding \$10,000,000 shall be paid a bonus of \$10,000. A Lottery retailer is entitled only to the largest bonus for which he qualifies on a winning ticket. A bonus will be initiated for payment after the instant ticket is claimed and validated. A bonus will not be awarded to a Lottery retailer that sells a non-winning Pennsylvania Lottery instant ticket used to enter a Pennsylvania Lottery second-chance drawing or promotion that is subsequently selected to win a prize.

13. *Unclaimed Prize Money:* For a period of 1 year from the announced close of Pennsylvania Lucky Leprechaun '15, prize money from winning Pennsylvania Lucky Leprechaun '15 instant lottery game tickets will be retained by the Secretary for payment to the persons entitled thereto. If no claim is made within 1 year of the announced close of the Pennsylvania Lucky Leprechaun '15 instant lottery game, the right of a ticket holder to

claim the prize represented by the ticket, if any, will expire and the prize money will be paid into the State Lottery Fund and used for purposes provided for by statute.

14. *Governing Law:* In purchasing a ticket, the customer agrees to comply with and abide by the State Lottery Law (72 P.S. §§ 3761-101—3761-314), 61 Pa. Code Part V (relating to State Lotteries) and the provisions contained in this notice.

15. *Termination of the Game:* The Secretary may announce a termination date, after which no further tickets from this game may be sold. Such announcement will be disseminated through media used to advertise or promote Pennsylvania Lucky Leprechaun '15 or through normal communications methods.

DANIEL MEUSER,  
Secretary

[Pa.B. Doc. No. 15-136. Filed for public inspection January 23, 2015, 9:00 a.m.]

### Pennsylvania Mad Money Instant Lottery Game

Under the State Lottery Law (72 P.S. §§ 3761-101—3761-314) and 61 Pa. Code § 819.203 (relating to notice of instant game rules), the Secretary of Revenue hereby provides public notice of the rules for the following instant lottery game:

1. *Name:* The name of the game is Pennsylvania Mad Money.

2. *Price:* The price of a Pennsylvania Mad Money instant lottery game ticket is \$1.

3. *Play Symbols:* Each Pennsylvania Mad Money instant lottery game ticket will contain one play area consisting of "GAME 1," "GAME 2," "GAME 3" and "GAME 4." Each "GAME" is played separately. The play symbols and their captions, located in the play area are: Apple (APPLE) symbol, Gold Bar (BAR) symbol, Bell (BELL) symbol, Strawberries (BERRY) symbol, Bowtie (BOW) symbol, Cupcake (CUPC) symbol, Cake (CAKE) symbol, Candy (CANDY) symbol, Cotton Candy (CTNCDY) symbol, Popsicle (POPCL) symbol, Cookies (COOKIE) symbol, Grapes (GRPES) symbol, Orange (ORANGE) symbol, Banana (BANANA) symbol, Lemon (LEMON) symbol, Melon (MELON) symbol, Cherry (CHRY) symbol, Ice Cream Cone (CONE) symbol, Pineapple (PINAPL) symbol, Peach (PEACH) symbol, Bear (BEAR) symbol, Rainbow (RAINBW) symbol, Pie (PIE) symbol, Marshmallow (MALLO) symbol, Horseshoe (SHOE) symbol, Money (MONEY) symbol and a Swirl (SWIRL) symbol.

4. *Prize Symbols:* The prize symbols and their captions, located in the play area are: Free (TICKET), \$1<sup>00</sup> (ONE DOL), \$2<sup>00</sup> (TWO DOL), \$4<sup>00</sup> (FOR DOL), \$5<sup>00</sup> (FIV DOL), \$10<sup>00</sup> (TEN DOL), \$20<sup>00</sup> (TWENTY), \$25<sup>00</sup> (TWY FIV), \$50<sup>00</sup> (FIFTY), \$100 (ONE HUN), \$500 (FIV HUN) and \$5,000 (FIV THO).

5. *Prizes:* The prizes that can be won in this game are: Free \$1 ticket, \$1, \$2, \$4, \$5, \$10, \$20, \$25, \$50, \$100, \$500 and \$5,000. The player can win up to 4 times on the ticket.

6. *Approximate Number of Tickets Printed For the Game:* Approximately 12,000,000 tickets will be printed for the Pennsylvania Mad Money instant lottery game.



7. *Determination of Prize Winners:*

(a) Holders of tickets with a Money (MONEY) symbol in a "GAME," and a prize symbol of \$5,000 (FIV THO) appears in the "Prize" area to the right of that "GAME," on a single ticket, shall be entitled to a prize of \$5,000.

(b) Holders of tickets with a Money (MONEY) symbol in a "GAME," and a prize symbol of \$500 (FIV HUN) appears in the "Prize" area to the right of that "GAME," on a single ticket, shall be entitled to a prize of \$500.

(c) Holders of tickets with a Swirl (SWIRL) symbol in a "GAME," and a prize symbol of \$100 (ONE HUN) appears in the "Prize" area to the right of that "GAME," on a single ticket, shall be entitled to a prize of \$500.

(d) Holders of tickets with a Money (MONEY) symbol in a "GAME," and a prize symbol of \$100 (ONE HUN) appears in the "Prize" area to the right of that "GAME," on a single ticket, shall be entitled to a prize of \$100.

(e) Holders of tickets with a Swirl (SWIRL) symbol in a "GAME," and a prize symbol of \$20<sup>00</sup> (TWENTY) appears in the "Prize" area to the right of that "GAME," on a single ticket, shall be entitled to a prize of \$100.

(f) Holders of tickets with a Money (MONEY) symbol in a "GAME," and a prize symbol of \$50<sup>00</sup> (FIFTY) appears in the "Prize" area to the right of that "GAME," on a single ticket, shall be entitled to a prize of \$50.

(g) Holders of tickets with a Swirl (SWIRL) symbol in a "GAME," and a prize symbol of \$10<sup>00</sup> (TEN DOL) appears in the "Prize" area to the right of that "GAME," on a single ticket, shall be entitled to a prize of \$50.

(h) Holders of tickets a Money (MONEY) symbol in a "GAME," and a prize symbol of \$25<sup>00</sup> (TWY FIV) appears in the "Prize" area to the right of that "GAME," on a single ticket, shall be entitled to a prize of \$25.

(i) Holders of tickets with a Swirl (SWIRL) symbol in a "GAME," and a prize symbol of \$5<sup>00</sup> (FIV DOL) appears in the "Prize" area to the right of that "GAME," on a single ticket, shall be entitled to a prize of \$25.

(j) Holders of tickets with a Money (MONEY) symbol in a "GAME," and a prize symbol of \$20<sup>00</sup> (TWENTY) appears in the "Prize" area to the right of that "GAME," on a single ticket, shall be entitled to a prize of \$20.

(k) Holders of tickets with a Swirl (SWIRL) symbol in a "GAME," and a prize symbol of \$4<sup>00</sup> (FOR DOL) appears in the "Prize" area to the right of that "GAME," on a single ticket, shall be entitled to a prize of \$20.

(l) Holders of tickets with a Money (MONEY) symbol in a "GAME," and a prize symbol of \$10<sup>00</sup> (TEN DOL) appears in the "Prize" area to the right of that "GAME," on a single ticket, shall be entitled to a prize of \$10.

(m) Holders of tickets with a Swirl (SWIRL) symbol in a "GAME," and a prize symbol of \$2<sup>00</sup> (TWO DOL) appears in the "Prize" area to the right of that "GAME," on a single ticket, shall be entitled to a prize of \$10.

(n) Holders of tickets with a Money (MONEY) symbol in a "GAME," and a prize symbol of \$5<sup>00</sup> (FIV DOL) appears in the "Prize" area to the right of that "GAME," on a single ticket, shall be entitled to a prize of \$5.

(o) Holders of tickets with a Swirl (SWIRL) symbol in a "GAME," and a prize symbol of \$1<sup>00</sup> (ONE DOL) appears in the "Prize" area to the right of that "GAME," on a single ticket, shall be entitled to a prize of \$5.

(p) Holders of tickets with a Money (MONEY) symbol in a "GAME," and a prize symbol of \$4<sup>00</sup> (FOR DOL) appears in the "Prize" area to the right of that "GAME," on a single ticket, shall be entitled to a prize of \$4.

(q) Holders of tickets with a Money (MONEY) symbol in a "GAME," and a prize symbol of \$2<sup>00</sup> (TWO DOL) appears in the "Prize" area to the right of that "GAME," on a single ticket, shall be entitled to a prize of \$2.

(r) Holders of tickets with a Money (MONEY) symbol in a "GAME," and a prize symbol of \$1<sup>00</sup> (ONE DOL) appears in the "Prize" area to the right of that "GAME," on a single ticket, shall be entitled to a prize of \$1.

(s) Holders of tickets with a Money (MONEY) symbol in any "GAME," and a prize symbol of FREE (TICKET) appears in the "Prize" area to the right of that "GAME," on a single ticket, shall be entitled to a prize of one Pennsylvania Mad Money instant game ticket or one Pennsylvania Lottery instant game ticket of equivalent sale price which is currently on sale.

8. *Number and Description of Prizes and Approximate Odds:* The following table sets forth the approximate number of winners, amounts of prizes, and approximate odds of winning:

<i>Reveal A "MONEY" (MONEY) Symbol In Any Game, Win Prize Shown For That Game. Win With:</i>	<i>Win:</i>	<i>Approximate Odds Are 1 In:</i>	<i>Approximate No. Of Winners Per 12,000,000 Tickets</i>
FREE	FREE \$1 TICKET	10	1,200,000
\$1	\$1	75	160,000
\$1 x 2	\$2	37.5	320,000
\$2	\$2	37.5	320,000
\$1 x 4	\$4	200	60,000
\$2 x 2	\$4	300	40,000
(\$1 x 2) + \$2	\$4	200	60,000
\$4	\$4	300	40,000
\$1 w/ SWIRL	\$5	93.75	128,000
(\$1 x 3) + \$2	\$5	300	40,000
\$5	\$5	300	40,000
\$2 w/ SWIRL	\$10	187.5	64,000
(\$4 x 2) + \$2	\$10	428.57	28,000
\$10	\$10	1,000	12,000
\$4 w/ SWIRL	\$20	750	16,000
\$5 x 4	\$20	1,000	12,000
\$10 x 2	\$20	1,500	8,000
\$20	\$20	3,000	4,000

Reveal A "MONEY" (MONEY)  
Symbol In Any Game, Win Prize  
Shown For That Game. Win With:

	Win:	Approximate Odds Are 1 In:	Approximate No. Of Winners Per 12,000,000 Tickets
\$5 w/ SWIRL	\$25	2,400	5,000
(\$5 × 3) + \$10	\$25	2,400	5,000
(\$10 × 2) + \$5	\$25	2,400	5,000
\$25	\$25	2,400	5,000
\$10 w/ SWIRL	\$50	2,400	5,000
\$25 × 2	\$50	6,000	2,000
(\$20 × 2) + \$10	\$50	6,000	2,000
\$50	\$50	12,000	1,000
\$20 w/ SWIRL	\$100	24,000	500
\$25 × 4	\$100	48,000	250
\$50 × 2	\$100	24,000	500
\$100	\$100	48,000	250
\$100 w/ SWIRL	\$500	82,192	146
\$500	\$500	77,922	154
\$5,000	\$5,000	400,000	30

Reveal a "SWIRL" (SWIRL) symbol, win 5 times the prize shown for that game.

Prizes, including top prizes, are subject to availability at the time of purchase.

9. *Retailer Incentive Awards:* The Lottery may conduct a separate Retailer Incentive Program for retailers who sell Pennsylvania Mad Money instant lottery game tickets.

10. *Retailer Bonus:* The Lottery may offer a retailer bonus in connection with the sale of Pennsylvania instant lottery game tickets. If a retailer bonus is offered, a Lottery retailer shall be eligible for a bonus as described in this section. Lottery retailers who sell a winning ticket that entitles the ticket holder to a prize, either payable in a single installment or having a guaranteed minimum payout, of at least \$100,000 and not exceeding \$500,000 shall be paid a bonus of \$500. Lottery retailers who sell a winning ticket that entitles the ticket holder to a prize, either payable in a single installment or having a guaranteed minimum payout, of at least \$500,001 and not exceeding \$1,000,000 shall be paid a bonus of \$5,000. Lottery retailers who sell a winning ticket that entitles the ticket holder to a prize, either payable in a single installment or having a guaranteed minimum payout, of at least \$1,000,001 and not exceeding \$10,000,000 shall be paid a bonus of \$10,000. A Lottery retailer is entitled only to the largest bonus for which he qualifies on a winning ticket. A bonus will be initiated for payment after the instant ticket is claimed and validated. A bonus will not be awarded to a Lottery retailer that sells a non-winning Pennsylvania Lottery instant ticket used to enter a Pennsylvania Lottery second-chance drawing or promotion that is subsequently selected to win a prize.

11. *Unclaimed Prize Money:* For a period of 1 year from the announced close of Pennsylvania Mad Money, prize money from winning Pennsylvania Mad Money instant lottery game tickets will be retained by the Secretary for payment to the persons entitled thereto. If no claim is made within 1 year of the announced close of the Pennsylvania Mad Money instant lottery game, the right of a ticket holder to claim the prize represented by the ticket, if any, will expire and the prize money will be paid into the State Lottery Fund and used for purposes provided for by statute.

12. *Governing Law:* In purchasing a ticket, the customer agrees to comply with and abide by the State Lottery Law (72 P. S. §§ 3761-101—3761-314), 61 Pa. Code Part V (relating to State Lotteries) and the provisions contained in this notice.

13. *Termination of the Game:* The Secretary may announce a termination date, after which no further tickets from this game may be sold. Such announcement will be disseminated through media used to advertise or promote Pennsylvania Mad Money or through normal communications methods.

DANIEL MEUSER,  
*Secretary*

[Pa.B. Doc. No. 15-137. Filed for public inspection January 23, 2015, 9:00 a.m.]

**Pennsylvania Pot Of Gold '15 Instant Lottery Game**

Under the State Lottery Law (72 P. S. §§ 3761-101—3761-314) and 61 Pa. Code § 819.203 (relating to notice of instant game rules), the Secretary of Revenue hereby provides public notice of the rules for the following instant lottery game:

1. *Name:* The name of the game is Pennsylvania Pot Of Gold '15.

2. *Price:* The price of a Pennsylvania Pot Of Gold '15 instant lottery game ticket is \$2.

3. *Play Symbols:* Each Pennsylvania Pot Of Gold '15 instant lottery game ticket will contain one play area featuring a "WINNING NUMBERS" area and a "YOUR NUMBERS" area. The play symbols and their captions located in the "WINNING NUMBERS" area are: 1 (ONE), 2 (TWO), 3 (THREE), 4 (FOUR), 5 (FIVE), 6 (SIX), 7 (SEVEN), 8 (EIGHT), 9 (NINE), 10 (TEN), 11 (ELEVN), 12 (TWLV), 13 (THRTN), 14 (FORTN), 15 (FIFTN), 16 (SIXTN), 17 (SVNTN), 18 (EGHTN), 19 (NINTN), and 20 (TWENT). The play symbols and their captions located in the "YOUR NUMBERS" area are: 1 (ONE), 2 (TWO), 3 (THREE), 4 (FOUR), 5 (FIVE), 6 (SIX), 7 (SEVEN), 8 (EIGHT), 9 (NINE), 10 (TEN), 11 (ELEVN), 12 (TWLV), 13 (THRTN), 14 (FORTN), 15 (FIFTN), 16 (SIXTN), 17 (SVNTN), 18 (EGHTN), 19 (NINTN), 20 (TWENT), and a Pot of Gold (PTGOLD) symbol.

4. *Prize Symbols:* The prize symbols and their captions located in the "YOUR NUMBERS" area are: \$2<sup>00</sup> (TWO DOL), \$3<sup>00</sup> (THR DOL), \$5<sup>00</sup> (FIV DOL), \$10<sup>00</sup> (TEN DOL), \$15<sup>00</sup> (FIFTN), \$25<sup>00</sup> (TWY FIV), \$50<sup>00</sup> (FIFTY),

\$100 (ONE HUN), \$250 (TWOHUNFTY), \$500 (FIV HUN), \$1,000 (ONE THO) and \$25,000 (TWYFIVTHO).

5. *Prizes:* The prizes that can be won in this game are: \$2, \$3, \$5, \$10, \$15, \$25, \$50, \$100, \$250, \$500, \$1,000 and \$25,000. A player can win up to 10 times on a ticket.

6. *Second-Chance Drawings:* The Pennsylvania Lottery will conduct an O' Lucky 7 Second-Chance Drawing for which non-winning Pennsylvania Pot Of Gold '15 instant lottery game tickets may be eligible as provided for in section 10.

7. *Approximate Number of Tickets Printed For the Game:* Approximately 6,600,000 tickets will be printed for the Pennsylvania Pot Of Gold '15 instant lottery game.

8. *Determination of Prize Winners:*

(a) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches any of the "WINNING NUMBERS" play symbols and a prize symbol of \$25,000 (TWYFIVTHO) appears in the "prize" area under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$25,000.

(b) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches any of the "WINNING NUMBERS" play symbols and a prize symbol of \$1,000 (ONE THO) appears in the "prize" area under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$1,000.

(c) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches any of the "WINNING NUMBERS" play symbols and a prize symbol of \$500 (FIV HUN) appears in the "prize" area under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$500.

(d) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches any of the "WINNING NUMBERS" play symbols and a prize symbol of \$250 (TWOHUNFTY) appears in the "prize" area under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$250.

(e) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a Pot of Gold (PTGOLD) symbol and a prize symbol of \$250 (TWOHUNFTY) appears in the "prize" area under that Pot of Gold (PTGOLD) symbol, on a single ticket, shall be entitled to a prize of \$250.

(f) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches any of the "WINNING NUMBERS" play symbols and a prize symbol of \$100 (ONE HUN) appears in the "prize" area under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$100.

(g) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a Pot of Gold (PTGOLD) symbol and a prize symbol of \$100 (ONE HUN) appears in the "prize" area under that Pot of Gold (PTGOLD) symbol, on a single ticket, shall be entitled to a prize of \$100.

(h) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches any of the "WINNING NUMBERS" play symbols and a prize symbol of \$50.00 (FIFTY) appears in the "prize" area under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$50.

(i) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a Pot of Gold (PTGOLD) symbol and a prize symbol of \$50.00 (FIFTY) appears in

the "prize" area under that Pot of Gold (PTGOLD) symbol, on a single ticket, shall be entitled to a prize of \$50.

(j) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches any of the "WINNING NUMBERS" play symbols and a prize symbol of \$25.00 (TWY FIV) appears in the "prize" area under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$25.

(k) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a Pot of Gold (PTGOLD) symbol and a prize symbol of \$25.00 (TWY FIV) appears in the "prize" area under that Pot of Gold (PTGOLD) symbol, on a single ticket, shall be entitled to a prize of \$25.

(l) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches any of the "WINNING NUMBERS" play symbols and a prize symbol of \$15.00 (FIFTN) appears in the "prize" area under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$15.

(m) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a Pot of Gold (PTGOLD) symbol and a prize symbol of \$15.00 (FIFTN) appears in the "prize" area under that Pot of Gold (PTGOLD) symbol, on a single ticket, shall be entitled to a prize of \$15.

(n) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches any of the "WINNING NUMBERS" play symbols and a prize symbol of \$10.00 (TEN DOL) appears in the "prize" area under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$10.

(o) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a Pot of Gold (PTGOLD) symbol and a prize symbol of \$10.00 (TEN DOL) appears in the "prize" area under that Pot of Gold (PTGOLD) symbol, on a single ticket, shall be entitled to a prize of \$10.

(p) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches any of the "WINNING NUMBERS" play symbols and a prize symbol of \$5.00 (FIV DOL) appears in the "prize" area under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$5.

(q) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a Pot of Gold (PTGOLD) symbol and a prize symbol of \$5.00 (FIV DOL) appears in the "prize" area under that Pot of Gold (PTGOLD) symbol, on a single ticket, shall be entitled to a prize of \$5.

(r) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches any of the "WINNING NUMBERS" play symbols and a prize symbol of \$3.00 (THR DOL) appears in the "prize" area under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$3.

(s) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a Pot of Gold (PTGOLD) symbol and a prize symbol of \$3.00 (THR DOL) appears in the "prize" area under that Pot of Gold (PTGOLD) symbol, on a single ticket, shall be entitled to a prize of \$3.

(t) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches any of the "WINNING



NUMBERS” play symbols and a prize symbol of \$2<sup>00</sup> (TWO DOL) appears in the “prize” area under the matching “YOUR NUMBERS” play symbol, on a single ticket, shall be entitled to a prize of \$2.

(u) Holders of tickets upon which any one of the “YOUR NUMBERS” play symbols is a Pot of Gold (PTGOLD) symbol and a prize symbol of \$2<sup>00</sup> (TWO

DOL) appears in the “prize” area under that Pot of Gold (PTGOLD) symbol, on a single ticket, shall be entitled to a prize of \$2.

9. *Number and Description of Prizes and Approximate Odds:* The following table sets forth the approximate number of winners, amounts of prizes, and approximate odds of winning:

*When Any Of Your Numbers Match  
Any Winning Number, Win Prize  
Shown Under The Matching  
Number. Win With:*

	Win:	Approximate Odds Are 1 In:	Approximate No. Of Winners Per 6,600,000 Tickets
\$2 w/ POT OF GOLD	\$2	18.75	352,000
\$2	\$2	21.43	308,000
\$3 w/ POT OF GOLD	\$3	33.33	198,000
\$3	\$3	50	132,000
\$3 + \$2	\$5	100	66,000
\$5 w/ POT OF GOLD	\$5	50	132,000
\$5	\$5	100	66,000
\$2 × 5	\$10	250	26,400
\$5 × 2	\$10	187.5	35,200
\$10 w/ POT OF GOLD	\$10	187.5	35,200
\$10	\$10	250	26,400
\$3 × 5	\$15	1,500	4,400
\$5 × 3	\$15	1,500	4,400
\$10 + \$5	\$15	375	17,600
\$15 w/ POT OF GOLD	\$15	375	17,600
\$15	\$15	300	22,000
\$5 × 5	\$25	375	17,600
(\$3 × 5) + (\$2 × 5)	\$25	1,500	4,400
\$15 + \$10	\$25	1,500	4,400
\$25 w/ POT OF GOLD	\$25	375	17,600
\$25	\$25	750	8,800
\$5 × 10	\$50	4,000	1,650
\$10 × 5	\$50	4,000	1,650
\$25 × 2	\$50	4,000	1,650
(\$15 × 2) + (\$10 × 2)	\$50	4,000	1,650
(\$15 × 3) + \$5	\$50	4,000	1,650
\$50 w/ POT OF GOLD	\$50	4,000	1,650
\$50	\$50	4,000	1,650
\$10 × 10	\$100	8,000	825
\$25 × 4	\$100	8,000	825
\$50 × 2	\$100	8,000	825
(\$15 × 6) + \$10	\$100	8,000	825
\$100 w/ POT OF GOLD	\$100	8,000	825
\$100	\$100	8,000	825
\$25 × 10	\$250	60,000	110
\$50 × 5	\$250	60,000	110
(\$100 × 2) + \$50	\$250	120,000	55
\$250 w/ POT OF GOLD	\$250	60,000	110
\$250	\$250	120,000	55
\$100 × 5	\$500	120,000	55
\$500	\$500	120,000	55
\$250 × 4	\$1,000	330,000	20
\$1,000	\$1,000	330,000	20
\$25,000	\$25,000	660,000	10

Reveal a “POT OF GOLD” (PTGOLD) symbol, win prize shown under that symbol automatically.

Prizes, including the top prizes, are subject to availability at the time of purchase.

10. *Second-chance drawing:* Pennsylvania Lottery’s O’Lucky 7 Second-Chance Drawing (hereafter, the “Drawing”).

(a) *Qualifying Tickets:* Non-winning PA-1125 Pot of Gold ’15 (\$2) and PA-1123 Lucky Leprechaun ’15 (\$5)

instant lottery tickets (“Qualifying Tickets”) are eligible for entry in the Drawing.

(b) *Participation and Entry:*

(1) Entrants must be members of the Pennsylvania Lottery VIP Players Club to participate in the Drawing. To join the VIP Players Club, visit <http://www.palottery.state.pa.us/vipplayersclub/login.aspx>. Becoming a VIP Players Club member is free.



(2) To enter the Drawing, entrants must submit the identifying information from at least one non-winning Qualifying Ticket via the Drawing's promotional website, available at <http://www.palottery.com>, or the Pennsylvania Lottery's official mobile application during the entry period. The identifying information from a Qualifying Ticket may be submitted only once in the Drawing. No other method of submission will be accepted. Entries submitted using any other method, including entries mailed or hand-delivered to the Pennsylvania Lottery, are not valid and will be disqualified.

(3) The entry period for the Drawing begins after 11:59:59 p.m. January 25, 2015 and ends at 11:59:59 p.m. March 19, 2015. All time references are Eastern Prevailing Time.

(4) Each entry must be complete and the information supplied by the entrant must be accurate. Incomplete entries cannot be submitted.

(5) Only one claimant per entry allowed.

(6) Entrants must be 18 years of age or older.

(7) Players may submit the identifying information from an unlimited number of Qualifying Tickets in the Drawing.

(c) *Drawing Description.*

(1) Each Qualifying Ticket will have a predetermined ticket file assigned at the time the ticket is printed that will determine the number of entries the ticket holder shall receive when the ticket is entered in the Drawing.

(2) A Qualifying Ticket will receive at minimum a number of entries equal to the purchase price of the ticket. The respective purchase prices and corresponding number of minimum entries for Qualifying Tickets are as follows: PA-1125 Pot of Gold '15 (\$2) = 2 entries and PA-1123 Lucky Leprechaun '15 (\$5) = 5 entries.

(3) Every seventh Qualifying Ticket printed will be programmed to award double the number of entries equal to the purchase price of the ticket.

(4) Every 1,000th Qualifying Ticket printed will be programmed to award 100 entries instead of the number of entries the ticket would otherwise receive.

(5) Players may review their entries for the Drawing via the Drawing's promotional website.

(d) *Prizes Available to be Won, Determination of Winners, and Odds of Winning.*

(1) The Lottery will conduct one Drawing from among all the entries received during the entry period. The first through the seventh entries selected in the drawing will be winning entries, and the entrants who submitted the winning entries shall be entitled to a prize of \$25,000, less required federal income tax withholding. This prize shall be paid as a lump-sum cash payment. The drawing will occur between March 20, 2015 and March 23, 2015.

(2) The odds of winning the Drawing depend upon the number of entries received for the drawing.

(e) *Drawing Restrictions.*

(1) A computer generated randomizer will be used to select the winning entries for the Drawing.

(2) To be eligible to participate in the Drawing, entrants must have complied with the requirements of these rules.

(3) The Lottery is not responsible for late, lost or misdirected entries not entered into the Drawing. The

Lottery is not responsible for entries that are not entered into the Drawing because of incompatible internet browsers, mobile lottery application failure or other technical issues. If a Drawing entry is selected as a winner and rejected during or following the Drawing, the Lottery will select another entry to replace the rejected entry in accordance with these rules and Lottery procedure.

(4) If any discrepancy exists between these rules and any material describing the Drawing, these rules shall govern.

(5) Employees of the Pennsylvania Lottery, MARC Advertising, Scientific Games International Inc., MDI Entertainment, LLC, and their subcontractors, or a spouse, child, brother, sister or parent residing as a member of the same household in the principle place of residence of any such person are not eligible to participate in the Drawing. Offer void where prohibited or restricted.

(6) The Pennsylvania Lottery reserves the right, in its sole discretion, to cancel or suspend the Drawing and change these rules if the Drawing cannot be conducted as planned due to errors in these rules or advertising, unauthorized intervention, tampering, fraud, technical errors, viruses, worms, bugs, or any other cause beyond the control of the Pennsylvania Lottery that, in the Pennsylvania Lottery's sole judgment, could corrupt or impair the administration, security, fairness, integrity, or proper conduct of the Drawing.

(7) All entries shall be subject to verification by the Pennsylvania Lottery.

(8) The Pennsylvania Lottery reserves the right, in its sole discretion, to disqualify an entrant found to be tampering with the operation of the Drawing or to be acting in violation of these rules or applicable law.

(9) The Drawing is governed by the laws of the Commonwealth of Pennsylvania. Applicable laws and regulations apply.

(10) Winners of prizes awarded in the Drawing must claim their prize within 1 year of the date the prize was won. If no claim is made within 1 year of the date the prize was won, the right of an entrant to claim the prize won, if any, will expire and the prize money will be paid into the State Lottery Fund and used for purposes provided by statute.

(11) Final determination of winners will be made by the Secretary, whose judgment will be final and binding.

(12) The payment of a prize awarded in the Drawing to a person who dies before receiving the prize shall be paid according to 61 Pa. Code § 811.16 (relating to prizes payable after death of a prize winner).

(13) A winner is responsible for all taxes arising from or in connection with any prize won.

11. *Retailer Incentive Awards:* The Lottery may conduct a separate Retailer Incentive Program for retailers who sell Pennsylvania Pot Of Gold '15 instant lottery game tickets.

12. *Retailer Bonus:* The Lottery may offer a retailer bonus in connection with the sale of Pennsylvania instant lottery game tickets. If a retailer bonus is offered, a Lottery retailer shall be eligible for a bonus as described in this section. Lottery retailers who sell a winning ticket that entitles the ticket holder to a prize, either payable in a single installment or having a guaranteed minimum payout, of at least \$100,000 and not exceeding \$500,000 shall be paid a bonus of \$500. Lottery retailers who sell a winning ticket that entitles the ticket holder to a prize,

either payable in a single installment or having a guaranteed minimum payout, of at least \$500,001 and not exceeding \$1,000,000 shall be paid a bonus of \$5,000. Lottery retailers who sell a winning ticket that entitles the ticket holder to a prize, either payable in a single installment or having a guaranteed minimum payout, of at least \$1,000,001 and not exceeding \$10,000,000 shall be paid a bonus of \$10,000. A Lottery retailer is entitled only to the largest bonus for which he qualifies on a winning ticket. A bonus will be initiated for payment after the instant ticket is claimed and validated. A bonus will not be awarded to a Lottery retailer that sells a non-winning Pennsylvania Lottery instant ticket used to enter a Pennsylvania Lottery second-chance drawing or promotion that is subsequently selected to win a prize.

13. *Unclaimed Prize Money*: For a period of 1 year from the announced close of Pennsylvania Pot Of Gold '15, prize money from winning Pennsylvania Pot Of Gold '15 instant lottery game tickets will be retained by the Secretary for payment to the persons entitled thereto. If no claim is made within 1 year of the announced close of the Pennsylvania Pot Of Gold '15 instant lottery game, the right of a ticket holder to claim the prize represented by the ticket, if any, will expire and the prize money will be paid into the State Lottery Fund and used for purposes provided for by statute.

14. *Governing Law*: In purchasing a ticket, the customer agrees to comply with and abide by the State Lottery Law (72 P.S. §§ 3761-101—3761-314), 61 Pa. Code Part V (relating to State Lotteries) and the provisions contained in this notice.

15. *Termination of the Game*: The Secretary may announce a termination date, after which no further tickets from this game may be sold. Such announcement will be disseminated through media used to advertise or promote Pennsylvania Pot Of Gold '15 or through normal communications methods.

DANIEL MEUSER,  
Secretary

[Pa.B. Doc. No. 15-138. Filed for public inspection January 23, 2015, 9:00 a.m.]

## Pennsylvania Triple Million Instant Lottery Game

Under the State Lottery Law (72 P.S. §§ 3761-101—3761-314) and 61 Pa. Code § 819.203 (relating to notice of instant game rules), the Secretary of Revenue hereby provides public notice of the rules for the following instant lottery game:

1. *Name*: The name of the game is Pennsylvania Triple Million.

2. *Price*: The price of a Pennsylvania Triple Million instant lottery game ticket is \$30.

3. *Play Symbols*: Each Pennsylvania Triple Million instant lottery game ticket will contain a play area, which includes a "WINNING NUMBERS" area and a "YOUR NUMBERS" area, and a "FAST CASH" bonus area, which includes a "FAST \$100" area, "FAST \$300" area, and a "FAST \$1,000" area. The "FAST CASH" bonus area and play area are played separately. In addition, the "FAST \$100," "FAST \$300," and "FAST \$1,000" areas are played separately. The play symbols and their captions located in the "WINNING NUMBERS" area are: 1 (ONE), 2 (TWO), 3 (THREE), 4 (FOUR), 5 (FIVE), 6 (SIX), 7 (SEVEN), 8

(EIGHT), 9 (NINE), 10 (TEN), 11 (ELEVN), 12 (TWLV), 13 (THRTN), 14 (FORTN), 15 (FIFTN), 16 (SIXTN), 17 (SVNTN), 18 (EGHTN), 19 (NINTN), 20 (TWENT), 21 (TWYONE), 22 (TWY TWO), 23 (TWYTHR), 24 (TWYFOR), 25 (TWYFIV), 26 (TWYSIX), 27 (TWYSVN), 28 (TWYEGT), 29 (TWYNIN), 30 (THIRTY), 31 (THYONE), 32 (THYTWO), 33 (THYTHR), 34 (THYFOR), 35 (THYFIV), 36 (THYSIX), 37 (THYSVN), 38 (THYEGT), 39 (THYNIN) and 40 (FORTY). The play symbols and their captions located in the "YOUR NUMBERS" area are: 1 (ONE), 2 (TWO), 3 (THREE), 4 (FOUR), 5 (FIVE), 6 (SIX), 7 (SEVEN), 8 (EIGHT), 9 (NINE), 10 (TEN), 11 (ELEVN), 12 (TWLV), 13 (THRTN), 14 (FORTN), 15 (FIFTN), 16 (SIXTN), 17 (SVNTN), 18 (EGHTN), 19 (NINTN), 20 (TWENT), 21 (TWYONE), 22 (TWY TWO), 23 (TWYTHR), 24 (TWYFOR), 25 (TWYFIV), 26 (TWYSIX), 27 (TWYSVN), 28 (TWYEGT), 29 (TWYNIN), 30 (THIRTY), 31 (THYONE), 32 (THYTWO), 33 (THYTHR), 34 (THYFOR), 35 (THYFIV), 36 (THYSIX), 37 (THYSVN), 38 (THYEGT), 39 (THYNIN), 40 (FORTY), Cash (CASH) symbol, \$\$\$ (TRIPLE) symbol and a Bank (BANK) symbol. The play symbols and their captions located in the "FAST \$100" area are: Gold Bar (BAR) symbol, Safe (SAFE) symbol, Horseshoe (SHOE) symbol and \$100 BOX (WIN100) symbol. The play symbols and their captions located in the "FAST \$300" area are: Key (Key) symbol, Lock (LOCK) symbol, Wallet (WALLET) symbol and a \$300 BOX (WIN300) symbol. The play symbols and their captions located in the "FAST \$1,000" area are: Bell (BELL) symbol, Chest (CHEST) symbol, Crown (CRN) symbol and a \$1,000 BOX (WIN1000) symbol.

4. *Prize Symbols*: The prize symbols and their captions located in the "YOUR NUMBERS" area are: \$30<sup>00</sup> (THIRTY), \$40<sup>00</sup> (FORTY), \$50<sup>00</sup> (FIFTY), \$100 (ONE HUN), \$250 (TWOHUNFTY), \$300 (THR HUN), \$500 (FIV HUN), \$1,000 (ONE THO), \$3,000 (THR THO), \$30,000 (TRY THO), \$300,000 (THRHUNTHO) and \$3MILL (THR MIL).

5. *Prizes*: The prizes that can be won in this game are: \$30, \$40, \$50, \$100, \$250, \$300, \$500, \$1,000, \$3,000, \$30,000, \$300,000 and \$3,000,000. The prize that can be won in the "FAST \$100" area is \$100. The prize that can be won in the "FAST \$300" area is \$300. The prize that can be won in the "FAST \$1,000" area is \$1,000. A player can win up to 25 times on a ticket.

6. *Approximate Number of Tickets Printed For the Game*: Approximately 6,000,000 tickets will be printed for the Pennsylvania Triple Million instant lottery game.

### 7. Determination of Prize Winners:

(a) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches any of the "WINNING NUMBERS" play symbols and a prize symbol of \$3MILL (THR MIL) appears in the "prize" area under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$3,000,000. This prize shall be paid as a one-time, lump-sum cash payment.

(b) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches any of the "WINNING NUMBERS" play symbols and a prize symbol of \$300,000 (THRHUNTHO) appears in the "prize" area under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$300,000.

(c) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches any of the "WINNING NUMBERS" play symbols and a prize symbol of \$30,000

(TRY THO) appears in the “prize” area under the matching “YOUR NUMBERS” play symbol, on a single ticket, shall be entitled to a prize of \$30,000.

(d) Holders of tickets upon which any one of the “YOUR NUMBERS” play symbols is a Cash (CASH) symbol, and a prize symbol of \$30,000 (TRY THO) appears in the “prize” area under the Cash (CASH) symbol, on a single ticket, shall be entitled to a prize of \$30,000.

(e) Holders of tickets upon which any one of the “YOUR NUMBERS” play symbols matches any of the “WINNING NUMBERS” play symbols and a prize symbol of \$3,000 (THR THO) appears in the “prize” area under the matching “YOUR NUMBERS” play symbol, on a single ticket, shall be entitled to a prize of \$3,000.

(f) Holders of tickets upon which any one of the “YOUR NUMBERS” play symbols is a \$\$\$ (TRIPLE) symbol, and a prize symbol of \$1,000 (ONE THO) appears in the “prize” area under the \$\$\$ (TRIPLE) symbol, on a single ticket, shall be entitled to a prize of \$3,000.

(g) Holders of tickets upon which any one of the “YOUR NUMBERS” play symbols matches any of the “WINNING NUMBERS” play symbols and a prize symbol of \$1,000 (ONE THO) appears in the “prize” area under the matching “YOUR NUMBERS” play symbol, on a single ticket, shall be entitled to a prize of \$1,000.

(h) Holders of tickets upon which any one of the “YOUR NUMBERS” play symbols is a Cash (CASH) symbol, and a prize symbol of \$1,000 (ONE THO) appears in the “prize” area under the Cash (CASH) symbol, on a single ticket, shall be entitled to a prize of \$1,000.

(i) Holders of tickets with a \$1,000 BOX (WIN1000) symbol in the “FAST \$1,000” area, on a single ticket, shall be entitled to a prize of \$1,000.

(j) Holders of tickets upon which any one of the “YOUR NUMBERS” play symbols is a Bank (BANK) symbol, and a prize symbol of \$40<sup>00</sup> (FORTY) appears in all 25 of the “prize” areas, on a single ticket, shall be entitled to a prize of \$1,000.

(k) Holders of tickets upon which any one of the “YOUR NUMBERS” play symbols is a \$\$\$ (TRIPLE) symbol, and a prize symbol of \$300 (THR HUN) appears in the “prize” area under the \$\$\$ (TRIPLE) symbol, on a single ticket, shall be entitled to a prize of \$900.

(l) Holders of tickets upon which any one of the “YOUR NUMBERS” play symbols matches any of the “WINNING NUMBERS” play symbols and a prize symbol of \$500 (FIV HUN) appears in the “prize” area under the matching “YOUR NUMBERS” play symbol, on a single ticket, shall be entitled to a prize of \$500.

(m) Holders of tickets upon which any one of the “YOUR NUMBERS” play symbols is a Cash (CASH) symbol, and a prize symbol of \$500 (FIV HUN) appears in the “prize” area under the Cash (CASH) symbol, on a single ticket, shall be entitled to a prize of \$500.

(n) Holders of tickets upon which any one of the “YOUR NUMBERS” play symbols matches any of the “WINNING NUMBERS” play symbols and a prize symbol of \$300 (THR HUN) appears in the “prize” area under the matching “YOUR NUMBERS” play symbol, on a single ticket, shall be entitled to a prize of \$300.

(o) Holders of tickets upon which any one of the “YOUR NUMBERS” play symbols is a Cash (CASH) symbol, and a prize symbol of \$300 (THR HUN) appears

in the “prize” area under the Cash (CASH) symbol, on a single ticket, shall be entitled to a prize of \$300.

(p) Holders of tickets with a \$300 BOX (WIN300) symbol in the “FAST \$300” area, on a single ticket, shall be entitled to a prize of \$300.

(q) Holders of tickets upon which any one of the “YOUR NUMBERS” play symbols is a \$\$\$ (TRIPLE) symbol, and a prize symbol of \$100 (ONE HUN) appears in the “prize” area under the \$\$\$ (TRIPLE) symbol, on a single ticket, shall be entitled to a prize of \$300.

(r) Holders of tickets upon which any one of the “YOUR NUMBERS” play symbols matches any of the “WINNING NUMBERS” play symbols and a prize symbol of \$250 (TWOHUNFTY) appears in the “prize” area under the matching “YOUR NUMBERS” play symbol, on a single ticket, shall be entitled to a prize of \$250.

(s) Holders of tickets upon which any one of the “YOUR NUMBERS” play symbols matches any of the “WINNING NUMBERS” play symbols and a prize symbol of \$100 (ONE HUN) appears in the “prize” area under the matching “YOUR NUMBERS” play symbol, on a single ticket, shall be entitled to a prize of \$100.

(t) Holders of tickets upon which any one of the “YOUR NUMBERS” play symbols is a Cash (CASH) symbol, and a prize symbol of \$100 (ONE HUN) appears in the “prize” area under the Cash (CASH) symbol, on a single ticket, shall be entitled to a prize of \$100.

(u) Holders of tickets with a \$100 BOX (WIN100) symbol in the “FAST \$100” area, on a single ticket, shall be entitled to a prize of \$100.

(v) Holders of tickets upon which any one of the “YOUR NUMBERS” play symbols matches any of the “WINNING NUMBERS” play symbols and a prize symbol of \$50<sup>00</sup> (FIFTY) appears in the “prize” area under the matching “YOUR NUMBERS” play symbol, on a single ticket, shall be entitled to a prize of \$50.

(w) Holders of tickets upon which any one of the “YOUR NUMBERS” play symbols is a Cash (CASH) symbol, and a prize symbol of \$50<sup>00</sup> (FIFTY) appears in the “prize” area under the Cash (CASH) symbol, on a single ticket, shall be entitled to a prize of \$50.

(x) Holders of tickets upon which any one of the “YOUR NUMBERS” play symbols matches any of the “WINNING NUMBERS” play symbols and a prize symbol of \$40<sup>00</sup> (FORTY) appears in the “prize” area under the matching “YOUR NUMBERS” play symbol, on a single ticket, shall be entitled to a prize of \$40.

(y) Holders of tickets upon which any one of the “YOUR NUMBERS” play symbols is a Cash (CASH) symbol, and a prize symbol of \$40<sup>00</sup> (FORTY) appears in the “prize” area under the Cash (CASH) symbol, on a single ticket, shall be entitled to a prize of \$40.

(z) Holders of tickets upon which any one of the “YOUR NUMBERS” play symbols matches any of the “WINNING NUMBERS” play symbols and a prize symbol of \$30<sup>00</sup> (THIRTY) appears in the “prize” area under the matching “YOUR NUMBERS” play symbol, on a single ticket, shall be entitled to a prize of \$30.

(aa) Holders of tickets upon which any one of the “YOUR NUMBERS” play symbols is a Cash (CASH) symbol, and a prize symbol of \$30<sup>00</sup> (THIRTY) appears in the “prize” area under the Cash (CASH) symbol, on a single ticket, shall be entitled to a prize of \$30.



8. *Number and Description of Prizes and Approximate Odds:* The following table sets forth the approximate

number of winners, amounts of prizes, and approximate odds of winning:

<i>When Any Of Your Numbers Match Any Winning Number, Win Prize Shown Under The Matching Number. Win With:</i>	<i>Win:</i>	<i>Approximate Odds Are 1 In:</i>	<i>Approximate No. Of Winners Per 6,000,000 Tickets:</i>
\$30 w/ CASH	\$30	10	600,000
\$30	\$30	15	400,000
\$40 w/ CASH	\$40	25	240,000
\$40	\$40	23.08	260,000
\$50 w/ CASH	\$50	30	200,000
\$50	\$50	30	200,000
\$50 × 2	\$100	150	40,000
(\$30 × 2) + \$40	\$100	300	20,000
\$100 w/ FAST \$100	\$100	75	80,000
\$100 w/ CASH	\$100	150	40,000
\$100	\$100	300	20,000
\$100 w/ \$\$\$	\$300	300	20,000
\$300 w/ FAST \$300	\$300	300	20,000
\$300 w/ CASH	\$300	1,200	5,000
\$300	\$300	1,200	5,000
\$50 × 10	\$500	6,000	1,000
\$100 × 5	\$500	6,000	1,000
\$250 × 2	\$500	6,000	1,000
(\$40 × 5) + (\$30 × 10)	\$500	6,000	1,000
(\$300 w/ FAST \$300) + (\$100 w/ FAST \$100) + (\$50 × 2)	\$500	1,714	3,500
\$500 w/ CASH	\$500	4,000	1,500
\$500	\$500	6,000	1,000
BANK w/ (\$40 × 25)	\$1,000	4,800	1,250
\$100 × 10	\$1,000	12,000	500
\$500 × 2	\$1,000	12,000	500
(\$300 w/ FAST \$300) + (\$100 w/ FAST \$100) + (\$50 × 2) + \$500	\$1,000	12,000	500
(\$100 w/ FAST \$100) + (\$300 w/ \$\$\$)	\$1,000	12,000	500
\$1,000 w/ FAST \$1,000	\$1,000	8,000	750
\$1,000 w/ CASH	\$1,000	12,000	500
\$1,000	\$1,000	12,000	500
\$300 × 10	\$3,000	24,000	250
\$1,000 × 3	\$3,000	20,000	300
(\$1,000 w FAST \$1,000) + (\$500 × 4)	\$3,000	20,000	300
\$1,000 w/ \$\$\$	\$3,000	20,000	300
\$3,000	\$3,000	24,000	250
\$30,000 w/ CASH	\$30,000	120,000	50
\$30,000	\$30,000	120,000	50
\$300,000	\$300,000	400,000	15
\$3,000,000	\$3,000,000	1,500,000	4

Reveal a "CASH" (CASH) symbol, win prize shown under it automatically.

Reveal a "\$\$\$" (TRIPLE) symbol, win triple the prize shown under it.

Reveal a "BANK" (BANK) symbol, win all 25 prizes shown!

Fast \$100: Reveal a "\$100 BOX" (WIN100) symbol, win \$100 instantly.

Fast \$300: Reveal a "\$300 BOX" (WIN300) symbol, win \$300 instantly.

Fast \$1,000: Reveal a "\$1,000 BOX" (WIN1000) symbol, win \$1,000 instantly.

Prizes, including top prizes, are subject to availability at the time of purchase.

9. *Retailer Incentive Awards:* The Lottery may conduct a separate Retailer Incentive Program for retailers who sell Pennsylvania Triple Million instant lottery game tickets.

10. *Retailer Bonus:* The Lottery may offer a retailer bonus in connection with the sale of Pennsylvania instant lottery game tickets. If a retailer bonus is offered, a

Lottery retailer shall be eligible for a bonus as described in this section. Lottery retailers who sell a winning ticket that entitles the ticket holder to a prize, either payable in a single installment or having a guaranteed minimum payout, of at least \$100,000 and not exceeding \$500,000 shall be paid a bonus of \$500. Lottery retailers who sell a winning ticket that entitles the ticket holder to a prize, either payable in a single installment or having a guaranteed minimum payout, of at least \$500,001 and not



exceeding \$1,000,000 shall be paid a bonus of \$5,000. Lottery retailers who sell a winning ticket that entitles the ticket holder to a prize, either payable in a single installment or having a guaranteed minimum payout, of at least \$1,000,001 and not exceeding \$10,000,000 shall be paid a bonus of \$10,000. A Lottery retailer is entitled only to the largest bonus for which he qualifies on a winning ticket. A bonus will be initiated for payment after the instant ticket is claimed and validated. A bonus will not be awarded to a Lottery retailer that sells a non-winning Pennsylvania Lottery instant ticket used to enter a Pennsylvania Lottery second-chance drawing or promotion that is subsequently selected to win a prize.

11. *Unclaimed Prize Money*: For a period of 1 year from the announced close of Pennsylvania Triple Million, prize money from winning Pennsylvania Triple Million instant lottery game tickets will be retained by the Secretary for payment to the persons entitled thereto. If no claim is made within 1 year of the announced close of the Pennsylvania Triple Million instant lottery game, the right of a ticket holder to claim the prize represented by the ticket, if any, will expire and the prize money will be paid into the State Lottery Fund and used for purposes provided for by statute.

12. *Governing Law*: In purchasing a ticket, the customer agrees to comply with and abide by the State Lottery Law (72 P.S. §§ 3761-101—3761-314), 61 Pa. Code Part V (relating to State Lotteries) and the provisions contained in this notice.

13. *Termination of the Game*: The Secretary may announce a termination date, after which no further tickets from this game may be sold. Such announcement will be disseminated through media used to advertise or promote Pennsylvania Triple Million or through normal communications methods.

DANIEL MEUSER,  
Secretary

[Pa.B. Doc. No. 15-139. Filed for public inspection January 23, 2015, 9:00 a.m.]

## DEPARTMENT OF TRANSPORTATION

### Contemplated Sale of Land No Longer Needed for Transportation Purposes

The Department of Transportation (Department), under the Sale of Transportation Lands Act (71 P.S. §§ 1381.1—1381.3), intends to sell certain land owned by the Department.

The following is the property available for sale by the Department.

City of Johnstown, Cambria County. The parcel contains 2,646 square feet of unimproved land situated at the corner of SR 56 and Edith Avenue. The estimated fair market value is \$650.

Interested public agencies are invited to express their interest in purchasing the site within 30 calendar days from the date of publication of this notice to Thomas A. Prestash, PE, District Executive, Department of Transportation, Engineering District 9-0, 1620 North Juniata Street, Hollidaysburg, PA 16648-1080.

Questions regarding this property may be directed to Joseph Tagliati, Property Manager, 1620 North Juniata Street, Hollidaysburg, PA 16648-1080, (814) 696-7215.

LESLIE S. RICHARDS,  
Acting Secretary

[Pa.B. Doc. No. 15-140. Filed for public inspection January 23, 2015, 9:00 a.m.]

### Transportation Advisory Committee Meeting

The Transportation Advisory Committee will hold a meeting on Monday, February 2, 2015, from 10 a.m. to 12 p.m. in Conference Room 8N1, Commonwealth Keystone Building, Harrisburg, PA. For more information, contact Julie Harmantzis, (717) 787-2913, jharmantzi@pa.gov.

LESLIE S. RICHARDS,  
Acting Secretary

[Pa.B. Doc. No. 15-141. Filed for public inspection January 23, 2015, 9:00 a.m.]

## HOUSING FINANCE AGENCY

### Pennsylvania Housing Affordability and Rehabilitation Enhancement Fund (PHARE); Principles and Elements of Plan; Revised 2015 Draft Plan

#### Background

#### Pennsylvania Housing Affordability and Rehabilitation Enhancement Fund (PHARE)

The PHARE Fund was established by the act of November 23, 2010 (P.L. 1035, No. 105) (PHARE Act) to provide the mechanism by which certain allocated State or Federal funds, as well as funds from other outside sources, would be used to assist with the creation, rehabilitation and support of affordable housing throughout this Commonwealth.

The PHARE Act did not allocate any funding but did outline specific requirements that include preferences, considerations, match funding options and obligations to utilize a percentage of the funds to assist households below 50% of the median area income. The PHARE Act provides a fairly broad canvas regarding the types of programs and the specific uses of any funding to allow flexibility in working with other State and Federal acts and programs.

#### Marcellus Shale Impact Fee

The Marcellus Shale impact fee legislation, the act of February 14, 2012 (P.L. 87, No. 13) (Impact Fee Act) specifically allocates certain amounts from the impact fee into the PHARE Fund to address the following needs, including:

- Support for projects that increase the availability of affordable housing for low and moderate income persons and families, persons with disabilities and elderly persons in counties where unconventional gas wells have been drilled (regardless of production levels).

- Provide rental assistance, in counties where unconventional gas wells have been drilled, for persons or families whose household income does not exceed the area median income.

- Specifies that no less than 50% of the funds are to be used in fifth, sixth, seventh and eighth class counties.

*Direct Allocation*—The PHARE Fund will receive a direct yearly allocation from the portion of funds set aside for local distribution. The direct allocation is as follows: \$5 million each fiscal year beginning in 2012 and thereafter.

*Windfall/Spillover Funds*—Additional funds may become available because the Impact Fee Act limits amounts allocated to qualifying municipalities (as defined in the Impact Fee Act) and provides that any money remaining, after all allocations have been made to qualified municipalities, would also be deposited into the PHARE Fund.

#### *Purpose*

The PHARE Act provides the mechanism to address the housing needs in impacted counties/communities of the Marcellus Shale region.

#### *Principles*

In accordance with the PHARE Act and the Impact Fee Act, the moneys will be used to address significant housing needs in impacted counties and communities with the following additional criteria:

- 50% of the funds must be spent in fifth through eighth class counties.
- 30% of the funds must benefit persons/families below 50% of the median area income.

1) *Maximize resource leveraging*—To the greatest extent possible, the resources allocated will be used as leverage for other public and private resources. Additionally, local nonfinancial assets should be identified and leveraged when possible—including transportation, schools, recreation, employment, health, community, and economic development support and other amenities. *Preference*: Applications that also include Optional Affordable Housing funds (under 53 Pa.C.S. Chapter 60 (relating to optional affordable housing funding)) or local share portions of the impact fee, or both.

2) *Address greatest need*—The moneys will be allocated in communities where the greatest housing needs are identified based on housing needs studies and assessments, interviews, real estate price factors, housing stock analysis, market studies and consideration of the extent of gas wells drilled and related activity. The limited resources available should be used to meet the most significant and pressing housing needs but may also be used to address longer term housing needs. *Preference*: Projects/programs that: 1) assist with the rehabilitation of blighted, abandoned or otherwise at risk housing and the reuse of vacant land where housing was once located; or 2) provide funding for owner-occupied rehabilitation, first-time homebuyers and rental assistance.

3) *Foster partnerships*—The funds should be used to maximize sustainable partnerships that will be committed to addressing the housing needs in these communities over a significant period of time. While the funds are to be used to directly support housing to meet the needs in the impacted communities, the projects should also help establish capacity to address those needs over the longer

term. *Preference*: Projects/programs that incorporate social service entities that offer additional services to the residents within the community where the project/program is taking place.

4) *Effective and efficient*—Ensure that the resources are used effectively and efficiently to meet the housing needs of the impacted communities. Given the expectation that demand for many types of housing will greatly exceed the funds available, it will be critical to maximize the effectiveness and efficiency for housing investments by the PHARE Fund. *Preference*: Projects/programs that assist the residents with the greatest need in that particular region.

5) *Equitable and transparent*—Create a plan and allocation process that will equitably meet the housing needs in impacted communities and establish a process that provides transparency to all stakeholders. Funding decisions and reporting will be done in accordance with the legislative requirements.

#### *Elements of the Plan*

*Analysis of need*—One of the most critical components of the plan is to continually assess housing need in these communities. From both a quantitative and qualitative perspective the requirement to have accurate, reliable data from which funding decisions can be made is imperative.

It is important to recognize that this data will need to be municipality-specific to capture the unique and likely different housing needs in the various communities. In addition, the housing/real estate markets are diverse across the impacted communities and the analysis of need will require an understanding (qualitative and quantitative) of individual markets to make appropriate resource allocation decisions.

Building upon analysis already undertaken by the Housing Finance Agency (Agency) and the Commonwealth, additional analysis may be performed to assess specific housing issues in the impacted communities and to identify housing needs (persons with special needs, elderly, larger households, physical disabilities, homeless, and the like) to appropriately target PHARE Fund resources to those in greatest need of housing, especially due to the impact of the Marcellus Shale development. In addition to types of housing analysis, the Agency will consider different income levels, nature of housing stock and the housing needs of those across a broad spectrum (homeless, near homeless, very low income, low income, temporary and seasonal workers, permanent work force, and the like).

*Understanding of real estate market dynamics*—The plan for the utilization of these resources has been developed to address and continuously reevaluate the specific housing real estate markets in each community. The “micro” markets could be significantly different in the impacted communities and the plan is sufficiently flexible to address those differences.

The housing and real estate development “capacity” will also have significant impact on the ability of these funds to be used effectively and efficiently to meet the needs of the communities. Based on the preliminary finding from the Lycoming College research available at [http://www.phfa.org/forms/housing\\_study/2011/marcellus\\_report.pdf](http://www.phfa.org/forms/housing_study/2011/marcellus_report.pdf), the Agency has some insight into the existing housing development capacity in some of the impacted communities. This will serve as a foundation for investment in

increasing the capacity. There will be need for ongoing analysis of capacity (private, nonprofit, public) as part of the plan. In some of these communities there has been no significant housing market in decades while in others there is a robust market that may be addressing some part of the housing needs. The plan will help determine where additional housing development capacity may be necessary, or where other strategies may be implemented for meeting the housing needs in those communities.

*Allocation and use*—The funding vehicle's allocation process, created by the plan, must also be supportive of and responsive to the needs of the housing and real estate development market and should foster coordinated local trust fund plans and resources. Funds may be used to support predevelopment, site acquisition and infrastructure development, planning and preconstruction activity in addition to direct support of development and operation of projects and housing programs including employee assisted housing programs. Funds may be provided in various forms designed to best support the particular activity including the following grants: market rate, amortizing, balloon, bridge or soft loans; capital contributions; capital financing subsidy support; operating and supportive service reserve funding; and rental or homeowner assistance. Funds may be specifically allocated to address timing issues presented in the development of affordable housing projects, when other financing is available, construction season, local zoning or other approvals. In addition, funding may be directed for administration by the Agency for certain projects approved for low income housing tax credits or other Agency resources. Preliminary allocations may be made for projects/programs awaiting approval of additional resources. Projects/programs that do not begin within 1 year may have the preliminary allocation withdrawn.

*High quality design and construction*—A vital element of the plan will be the development of housing that is both of good quality design and construction and will be sustainable over a long period of time.

The opportunity to meet the growing housing needs in these communities will necessitate that this housing be available as an asset for the community for many generations. To meet that objective it will require that projects funded with these resources meet the highest design and construction quality standards available and that all projects ensure sustainability to the long term (both financial and physical). Funds may be specifically allocated to support green and renewable energy sources and as leverage to consumer programs available through utility companies or other business partners.

*Targeting of resources*—It is likely that the funds in this program will not be sufficient to meet all the housing needs and mitigate every housing impact created by the shale gas development; therefore, investment decisions will target the limited funds to projects that meet the principles outlined in this notice and most comprehensively address the elements of the plan.

When possible these funds will be targeted and stay focused on mitigating the very specific housing impacts created by the shale development in the impacted and designated communities. This element will likely result in the determination that while there may be worthy housing projects that could be funded with these resources, the focus of development will be on most comprehensively addressing the direct and tangible housing impacts. Priority may be given to target resources in tandem with

approved county housing trust fund plans or plans for the utilization of local share impact fee funds, or both.

*Stakeholder input*—The plan for allocation of resources will provide for broad stakeholder input concerning the principles and elements of the plan.

There are many diverse interests that are concerned about the anticipated housing impact and therefore how these resources will be allocated to address the need. To the greatest extent possible opportunities should be created for relevant and legitimate stakeholders to comment and advise the plan. This element will need to be managed for practicality and efficiency to maximize input. *Preference*: Applicants who provide a process where members of the community and other stakeholders may provide input on the application prior to submission.

#### *Application/Allocation Process*

Based on the legislative requirements of the PHARE Act and the Impact Fee Act, the Agency has developed an application/request for proposals (RFP) for eligible applicants interested in applying for the funds.

Eligible applicants include counties that have adopted impact fees as well as municipalities who have further contributed to PHARE by means of windfall/spill over funds from the impact fee. While only eligible applicants may apply, nonprofit and for-profit organizations may be part of the application process.

The elements of the application and allocation process include:

- Adoption of "plan" for managing the anticipated funds by the Agency.
- Announcement of application and possible training/information session concerning the elements of the application.
- Applications accepted and reviewed by the Agency staff based on the application and plan requirements.
- Project recommendations reviewed by the Agency.
- Announcement of preliminary funding approval.
- The Agency will establish an annual application process that will allow the agency to address housing needs in the impacted communities.
- The Agency may amend the plan, application and the allocation process at any time, upon written publication of the amendments.
- The Agency, as part of the RFP process, will require all applicants to target a minimum of 30% of their funding to support households with incomes below 50% of median area income.
- The Agency will require applicants to include information on how the county is using its Act 137 (Local Housing Trust Fund) moneys to address housing needs in the community. This will be included as part of the Comprehensive Plan section of the RFP.

Preliminary approval and funding of applications is contingent upon receipt of funds under the Impact Fee Act.

BRIAN A. HUDSON, Sr.,  
*Executive Director*

[Pa.B. Doc. No. 15-142. Filed for public inspection January 23, 2015, 9:00 a.m.]



## INSURANCE DEPARTMENT

### Review Procedure Hearings under the Unfair Insurance Practices Act

The following insured has requested a hearing as authorized by section 8 of the Unfair Insurance Practices Act (act) (40 P.S. § 1171.8) in connection with the company's termination of the insured's homeowners policy. The hearing will be held in accordance with the requirements of the act; 1 Pa. Code Part II (relating to General Rules of Administrative Practice and Procedure); and 31 Pa. Code §§ 56.1—56.3 (relating to Special Rules of Administrative Practice and Procedure). The administrative hearing will be held in the Insurance Department's regional office in Harrisburg, PA. Failure by the appellant to appear at a scheduled hearing may result in dismissal with prejudice.

The following hearing will be held in the Administrative Hearings Office, Capitol Associates Building, Room 200, 901 North Seventh Street, Harrisburg, PA 17102.

Appeal of Gary and Dennis Bennett; file no. 14-114-177268; State Farm Fire & Casualty Insurance Company; Doc. No. P15-01-002; February 11, 2015, 10 a.m.

Parties may appear with or without counsel and offer relevant testimony or other relevant evidence, or both. Each party must bring documents, photographs, drawings, claims files, witnesses, and the like, necessary to support the party's case. A party intending to offer documents or photographs into evidence shall bring enough copies for the record and for each opposing party.

Following the hearing and receipt of the stenographic transcript, the Insurance Commissioner (Commissioner) will issue a written order resolving the factual issues presented at the hearing and stating what remedial action, if any, is required. The Commissioner's Order will be sent to those persons participating in the hearing or their designated representatives. The Order of the Commissioner may be subject to judicial review by the Commonwealth Court.

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 should contact Donna R. Fleischauer, Human Resources Director at (717) 705-4194.

TERESA D. MILLER,  
*Acting Insurance Commissioner*

[Pa.B. Doc. No. 15-143. Filed for public inspection January 23, 2015, 9:00 a.m.]

## PENNSYLVANIA PUBLIC UTILITY COMMISSION

### Service of Notice of Motor Carrier Applications

The following temporary authority and/or permanent authority applications for the right to render service as a common carrier or contract carrier in this Commonwealth have been filed with the Pennsylvania Public Utility Commission (Commission). Formal protests 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 February 9, 2015. 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-2014-2446627. Liberty Express, LLC** (2814 Unruh Avenue, Philadelphia, PA 19149) persons in airport transfer service, from points in the City and County of Philadelphia, and the Counties of Bucks, Montgomery, Delaware and Chester, to the Philadelphia International Airport, the Northeast Philadelphia Airport, the Harrisburg International Airport and the Lehigh Valley International Airport. *Attorney:* David P. Temple, 1760 Market Street, Suite 1100, Philadelphia, PA 19103.

**A-2014-2446656. V & M Transit, Inc.** (1326 Castle Avenue, Philadelphia, PA 19148) persons, in paratransit service, limited to persons requiring nonemergency and wheelchair transportation to medical appointments, between points in the City and County of Philadelphia, and return.

**A-2014-2450644. Knox Transportation, LLC** (205 Melrose Avenue, East Lansdowne, PA 19050) for the right to begin to transport, as a common carrier, by motor vehicle, persons in paratransit service, from points in the City and County of Philadelphia, to points in Pennsylvania and return.

**A-2014-2451858. Sunshine Taxi, Inc.** (3706 Larkin Road, Garnet Valley, PA 19060) for the right, to transport by motor vehicle, persons, upon call or demand in the Townships of Upper Darby, Darby, Aston and Concord, all within Delaware County.

**A-2014-2453420. Corporate Limo, LLC t/a Corporate Limo** (852 Trexlertown Road, Breinigsville, Lehigh County, PA 18031) for the right to transport as a common carrier, persons in group and party service, in vehicles seating 11 to 15 passengers, including the driver, between points in the Counties of Berks, Bucks, Carbon, Lehigh and Northampton, and from points in those counties to points in Pennsylvania, and return. *Attorney:* Craig A. Doll, Esquire, P. O. Box 403, Hummelstown, PA 17036-0403.

**A-2014-2457567. Lincoln Taxi Transportation, LLC** (572 West Broad Street, Suite #160, Hazleton, PA 18201) persons, upon call or demand, between points in the City of Hazleton, Luzerne County, and within an airline distance of 12 statute miles of the limits of the City of Hazleton, excluding the Townships of Black Creek, Nescopeck, Hollenback, Dorrance, Slocum, Conyngham and Salem, and the Boroughs of Mocanaqua, East Berwick and Nescopeck, Luzerne County, and all points in Columbia County: *So as to Permit:* the transportation of persons, upon call or demand, between points in the Townships of Bear Creek, Dallas, Dennison, Exeter, Fairview, Franklin, Hanover, Jackson, Jenkins, Kingston, Wilkes-Barre and the City of Wilkes-Barre, all in Luzerne County.

**Application of the following for *amendment* to the certificate of public convenience approving the operation of motor vehicles as *common carriers* for transportation of *persons* as described under the application.**

**A-2014-2446741. Bucks County Services, Inc.** (706 Rochester Road, Pittsburgh, PA 15237) in call or demand service, in the Borough of Ambler, Montgomery County, and within an airline distance of 20 miles of said borough.

ROSEMARY CHIAVETTA,  
*Secretary*

[Pa.B. Doc. No. 15-144. Filed for public inspection January 23, 2015, 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 February 9, 2015, 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. James & John Limousine Service Inc. t/a James Limousine Service; Docket No. C-2014-2444503*

**COMPLAINT**

Now Comes the Bureau of Investigation and Enforcement ("I&E") of the Pennsylvania Public Utility Commission ("Commission"), by its prosecuting attorneys, and files this Complaint against James & John Limousine Service Inc. t/a James Limousine Service ("Respondent"), pursuant to Section 701 of the Public Utility Code, 66 Pa.C.S. § 701. In support of its Complaint, I&E respectfully represents the following:

**Parties and Jurisdiction**

1. The Pennsylvania Public Utility Commission, with a mailing address of P. O. Box 3265, Harrisburg, PA 17105-3265, is a duly constituted agency of the Commonwealth of Pennsylvania empowered to regulate public utilities within the Commonwealth pursuant to the Public Utility Code, 66 Pa.C.S. §§ 101, et seq.

2. Complainant is the Commission's Bureau of Investigation and Enforcement and is the entity established by statute to prosecute complaints against public utilities pursuant to 66 Pa.C.S. § 308.2(a)(11).

3. Complainant is represented by:

Kourtney L. Myers  
Prosecutor  
Pennsylvania Public Utility Commission  
Bureau of Investigation and Enforcement  
P. O. Box 3265  
Harrisburg, PA 17105-3265  
717.705.4366  
komyers@pa.gov

Stephanie M. Wimer  
Prosecutor  
Pennsylvania Public Utility Commission  
Bureau of Investigation and Enforcement  
P. O. Box 3265  
Harrisburg, PA 17105-3265  
717.772.8839  
stwimer@pa.gov

Wayne T. Scott  
First Deputy Chief Prosecutor  
Pennsylvania Public Utility Commission  
Bureau of Investigation and Enforcement  
P. O. Box 3265  
Harrisburg, PA 17105-3265  
wascott@pa.gov

4. Respondent is James & John Limousine Service Inc. t/a James Limousine Service and maintains its principal place of business at 2050 Springdale Road, Suite 800, Cherry Hill, NJ 08003.

5. Respondent is a "public utility" as that term is defined at 66 Pa.C.S. § 102, as it is engaged in transporting passengers in the Commonwealth of Pennsylvania for compensation.

6. The Commission issued Respondent a certificate of public convenience on or about November 23, 1994, at A-00111292, for group and party 16 or greater authority and limousine authority.

7. Section 501(a) of the Public Utility Code, 66 Pa.C.S. § 501(a), authorizes and obligates the Commission to execute and enforce the provisions of the Public Utility Code.

8. Section 701 of the Public Utility Code, 66 Pa.C.S. § 701, authorizes the Commission, inter alia, to hear and determine complaints against public utilities for a violation of any law or regulation that the Commission has jurisdiction to administer.

9. Section 3301 of the Public Utility Code, 66 Pa.C.S. § 3301, authorizes the Commission to impose civil penalties on any public utility, or any other person or corporation subject to the Commission's authority, for violation(s) of the Public Utility Code and/or Commission regulations.

10. Respondent, in transporting passengers as a common carrier for compensation, is subject to the power and authority of this Commission pursuant to Section 501(c) of the Public Utility Code, 66 Pa.C.S. § 501(c), which requires a public utility to comply with Commission regulations.

11. Pursuant to the provisions of the applicable Commonwealth statutes and regulations, the Commission has jurisdiction over the subject matter of this complaint and the actions of Respondent related thereto.

**Factual Background**

**2011-2012 Fiscal Year**

12. On or about August 23, 2011, the Commission sent Respondent an assessment invoice for the July 1, 2011 to June 30, 2012 Fiscal Year. Respondent's assessment was \$59.

13. Accompanying the assessment invoice was a notice that informed Respondent that it was obligated to pay the amount listed on the assessment invoice within thirty (30) days.

14. The Commission received no objections from Respondent to this assessment.

15. Respondent failed to fully pay the amount of its 2011-2012 assessment invoice.

**2012-2013 Fiscal Year**

16. On or about February 16, 2012, the Commission mailed to Respondent an assessment report for Respondent to report its 2011 calendar year revenues.

17. The assessment report was accompanied by a letter, which notified Respondent that the report was due on or before March 31, 2012.

18. Respondent failed to file an assessment report to show its 2011 calendar year revenues.

19. The total outstanding assessment balance for Respondent is \$59.

**Violations**

**COUNT 1**

20. That Respondent failed to demonstrate its gross intrastate operating revenues for the 2011 calendar year in that it did not file an assessment report for that year.

If proven, this is a violation of Section 510(b) of the Public Utility Code, 66 Pa.C.S. § 510(b). The Bureau of Investigation and Enforcement's proposed civil penalty for this violation is \$1,000 for each calendar year that Respondent failed to report its gross intrastate operating revenues or \$1,000.

**COUNT 2**

21. That Respondent failed to satisfy its 2011-2012 fiscal year assessment in that it did not pay the amount due within thirty (30) days of receipt of the invoice.

If proven, this is a violation of Section 510(c) of the Public Utility Code, 66 Pa.C.S. § 510(c).

Wherefore, for all the foregoing reasons, the Bureau of Investigation and Enforcement of Pennsylvania Public Utility Commission respectfully requests that:

(a) Respondent be ordered to pay a total of \$1,059, which consists of its outstanding assessment balance, which totals \$59 and a civil penalty of \$1,000 for the above-described violation;

(b) Respondent be directed to file assessment reports on a going-forward basis; and

(c) If payment of the civil penalty and assessment is not made, the Bureau of Investigation and Enforcement requests that:

(1) the Commission issue an Order to cancel the Certificate of Public Convenience issued to Respondent;

(2) this matter be referred to the Pennsylvania Office of Attorney General for appropriate action; and

(3) the Commission certify the company's automobile registrations to the Pennsylvania Department of Transportation for suspension or revocation.

Respectfully submitted,  
Kourtney L. Myers  
Prosecutor  
PA Attorney ID No. 316494

Bureau of Investigation & Enforcement  
Pennsylvania Public Utility Commission  
P. O. Box 3265  
Harrisburg, PA 17105-3265

Date: September 25, 2014

VERIFICATION

I, Mandy Freas, Accountant, Bureau of Administrative Services, Assessment Section, hereby state that the facts above set forth are true and correct to the best of my knowledge, information, and belief and that I expect the Bureau will be able to prove the same at any hearing held in this matter. I understand that the statements herein are made subject to the penalties of 18 Pa.C.S. § 4904 relating to unsworn falsification to authorities.

Date: September 25, 2014

Mandy Freas, Accountant  
Assessment Section  
Bureau of Administrative Services  
PA. Public Utility Commission  
P. O. Box 3265  
Harrisburg, PA 17105-3265

NOTICE

A. You must file an Answer within 20 days of the date of service of this Complaint. The date of service is the mailing date as indicated at the top of the Secretarial Letter. See 52 Pa. Code § 1.56(a). The Answer must raise all factual and legal arguments that you wish to claim in your defense, include the docket number of this Complaint, and be verified. You may file your Answer by mailing an original to:

Rosemary Chiavetta, Secretary  
Pennsylvania Public Utility Commission  
P. O. Box 3265  
Harrisburg, PA 17105-3265

Or, you may eFile your Answer using the Commission's website at [www.puc.pa.gov](http://www.puc.pa.gov). The link to eFiling is located under the Filing & Resources tab on the homepage. If your Answer is 250 pages or less, you are not required to file a paper copy. If your Answer exceeds 250 pages, you must file a paper copy with the Secretary's Bureau.

Additionally, a copy should either be mailed to:

Wayne T. Scott, First Deputy Chief Prosecutor  
Pennsylvania Public Utility Commission  
Bureau of Investigation and Enforcement  
P. O. Box 3265  
Harrisburg, PA 17105-3265

Or, emailed to Mr. Scott at: [RA-PCCmplntResp@pa.gov](mailto:RA-PCCmplntResp@pa.gov)

B. If you fail to answer this Complaint within 20 days, the Bureau of Investigation and Enforcement will request that the Commission issue an Order imposing the penalty.

C. You may elect not to contest this Complaint by paying the civil penalty within 20 days. Your check or money order for the civil penalty should be payable to the Commonwealth of Pennsylvania and mailed to:

Rosemary Chiavetta, Secretary  
Pennsylvania Public Utility Commission  
P. O. Box 3265  
Harrisburg, PA 17105-3265

D. If you file an Answer which either admits or fails to deny the allegations of the Complaint, the Bureau of Investigation and Enforcement will request the Commission to issue an Order imposing the penalty set forth in this Complaint.

E. If you file an Answer which contests the Complaint, the matter will be assigned to an Administrative Law Judge for hearing and decision. The Judge is not bound



by the penalty set forth in the Complaint, and may impose additional and/or alternative penalties as appropriate.

F. If you are a corporation, you must be represented by legal counsel. 52 Pa. Code § 1.21.

G. Alternative formats of this material are available for persons with disabilities by contacting the Commission's ADA Coordinator at 717-787-8714.

*Pennsylvania Public Utility Commission; Bureau of  
Investigation and Enforcement v. John D. Salaki t/a  
Private Limousine & Sedan Service;  
Docket No. C-2014-2444505*

### COMPLAINT

Now Comes the Bureau of Investigation and Enforcement ("I&E") of the Pennsylvania Public Utility Commission ("Commission"), by its prosecuting attorneys, and files this Complaint against John D. Salaki t/a Private Limousine & Sedan Service ("Respondent"), pursuant to Section 701 of the Public Utility Code, 66 Pa.C.S. § 701. In support of its Complaint, I&E respectfully represents the following:

#### Parties and Jurisdiction

1. The Pennsylvania Public Utility Commission, with a mailing address of P. O. Box 3265, Harrisburg, PA 17105-3265, is a duly constituted agency of the Commonwealth of Pennsylvania empowered to regulate public utilities within the Commonwealth pursuant to the Public Utility Code, 66 Pa.C.S. §§ 101, et seq.

2. Complainant is the Commission's Bureau of Investigation and Enforcement and is the entity established by statute to prosecute complaints against public utilities pursuant to 66 Pa.C.S. § 308.2(a)(11).

3. Complainant is represented by:

Kourtney L. Myers  
Prosecutor  
Pennsylvania Public Utility Commission  
Bureau of Investigation and Enforcement  
P. O. Box 3265  
Harrisburg, PA 17105-3265  
717.705.4366  
komyers@pa.gov

Stephanie M. Wimer  
Prosecutor  
Pennsylvania Public Utility Commission  
Bureau of Investigation and Enforcement  
P. O. Box 3265  
Harrisburg, PA 17105-3265  
717.772.8839  
stwimer@pa.gov

Wayne T. Scott  
First Deputy Chief Prosecutor  
Pennsylvania Public Utility Commission  
Bureau of Investigation and Enforcement  
P. O. Box 3265  
Harrisburg, PA 17105-3265  
wascott@pa.gov

4. Respondent is John D. Salaki t/a Private Limousine & Sedan Service and maintains its principal place of business at P. O. Box 15, Friedensburg, PA 17933-0015, Attention: John D. Salaki.

5. Respondent is a "public utility" as that term is defined at 66 Pa.C.S. § 102, as it is engaged in transporting passengers in the Commonwealth of Pennsylvania for compensation.

6. The Commission issued Respondent a certificate of public convenience on or about January 29, 1997, at A-00112823, for limousine authority. Respondent's authority is currently under suspension.

7. Section 501(a) of the Public Utility Code, 66 Pa.C.S. § 501(a), authorizes and obligates the Commission to execute and enforce the provisions of the Public Utility Code.

8. Section 701 of the Public Utility Code, 66 Pa.C.S. § 701, authorizes the Commission, inter alia, to hear and determine complaints against public utilities for a violation of any law or regulation that the Commission has jurisdiction to administer.

9. Section 3301 of the Public Utility Code, 66 Pa.C.S. § 3301, authorizes the Commission to impose civil penalties on any public utility, or any other person or corporation subject to the Commission's authority, for violation(s) of the Public Utility Code and/or Commission regulations.

10. Respondent, in transporting passengers as a common carrier for compensation, is subject to the power and authority of this Commission pursuant to Section 501(c) of the Public Utility Code, 66 Pa.C.S. § 501(c), which requires a public utility to comply with Commission regulations.

11. Pursuant to the provisions of the applicable Commonwealth statutes and regulations, the Commission has jurisdiction over the subject matter of this complaint and the actions of Respondent related thereto.

#### Factual Background

##### 2010-2011 Fiscal Year

12. On or about August 25, 2010, the Commission sent Respondent an assessment invoice for the July 1, 2010 to June 30, 2011 Fiscal Year. Respondent's assessment was \$27.

13. Accompanying the assessment invoice was a notice that informed Respondent that it was obligated to pay the amount listed on the assessment invoice within thirty (30) days.

14. The Commission received no objections from Respondent to this assessment.

15. Respondent failed to fully pay the amount of its 2010-2011 assessment invoice.

16. The total outstanding assessment balance for Respondent is \$27.

#### Violation

##### COUNT 1

17. That Respondent failed to satisfy its 2010-2011 fiscal year assessment in that it did not pay the amount due within thirty (30) days of receipt of the invoice.

If proven, this is a violation of Section 510(c) of the Public Utility Code, 66 Pa.C.S. § 510(c).

Wherefore, for all the foregoing reasons, the Bureau of Investigation and Enforcement of Pennsylvania Public Utility Commission respectfully requests that:

(a) Respondent be ordered to pay a total of \$27, which consists of its outstanding assessment balance for the above-described violation; and

(b) If payment of the assessment is not made, the Bureau of Investigation and Enforcement requests that:

(1) the Commission issue an Order to cancel the Certificate of Public Convenience issued to Respondent;

(2) this matter be referred to the Pennsylvania Office of Attorney General for appropriate action; and

(3) the Commission certify the company's automobile registrations to the Pennsylvania Department of Transportation for suspension or revocation.

Respectfully submitted,  
Kourtney L. Myers  
Prosecutor  
PA Attorney ID No. 316494

Bureau of Investigation & Enforcement  
Pennsylvania Public Utility Commission  
P. O. Box 3265  
Harrisburg, PA 17105-3265

Date: September 25, 2014

#### VERIFICATION

I, Mandy Freas, Accountant, Bureau of Administrative Services, Assessment Section, hereby state that the facts above set forth are true and correct to the best of my knowledge, information, and belief and that I expect the Bureau will be able to prove the same at any hearing held in this matter. I understand that the statements herein are made subject to the penalties of 18 Pa.C.S. § 4904 relating to unsworn falsification to authorities.

Date: September 25, 2014

Mandy Freas, Accountant  
Assessment Section  
Bureau of Administrative Services  
PA. Public Utility Commission  
P. O. Box 3265  
Harrisburg, PA 17105-3265

#### NOTICE

A. You must file an Answer within 20 days of the date of service of this Complaint. The date of service is the mailing date as indicated at the top of the Secretarial Letter. See 52 Pa. Code § 1.56(a). The Answer must raise all factual and legal arguments that you wish to claim in your defense, include the docket number of this Complaint, and be verified. You may file your Answer by mailing an original to:

Rosemary Chiavetta, Secretary  
Pennsylvania Public Utility Commission  
P. O. Box 3265  
Harrisburg, PA 17105-3265

Or, you may eFile your Answer using the Commission's website at [www.puc.pa.gov](http://www.puc.pa.gov). The link to eFiling is located under the Filing & Resources tab on the homepage. If your Answer is 250 pages or less, you are not required to file a paper copy. If your Answer exceeds 250 pages, you must file a paper copy with the Secretary's Bureau.

Additionally, a copy should either be mailed to:

Wayne T. Scott, First Deputy Chief Prosecutor  
Pennsylvania Public Utility Commission  
Bureau of Investigation and Enforcement  
P. O. Box 3265  
Harrisburg, PA 17105-3265

Or, emailed to Mr. Scott at: [RA-PCCmplntResp@pa.gov](mailto:RA-PCCmplntResp@pa.gov)

B. If you fail to answer this Complaint within 20 days, the Bureau of Investigation and Enforcement will request that the Commission issue an Order imposing the penalty.

C. You may elect not to contest this Complaint by paying the past due assessment and civil penalty within

20 days. Your check or money order should be payable to the Commonwealth of Pennsylvania and mailed to:

Rosemary Chiavetta, Secretary  
Pennsylvania Public Utility Commission  
P. O. Box 3265  
Harrisburg, PA 17105-3265

D. If you file an Answer which either admits or fails to deny the allegations of the Complaint, the Bureau of Investigation and Enforcement will request the Commission to issue an Order imposing the penalty set forth in this Complaint.

E. If you file an Answer which contests the Complaint, the matter will be assigned to an Administrative Law Judge for hearing and decision. The Judge is not bound by the penalty set forth in the Complaint, and may impose additional and/or alternative penalties as appropriate.

F. If you are a corporation, you must be represented by legal counsel. 52 Pa. Code § 1.21.

G. Alternative formats of this material are available for persons with disabilities by contacting the Commission's ADA Coordinator at 717-787-8714.

*Pennsylvania Public Utility Commission; Bureau of Investigation and Enforcement v. Jesse Zumstein t/a J & M Transport; Docket No. C-2014-2444511*

#### COMPLAINT

Now Comes the Bureau of Investigation and Enforcement ("I&E") of the Pennsylvania Public Utility Commission ("Commission"), by its prosecuting attorneys, and files this Complaint against Jesse Zumstein t/a J & M Transport ("Respondent"), pursuant to Section 701 of the Public Utility Code, 66 Pa.C.S. § 701. In support of its Complaint, I&E respectfully represents the following:

#### **Parties and Jurisdiction**

1. The Pennsylvania Public Utility Commission, with a mailing address of P. O. Box 3265, Harrisburg, PA 17105-3265, is a duly constituted agency of the Commonwealth of Pennsylvania empowered to regulate public utilities within the Commonwealth pursuant to the Public Utility Code, 66 Pa.C.S. §§ 101, et seq.

2. Complainant is the Commission's Bureau of Investigation and Enforcement and is the entity established by statute to prosecute complaints against public utilities pursuant to 66 Pa.C.S. § 308.2(a)(11).

3. Complainant is represented by:

Kourtney L. Myers  
Prosecutor  
Pennsylvania Public Utility Commission  
Bureau of Investigation and Enforcement  
P. O. Box 3265  
Harrisburg, PA 17105-3265  
717.705.4366  
[komyers@pa.gov](mailto:komyers@pa.gov)

Stephanie M. Wimer  
Prosecutor  
Pennsylvania Public Utility Commission  
Bureau of Investigation and Enforcement  
P. O. Box 3265  
Harrisburg, PA 17105-3265  
717.772.8839  
[stwimer@pa.gov](mailto:stwimer@pa.gov)

Wayne T. Scott  
 First Deputy Chief Prosecutor  
 Pennsylvania Public Utility Commission  
 Bureau of Investigation and Enforcement  
 P. O. Box 3265  
 Harrisburg, PA 17105-3265  
 wascott@pa.gov

4. Respondent is Jesse Zumstein t/a J & M Transport and maintains its principal place of business at 3077 Clover Creek Road, Martinsburg, PA 16662, Attention: Jesse Zumstein.

5. Respondent is a "public utility" as that term is defined at 66 Pa.C.S. § 102, as it is engaged in transporting property in the Commonwealth of Pennsylvania for compensation.

6. The Commission issued Respondent a certificate of public convenience on or about July 16, 2003, at A-00119892, for truck authority.

7. Section 501(a) of the Public Utility Code, 66 Pa.C.S. § 501(a), authorizes and obligates the Commission to execute and enforce the provisions of the Public Utility Code.

8. Section 701 of the Public Utility Code, 66 Pa.C.S. § 701, authorizes the Commission, inter alia, to hear and determine complaints against public utilities for a violation of any law or regulation that the Commission has jurisdiction to administer.

9. Section 3301 of the Public Utility Code, 66 Pa.C.S. § 3301, authorizes the Commission to impose civil penalties on any public utility, or any other person or corporation subject to the Commission's authority, for violation(s) of the Public Utility Code and/or Commission regulations.

10. Respondent, in transporting property as a common carrier for compensation, is subject to the power and authority of this Commission pursuant to Section 501(c) of the Public Utility Code, 66 Pa.C.S. § 501(c), which requires a public utility to comply with Commission regulations.

11. Pursuant to the provisions of the applicable Commonwealth statutes and regulations, the Commission has jurisdiction over the subject matter of this complaint and the actions of Respondent related thereto.

### **Factual Background**

#### **2012-2013 Fiscal Year**

12. On or about February 16, 2012, the Commission mailed to Respondent an assessment report for Respondent to submit its 2011 calendar year revenues.

13. The assessment report was accompanied by a letter, which notified Respondent that the report was due on or before March 31, 2012.

14. The assessment report and instructions on how to complete it are also available on the Commission's website.

15. Respondent failed to file an assessment report to show its 2011 calendar year revenues.

16. On or about August 27, 2012, the Commission mailed to Respondent an assessment invoice for the July 1, 2012 to June 30, 2013 Fiscal Year. Respondent's assessment was \$216.

17. Accompanying the assessment invoice was a notice that informed Respondent that it was obligated to pay the amount listed on the assessment invoice within thirty (30) days.

18. The assessment invoice was mailed to Respondent at P. O. Box 374, Martinsburg, PA 16662.

19. This is the mailing address that Respondent provided to the Commission for assessment purposes.

20. The assessment invoice was returned to the Commission by the United States Postal Service as being undeliverable.

21. Respondent is obligated to promptly apprise the Commission of changes to its current address pursuant to Section 1.53(d) of the Commission's regulations, 52 Pa. Code § 1.53(d).

22. The Commission was unable to effectively serve the 2012-2013 fiscal year assessment invoice upon Respondent due to Respondent's failure to provide the Commission with its current address.

23. Consequently, Respondent failed to pay the amount of its 2012-2013 assessment invoice.

### **Violations**

#### **COUNT 1**

24. That Respondent failed to demonstrate its gross intrastate operating revenues for the 2011 calendar year in that it did not file an assessment report for that year.

If proven, this is a violation of Section 510(b) of the Public Utility Code, 66 Pa.C.S. § 510(b). The Bureau of Investigation and Enforcement's proposed civil penalty for this violation is \$1,000 for each calendar year that Respondent failed to report its gross intrastate operating revenues or \$1,000.

#### **COUNT 2**

25. That Respondent failed to satisfy its 2012-2013 fiscal year assessment in that it did not pay the amount due within thirty (30) days of receipt of the invoice.

If proven, this is a violation of Section 510(c) of the Public Utility Code, 66 Pa.C.S. § 510(c). The Bureau of Investigation and Enforcement's proposed civil penalty for this violation is 15% of the outstanding assessment balance or \$32.

*Wherefore*, for all the foregoing reasons, the Bureau of Investigation and Enforcement of Pennsylvania Public Utility Commission respectfully requests that:

(a) Respondent be ordered to pay a total of \$1,248, which consists of its outstanding assessment balance, which totals \$216 and a civil penalty of \$1,032 for the above-described violations;

(b) Respondent be directed to file assessment reports on a going-forward basis;

(c) Respondent be directed to update its address with the Commission using the form available on the Commission's website at:

[http://www.puc.pa.gov/filing\\_resources/motor\\_carrier\\_online\\_forms.aspx](http://www.puc.pa.gov/filing_resources/motor_carrier_online_forms.aspx); and

(d) If payment of the civil penalty and assessment is not made, the Bureau of Investigation and Enforcement requests that:

(1) the Commission issue an Order to cancel the Certificate of Public Convenience issued to Respondent;

(2) this matter be referred to the Pennsylvania Office of Attorney General for appropriate action; and

(3) the Commission certify the company's automobile registrations to the Pennsylvania Department of Transportation for suspension or revocation.



Respectfully submitted,  
Kourtney L. Myers  
Prosecutor  
PA Attorney ID No. 316494

Pennsylvania Public Utility Commission  
Bureau of Investigation and Enforcement  
P. O. Box 3265  
Harrisburg, PA 17105-3265

Date: September 25, 2014

#### VERIFICATION

I, Mandy Freas, Accountant, Bureau of Administrative Services, Assessment Section, hereby state that the facts above set forth are true and correct to the best of my knowledge, information, and belief and that I expect the Bureau will be able to prove the same at any hearing held in this matter. I understand that the statements herein are made subject to the penalties of 18 Pa.C.S. § 4904 relating to unsworn falsification to authorities.

Date: September 25, 2014

Mandy Freas, Accountant  
Assessment Section  
Bureau of Administrative Services  
PA. Public Utility Commission  
P. O. Box 3265  
Harrisburg, PA 17105-3265

#### NOTICE

A. You must file an Answer within 20 days of the date of service of this Complaint. The date of service is the mailing date as indicated at the top of the Secretarial Letter. See 52 Pa. Code § 1.56(a). The Answer must raise all factual and legal arguments that you wish to claim in your defense, include the docket number of this Complaint, and be verified. You may file your Answer by mailing an original to:

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Pennsylvania Public Utility Commission  
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Or, you may eFile your Answer using the Commission's website at [www.puc.pa.gov](http://www.puc.pa.gov). The link to eFiling is located under the Filing & Resources tab on the homepage. If your Answer is 250 pages or less, you are not required to file a paper copy. If your Answer exceeds 250 pages, you must file a paper copy with the Secretary's Bureau.

Additionally, a copy should either be mailed to:

Wayne T. Scott, First Deputy Chief Prosecutor  
Pennsylvania Public Utility Commission  
Bureau of Investigation and Enforcement  
P. O. Box 3265  
Harrisburg, PA 17105-3265

Or, emailed to Mr. Scott at: [RA-PCCmplntResp@pa.gov](mailto:RA-PCCmplntResp@pa.gov)

B. If you fail to answer this Complaint within 20 days, the Bureau of Investigation and Enforcement will request that the Commission issue an Order imposing the penalty.

C. You may elect not to contest this Complaint by paying the past due assessment and civil penalty within 20 days. Your check or money order should be payable to the Commonwealth of Pennsylvania and mailed to:

Rosemary Chiavetta, Secretary  
Pennsylvania Public Utility Commission  
P. O. Box 3265  
Harrisburg, PA 17105-3265

D. If you file an Answer which either admits or fails to deny the allegations of the Complaint, the Bureau of Investigation and Enforcement will request the Commission to issue an Order imposing the penalty set forth in this Complaint.

E. If you file an Answer which contests the Complaint, the matter will be assigned to an Administrative Law Judge for hearing and decision. The Judge is not bound by the penalty set forth in the Complaint, and may impose additional and/or alternative penalties as appropriate.

F. If you are a corporation, you must be represented by legal counsel. 52 Pa. Code § 1.21.

G. Alternative formats of this material are available for persons with disabilities by contacting the Commission's ADA Coordinator at 717-787-8714.

*Pennsylvania Public Utility Commission; Bureau of Investigation and Enforcement v. Mobility Professionals, Inc. t/a Vans-2-Go; Docket No. C-2014-2445113*

#### COMPLAINT

Now Comes the Bureau of Investigation and Enforcement ("I&E") of the Pennsylvania Public Utility Commission ("Commission"), by its prosecuting attorneys, and files this Complaint against Mobility Professionals, Inc. t/a Vans-2-Go ("Respondent"), pursuant to Section 701 of the Public Utility Code, 66 Pa.C.S. § 701. In support of its Complaint, I&E respectfully represents the following:

#### **Parties and Jurisdiction**

1. The Pennsylvania Public Utility Commission, with a mailing address of P. O. Box 3265, Harrisburg, PA 17105-3265, is a duly constituted agency of the Commonwealth of Pennsylvania empowered to regulate public utilities within the Commonwealth pursuant to the Public Utility Code, 66 Pa.C.S. §§ 101, et seq.

2. Complainant is the Commission's Bureau of Investigation and Enforcement and is the entity established by statute to prosecute complaints against public utilities pursuant to 66 Pa.C.S. § 308.2(a)(11).

3. Complainant is represented by:

Kourtney L. Myers  
Prosecutor  
Pennsylvania Public Utility Commission  
Bureau of Investigation and Enforcement  
P. O. Box 3265  
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717.705.4366  
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Prosecutor  
Pennsylvania Public Utility Commission  
Bureau of Investigation and Enforcement  
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Harrisburg, PA 17105-3265  
717.772.8839  
[stwimer@pa.gov](mailto:stwimer@pa.gov)

Wayne T. Scott  
First Deputy Chief Prosecutor  
Pennsylvania Public Utility Commission  
Bureau of Investigation and Enforcement  
P. O. Box 3265  
Harrisburg, PA 17105-3265  
[wascott@pa.gov](mailto:wascott@pa.gov)

4. Respondent is Mobility Professionals, Inc. t/a Vans-2-Go and maintains its principal place of business at 1390 Industrial Boulevard, Southampton, PA 18966, Attention: Philip Jagiela.

5. Respondent is a "public utility" as that term is defined at 66 Pa.C.S. § 102, as it is engaged in transporting passengers in the Commonwealth of Pennsylvania for compensation.

6. The Commission issued Respondent a certificate of public convenience on or about October 19, 2006, at A-00122403, for airport transfer authority and group and party 15 or less authority.

7. Section 501(a) of the Public Utility Code, 66 Pa.C.S. § 501(a), authorizes and obligates the Commission to execute and enforce the provisions of the Public Utility Code.

8. Section 701 of the Public Utility Code, 66 Pa.C.S. § 701, authorizes the Commission, inter alia, to hear and determine complaints against public utilities for a violation of any law or regulation that the Commission has jurisdiction to administer.

9. Section 3301 of the Public Utility Code, 66 Pa.C.S. § 3301, authorizes the Commission to impose civil penalties on any public utility, or any other person or corporation subject to the Commission's authority, for violation(s) of the Public Utility Code and/or Commission regulations.

10. Respondent, in transporting passengers as a common carrier for compensation, is subject to the power and authority of this Commission pursuant to Section 501(c) of the Public Utility Code, 66 Pa.C.S. § 501(c), which requires a public utility to comply with Commission regulations.

11. Pursuant to the provisions of the applicable Commonwealth statutes and regulations, the Commission has jurisdiction over the subject matter of this complaint and the actions of Respondent related thereto.

### **Factual Background**

#### **2013-2014 Fiscal Year**

12. On or about February 7, 2013, the Commission mailed to Respondent an assessment report for Respondent to report its 2012 calendar year revenues.

13. The assessment report was accompanied by a letter, which notified Respondent that the report was due on or before March 31, 2013.

14. The assessment report and instructions on how to complete it are also available on the Commission's website.

15. Respondent failed to file an assessment report to show its 2012 calendar year revenues.

16. On or about September 12, 2013, the Commission mailed to Respondent an assessment invoice for the July 1, 2013 to June 30, 2014 Fiscal Year. Respondent's assessment was \$674.

17. Accompanying the assessment invoice was a notice that informed Respondent that it was obligated to pay the amount listed on the assessment invoice within thirty (30) days.

18. The assessment invoice was mailed to Respondent at 49 South Maple Avenue, Marlton, NJ 08053.

19. This is the mailing address that Respondent provided to the Commission for assessment purposes.

20. The assessment invoice was returned to the Commission by the United States Postal Service as being undeliverable.

21. Respondent is obligated to promptly apprise the Commission of changes to its current address pursuant to Section 1.53(d) of the Commission's regulations, 52 Pa. Code § 1.53(d).

22. The Commission was unable to effectively serve the 2013-2014 fiscal year assessment invoice upon Respondent due to Respondent's failure to provide the Commission with its current address.

23. Consequently, Respondent failed to pay the amount of its 2013-2014 assessment invoice.

### **Violations**

#### **COUNT 1**

24. That Respondent failed to demonstrate its gross intrastate operating revenues for the 2012 calendar year in that it did not file an assessment report for that year.

If proven, this is a violation of Section 510(b) of the Public Utility Code, 66 Pa.C.S. § 510(b). The Bureau of Investigation and Enforcement's proposed civil penalty for this violation is \$1,000 for each calendar year that Respondent failed to report its gross intrastate operating revenues or \$1,000.

#### **COUNT 2**

25. That Respondent failed to satisfy its 2013-2014 fiscal year assessment in that it did not pay the amount due within thirty (30) days of receipt of the invoice.

If proven, this is a violation of Section 510(c) of the Public Utility Code, 66 Pa.C.S. § 510(c). The Bureau of Investigation and Enforcement's proposed civil penalty for this violation is 15% of the outstanding assessment balance or \$101.

Wherefore, for all the foregoing reasons, the Bureau of Investigation and Enforcement of Pennsylvania Public Utility Commission respectfully requests that:

(a) Respondent be ordered to pay a total of \$1,775, which consists of its outstanding assessment balance, which totals \$674 and a civil penalty of \$1,101 for the above-described violations;

(b) Respondent be directed to file assessment reports on a going-forward basis;

(c) Respondent be directed to update its address with the Commission using the form available on the Commission's website at:

[http://www.puc.pa.gov/filing\\_resources/motor\\_carrier\\_online\\_forms.aspx](http://www.puc.pa.gov/filing_resources/motor_carrier_online_forms.aspx); and

(d) If payment of the civil penalty and assessment is not made, the Bureau of Investigation and Enforcement requests that:

(1) the Commission issue an Order to cancel the Certificate of Public Convenience issued to Respondent;

(2) this matter be referred to the Pennsylvania Office of Attorney General for appropriate action; and

(3) the Commission certify the company's automobile registrations to the Pennsylvania Department of Transportation for suspension or revocation.

Respectfully submitted,  
Kourtney L. Myers  
Prosecutor  
PA Attorney ID No. 316494

Pennsylvania Public Utility Commission  
Bureau of Investigation and Enforcement  
P. O. Box 3265  
Harrisburg, PA 17105-3265

Date: September 29, 2014

VERIFICATION

I, Mandy Freas, Accountant, Bureau of Administrative Services, Assessment Section, hereby state that the facts above set forth are true and correct to the best of my knowledge, information, and belief and that I expect the Bureau will be able to prove the same at any hearing held in this matter. I understand that the statements herein are made subject to the penalties of 18 Pa.C.S. § 4904 relating to unsworn falsification to authorities.

Date: September 29, 2014

Mandy Freas, Accountant  
Assessment Section  
Bureau of Administrative Services  
PA. Public Utility Commission  
P. O. Box 3265  
Harrisburg, PA 17105-3265

NOTICE

A. You must file an Answer within 20 days of the date of service of this Complaint. The date of service is the mailing date as indicated at the top of the Secretarial Letter. See 52 Pa. Code § 1.56(a). The Answer must raise all factual and legal arguments that you wish to claim in your defense, include the docket number of this Complaint, and be verified. You may file your Answer by mailing an original to:

Rosemary Chiavetta, Secretary  
Pennsylvania Public Utility Commission  
P. O. Box 3265  
Harrisburg, PA 17105-3265

Or, you may eFile your Answer using the Commission's website at [www.puc.pa.gov](http://www.puc.pa.gov). The link to eFiling is located under the Filing & Resources tab on the homepage. If your Answer is 250 pages or less, you are not required to file a paper copy. If your Answer exceeds 250 pages, you must file a paper copy with the Secretary's Bureau.

Additionally, a copy should either be mailed to:

Wayne T. Scott, First Deputy Chief Prosecutor  
Pennsylvania Public Utility Commission  
Bureau of Investigation and Enforcement  
P. O. Box 3265  
Harrisburg, PA 17105-3265

Or, emailed to Mr. Scott at: [RA-PCCmplntResp@pa.gov](mailto:RA-PCCmplntResp@pa.gov)

B. If you fail to answer this Complaint within 20 days, the Bureau of Investigation and Enforcement will request that the Commission issue an Order imposing the penalty.

C. You may elect not to contest this Complaint by paying the past due assessment and civil penalty within 20 days. Your check or money order should be payable to the Commonwealth of Pennsylvania and mailed to:

Rosemary Chiavetta, Secretary  
Pennsylvania Public Utility Commission  
P. O. Box 3265  
Harrisburg, PA 17105-3265

D. If you file an Answer which either admits or fails to deny the allegations of the Complaint, the Bureau of

Investigation and Enforcement will request the Commission to issue an Order imposing the penalty set forth in this Complaint.

E. If you file an Answer which contests the Complaint, the matter will be assigned to an Administrative Law Judge for hearing and decision. The Judge is not bound by the penalty set forth in the Complaint, and may impose additional and/or alternative penalties as appropriate.

F. If you are a corporation, you must be represented by legal counsel. 52 Pa. Code § 1.21.

G. Alternative formats of this material are available for persons with disabilities by contacting the Commission's ADA Coordinator at 717-787-8714.

*Pennsylvania Public Utility Commission; Bureau of Investigation and Enforcement v. Fairview Limousine Service, Inc. t/a Exec-Limo; Docket No. C-2014-2445391*

COMPLAINT

Now Comes the Bureau of Investigation and Enforcement ("I&E") of the Pennsylvania Public Utility Commission ("Commission"), by its prosecuting attorneys, and files this Complaint against Fairview Limousine Service, Inc. t/a Exec-Limo ("Respondent"), pursuant to Section 701 of the Public Utility Code, 66 Pa.C.S. § 701. In support of its Complaint, I&E respectfully represents the following:

**Parties and Jurisdiction**

1. The Pennsylvania Public Utility Commission, with a mailing address of P. O. Box 3265, Harrisburg, PA 17105-3265, is a duly constituted agency of the Commonwealth of Pennsylvania empowered to regulate public utilities within the Commonwealth pursuant to the Public Utility Code, 66 Pa.C.S. §§ 101, et seq.

2. Complainant is the Commission's Bureau of Investigation and Enforcement and is the entity established by statute to prosecute complaints against public utilities pursuant to 66 Pa.C.S. § 308.2(a)(11).

3. Complainant is represented by:

Kourtney L. Myers  
Prosecutor  
Pennsylvania Public Utility Commission  
Bureau of Investigation and Enforcement  
P. O. Box 3265  
Harrisburg, PA 17105-3265  
717.705.4366  
[komyers@pa.gov](mailto:komyers@pa.gov)

Stephanie M. Wimer  
Prosecutor  
Pennsylvania Public Utility Commission  
Bureau of Investigation and Enforcement  
P. O. Box 3265  
Harrisburg, PA 17105-3265  
717.772.8839  
[stwimer@pa.gov](mailto:stwimer@pa.gov)

Wayne T. Scott  
First Deputy Chief Prosecutor  
Pennsylvania Public Utility Commission  
Bureau of Investigation and Enforcement  
P. O. Box 3265  
Harrisburg, PA 17105-3265  
[wascott@pa.gov](mailto:wascott@pa.gov)



4. Respondent is Fairview Limousine Service, Inc. t/a Exec-Limo and maintains its principal place of business at 2033 Lucon Road, Schwenksville, PA 19473.

5. Respondent is a "public utility" as that term is defined at 66 Pa.C.S. § 102, as it is engaged in transporting passengers in the Commonwealth of Pennsylvania for compensation.

6. The Commission issued Respondent a certificate of public convenience on or about October 28, 1987, at A-00106915, for limousine authority.

7. Section 501(a) of the Public Utility Code, 66 Pa.C.S. § 501(a), authorizes and obligates the Commission to execute and enforce the provisions of the Public Utility Code.

8. Section 701 of the Public Utility Code, 66 Pa.C.S. § 701, authorizes the Commission, inter alia, to hear and determine complaints against public utilities for a violation of any law or regulation that the Commission has jurisdiction to administer.

9. Section 3301 of the Public Utility Code, 66 Pa.C.S. § 3301, authorizes the Commission to impose civil penalties on any public utility, or any other person or corporation subject to the Commission's authority, for violation(s) of the Public Utility Code and/or Commission regulations.

10. Respondent, in transporting passengers as a common carrier for compensation, is subject to the power and authority of this Commission pursuant to Section 501(c) of the Public Utility Code, 66 Pa.C.S. § 501(c), which requires a public utility to comply with Commission regulations.

11. Pursuant to the provisions of the applicable Commonwealth statutes and regulations, the Commission has jurisdiction over the subject matter of this complaint and the actions of Respondent related thereto.

### **Factual Background**

#### **2012-2013 Fiscal Year**

12. On or about August 27, 2012, the Commission sent Respondent, through certified mail, an assessment invoice for the July 1, 2012 to June 30, 2013 Fiscal Year. Respondent's assessment was \$893.

13. On September 10, 2012, Respondent signed a certified mail card, which indicated that it received an assessment invoice for the Commission's July 1, 2012 to June 30, 2013 Fiscal Year.

14. Accompanying the assessment invoice was a notice that informed Respondent that it was obligated to pay the amount listed on the assessment invoice within thirty (30) days.

15. The Commission received no objections from Respondent to this assessment.

16. Respondent failed to fully pay the amount of its 2012-2013 assessment invoice.

17. The total outstanding assessment balance for Respondent is \$893.

### **Violation**

#### **COUNT 1**

18. That Respondent failed to satisfy its 2012-2013 fiscal year assessment in that it did not pay the amount due within thirty (30) days of receipt of the invoice.

If proven, this is a violation of Section 510(c) of the Public Utility Code, 66 Pa.C.S. § 510(c). The Bureau of

Investigation and Enforcement's proposed civil penalty for this violation is 15% of the outstanding assessment balance or \$134.

Wherefore, for all the foregoing reasons, the Bureau of Investigation and Enforcement of Pennsylvania Public Utility Commission respectfully requests that:

(a) Respondent be ordered to pay a total of \$1,027, which consists of its outstanding assessment balance, which totals \$893 and a civil penalty of \$134 for the above-described violation; and

(b) If payment of the civil penalty and assessment is not made, the Bureau of Investigation and Enforcement requests that:

(1) the Commission issue an Order to cancel the Certificate of Public Convenience issued to Respondent;

(2) this matter be referred to the Pennsylvania Office of Attorney General for appropriate action; and

(3) the Commission certify the company's automobile registrations to the Pennsylvania Department of Transportation for suspension or revocation.

Respectfully submitted,  
Kourtney L. Myers  
Prosecutor  
PA Attorney ID No. 316494

Pennsylvania Public Utility Commission  
Bureau of Investigation & Enforcement  
P. O. Box 3265  
Harrisburg, PA 17105-3265

Date: September 29, 2014

### VERIFICATION

I, Mandy Freas, Accountant, Bureau of Administrative Services, Assessment Section, hereby state that the facts above set forth are true and correct to the best of my knowledge, information, and belief and that I expect the Bureau will be able to prove the same at any hearing held in this matter. I understand that the statements herein are made subject to the penalties of 18 Pa.C.S. § 4904 relating to unsworn falsification to authorities.

Date: September 29, 2014

Mandy Freas, Accountant  
Assessment Section  
Bureau of Administrative Services  
PA. Public Utility Commission  
P. O. Box 3265  
Harrisburg, PA 17105-3265

### NOTICE

A. You must file an Answer within 20 days of the date of service of this Complaint. The date of service is the mailing date as indicated at the top of the Secretarial Letter. See 52 Pa. Code § 1.56(a). The Answer must raise all factual and legal arguments that you wish to claim in your defense, include the docket number of this Complaint, and be verified. You may file your Answer by mailing an original to:

Rosemary Chiavetta, Secretary  
Pennsylvania Public Utility Commission  
P. O. Box 3265  
Harrisburg, PA 17105-3265

Or, you may eFile your Answer using the Commission's website at [www.puc.pa.gov](http://www.puc.pa.gov). The link to eFiling is located under the Filing & Resources tab on the homepage. If your Answer is 250 pages or less, you are not required to

file a paper copy. If your Answer exceeds 250 pages, you must file a paper copy with the Secretary's Bureau.

Additionally, a copy should either be mailed to:

Wayne T. Scott, First Deputy Chief Prosecutor  
Pennsylvania Public Utility Commission  
Bureau of Investigation and Enforcement  
P. O. Box 3265  
Harrisburg, PA 17105-3265

Or, emailed to Mr. Scott at: RA-PCCmplntResp@pa.gov

B. If you fail to answer this Complaint within 20 days, the Bureau of Investigation and Enforcement will request that the Commission issue an Order imposing the penalty.

C. You may elect not to contest this Complaint by paying the past due assessment and civil penalty within 20 days. Your check or money order should be payable to the Commonwealth of Pennsylvania and mailed to:

Rosemary Chiavetta, Secretary  
Pennsylvania Public Utility Commission  
P. O. Box 3265  
Harrisburg, PA 17105-3265

D. If you file an Answer which either admits or fails to deny the allegations of the Complaint, the Bureau of Investigation and Enforcement will request the Commission to issue an Order imposing the penalty set forth in this Complaint.

E. If you file an Answer which contests the Complaint, the matter will be assigned to an Administrative Law Judge for hearing and decision. The Judge is not bound by the penalty set forth in the Complaint, and may impose additional and/or alternative penalties as appropriate.

F. If you are a corporation, you must be represented by legal counsel. 52 Pa. Code § 1.21.

G. Alternative formats of this material are available for persons with disabilities by contacting the Commission's ADA Coordinator at 717-787-8714.

*Pennsylvania Public Utility Commission; Bureau of Investigation and Enforcement v. Clair Zimmerman & Debra Sensenig Copts t/a C&D Medical Transport; Docket No. C-2014-2445405*

#### COMPLAINT

Now Comes the Bureau of Investigation and Enforcement ("I&E") of the Pennsylvania Public Utility Commission ("Commission"), by its prosecuting attorneys, and files this Complaint against Clair Zimmerman & Debra Sensenig Copts t/a C&D Medical Transport ("Respondent"), pursuant to Section 701 of the Public Utility Code, 66 Pa.C.S. § 701. In support of its Complaint, I&E respectfully represents the following:

#### Parties and Jurisdiction

1. The Pennsylvania Public Utility Commission, with a mailing address of P. O. Box 3265, Harrisburg, PA 17105-3265, is a duly constituted agency of the Commonwealth of Pennsylvania empowered to regulate public utilities within the Commonwealth pursuant to the Public Utility Code, 66 Pa.C.S. §§ 101, et seq.

2. Complainant is the Commission's Bureau of Investigation and Enforcement and is the entity established by statute to prosecute complaints against public utilities pursuant to 66 Pa.C.S. § 308.2(a)(11).

3. Complainant is represented by:

Kourtney L. Myers  
Prosecutor  
Pennsylvania Public Utility Commission  
Bureau of Investigation and Enforcement  
P. O. Box 3265  
Harrisburg, PA 17105-3265  
717.705.4366  
komyers@pa.gov

Stephanie M. Wimer  
Prosecutor  
Pennsylvania Public Utility Commission  
Bureau of Investigation and Enforcement  
P. O. Box 3265  
Harrisburg, PA 17105-3265  
717.772.8839  
stwimer@pa.gov

Wayne T. Scott  
First Deputy Chief Prosecutor  
Pennsylvania Public Utility Commission  
Bureau of Investigation and Enforcement  
P. O. Box 3265  
Harrisburg, PA 17105-3265  
wascott@pa.gov

4. Respondent is Clair Zimmerman & Debra Sensenig Copts t/a C&D Medical Transport and maintains its principal place of business at Box 15, Terre Hill, PA 17581, Attention: Debra Sensenig.

5. Respondent is a "public utility" as that term is defined at 66 Pa.C.S. § 102, as it is engaged in transporting passengers in the Commonwealth of Pennsylvania for compensation.

6. The Commission issued Respondent a certificate of public convenience on or about May 3, 2010, at A-2009-2129165, for paratransit authority.

7. Section 501(a) of the Public Utility Code, 66 Pa.C.S. § 501(a), authorizes and obligates the Commission to execute and enforce the provisions of the Public Utility Code.

8. Section 701 of the Public Utility Code, 66 Pa.C.S. § 701, authorizes the Commission, inter alia, to hear and determine complaints against public utilities for a violation of any law or regulation that the Commission has jurisdiction to administer.

9. Section 3301 of the Public Utility Code, 66 Pa.C.S. § 3301, authorizes the Commission to impose civil penalties on any public utility, or any other person or corporation subject to the Commission's authority, for violation(s) of the Public Utility Code and/or Commission regulations.

10. Respondent, in transporting passengers as a common carrier for compensation, is subject to the power and authority of this Commission pursuant to Section 501(c) of the Public Utility Code, 66 Pa.C.S. § 501(c), which requires a public utility to comply with Commission regulations.

11. Pursuant to the provisions of the applicable Commonwealth statutes and regulations, the Commission has jurisdiction over the subject matter of this complaint and the actions of Respondent related thereto.

#### Factual Background

##### 2012-2013 Fiscal Year

12. On or about August 27, 2012, the Commission sent to Respondent by certified mail an assessment invoice for the July 1, 2012 to June 30, 2013 Fiscal Year. Respondent's assessment was \$228.

13. Accompanying the assessment invoice was a notice that informed Respondent that it was obligated to pay the amount listed on the assessment invoice within thirty (30) days.

14. The assessment invoice was mailed to Respondent at P. O. Box 735, Terre Hill, PA 17581-0735.

15. This is the mailing address that Respondent provided to the Commission for assessment purposes.

16. The assessment invoice was returned to the Commission by the United States Postal Service as being undeliverable.

17. Respondent is obligated to promptly apprise the Commission of changes to its current address pursuant to Section 1.53(d) of the Commission's regulations, 52 Pa. Code § 1.53(d).

18. The Commission was unable to effectively serve the 2012-2013 fiscal year assessment invoice upon Respondent due to Respondent's failure to provide the Commission with its current address or claim the certified mailing.

19. Consequently, Respondent failed to pay the amount of its 2012-2013 assessment invoice.

#### 2013-2014 Fiscal Year

20. On or about February 7, 2013, the Commission mailed to Respondent an assessment report for Respondent to report its 2012 calendar year revenues.

21. The assessment report was accompanied by a letter, which notified Respondent that the report was due on or before March 31, 2013.

22. The assessment report and instructions on how to complete it are also available on the Commission's website.

23. Respondent failed to file an assessment report to show its 2012 calendar year revenues.

24. On or about September 12, 2013, the Commission sent Respondent, through certified mail, an assessment invoice for the July 1, 2013 to June 30, 2014 Fiscal Year that was based, in part, on Respondent's estimated revenues for the 2012 calendar year. Respondent's assessment was \$222.

25. On September 20, 2013, Respondent signed a certified mail card, which indicated that it received an assessment invoice for the Commission's July 1, 2013 to June 30, 2014 Fiscal Year.

26. Accompanying the assessment invoice was a notice that informed Respondent that it was obligated to pay the amount listed on the assessment invoice within thirty (30) days.

27. The Commission received no objections from Respondent to the 2013-2014 Fiscal Year Assessment.

28. Respondent failed to fully pay the amount of its 2013-2014 assessment invoice.

29. The total outstanding assessment balance for Respondent is \$450.

#### Violations

##### COUNT 1

30. That Respondent failed to demonstrate its gross intrastate operating revenues for the 2012 calendar year in that it did not file an assessment report for that year.

If proven, this is a violation of Section 510(b) of the Public Utility Code, 66 Pa.C.S. § 510(b). The Bureau of Investigation and Enforcement's proposed civil penalty for this violation is \$1,000 for each calendar year that Respondent failed to report its gross intrastate operating revenues or \$1,000.

##### COUNT 2

31. That Respondent failed to satisfy its 2012-2013 and 2013-2014 fiscal year assessments in that it did not pay the amounts due within thirty (30) days of receipt of the invoices.

If proven, this is a violation of Section 510(c) of the Public Utility Code, 66 Pa.C.S. § 510(c). The Bureau of Investigation and Enforcement's proposed civil penalty for this violation is 15% of the outstanding assessment balance or \$68.

Wherefore, for all the foregoing reasons, the Bureau of Investigation and Enforcement of Pennsylvania Public Utility Commission respectfully requests that:

(a) Respondent be ordered to pay a total of \$1,518, which consists of its outstanding assessment balance, which totals \$450 and a civil penalty of \$1,068 for the above-described violations;

(b) Respondent be directed to file assessment reports on a going-forward basis;

(c) If Respondent's address changed, Respondent be directed to update its address with the Commission using the form available on the Commission's website at:

[http://www.puc.pa.gov/filing\\_resources/motor\\_carrier\\_online\\_forms.aspx](http://www.puc.pa.gov/filing_resources/motor_carrier_online_forms.aspx); and

(d) If payment of the civil penalty and assessments is not made, the Bureau of Investigation and Enforcement requests that:

(1) the Commission issue an Order to cancel the Certificate of Public Convenience issued to Respondent;

(2) this matter be referred to the Pennsylvania Office of Attorney General for appropriate action; and

(3) the Commission certify the company's automobile registrations to the Pennsylvania Department of Transportation for suspension or revocation.

Respectfully submitted,  
Kourtney L. Myers  
Prosecutor  
PA Attorney ID No. 316494

Pennsylvania Public Utility Commission  
Bureau of Investigation and Enforcement  
P. O. Box 3265  
Harrisburg, PA 17105-3265

Date: September 29, 2014

#### VERIFICATION

I, Mandy Freas, Accountant, Bureau of Administrative Services, Assessment Section, hereby state that the facts above set forth are true and correct to the best of my knowledge, information, and belief and that I expect the Bureau will be able to prove the same at any hearing held in this matter. I understand that the statements herein are made subject to the penalties of 18 Pa.C.S. § 4904 relating to unsworn falsification to authorities.

Date: September 29, 2014



Mandy Freas, Accountant  
Assessment Section  
Bureau of Administrative Services  
PA. Public Utility Commission  
P. O. Box 3265  
Harrisburg, PA 17105-3265

NOTICE

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Rosemary Chiavetta, Secretary  
Pennsylvania Public Utility Commission  
P. O. Box 3265  
Harrisburg, PA 17105-3265

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Pennsylvania Public Utility Commission  
Bureau of Investigation and Enforcement  
P. O. Box 3265  
Harrisburg, PA 17105-3265

Or, emailed to Mr. Scott at: [RA-PCCmplntResp@pa.gov](mailto:RA-PCCmplntResp@pa.gov)

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C. You may elect not to contest this Complaint by paying the past due assessment and civil penalty within 20 days. Your check or money order should be payable to the Commonwealth of Pennsylvania and mailed to:

Rosemary Chiavetta, Secretary  
Pennsylvania Public Utility Commission  
P. O. Box 3265  
Harrisburg, PA 17105-3265

D. If you file an Answer which either admits or fails to deny the allegations of the Complaint, the Bureau of Investigation and Enforcement will request the Commission to issue an Order imposing the penalty set forth in this Complaint.

E. If you file an Answer which contests the Complaint, the matter will be assigned to an Administrative Law Judge for hearing and decision. The Judge is not bound by the penalty set forth in the Complaint, and may impose additional and/or alternative penalties as appropriate.

F. If you are a corporation, you must be represented by legal counsel. 52 Pa. Code § 1.21.

G. Alternative formats of this material are available for persons with disabilities by contacting the Commission's ADA Coordinator at 717-787-8714.

*Pennsylvania Public Utility Commission; Bureau of Investigation and Enforcement v. MJR Messenger, Inc.;  
Docket No. C-2014-2445411*

COMPLAINT

Now Comes the Bureau of Investigation and Enforcement ("I&E") of the Pennsylvania Public Utility Commission ("Commission"), by its prosecuting attorneys, and files this Complaint against MJR Messenger, Inc. ("Respondent"), pursuant to Section 701 of the Public Utility Code, 66 Pa.C.S. § 701. In support of its Complaint, I&E respectfully represents the following:

**Parties and Jurisdiction**

1. The Pennsylvania Public Utility Commission, with a mailing address of P. O. Box 3265, Harrisburg, PA 17105-3265, is a duly constituted agency of the Commonwealth of Pennsylvania empowered to regulate public utilities within the Commonwealth pursuant to the Public Utility Code, 66 Pa.C.S. §§ 101, et seq.

2. Complainant is the Commission's Bureau of Investigation and Enforcement and is the entity established by statute to prosecute complaints against public utilities pursuant to 66 Pa.C.S. § 308.2(a)(11).

3. Complainant is represented by:

Kourtney L. Myers  
Prosecutor  
Pennsylvania Public Utility Commission  
Bureau of Investigation and Enforcement  
P. O. Box 3265  
Harrisburg, PA 17105-3265  
717.705.4366  
[komyers@pa.gov](mailto:komyers@pa.gov)

Stephanie M. Wimer  
Prosecutor  
Pennsylvania Public Utility Commission  
Bureau of Investigation and Enforcement  
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Wayne T. Scott  
First Deputy Chief Prosecutor  
Pennsylvania Public Utility Commission  
Bureau of Investigation and Enforcement  
P. O. Box 3265  
Harrisburg, PA 17105-3265  
[wascott@pa.gov](mailto:wascott@pa.gov)

4. Respondent is MJR Messenger, Inc. and maintains its principal place of business at 3950 Nebraska Street, Unit B1, Newportville, PA 19056.

5. Respondent is a "public utility" as that term is defined at 66 Pa.C.S. § 102, as it is engaged in transporting property in the Commonwealth of Pennsylvania for compensation.

6. The Commission issued Respondent a certificate of public convenience on or about December 12, 1997, at A-00114378, for truck authority.

7. Section 501(a) of the Public Utility Code, 66 Pa.C.S. § 501(a), authorizes and obligates the Commission to execute and enforce the provisions of the Public Utility Code.

8. Section 701 of the Public Utility Code, 66 Pa.C.S. § 701, authorizes the Commission, inter alia, to hear and

determine complaints against public utilities for a violation of any law or regulation that the Commission has jurisdiction to administer.

9. Section 3301 of the Public Utility Code, 66 Pa.C.S. § 3301, authorizes the Commission to impose civil penalties on any public utility, or any other person or corporation subject to the Commission's authority, for violation(s) of the Public Utility Code and/or Commission regulations.

10. Respondent, in transporting property as a common carrier for compensation, is subject to the power and authority of this Commission pursuant to Section 501(c) of the Public Utility Code, 66 Pa.C.S. § 501(c), which requires a public utility to comply with Commission regulations.

11. Pursuant to the provisions of the applicable Commonwealth statutes and regulations, the Commission has jurisdiction over the subject matter of this complaint and the actions of Respondent related thereto.

#### **Factual Background**

12. On April 30, 2010, the Commission's former Bureau of Transportation and Safety filed a complaint against Respondent at Docket No. C-2010-2172260, alleging that Respondent violated Section 510(c) of the Public Utility Code, 66 Pa.C.S. § 510(c), by failing to pay assessments for the 2008-2009 and 2009-2010 fiscal years.

13. On or about June 7, 2010, Respondent satisfied the complaint by paying the outstanding assessment amount.

#### **2012-2013 Fiscal Year**

14. On or about August 27, 2012, the Commission sent to Respondent by certified mail an assessment invoice for the July 1, 2012 to June 30, 2013 Fiscal Year. Respondent's assessment was \$1,435.

15. Accompanying the assessment invoice was a notice that informed Respondent that it was obligated to pay the amount listed on the assessment invoice within thirty (30) days.

16. The assessment invoice was mailed to Respondent at 3950 Nebraska Street, Unit B1, Newportville, PA 19056.

17. This is the mailing address that Respondent provided to the Commission for assessment purposes.

18. The assessment invoice was returned to the Commission by the United States Postal Service as being undeliverable.

19. Respondent is obligated to promptly apprise the Commission of changes to its current address pursuant to Section 1.53(d) of the Commission's regulations, 52 Pa. Code § 1.53(d).

20. The Commission was unable to effectively serve the 2012-2013 fiscal year assessment invoice upon Respondent due to Respondent's failure to provide the Commission with its current address or claim the certified mailing.

21. Consequently, Respondent failed to pay the amount of its 2012-2013 assessment invoice.

#### **2013-2014 Fiscal Year**

22. On or about February 7, 2013, the Commission mailed to Respondent an assessment report for Respondent to report its 2012 calendar year revenues.

23. The assessment report was accompanied by a letter, which notified Respondent that the report was due on or before March 31, 2013.

24. The assessment report and instructions on how to complete it are also available on the Commission's website.

25. Respondent failed to file an assessment report to show its 2012 calendar year revenues.

#### **Violations**

##### **COUNT 1**

26. That Respondent failed to demonstrate its gross intrastate operating revenues for the 2012 calendar year in that it did not file an assessment report for that year.

If proven, this is a violation of Section 510(b) of the Public Utility Code, 66 Pa.C.S. § 510(b). The Bureau of Investigation and Enforcement's proposed civil penalty for this violation is \$1,000 for each calendar year that Respondent failed to report its gross intrastate operating revenues or \$1,000.

##### **COUNT 2**

27. That Respondent failed to satisfy its 2012-2013 fiscal year assessment in that it did not pay the amount due within thirty (30) days of receipt of the invoice.

If proven, this is a violation of Section 510(c) of the Public Utility Code, 66 Pa.C.S. § 510(c). The Bureau of Investigation and Enforcement's proposed civil penalty for this violation is 25% of the outstanding assessment balance or \$359. This civil penalty is based, in part, on Respondent's history of noncompliance with the Public Utility Code involving a failure to pay its assessments, as set forth above.

Wherefore, for all the foregoing reasons, the Bureau of Investigation and Enforcement of Pennsylvania Public Utility Commission respectfully requests that:

(a) Respondent be ordered to pay a total of \$2,794, which consists of its outstanding assessment balance, which totals \$1,435 and a civil penalty of \$1,359 for the above-described violations;

(b) Respondent be directed to file assessment reports on a going-forward basis;

(c) If Respondent's address changed, Respondent be directed to update its address with the Commission using the form available on the Commission's website at:

[http://www.puc.pa.gov/filing\\_resources/motor\\_carrier\\_online\\_forms.aspx](http://www.puc.pa.gov/filing_resources/motor_carrier_online_forms.aspx); and

(d) If payment of the civil penalty and assessment is not made, the Bureau of Investigation and Enforcement requests that:

(1) the Commission issue an Order to cancel the Certificate of Public Convenience issued to Respondent;

(2) this matter be referred to the Pennsylvania Office of Attorney General for appropriate action; and

(3) the Commission certify the company's automobile registrations to the Pennsylvania Department of Transportation for suspension or revocation.

Respectfully submitted,  
Kourtney L. Myers  
Prosecutor  
PA Attorney ID No. 316494

Pennsylvania Public Utility Commission  
Bureau of Investigation and Enforcement  
P. O. Box 3265  
Harrisburg, PA 17105-3265

Date: September 29, 2014

VERIFICATION

I, Mandy Freas, Accountant, Bureau of Administrative Services, Assessment Section, hereby state that the facts above set forth are true and correct to the best of my knowledge, information, and belief and that I expect the Bureau will be able to prove the same at any hearing held in this matter. I understand that the statements herein are made subject to the penalties of 18 Pa.C.S. § 4904 relating to unsworn falsification to authorities.

Date: September 29, 2014

Mandy Freas, Accountant  
Assessment Section  
Bureau of Administrative Services  
PA. Public Utility Commission  
P. O. Box 3265  
Harrisburg, PA 17105-3265

NOTICE

A. You must file an Answer within 20 days of the date of service of this Complaint. The date of service is the mailing date as indicated at the top of the Secretarial Letter. See 52 Pa. Code § 1.56(a). The Answer must raise all factual and legal arguments that you wish to claim in your defense, include the docket number of this Complaint, and be verified. You may file your Answer by mailing an original to:

Rosemary Chiavetta, Secretary  
Pennsylvania Public Utility Commission  
P. O. Box 3265  
Harrisburg, PA 17105-3265

Or, you may eFile your Answer using the Commission's website at [www.puc.pa.gov](http://www.puc.pa.gov). The link to eFiling is located under the Filing & Resources tab on the homepage. If your Answer is 250 pages or less, you are not required to file a paper copy. If your Answer exceeds 250 pages, you must file a paper copy with the Secretary's Bureau.

Additionally, a copy should either be mailed to:

Wayne T. Scott, First Deputy Chief Prosecutor  
Pennsylvania Public Utility Commission  
Bureau of Investigation and Enforcement  
P. O. Box 3265  
Harrisburg, PA 17105-3265

Or, emailed to Mr. Scott at: [RA-PCCmplntResp@pa.gov](mailto:RA-PCCmplntResp@pa.gov)

B. If you fail to answer this Complaint within 20 days, the Bureau of Investigation and Enforcement will request that the Commission issue an Order imposing the penalty.

C. You may elect not to contest this Complaint by paying the past due assessment and civil penalty within 20 days. Your check or money order should be payable to the Commonwealth of Pennsylvania and mailed to:

Rosemary Chiavetta, Secretary  
Pennsylvania Public Utility Commission  
P. O. Box 3265  
Harrisburg, PA 17105-3265

D. If you file an Answer which either admits or fails to deny the allegations of the Complaint, the Bureau of Investigation and Enforcement will request the Commission to issue an Order imposing the penalty set forth in this Complaint.

E. If you file an Answer which contests the Complaint, the matter will be assigned to an Administrative Law Judge for hearing and decision. The Judge is not bound

by the penalty set forth in the Complaint, and may impose additional and/or alternative penalties as appropriate.

F. If you are a corporation, you must be represented by legal counsel. 52 Pa. Code § 1.21.

G. Alternative formats of this material are available for persons with disabilities by contacting the Commission's ADA Coordinator at 717-787-8714.

*Pennsylvania Public Utility Commission; Bureau of Investigation and Enforcement v. Edelen and Boyer Co.; Docket No. C-2014-2445664*

COMPLAINT

Now Comes the Bureau of Investigation and Enforcement ("I&E") of the Pennsylvania Public Utility Commission ("Commission"), by its prosecuting attorneys, and files this Complaint against Edelen and Boyer Co. ("Respondent"), pursuant to Section 701 of the Public Utility Code, 66 Pa.C.S. § 701. In support of its Complaint, I&E respectfully represents the following:

**Parties and Jurisdiction**

1. The Pennsylvania Public Utility Commission, with a mailing address of P. O. Box 3265, Harrisburg, PA 17105-3265, is a duly constituted agency of the Commonwealth of Pennsylvania empowered to regulate public utilities within the Commonwealth pursuant to the Public Utility Code, 66 Pa.C.S. §§ 101, et seq.

2. Complainant is the Commission's Bureau of Investigation and Enforcement and is the entity established by statute to prosecute complaints against public utilities pursuant to 66 Pa.C.S. § 308.2(a)(11).

3. Complainant is represented by:

Kourtney L. Myers  
Prosecutor  
Pennsylvania Public Utility Commission  
Bureau of Investigation and Enforcement  
P. O. Box 3265  
Harrisburg, PA 17105-3265  
717.705.4366  
[komyers@pa.gov](mailto:komyers@pa.gov)

Stephanie M. Wimer  
Prosecutor  
Pennsylvania Public Utility Commission  
Bureau of Investigation and Enforcement  
P. O. Box 3265  
Harrisburg, PA 17105-3265  
717.772.8839  
[stwimer@pa.gov](mailto:stwimer@pa.gov)

Wayne T. Scott  
First Deputy Chief Prosecutor  
Pennsylvania Public Utility Commission  
Bureau of Investigation and Enforcement  
P. O. Box 3265  
Harrisburg, PA 17105-3265  
[wascott@pa.gov](mailto:wascott@pa.gov)

4. Respondent is Edelen and Boyer Co. and maintains its principal place of business at 3225 Advance Lane, Colmar, PA 18915.

5. Respondent is a "public utility" as that term is defined at 66 Pa.C.S. § 102, as it is engaged in transporting property in the Commonwealth of Pennsylvania for compensation.



6. The Commission issued Respondent a certificate of public convenience on or about June 5, 1991, at A-00109293, for truck authority.

7. Section 501(a) of the Public Utility Code, 66 Pa.C.S. § 501(a), authorizes and obligates the Commission to execute and enforce the provisions of the Public Utility Code.

8. Section 701 of the Public Utility Code, 66 Pa.C.S. § 701, authorizes the Commission, inter alia, to hear and determine complaints against public utilities for a violation of any law or regulation that the Commission has jurisdiction to administer.

9. Section 3301 of the Public Utility Code, 66 Pa.C.S. § 3301, authorizes the Commission to impose civil penalties on any public utility, or any other person or corporation subject to the Commission's authority, for violation(s) of the Public Utility Code and/or Commission regulations.

10. Respondent, in transporting property as a common carrier for compensation, is subject to the power and authority of this Commission pursuant to Section 501(c) of the Public Utility Code, 66 Pa.C.S. § 501(c), which requires a public utility to comply with Commission regulations.

11. Pursuant to the provisions of the applicable Commonwealth statutes and regulations, the Commission has jurisdiction over the subject matter of this complaint and the actions of Respondent related thereto.

### **Factual Background**

#### **2012-2013 Fiscal Year**

12. On or about February 16, 2012, the Commission mailed to Respondent an assessment report for Respondent to submit its 2011 calendar year revenues.

13. The assessment report was accompanied by a letter, which notified Respondent that the report was due on or before March 31, 2012.

14. The assessment report and instructions on how to complete it are also available on the Commission's website.

15. Respondent failed to file an assessment report to show its 2011 calendar year revenues.

16. On or about August 27, 2012, the Commission sent Respondent, through certified mail, an assessment invoice for the July 1, 2012 to June 30, 2013 Fiscal Year that was based, in part, on Respondent's estimated revenues for the 2011 calendar year. Respondent's assessment was \$263.

17. On September 13, 2012, Respondent signed a certified mail card, which indicated that it received an assessment invoice for the Commission's July 1, 2012 to June 30, 2013 Fiscal Year.

18. Accompanying the assessment invoice was a notice that informed Respondent that it was obligated to pay the amount listed on the assessment invoice within thirty (30) days.

19. The Commission received no objections from Respondent to this assessment.

20. Respondent failed to fully pay the amount of its 2012-2013 assessment invoice.

#### **2013-2014 Fiscal Year**

21. On or about February 7, 2013, the Commission mailed to Respondent an assessment report for Respondent to report its 2012 calendar year revenues.

22. The assessment report was accompanied by a letter, which notified Respondent that the report was due on or before March 31, 2013.

23. The assessment report and instructions on how to complete it are also available on the Commission's website.

24. Respondent failed to file an assessment report to show its 2012 calendar year revenues.

25. On or about September 12, 2013, the Commission sent Respondent, through certified mail, an assessment invoice for the July 1, 2013 to June 30, 2014 Fiscal Year that was based, in part, on Respondent's estimated revenues for the 2012 calendar year. Respondent's assessment was \$371.

26. Accompanying the assessment invoice was a notice that informed Respondent that it was obligated to pay the amount listed on the assessment invoice within thirty (30) days.

27. The assessment invoice was mailed to Respondent at 3225 Advance Lane, Colmar, PA 18915.

28. This is the mailing address that Respondent provided to the Commission for assessment purposes.

29. The assessment invoice was returned to the Commission by the United States Postal Service as being undeliverable.

30. Respondent is obligated to promptly apprise the Commission of changes to its current address pursuant to Section 1.53(d) of the Commission's regulations, 52 Pa. Code § 1.53(d).

31. The Commission was unable to effectively serve the 2013-2014 fiscal year assessment invoice upon Respondent due to Respondent's failure to provide the Commission with its current address or claim the certified mailing.

32. On November 26, 2013, the Commission credited Respondent's assessment balance in the amount of \$48.

33. Respondent failed to pay the amount of its 2013-2014 assessment invoice.

34. The total outstanding assessment balance for Respondent is \$586.

### **Violations**

#### **COUNTS 1-2**

35. That Respondent failed to demonstrate its gross intrastate operating revenues for the 2011 and 2012 calendar years in that it did not file assessment reports for those years.

If proven, this is a violation of Section 510(b) of the Public Utility Code, 66 Pa.C.S. § 510(b). The Bureau of Investigation and Enforcement's proposed civil penalty for this violation is \$1,000 for each calendar year that Respondent failed to report its gross intrastate operating revenues or \$2,000.

#### **COUNTS 3-4**

36. That Respondent failed to satisfy its 2012-2013 and 2013-2014 fiscal year assessments in that it did not pay the amounts due within thirty (30) days of receipt of the invoices.

If proven, this is a violation of Section 510(c) of the Public Utility Code, 66 Pa.C.S. § 510(c). The Bureau of Investigation and Enforcement's proposed civil penalty for this violation is 15% of the outstanding assessment balance or \$88.

Wherefore, for all the foregoing reasons, the Bureau of Investigation and Enforcement of Pennsylvania Public Utility Commission respectfully requests that:

(a) Respondent be ordered to pay a total of \$2,674, which consists of its outstanding assessment balance, which totals \$586 and a civil penalty of \$2,088 for the above-described violations;

(b) Respondent be directed to file assessment reports on a going-forward basis;

(c) If Respondent's address changed, Respondent be directed to update its address with the Commission using the form available on the Commission's website at:

[http://www.puc.pa.gov/filing\\_resources/motor\\_carrier\\_online\\_forms.aspx](http://www.puc.pa.gov/filing_resources/motor_carrier_online_forms.aspx); and

(d) If payment of the civil penalty and assessments is not made, the Bureau of Investigation and Enforcement requests that:

(1) the Commission issue an Order to cancel the Certificate of Public Convenience issued to Respondent;

(2) this matter be referred to the Pennsylvania Office of Attorney General for appropriate action; and

(3) the Commission certify the company's automobile registrations to the Pennsylvania Department of Transportation for suspension or revocation.

Respectfully submitted,  
Kourtney L. Myers  
Prosecutor  
PA Attorney ID No. 316494

Pennsylvania Public Utility Commission  
Bureau of Investigation and Enforcement  
P. O. Box 3265  
Harrisburg, PA 17105-3265

Date: October 2, 2014

#### VERIFICATION

I, Mandy Freas, Accountant, Bureau of Administrative Services, Assessment Section, hereby state that the facts above set forth are true and correct to the best of my knowledge, information, and belief and that I expect the Bureau will be able to prove the same at any hearing held in this matter. I understand that the statements herein are made subject to the penalties of 18 Pa.C.S. § 4904 relating to unsworn falsification to authorities.

Date: October 2, 2014

Mandy Freas, Accountant  
Assessment Section  
Bureau of Administrative Services  
PA. Public Utility Commission  
P. O. Box 3265  
Harrisburg, PA 17105-3265

#### NOTICE

A. You must file an Answer within 20 days of the date of service of this Complaint. The date of service is the mailing date as indicated at the top of the Secretarial Letter. See 52 Pa. Code § 1.56(a). The Answer must raise all factual and legal arguments that you wish to claim in your defense, include the docket number of this Complaint, and be verified. You may file your Answer by mailing an original to:

Rosemary Chiavetta, Secretary  
Pennsylvania Public Utility Commission  
P. O. Box 3265  
Harrisburg, PA 17105-3265

Or, you may eFile your Answer using the Commission's website at [www.puc.pa.gov](http://www.puc.pa.gov). The link to eFiling is located under the Filing & Resources tab on the homepage. If your Answer is 250 pages or less, you are not required to file a paper copy. If your Answer exceeds 250 pages, you must file a paper copy with the Secretary's Bureau.

Additionally, a copy should either be mailed to:

Wayne T. Scott, First Deputy Chief Prosecutor  
Pennsylvania Public Utility Commission  
Bureau of Investigation and Enforcement  
P. O. Box 3265  
Harrisburg, PA 17105-3265

Or, emailed to Mr. Scott at: [RA-PCCmplntResp@pa.gov](mailto:RA-PCCmplntResp@pa.gov)

B. If you fail to answer this Complaint within 20 days, the Bureau of Investigation and Enforcement will request that the Commission issue an Order imposing the penalty.

C. You may elect not to contest this Complaint by paying the past due assessment and civil penalty within 20 days. Your check or money order should be payable to the Commonwealth of Pennsylvania and mailed to:

Rosemary Chiavetta, Secretary  
Pennsylvania Public Utility Commission  
P. O. Box 3265  
Harrisburg, PA 17105-3265

D. If you file an Answer which either admits or fails to deny the allegations of the Complaint, the Bureau of Investigation and Enforcement will request the Commission to issue an Order imposing the penalty set forth in this Complaint.

E. If you file an Answer which contests the Complaint, the matter will be assigned to an Administrative Law Judge for hearing and decision. The Judge is not bound by the penalty set forth in the Complaint, and may impose additional and/or alternative penalties as appropriate.

F. If you are a corporation, you must be represented by legal counsel. 52 Pa. Code § 1.21.

G. Alternative formats of this material are available for persons with disabilities by contacting the Commission's ADA Coordinator at 717-787-8714.

*Pennsylvania Public Utility Commission; Bureau of Investigation and Enforcement v. William T. Malloy t/a Are You Moving; Docket No. C-2014-2445774*

#### COMPLAINT

Now Comes the Bureau of Investigation and Enforcement ("I&E") of the Pennsylvania Public Utility Commission ("Commission"), by its prosecuting attorneys, and files this Complaint against William T. Malloy t/a Are You Moving ("Respondent"), pursuant to Section 701 of the Public Utility Code, 66 Pa.C.S. § 701. In support of its Complaint, I&E respectfully represents the following:

#### **Parties and Jurisdiction**

1. The Pennsylvania Public Utility Commission, with a mailing address of P. O. Box 3265, Harrisburg, PA 17105-3265, is a duly constituted agency of the Commonwealth of Pennsylvania empowered to regulate public utilities within the Commonwealth pursuant to the Public Utility Code, 66 Pa.C.S. §§ 101, et seq.

2. Complainant is the Commission's Bureau of Investigation and Enforcement and is the entity established by

statute to prosecute complaints against public utilities pursuant to 66 Pa.C.S. § 308.2(a)(11).

3. Complainant is represented by:

Kourtney L. Myers  
Prosecutor  
Pennsylvania Public Utility Commission  
Bureau of Investigation and Enforcement  
P. O. Box 3265  
Harrisburg, PA 17105-3265  
717.705.4366  
komyers@pa.gov

Stephanie M. Wimer  
Prosecutor  
Pennsylvania Public Utility Commission  
Bureau of Investigation and Enforcement  
P. O. Box 3265  
Harrisburg, PA 17105-3265  
717.772.8839  
stwimer@pa.gov

Wayne T. Scott  
First Deputy Chief Prosecutor  
Pennsylvania Public Utility Commission  
Bureau of Investigation and Enforcement  
P. O. Box 3265  
Harrisburg, PA 17105-3265  
wascott@pa.gov

4. Respondent is William T. Malloy t/a Are You Moving and maintains its principal place of business at 104 Colton Street, 2nd Floor, Pittsburgh, PA 15209, Attention: William T. Malloy.

5. Respondent is a "public utility" as that term is defined at 66 Pa.C.S. § 102, as it is engaged in transporting property in the Commonwealth of Pennsylvania for compensation.

6. The Commission issued Respondent a certificate of public convenience on or about September 23, 1996, at A-00106620, for household goods carrier authority.

7. Section 501(a) of the Public Utility Code, 66 Pa.C.S. § 501(a), authorizes and obligates the Commission to execute and enforce the provisions of the Public Utility Code.

8. Section 701 of the Public Utility Code, 66 Pa.C.S. § 701, authorizes the Commission, inter alia, to hear and determine complaints against public utilities for a violation of any law or regulation that the Commission has jurisdiction to administer.

9. Section 3301 of the Public Utility Code, 66 Pa.C.S. § 3301, authorizes the Commission to impose civil penalties on any public utility, or any other person or corporation subject to the Commission's authority, for violation(s) of the Public Utility Code and/or Commission regulations.

10. Respondent, in transporting property as a common carrier for compensation, is subject to the power and authority of this Commission pursuant to Section 501(c) of the Public Utility Code, 66 Pa.C.S. § 501(c), which requires a public utility to comply with Commission regulations.

11. Pursuant to the provisions of the applicable Commonwealth statutes and regulations, the Commission has jurisdiction over the subject matter of this complaint and the actions of Respondent related thereto.

## Factual Background

### 2012-2013 Fiscal Year

12. On or about February 16, 2012, the Commission mailed to Respondent an assessment report for Respondent to submit its 2011 calendar year revenues.

13. The assessment report was accompanied by a letter, which notified Respondent that the report was due on or before March 31, 2012.

14. The assessment report and instructions on how to complete it are also available on the Commission's website.

15. Respondent failed to file an assessment report to show its 2011 calendar year revenues.

16. On or about August 27, 2012, the Commission mailed to Respondent an assessment invoice for the July 1, 2012 to June 30, 2013 Fiscal Year. Respondent's assessment was \$109.

17. Accompanying the assessment invoice was a notice that informed Respondent that it was obligated to pay the amount listed on the assessment invoice within thirty (30) days.

18. The assessment invoice was mailed to Respondent at 104 Colton Avenue, Pittsburgh, PA 15209.

19. This is the mailing address that Respondent provided to the Commission for assessment purposes.

20. The assessment invoice was returned to the Commission by the United States Postal Service as being undeliverable.

21. Respondent is obligated to promptly apprise the Commission of changes to its current address pursuant to Section 1.53(d) of the Commission's regulations, 52 Pa. Code § 1.53(d).

22. The Commission was unable to effectively serve the 2012-2013 fiscal year assessment invoice upon Respondent due to Respondent's failure to provide the Commission with its current address or claim the certified mailing.

23. Consequently, Respondent failed to pay the amount of its 2012-2013 assessment invoice.

24. The total outstanding assessment balance for Respondent is \$109.

## Violations

### COUNT 1

25. That Respondent failed to demonstrate its gross intrastate operating revenues for the 2011 calendar year in that it did not file an assessment report for that year.

If proven, this is a violation of Section 510(b) of the Public Utility Code, 66 Pa.C.S. § 510(b). The Bureau of Investigation and Enforcement's proposed civil penalty for this violation is \$1,000 for each calendar year that Respondent failed to report its gross intrastate operating revenues or \$1,000.

### COUNT 2

26. That Respondent failed to satisfy its 2012-2013 fiscal year assessment in that it did not pay the amount due within thirty (30) days of receipt of the invoice.

If proven, this is a violation of Section 510(c) of the Public Utility Code, 66 Pa.C.S. § 510(c). The Bureau of Investigation and Enforcement's proposed civil penalty for this violation is 15% of the outstanding assessment balance or \$16.



Wherefore, for all the foregoing reasons, the Bureau of Investigation and Enforcement of Pennsylvania Public Utility Commission respectfully requests that:

(a) Respondent be ordered to pay a total of \$1,125, which consists of its outstanding assessment balance, which totals \$109 and a civil penalty of \$1,016 for the above-described violations;

(b) Respondent be directed to file assessment reports on a going-forward basis;

(c) If Respondent's address changed, Respondent be directed to update its address with the Commission using the form available on the Commission's website at:

[http://www.puc.pa.gov/filing\\_resources/motor\\_carrier\\_online\\_forms.aspx](http://www.puc.pa.gov/filing_resources/motor_carrier_online_forms.aspx); and

(d) If payment of the civil penalty and assessment is not made, the Bureau of Investigation and Enforcement requests that:

(1) the Commission issue an Order to cancel the Certificate of Public Convenience issued to Respondent;

(2) this matter be referred to the Pennsylvania Office of Attorney General for appropriate action; and

(3) the Commission certify the company's automobile registrations to the Pennsylvania Department of Transportation for suspension or revocation.

Respectfully submitted,  
Kourtney L. Myers  
Prosecutor  
PA Attorney ID No. 316494

Pennsylvania Public Utility Commission  
Bureau of Investigation and Enforcement  
P. O. Box 3265  
Harrisburg, PA 17105-3265

Date: October 2, 2014

#### VERIFICATION

I, Mandy Freas, Accountant, Bureau of Administrative Services, Assessment Section, hereby state that the facts above set forth are true and correct to the best of my knowledge, information, and belief and that I expect the Bureau will be able to prove the same at any hearing held in this matter. I understand that the statements herein are made subject to the penalties of 18 Pa.C.S. § 4904 relating to unsworn falsification to authorities.

Date: October 2, 2014

Mandy Freas, Accountant  
Assessment Section  
Bureau of Administrative Services  
PA. Public Utility Commission  
P. O. Box 3265  
Harrisburg, PA 17105-3265

#### NOTICE

A. You must file an Answer within 20 days of the date of service of this Complaint. The date of service is the mailing date as indicated at the top of the Secretarial Letter. See 52 Pa. Code § 1.56(a). The Answer must raise all factual and legal arguments that you wish to claim in your defense, include the docket number of this Complaint, and be verified. You may file your Answer by mailing an original to:

Rosemary Chiavetta, Secretary  
Pennsylvania Public Utility Commission  
P. O. Box 3265  
Harrisburg, PA 17105-3265

Or, you may eFile your Answer using the Commission's website at [www.puc.pa.gov](http://www.puc.pa.gov). The link to eFiling is located under the Filing & Resources tab on the homepage. If your Answer is 250 pages or less, you are not required to file a paper copy. If your Answer exceeds 250 pages, you must file a paper copy with the Secretary's Bureau.

Additionally, a copy should either be mailed to:

Wayne T. Scott, First Deputy Chief Prosecutor  
Pennsylvania Public Utility Commission  
Bureau of Investigation and Enforcement  
P. O. Box 3265  
Harrisburg, PA 17105-3265

Or, emailed to Mr. Scott at: [RA-PCCmplntResp@pa.gov](mailto:RA-PCCmplntResp@pa.gov)

B. If you fail to answer this Complaint within 20 days, the Bureau of Investigation and Enforcement will request that the Commission issue an Order imposing the penalty.

C. You may elect not to contest this Complaint by paying the past due assessment and civil penalty within 20 days. Your check or money order should be payable to the Commonwealth of Pennsylvania and mailed to:

Rosemary Chiavetta, Secretary  
Pennsylvania Public Utility Commission  
P. O. Box 3265  
Harrisburg, PA 17105-3265

D. If you file an Answer which either admits or fails to deny the allegations of the Complaint, the Bureau of Investigation and Enforcement will request the Commission to issue an Order imposing the penalty set forth in this Complaint.

E. If you file an Answer which contests the Complaint, the matter will be assigned to an Administrative Law Judge for hearing and decision. The Judge is not bound by the penalty set forth in the Complaint, and may impose additional and/or alternative penalties as appropriate.

F. If you are a corporation, you must be represented by legal counsel. 52 Pa. Code § 1.21.

G. Alternative formats of this material are available for persons with disabilities by contacting the Commission's ADA Coordinator at 717-787-8714.

*Pennsylvania Public Utility Commission; Bureau of Investigation and Enforcement v. Raymond P. Sutherland; Docket No. C-2014-2445807*

#### COMPLAINT

Now Comes the Bureau of Investigation and Enforcement ("I&E") of the Pennsylvania Public Utility Commission ("Commission"), by its prosecuting attorneys, and files this Complaint against Raymond P. Sutherland ("Respondent"), pursuant to Section 701 of the Public Utility Code, 66 Pa.C.S. § 701. In support of its Complaint, I&E respectfully represents the following:

#### **Parties and Jurisdiction**

1. The Pennsylvania Public Utility Commission, with a mailing address of P. O. Box 3265, Harrisburg, PA 17105-3265, is a duly constituted agency of the Commonwealth of Pennsylvania empowered to regulate public utilities within the Commonwealth pursuant to the Public Utility Code, 66 Pa.C.S. §§ 101, et seq.

2. Complainant is the Commission's Bureau of Investigation and Enforcement and is the entity established by

statute to prosecute complaints against public utilities pursuant to 66 Pa.C.S. § 308.2(a)(11).

3. Complainant is represented by:

Kourtney L. Myers  
Prosecutor  
Pennsylvania Public Utility Commission  
Bureau of Investigation and Enforcement  
P. O. Box 3265  
Harrisburg, PA 17105-3265  
717.705.4366  
komyers@pa.gov

Stephanie M. Wimer  
Prosecutor  
Pennsylvania Public Utility Commission  
Bureau of Investigation and Enforcement  
P. O. Box 3265  
Harrisburg, PA 17105-3265  
717.772.8839  
stwimer@pa.gov

Wayne T. Scott  
First Deputy Chief Prosecutor  
Pennsylvania Public Utility Commission  
Bureau of Investigation and Enforcement  
P. O. Box 3265  
Harrisburg, PA 17105-3265  
wascott@pa.gov

4. Respondent is Raymond P. Sutherland and maintains its principal place of business at 1844 Rockville Road, Spring Grove, PA 17362, Attention: Raymond P. Sutherland.

5. Respondent is a "public utility" as that term is defined at 66 Pa.C.S. § 102, as it is engaged in transporting property in the Commonwealth of Pennsylvania for compensation.

6. The Commission issued Respondent a certificate of public convenience on or about August 1, 2007, at A-00122346, for household goods carrier authority. Respondent's authority is currently under suspension.

7. Section 501(a) of the Public Utility Code, 66 Pa.C.S. § 501(a), authorizes and obligates the Commission to execute and enforce the provisions of the Public Utility Code.

8. Section 701 of the Public Utility Code, 66 Pa.C.S. § 701, authorizes the Commission, inter alia, to hear and determine complaints against public utilities for a violation of any law or regulation that the Commission has jurisdiction to administer.

9. Section 3301 of the Public Utility Code, 66 Pa.C.S. § 3301, authorizes the Commission to impose civil penalties on any public utility, or any other person or corporation subject to the Commission's authority, for violation(s) of the Public Utility Code and/or Commission regulations.

10. Respondent, in transporting property as a common carrier for compensation, is subject to the power and authority of this Commission pursuant to Section 501(c) of the Public Utility Code, 66 Pa.C.S. § 501(c), which requires a public utility to comply with Commission regulations.

11. Pursuant to the provisions of the applicable Commonwealth statutes and regulations, the Commission has jurisdiction over the subject matter of this complaint and the actions of Respondent related thereto.

## Factual Background

### 2012-2013 Fiscal Year

12. On or about February 16, 2012, the Commission mailed to Respondent an assessment report for Respondent to report its 2011 calendar year revenues.

13. The assessment report was accompanied by a letter, which notified Respondent that the report was due on or before March 31, 2012.

14. Respondent failed to file an assessment report to show its 2011 calendar year revenues.

15. On or about August 27, 2012, the Commission sent Respondent, through certified mail, an assessment invoice for the July 1, 2012 to June 30, 2013 Fiscal Year that was based, in part, on Respondent's estimated revenues for the 2011 calendar year. Respondent's assessment was \$120.

16. On September 1, 2012, Respondent signed a certified mail card, which indicated that it received an assessment invoice for the Commission's July 1, 2012 to June 30, 2013 Fiscal Year.

17. Accompanying the assessment invoice was a notice that informed Respondent that it was obligated to pay the amount listed on the assessment invoice within thirty (30) days.

18. The Commission received no objections from Respondent to this assessment.

19. Respondent failed to fully pay the amount of its 2012-2013 assessment invoice.

20. The total outstanding assessment balance for Respondent is \$120.

## Violations

### COUNT 1

21. That Respondent failed to demonstrate its gross intrastate operating revenues for the 2011 calendar year in that it did not file an assessment report for that year.

If proven, this is a violation of Section 510(b) of the Public Utility Code, 66 Pa.C.S. § 510(b). The Bureau of Investigation and Enforcement's proposed civil penalty for this violation is \$1,000 for each calendar year that Respondent failed to report its gross intrastate operating revenues or \$1,000.

### COUNT 2

22. That Respondent failed to satisfy its 2012-2013 fiscal year assessment in that it did not pay the amount due within thirty (30) days of receipt of the invoice.

If proven, this is a violation of Section 510(c) of the Public Utility Code, 66 Pa.C.S. § 510(c). The Bureau of Investigation and Enforcement's proposed civil penalty for this violation is 15% of the outstanding assessment balance or \$18.

Wherefore, for all the foregoing reasons, the Bureau of Investigation and Enforcement of Pennsylvania Public Utility Commission respectfully requests that:

(a) Respondent be ordered to pay a total of \$1,138, which consists of its outstanding assessment balance, which totals \$120 and a civil penalty of \$1,018 for the above-described violations;

(b) Respondent be directed to file assessment reports on a going-forward basis; and

(c) If payment of the civil penalty and assessment is not made, the Bureau of Investigation and Enforcement requests that:

(1) the Commission issue an Order to cancel the Certificate of Public Convenience issued to Respondent;

(2) this matter be referred to the Pennsylvania Office of Attorney General for appropriate action; and

(3) the Commission certify the individual's automobile registrations to the Pennsylvania Department of Transportation for suspension or revocation.

Respectfully submitted,  
Kourtney L. Myers  
Prosecutor  
PA Attorney ID No. 316494

Pennsylvania Public Utility Commission  
Bureau of Investigation & Enforcement  
P. O. Box 3265  
Harrisburg, PA 17105-3265

Date: October 2, 2014

#### VERIFICATION

I, Mandy Freas, Accountant, Bureau of Administrative Services, Assessment Section, hereby state that the facts above set forth are true and correct to the best of my knowledge, information, and belief and that I expect the Bureau will be able to prove the same at any hearing held in this matter. I understand that the statements herein are made subject to the penalties of 18 Pa.C.S. § 4904 relating to unsworn falsification to authorities.

Date: October 2, 2014

Mandy Freas, Accountant  
Assessment Section  
Bureau of Administrative Services  
PA. Public Utility Commission  
P. O. Box 3265  
Harrisburg, PA 17105-3265

#### NOTICE

A. You must file an Answer within 20 days of the date of service of this Complaint. The date of service is the mailing date as indicated at the top of the Secretarial Letter. See 52 Pa. Code § 1.56(a). The Answer must raise all factual and legal arguments that you wish to claim in your defense, include the docket number of this Complaint, and be verified. You may file your Answer by mailing an original to:

Rosemary Chiavetta, Secretary  
Pennsylvania Public Utility Commission  
P. O. Box 3265  
Harrisburg, PA 17105-3265

Or, you may eFile your Answer using the Commission's website at [www.puc.pa.gov](http://www.puc.pa.gov). The link to eFiling is located under the Filing & Resources tab on the homepage. If your Answer is 250 pages or less, you are not required to file a paper copy. If your Answer exceeds 250 pages, you must file a paper copy with the Secretary's Bureau.

Additionally, a copy should either be mailed to:

Wayne T. Scott, First Deputy Chief Prosecutor  
Pennsylvania Public Utility Commission  
Bureau of Investigation and Enforcement  
P. O. Box 3265  
Harrisburg, PA 17105-3265

Or, emailed to Mr. Scott at: [RA-PCCmplntResp@pa.gov](mailto:RA-PCCmplntResp@pa.gov)

B. If you fail to answer this Complaint within 20 days, the Bureau of Investigation and Enforcement will request that the Commission issue an Order imposing the penalty.

C. You may elect not to contest this Complaint by paying the past due assessment and civil penalty within 20 days. Your check or money order should be payable to the Commonwealth of Pennsylvania and mailed to:

Rosemary Chiavetta, Secretary  
Pennsylvania Public Utility Commission  
P. O. Box 3265  
Harrisburg, PA 17105-3265

D. If you file an Answer which either admits or fails to deny the allegations of the Complaint, the Bureau of Investigation and Enforcement will request the Commission to issue an Order imposing the penalty set forth in this Complaint.

E. If you file an Answer which contests the Complaint, the matter will be assigned to an Administrative Law Judge for hearing and decision. The Judge is not bound by the penalty set forth in the Complaint, and may impose additional and/or alternative penalties as appropriate.

F. If you are a corporation, you must be represented by legal counsel. 52 Pa. Code § 1.21.

G. Alternative formats of this material are available for persons with disabilities by contacting the Commission's ADA Coordinator at 717-787-8714.

*Pennsylvania Public Utility Commission; Bureau of Investigation and Enforcement v. Lambert Worldwide Services LLC; Docket No. C-2014-2445808*

#### COMPLAINT

Now Comes the Bureau of Investigation and Enforcement ("I&E") of the Pennsylvania Public Utility Commission ("Commission"), by its prosecuting attorneys, and files this Complaint against Lambert Worldwide Services LLC ("Respondent"), pursuant to Section 701 of the Public Utility Code, 66 Pa.C.S. § 701. In support of its Complaint, I&E respectfully represents the following:

#### **Parties and Jurisdiction**

1. The Pennsylvania Public Utility Commission, with a mailing address of P. O. Box 3265, Harrisburg, PA 17105-3265, is a duly constituted agency of the Commonwealth of Pennsylvania empowered to regulate public utilities within the Commonwealth pursuant to the Public Utility Code, 66 Pa.C.S. §§ 101, et seq.

2. Complainant is the Commission's Bureau of Investigation and Enforcement and is the entity established by statute to prosecute complaints against public utilities pursuant to 66 Pa.C.S. § 308.2(a)(11).

3. Complainant is represented by:

Kourtney L. Myers  
Prosecutor  
Pennsylvania Public Utility Commission  
Bureau of Investigation and Enforcement  
P. O. Box 3265  
Harrisburg, PA 17105-3265  
717.705.4366  
[komyers@pa.gov](mailto:komyers@pa.gov)



Stephanie M. Wimer  
 Prosecutor  
 Pennsylvania Public Utility Commission  
 Bureau of Investigation and Enforcement  
 P. O. Box 3265  
 Harrisburg, PA 17105-3265  
 717.772.8839  
 stwimer@pa.gov

Wayne T. Scott  
 First Deputy Chief Prosecutor  
 Pennsylvania Public Utility Commission  
 Bureau of Investigation and Enforcement  
 P. O. Box 3265  
 Harrisburg, PA 17105-3265  
 wascott@pa.gov

4. Respondent is Lambert Worldwide Services LLC and maintains its principal place of business at P. O. Box 18889, Philadelphia, PA 19119-0889, Attention: Robert Lambert.

5. Respondent is a "public utility" as that term is defined at 66 Pa.C.S. § 102, as it is engaged in transporting passengers in the Commonwealth of Pennsylvania for compensation.

6. The Commission issued Respondent a certificate of public convenience on or about February 10, 2012, at A-2011-2221819, for paratransit authority.

7. Section 501(a) of the Public Utility Code, 66 Pa.C.S. § 501(a), authorizes and obligates the Commission to execute and enforce the provisions of the Public Utility Code.

8. Section 701 of the Public Utility Code, 66 Pa.C.S. § 701, authorizes the Commission, inter alia, to hear and determine complaints against public utilities for a violation of any law or regulation that the Commission has jurisdiction to administer.

9. Section 3301 of the Public Utility Code, 66 Pa.C.S. § 3301, authorizes the Commission to impose civil penalties on any public utility, or any other person or corporation subject to the Commission's authority, for violation(s) of the Public Utility Code and/or Commission regulations.

10. Respondent, in transporting passengers as a common carrier for compensation, is subject to the power and authority of this Commission pursuant to Section 501(c) of the Public Utility Code, 66 Pa.C.S. § 501(c), which requires a public utility to comply with Commission regulations.

11. Pursuant to the provisions of the applicable Commonwealth statutes and regulations, the Commission has jurisdiction over the subject matter of this complaint and the actions of Respondent related thereto.

### **Factual Background**

#### **2013-2014 Fiscal Year**

12. On or about September 12, 2013, the Commission sent Respondent, through certified mail, an assessment invoice for the July 1, 2013 to June 30, 2014 Fiscal Year. Respondent's assessment was \$105.

13. Accompanying the assessment invoice was a notice that informed Respondent that it was obligated to pay the amount listed on the assessment invoice within thirty (30) days.

14. The assessment invoice was mailed to Respondent at P. O. Box 18889, Philadelphia, PA 19119.

15. This is the mailing address that Respondent provided to the Commission for assessment purposes.

16. The assessment invoice was returned to the Commission by the United States Postal Service as being undeliverable.

17. Respondent is obligated to promptly apprise the Commission of changes to its current address pursuant to Section 1.53(d) of the Commission's regulations, 52 Pa. Code § 1.53(d).

18. The Commission was unable to effectively serve the 2013-2014 fiscal year assessment invoice upon Respondent due to Respondent's failure to provide the Commission with its current address or claim the certified mailing.

19. Consequently, Respondent failed to pay the amount of its 2013-2014 assessment invoice.

20. The total outstanding assessment balance for Respondent is \$105.

### **Violation**

#### **COUNT 1**

21. That Respondent failed to satisfy its 2013-2014 fiscal year assessment in that it did not pay the amount due within thirty (30) days of receipt of the invoice.

If proven, this is a violation of Section 510(c) of the Public Utility Code, 66 Pa.C.S. § 510(c). The Bureau of Investigation and Enforcement's proposed civil penalty for this violation is 15% of the outstanding assessment balance or \$16.

*Wherefore*, for all the foregoing reasons, the Bureau of Investigation and Enforcement of Pennsylvania Public Utility Commission respectfully requests that:

(a) Respondent be ordered to pay a total of \$121, which consists of its outstanding assessment balance, which totals \$105 and a civil penalty of \$16 for the above-described violation;

(b) If Respondent's address changed, Respondent be directed to update its address with the Commission using the form available on the Commission's website at:

[http://www.puc.pa.gov/filing\\_resources/motor\\_carrier\\_online\\_forms.aspx](http://www.puc.pa.gov/filing_resources/motor_carrier_online_forms.aspx); and

(c) If payment of the civil penalty and assessment is not made, the Bureau of Investigation and Enforcement requests that:

(1) the Commission issue an Order to cancel the Certificate of Public Convenience issued to Respondent;

(2) this matter be referred to the Pennsylvania Office of Attorney General for appropriate action; and

(3) the Commission certify the company's automobile registrations to the Pennsylvania Department of Transportation for suspension or revocation.

Respectfully submitted,  
 Kourtney L. Myers  
 Prosecutor  
 PA Attorney ID No. 316494

Pennsylvania Public Utility Commission  
 Bureau of Investigation and Enforcement  
 P. O. Box 3265  
 Harrisburg, PA 17105-3265

Date: October 2, 2014

#### VERIFICATION

I, Mandy Freas, Accountant, Bureau of Administrative Services, Assessment Section, hereby state that the facts above set forth are true and correct to the best of my

knowledge, information, and belief and that I expect the Bureau will be able to prove the same at any hearing held in this matter. I understand that the statements herein are made subject to the penalties of 18 Pa.C.S. § 4904 relating to unsworn falsification to authorities.

Date: October 2, 2014

Mandy Freas, Accountant  
Assessment Section  
Bureau of Administrative Services  
PA. Public Utility Commission  
P. O. Box 3265  
Harrisburg, PA 17105-3265

#### NOTICE

A. You must file an Answer within 20 days of the date of service of this Complaint. The date of service is the mailing date as indicated at the top of the Secretarial Letter. See 52 Pa. Code § 1.56(a). The Answer must raise all factual and legal arguments that you wish to claim in your defense, include the docket number of this Complaint, and be verified. You may file your Answer by mailing an original to:

Rosemary Chiavetta, Secretary  
Pennsylvania Public Utility Commission  
P. O. Box 3265  
Harrisburg, PA 17105-3265

Or, you may eFile your Answer using the Commission's website at [www.puc.pa.gov](http://www.puc.pa.gov). The link to eFiling is located under the Filing & Resources tab on the homepage. If your Answer is 250 pages or less, you are not required to file a paper copy. If your Answer exceeds 250 pages, you must file a paper copy with the Secretary's Bureau.

Additionally, a copy should either be mailed to:

Wayne T. Scott, First Deputy Chief Prosecutor  
Pennsylvania Public Utility Commission  
Bureau of Investigation and Enforcement  
P. O. Box 3265  
Harrisburg, PA 17105-3265

Or, emailed to Mr. Scott at: [RA-PCCmplntResp@pa.gov](mailto:RA-PCCmplntResp@pa.gov)

B. If you fail to answer this Complaint within 20 days, the Bureau of Investigation and Enforcement will request that the Commission issue an Order imposing the penalty.

C. You may elect not to contest this Complaint by paying the past due assessment and civil penalty within 20 days. Your check or money order should be payable to the Commonwealth of Pennsylvania and mailed to:

Rosemary Chiavetta, Secretary  
Pennsylvania Public Utility Commission  
P. O. Box 3265  
Harrisburg, PA 17105-3265

D. If you file an Answer which either admits or fails to deny the allegations of the Complaint, the Bureau of Investigation and Enforcement will request the Commission to issue an Order imposing the penalty set forth in this Complaint.

E. If you file an Answer which contests the Complaint, the matter will be assigned to an Administrative Law Judge for hearing and decision. The Judge is not bound by the penalty set forth in the Complaint, and may impose additional and/or alternative penalties as appropriate.

F. If you are a corporation, you must be represented by legal counsel. 52 Pa. Code § 1.21.

G. Alternative formats of this material are available for persons with disabilities by contacting the Commission's ADA Coordinator at 717-787-8714.

*Pennsylvania Public Utility Commission; Bureau of Investigation and Enforcement v. A.J. Izzo Trucking, Inc.; Docket No. C-2014-2446912*

#### COMPLAINT

Now Comes the Bureau of Investigation and Enforcement ("I&E") of the Pennsylvania Public Utility Commission ("Commission"), by its prosecuting attorneys, and files this Complaint against A.J. Izzo Trucking, Inc. ("Respondent"), pursuant to Section 701 of the Public Utility Code, 66 Pa.C.S. § 701. In support of its Complaint, I&E respectfully represents the following:

#### **Parties and Jurisdiction**

1. The Pennsylvania Public Utility Commission, with a mailing address of P. O. Box 3265, Harrisburg, PA 17105-3265, is a duly constituted agency of the Commonwealth of Pennsylvania empowered to regulate public utilities within the Commonwealth pursuant to the Public Utility Code, 66 Pa.C.S. §§ 101, et seq.

2. Complainant is the Commission's Bureau of Investigation and Enforcement and is the entity established by statute to prosecute complaints against public utilities pursuant to 66 Pa.C.S. § 308.2(a)(11).

3. Complainant is represented by:

Kourtney L. Myers  
Prosecutor  
Pennsylvania Public Utility Commission  
Bureau of Investigation and Enforcement  
P. O. Box 3265  
Harrisburg, PA 17105-3265  
717.705.4366  
[komyers@pa.gov](mailto:komyers@pa.gov)

Stephanie M. Wimer  
Prosecutor  
Pennsylvania Public Utility Commission  
Bureau of Investigation and Enforcement  
P. O. Box 3265  
Harrisburg, PA 17105-3265  
717.772.8839  
[stwimer@pa.gov](mailto:stwimer@pa.gov)

Wayne T. Scott  
First Deputy Chief Prosecutor  
Pennsylvania Public Utility Commission  
Bureau of Investigation and Enforcement  
P. O. Box 3265  
Harrisburg, PA 17105-3265  
[wascott@pa.gov](mailto:wascott@pa.gov)

4. Respondent is A.J. Izzo Trucking, Inc. and maintains its principal place of business at 641 Ann Street, Duryea, PA 18642.

5. Respondent is a "public utility" as that term is defined at 66 Pa.C.S. § 102, as it is engaged in transporting property in the Commonwealth of Pennsylvania for compensation.

6. The Commission issued Respondent a certificate of public convenience on or about May 17, 2005, at A-00121661, for truck authority.

7. Section 501(a) of the Public Utility Code, 66 Pa.C.S. § 501(a), authorizes and obligates the Commission to execute and enforce the provisions of the Public Utility Code.

8. Section 701 of the Public Utility Code, 66 Pa.C.S. § 701, authorizes the Commission, inter alia, to hear and determine complaints against public utilities for a violation of any law or regulation that the Commission has jurisdiction to administer.

9. Section 3301 of the Public Utility Code, 66 Pa.C.S. § 3301, authorizes the Commission to impose civil penalties on any public utility, or any other person or corporation subject to the Commission's authority, for violation(s) of the Public Utility Code and/or Commission regulations.

10. Respondent, in transporting property as a common carrier for compensation, is subject to the power and authority of this Commission pursuant to Section 501(c) of the Public Utility Code, 66 Pa.C.S. § 501(c), which requires a public utility to comply with Commission regulations.

11. Pursuant to the provisions of the applicable Commonwealth statutes and regulations, the Commission has jurisdiction over the subject matter of this complaint and the actions of Respondent related thereto.

#### **Factual Background**

12. On May 6, 2011, the Commission's former Bureau of Transportation and Safety filed a Complaint against Respondent at Docket No. C-2011-2236577, alleging that Respondent violated Section 510(c) of the Public Utility Code, 66 Pa.C.S. § 510(c), by failing to satisfy its 2008-2009, 2009-2010, and 2010-2011 fiscal year assessments.

13. On or about June 27, 2011, Respondent satisfied the Complaint by paying the outstanding assessment amount.

#### **2012-2013 Fiscal Year**

14. On or about February 16, 2012, the Commission mailed to Respondent an assessment report for Respondent to submit its 2011 calendar year revenues.

15. The assessment report was accompanied by a letter, which notified Respondent that the report was due on or before March 31, 2012.

16. The assessment report and instructions on how to complete it are also available on the Commission's website.

17. Respondent failed to file an assessment report to show its 2011 calendar year revenues.

#### **2013-2014 Fiscal Year**

18. On or about February 7, 2013, the Commission mailed to Respondent an assessment report for Respondent to submit its 2012 calendar year revenues.

19. The assessment report was accompanied by a letter, which notified Respondent that the report was due on or before March 31, 2013.

20. The assessment report and instructions on how to complete it are also available on the Commission's website.

21. Respondent failed to file an assessment report to show its 2012 calendar year revenues.

22. On or about September 12, 2013, the Commission sent Respondent, through certified mail, an assessment invoice for the July 1, 2013 to June 30, 2014 Fiscal Year that was based, in part, on Respondent's estimated revenues for the 2012 calendar year. Respondent's assessment was \$134.

23. Accompanying the assessment invoice was a notice that informed Respondent that it was obligated to pay the amount listed on the assessment invoice within thirty (30) days.

24. The assessment invoice was mailed to Respondent at 641 Ann Street, Duryea, PA 18642.

25. This is the mailing address that Respondent provided to the Commission for assessment purposes.

26. The assessment invoice was returned to the Commission by the United States Postal Service as being undeliverable.

27. Respondent is obligated to promptly apprise the Commission of changes to its current address pursuant to Section 1.53(d) of the Commission's regulations, 52 Pa. Code § 1.53(d).

28. The Commission was unable to effectively serve the 2013-2014 fiscal year assessment invoice upon Respondent due to Respondent's failure to provide the Commission with its current address or claim the certified mailing.

29. On November 26, 2013, the Commission credited Respondent's assessment balance in the amount of \$18.

30. Respondent failed to pay the amount of its 2013-2014 assessment invoice.

31. The total outstanding assessment balance for Respondent is \$116.

#### **Violations**

#### **COUNTS 1-2**

32. That Respondent failed to demonstrate its gross intrastate operating revenues for the 2011 and 2012 calendar years in that it did not file assessment reports for those years.

If proven, this is a violation of Section 510(b) of the Public Utility Code, 66 Pa.C.S. § 510(b). The Bureau of Investigation and Enforcement's proposed civil penalty for this violation is \$1,000 for each calendar year that Respondent failed to report its gross intrastate operating revenues or \$2,000.

#### **COUNT 3**

33. That Respondent failed to satisfy its 2013-2014 fiscal year assessment in that it did not pay the amount due within thirty (30) days of receipt of the invoice.

If proven, this is a violation of Section 510(c) of the Public Utility Code, 66 Pa.C.S. § 510(c). The Bureau of Investigation and Enforcement's proposed civil penalty for this violation is 25% of the outstanding assessment balance or \$29.

This civil penalty is based, in part, on Respondent's history of noncompliance with the Public Utility Code involving a failure to satisfy its assessments, as set forth above.

Wherefore, for all the foregoing reasons, the Bureau of Investigation and Enforcement of Pennsylvania Public Utility Commission respectfully requests that:

(a) Respondent be ordered to pay a total of \$2,145, which consists of its outstanding assessment balance, which totals \$116 and a civil penalty of \$2,029 for the above-described violations;



(b) Respondent be directed to file assessment reports on a going-forward basis;

(c) If Respondent's address changed, Respondent be directed to update its address with the Commission using the form available on the Commission's website at:

[http://www.puc.pa.gov/filing\\_resources/motor\\_carrier\\_online\\_forms.aspx](http://www.puc.pa.gov/filing_resources/motor_carrier_online_forms.aspx); and

(d) If payment of the civil penalty and assessment is not made, the Bureau of Investigation and Enforcement requests that:

(1) the Commission issue an Order to cancel the Certificate of Public Convenience issued to Respondent;

(2) this matter be referred to the Pennsylvania Office of Attorney General for appropriate action; and

(3) the Commission certify Respondent's automobile registrations to the Pennsylvania Department of Transportation for suspension or revocation.

Respectfully submitted,  
Kourtney L. Myers  
Prosecutor  
PA Attorney ID No. 316494

Pennsylvania Public Utility Commission  
Bureau of Investigation & Enforcement  
P. O. Box 3265  
Harrisburg, PA 17105-3265

Date: October 9, 2014

#### VERIFICATION

I, Mandy Freas, Accountant, Bureau of Administrative Services, Assessment Section, hereby state that the facts above set forth are true and correct to the best of my knowledge, information, and belief and that I expect the Bureau will be able to prove the same at any hearing held in this matter. I understand that the statements herein are made subject to the penalties of 18 Pa.C.S. § 4904 relating to unsworn falsification to authorities.

Date: October 9, 2014

Mandy Freas, Accountant  
Assessment Section  
Bureau of Administrative Services  
PA. Public Utility Commission  
P. O. Box 3265  
Harrisburg, PA 17105-3265

#### NOTICE

A. You must file an Answer within 20 days of the date of service of this Complaint. The date of service is the mailing date as indicated at the top of the Secretarial Letter. See 52 Pa. Code § 1.56(a). The Answer must raise all factual and legal arguments that you wish to claim in your defense, include the docket number of this Complaint, and be verified. You may file your Answer by mailing an original to:

Rosemary Chiavetta, Secretary  
Pennsylvania Public Utility Commission  
P. O. Box 3265  
Harrisburg, PA 17105-3265

Or, you may eFile your Answer using the Commission's website at [www.puc.pa.gov](http://www.puc.pa.gov). The link to eFiling is located under the Filing & Resources tab on the homepage. If your Answer is 250 pages or less, you are not required to file a paper copy. If your Answer exceeds 250 pages, you must file a paper copy with the Secretary's Bureau.

Additionally, a copy should either be mailed to:

Wayne T. Scott, First Deputy Chief Prosecutor  
Pennsylvania Public Utility Commission  
Bureau of Investigation and Enforcement  
P. O. Box 3265  
Harrisburg, PA 17105-3265

Or, emailed to Mr. Scott at: [RA-PCCmplntResp@pa.gov](mailto:RA-PCCmplntResp@pa.gov)

B. If you fail to answer this Complaint within 20 days, the Bureau of Investigation and Enforcement will request that the Commission issue an Order imposing the penalty.

C. You may elect not to contest this Complaint by paying the past due assessment and civil penalty within 20 days. Your check or money order should be payable to the Commonwealth of Pennsylvania and mailed to:

Rosemary Chiavetta, Secretary  
Pennsylvania Public Utility Commission  
P. O. Box 3265  
Harrisburg, PA 17105-3265

D. If you file an Answer which either admits or fails to deny the allegations of the Complaint, the Bureau of Investigation and Enforcement will request the Commission to issue an Order imposing the penalty set forth in this Complaint.

E. If you file an Answer which contests the Complaint, the matter will be assigned to an Administrative Law Judge for hearing and decision. The Judge is not bound by the penalty set forth in the Complaint, and may impose additional and/or alternative penalties as appropriate.

F. If you are a corporation, you must be represented by legal counsel. 52 Pa. Code § 1.21.

G. Alternative formats of this material are available for persons with disabilities by contacting the Commission's ADA Coordinator at 717-787-8714.

—  
*Pennsylvania Public Utility Commission; Bureau of Investigation and Enforcement v. Posten Transportation, Inc.; Docket No. C-2014-2446926*

#### COMPLAINT

*Now Comes* the Bureau of Investigation and Enforcement ("I&E") of the Pennsylvania Public Utility Commission ("Commission"), by its prosecuting attorneys, and files this Complaint against Posten Transportation, Inc. ("Respondent"), pursuant to Section 701 of the Public Utility Code, 66 Pa.C.S. § 701. In support of its Complaint, I&E respectfully represents the following:

#### **Parties and Jurisdiction**

1. The Pennsylvania Public Utility Commission, with a mailing address of P. O. Box 3265, Harrisburg, PA 17105-3265, is a duly constituted agency of the Commonwealth of Pennsylvania empowered to regulate public utilities within the Commonwealth pursuant to the Public Utility Code, 66 Pa.C.S. §§ 101, et seq.

2. Complainant is the Commission's Bureau of Investigation and Enforcement and is the entity established by statute to prosecute complaints against public utilities pursuant to 66 Pa.C.S. § 308.2(a)(11).

## 3. Complainant is represented by:

Kourtney L. Myers  
 Prosecutor  
 Pennsylvania Public Utility Commission  
 Bureau of Investigation and Enforcement  
 P. O. Box 3265  
 Harrisburg, PA 17105-3265  
 717.705.4366  
 komyers@pa.gov

Stephanie M. Wimer  
 Prosecutor  
 Pennsylvania Public Utility Commission  
 Bureau of Investigation and Enforcement  
 P. O. Box 3265  
 Harrisburg, PA 17105-3265  
 717.772.8839  
 stwimer@pa.gov

Wayne T. Scott  
 First Deputy Chief Prosecutor  
 Pennsylvania Public Utility Commission  
 Bureau of Investigation and Enforcement  
 P. O. Box 3265  
 Harrisburg, PA 17105-3265  
 wascott@pa.gov

4. Respondent is Posten Transportation, Inc. and maintains its principal place of business at P. O. Box 1108, Nassawadox, VA 23413.

5. Respondent is a "public utility" as that term is defined at 66 Pa.C.S. § 102, as it is engaged in transporting passengers in the Commonwealth of Pennsylvania for compensation.

6. The Commission issued Respondent a certificate of public convenience on or about January 31, 2005, at A-00120855, for airport transfer authority.

7. Section 501(a) of the Public Utility Code, 66 Pa.C.S. § 501(a), authorizes and obligates the Commission to execute and enforce the provisions of the Public Utility Code.

8. Section 701 of the Public Utility Code, 66 Pa.C.S. § 701, authorizes the Commission, inter alia, to hear and determine complaints against public utilities for a violation of any law or regulation that the Commission has jurisdiction to administer.

9. Section 3301 of the Public Utility Code, 66 Pa.C.S. § 3301, authorizes the Commission to impose civil penalties on any public utility, or any other person or corporation subject to the Commission's authority, for violation(s) of the Public Utility Code and/or Commission regulations.

10. Respondent, in transporting passengers as a common carrier for compensation, is subject to the power and authority of this Commission pursuant to Section 501(c) of the Public Utility Code, 66 Pa.C.S. § 501(c), which requires a public utility to comply with Commission regulations.

11. Pursuant to the provisions of the applicable Commonwealth statutes and regulations, the Commission has jurisdiction over the subject matter of this complaint and the actions of Respondent related thereto.

### Factual Background

#### 2013-2014 Fiscal Year

12. On or about February 7, 2013, the Commission mailed to Respondent an assessment report for Respondent to report its 2012 calendar year revenues.

13. The assessment report was accompanied by a letter, which notified Respondent that the report was due on or before March 31, 2013.

14. The assessment report and instructions on how to complete it are also available on the Commission's website.

15. Respondent failed to file an assessment report to show its 2012 calendar year revenues.

16. On or about September 12, 2013, the Commission sent Respondent, through certified mail, an assessment invoice for the July 1, 2013 to June 30, 2014 Fiscal Year that was based, in part, on Respondent's estimated revenues for the 2012 calendar year. Respondent's assessment was \$131.

17. Accompanying the assessment invoice was a notice that informed Respondent that it was obligated to pay the amount listed on the assessment invoice within thirty (30) days.

18. The assessment invoice was mailed to Respondent at P. O. Box 1108, Nassawadox, VA 23413.

19. This is the mailing address that Respondent provided to the Commission for assessment purposes.

20. The assessment invoice was returned to the Commission by the United States Postal Service as being undeliverable.

21. Respondent is obligated to promptly apprise the Commission of changes to its current address pursuant to Section 1.53(d) of the Commission's regulations, 52 Pa. Code § 1.53(d).

22. The Commission was unable to effectively serve the 2012-2013 fiscal year assessment invoice upon Respondent due to Respondent's failure to provide the Commission with its current address or claim the certified mailing.

23. Consequently, Respondent failed to pay the amount of its 2012-2013 assessment invoice.

24. The total outstanding assessment balance for Respondent is \$131.

### Violations

#### COUNT 1

25. That Respondent failed to demonstrate its gross intrastate operating revenues for the 2012 calendar year in that it did not file an assessment report for that year.

If proven, this is a violation of Section 510(b) of the Public Utility Code, 66 Pa.C.S. § 510(b). The Bureau of Investigation and Enforcement's proposed civil penalty for this violation is \$1,000 for each calendar year that Respondent failed to report its gross intrastate operating revenues or \$1,000.

#### COUNT 2

26. That Respondent failed to satisfy its 2013-2014 fiscal year assessment in that it did not pay the amount due within thirty (30) days of receipt of the invoice.

If proven, this is a violation of Section 510(c) of the Public Utility Code, 66 Pa.C.S. § 510(c). The Bureau of Investigation and Enforcement's proposed civil penalty for this violation is 15% of the outstanding assessment balance or \$20.

Wherefore, for all the foregoing reasons, the Bureau of Investigation and Enforcement of Pennsylvania Public Utility Commission respectfully requests that:

(a) Respondent be ordered to pay a total of \$1,151, which consists of its outstanding assessment balance, which totals \$131 and a civil penalty of \$1,020 for the above-described violations;

(b) Respondent be directed to file assessment reports on a going-forward basis;

(c) If Respondent's address changed, Respondent be directed to update its address with the Commission using the form available on the Commission's website at:

[http://www.puc.pa.gov/filing\\_resources/motor\\_carrier\\_online\\_forms.aspx](http://www.puc.pa.gov/filing_resources/motor_carrier_online_forms.aspx); and

(d) If payment of the civil penalty and assessment is not made, the Bureau of Investigation and Enforcement requests that:

(1) the Commission issue an Order to cancel the Certificate of Public Convenience issued to Respondent;

(2) this matter be referred to the Pennsylvania Office of Attorney General for appropriate action; and

(3) the Commission certify Respondent's automobile registrations to the Pennsylvania Department of Transportation for suspension or revocation.

Respectfully submitted,  
Kourtney L. Myers  
Prosecutor  
PA Attorney ID No. 316494

Pennsylvania Public Utility Commission  
Bureau of Investigation & Enforcement  
P. O. Box 3265  
Harrisburg, PA 17105-3265

Date: October 9, 2014

#### VERIFICATION

I, Mandy Freas, Accountant, Bureau of Administrative Services, Assessment Section, hereby state that the facts above set forth are true and correct to the best of my knowledge, information, and belief and that I expect the Bureau will be able to prove the same at any hearing held in this matter. I understand that the statements herein are made subject to the penalties of 18 Pa.C.S. § 4904 relating to unsworn falsification to authorities.

Date: October 9, 2014

Mandy Freas, Accountant  
Assessment Section  
Bureau of Administrative Services  
PA. Public Utility Commission  
P. O. Box 3265  
Harrisburg, PA 17105-3265

#### NOTICE

A. You must file an Answer within 20 days of the date of service of this Complaint. The date of service is the mailing date as indicated at the top of the Secretarial Letter. See 52 Pa. Code § 1.56(a). The Answer must raise all factual and legal arguments that you wish to claim in your defense, include the docket number of this Complaint, and be verified. You may file your Answer by mailing an original to:

Rosemary Chiavetta, Secretary  
Pennsylvania Public Utility Commission  
P. O. Box 3265  
Harrisburg, PA 17105-3265

Or, you may eFile your Answer using the Commission's website at [www.puc.pa.gov](http://www.puc.pa.gov). The link to eFiling is located under the Filing & Resources tab on the homepage. If

your Answer is 250 pages or less, you are not required to file a paper copy. If your Answer exceeds 250 pages, you must file a paper copy with the Secretary's Bureau.

Additionally, a copy should either be mailed to:

Wayne T. Scott, First Deputy Chief Prosecutor  
Pennsylvania Public Utility Commission  
Bureau of Investigation and Enforcement  
P. O. Box 3265  
Harrisburg, PA 17105-3265

Or, emailed to Mr. Scott at: [RA-PCCmplntResp@pa.gov](mailto:RA-PCCmplntResp@pa.gov)

B. If you fail to answer this Complaint within 20 days, the Bureau of Investigation and Enforcement will request that the Commission issue an Order imposing the penalty.

C. You may elect not to contest this Complaint by paying the past due assessment and civil penalty within 20 days. Your check or money order should be payable to the Commonwealth of Pennsylvania and mailed to:

Rosemary Chiavetta, Secretary  
Pennsylvania Public Utility Commission  
P. O. Box 3265  
Harrisburg, PA 17105-3265

D. If you file an Answer which either admits or fails to deny the allegations of the Complaint, the Bureau of Investigation and Enforcement will request the Commission to issue an Order imposing the penalty set forth in this Complaint.

E. If you file an Answer which contests the Complaint, the matter will be assigned to an Administrative Law Judge for hearing and decision. The Judge is not bound by the penalty set forth in the Complaint, and may impose additional and/or alternative penalties as appropriate.

F. If you are a corporation, you must be represented by legal counsel. 52 Pa. Code § 1.21.

G. Alternative formats of this material are available for persons with disabilities by contacting the Commission's ADA Coordinator at 717-787-8714.

*Pennsylvania Public Utility Commission; Bureau of Investigation and Enforcement v. John P. Atkinson; Docket No. C-2014-2446945*

#### COMPLAINT

Now Comes the Bureau of Investigation and Enforcement ("I&E") of the Pennsylvania Public Utility Commission ("Commission"), by its prosecuting attorneys, and files this Complaint against John P. Atkinson ("Respondent"), pursuant to Section 701 of the Public Utility Code, 66 Pa.C.S. § 701. In support of its Complaint, I&E respectfully represents the following:

#### **Parties and Jurisdiction**

1. The Pennsylvania Public Utility Commission, with a mailing address of P. O. Box 3265, Harrisburg, PA 17105-3265, is a duly constituted agency of the Commonwealth of Pennsylvania empowered to regulate public utilities within the Commonwealth pursuant to the Public Utility Code, 66 Pa.C.S. §§ 101, et seq.

2. Complainant is the Commission's Bureau of Investigation and Enforcement and is the entity established by statute to prosecute complaints against public utilities pursuant to 66 Pa.C.S. § 308.2(a)(11).



## 3. Complainant is represented by:

Kourtney L. Myers  
 Prosecutor  
 Pennsylvania Public Utility Commission  
 Bureau of Investigation and Enforcement  
 P. O. Box 3265  
 Harrisburg, PA 17105-3265  
 717.705.4366  
 komyers@pa.gov

Stephanie M. Wimer  
 Prosecutor  
 Pennsylvania Public Utility Commission  
 Bureau of Investigation and Enforcement  
 P. O. Box 3265  
 Harrisburg, PA 17105-3265  
 717.772.8839  
 stwimer@pa.gov

Wayne T. Scott  
 First Deputy Chief Prosecutor  
 Pennsylvania Public Utility Commission  
 Bureau of Investigation and Enforcement  
 P. O. Box 3265  
 Harrisburg, PA 17105-3265  
 wascott@pa.gov

4. Respondent is John P. Atkinson and maintains his principal place of business at 1033 Rhawn Street, Philadelphia, PA 19111.

5. Respondent is a "public utility" as that term is defined at 66 Pa.C.S. § 102, as he is engaged in transporting property in the Commonwealth of Pennsylvania for compensation.

6. The Commission issued Respondent a certificate of public convenience on or about August 20, 1974, at A-00098581, for household goods carrier authority.

7. Section 501(a) of the Public Utility Code, 66 Pa.C.S. § 501(a), authorizes and obligates the Commission to execute and enforce the provisions of the Public Utility Code.

8. Section 701 of the Public Utility Code, 66 Pa.C.S. § 701, authorizes the Commission, inter alia, to hear and determine complaints against public utilities for a violation of any law or regulation that the Commission has jurisdiction to administer.

9. Section 3301 of the Public Utility Code, 66 Pa.C.S. § 3301, authorizes the Commission to impose civil penalties on any public utility, or any other person or corporation subject to the Commission's authority, for violation(s) of the Public Utility Code and/or Commission regulations.

10. Respondent, in transporting property as a common carrier for compensation, is subject to the power and authority of this Commission pursuant to Section 501(c) of the Public Utility Code, 66 Pa.C.S. § 501(c), which requires a public utility to comply with Commission regulations.

11. Pursuant to the provisions of the applicable Commonwealth statutes and regulations, the Commission has jurisdiction over the subject matter of this complaint and the actions of Respondent related thereto.

### Factual Background

#### 2013-2014 Fiscal Year

12. On or about February 7, 2013, the Commission mailed to Respondent an assessment report for Respondent to submit his 2012 calendar year revenues.

13. The assessment report was accompanied by a letter, which notified Respondent that the report was due on or before March 31, 2013.

14. The assessment report and instructions on how to complete it are also available on the Commission's website.

15. Respondent failed to file an assessment report to show his 2012 calendar year revenues.

16. On or about September 12, 2013, the Commission sent Respondent, through certified mail, an assessment invoice for the July 1, 2013 to June 30, 2014 Fiscal Year that was based, in part, on Respondent's estimated revenues for the 2012 calendar year. Respondent's assessment was \$178.

17. Accompanying the assessment invoice was a notice that informed Respondent that he was obligated to pay the amount listed on the assessment invoice within thirty (30) days.

18. The assessment invoice was mailed to Respondent at 8855 Holme Drive, Philadelphia, PA 19136.

19. This is the mailing address that Respondent provided to the Commission for assessment purposes.

20. The assessment invoice was returned to the Commission by the United States Postal Service as being undeliverable.

21. Respondent is obligated to promptly apprise the Commission of changes to his current address pursuant to Section 1.53(d) of the Commission's regulations, 52 Pa. Code § 1.53(d).

22. The Commission was unable to effectively serve the 2013-2014 fiscal year assessment invoice upon Respondent due to Respondent's failure to provide the Commission with his current address or claim the certified mailing.

23. On November 26, 2013, the Commission credited Respondent's assessment balance in the amount of \$23.

24. Respondent failed to pay the amount of his 2013-2014 assessment invoice.

25. The total outstanding assessment balance for Respondent is \$155.

### Violations

#### COUNT 1

26. That Respondent failed to demonstrate his gross intrastate operating revenues for the 2012 calendar year in that he did not file an assessment report for that year.

If proven, this is a violation of Section 510(b) of the Public Utility Code, 66 Pa.C.S. § 510(b). The Bureau of Investigation and Enforcement's proposed civil penalty for this violation is \$1,000 for each calendar year that Respondent failed to report his gross intrastate operating revenues or \$1,000.

#### COUNT 2

27. That Respondent failed to satisfy his 2013-2014 fiscal year assessment in that he did not pay the amount due within thirty (30) days of receipt of the invoice.

If proven, this is a violation of Section 510(c) of the Public Utility Code, 66 Pa.C.S. § 510(c). The Bureau of Investigation and Enforcement's proposed civil penalty for this violation is 15% of the outstanding assessment balance or \$23.

Wherefore, for all the foregoing reasons, the Bureau of Investigation and Enforcement of Pennsylvania Public Utility Commission respectfully requests that:

(a) Respondent be ordered to pay a total of \$1,178, which consists of his outstanding assessment balance, which totals \$155 and a civil penalty of \$1,023 for the above-described violations;

(b) Respondent be directed to file assessment reports on a going-forward basis;

(c) If Respondent's address changed, Respondent be directed to update his address with the Commission using the form available on the Commission's website at:

[http://www.puc.pa.gov/filing\\_resources/motor\\_carrier\\_online\\_forms.aspx](http://www.puc.pa.gov/filing_resources/motor_carrier_online_forms.aspx); and

(d) If payment of the civil penalty and assessment is not made, the Bureau of Investigation and Enforcement requests that:

(1) the Commission issue an Order to cancel the Certificate of Public Convenience issued to Respondent;

(2) this matter be referred to the Pennsylvania Office of Attorney General for appropriate action; and

(3) the Commission certify Respondent's automobile registrations to the Pennsylvania Department of Transportation for suspension or revocation.

Respectfully submitted,  
Kourtney L. Myers  
Prosecutor  
PA Attorney ID No. 316494

Pennsylvania Public Utility Commission  
Bureau of Investigation and Enforcement  
P. O. Box 3265  
Harrisburg, PA 17105-3265

Date: October 9, 2014

#### VERIFICATION

I, Mandy Freas, Accountant, Bureau of Administrative Services, Assessment Section, hereby state that the facts above set forth are true and correct to the best of my knowledge, information, and belief and that I expect the Bureau will be able to prove the same at any hearing held in this matter. I understand that the statements herein are made subject to the penalties of 18 Pa.C.S. § 4904 relating to unsworn falsification to authorities.

Date: October 9, 2014

Mandy Freas, Accountant  
Assessment Section  
Bureau of Administrative Services  
PA. Public Utility Commission  
P. O. Box 3265  
Harrisburg, PA 17105-3265

#### NOTICE

A. You must file an Answer within 20 days of the date of service of this Complaint. The date of service is the mailing date as indicated at the top of the Secretarial Letter. See 52 Pa. Code § 1.56(a). The Answer must raise all factual and legal arguments that you wish to claim in your defense, include the docket number of this Complaint, and be verified. You may file your Answer by mailing an original to:

Rosemary Chiavetta, Secretary  
Pennsylvania Public Utility Commission  
P. O. Box 3265  
Harrisburg, PA 17105-3265

Or, you may eFile your Answer using the Commission's website at [www.puc.pa.gov](http://www.puc.pa.gov). The link to eFiling is located under the Filing & Resources tab on the homepage. If your Answer is 250 pages or less, you are not required to file a paper copy. If your Answer exceeds 250 pages, you must file a paper copy with the Secretary's Bureau.

Additionally, a copy should either be mailed to:

Wayne T. Scott, First Deputy Chief Prosecutor  
Pennsylvania Public Utility Commission  
Bureau of Investigation and Enforcement  
P. O. Box 3265  
Harrisburg, PA 17105-3265

Or, emailed to Mr. Scott at: [RA-PCCmplntResp@pa.gov](mailto:RA-PCCmplntResp@pa.gov)

B. If you fail to answer this Complaint within 20 days, the Bureau of Investigation and Enforcement will request that the Commission issue an Order imposing the penalty.

C. You may elect not to contest this Complaint by paying the past due assessment and civil penalty within 20 days. Your check or money order should be payable to the Commonwealth of Pennsylvania and mailed to:

Rosemary Chiavetta, Secretary  
Pennsylvania Public Utility Commission  
P. O. Box 3265  
Harrisburg, PA 17105-3265

D. If you file an Answer which either admits or fails to deny the allegations of the Complaint, the Bureau of Investigation and Enforcement will request the Commission to issue an Order imposing the penalty set forth in this Complaint.

E. If you file an Answer which contests the Complaint, the matter will be assigned to an Administrative Law Judge for hearing and decision. The Judge is not bound by the penalty set forth in the Complaint, and may impose additional and/or alternative penalties as appropriate.

F. If you are a corporation, you must be represented by legal counsel. 52 Pa. Code § 1.21.

G. Alternative formats of this material are available for persons with disabilities by contacting the Commission's ADA Coordinator at 717-787-8714.

*Pennsylvania Public Utility Commission; Bureau of Investigation and Enforcement v. D & J Cappelli, Inc.; Docket No. C-2014-2449853*

#### COMPLAINT

Now Comes the Bureau of Investigation and Enforcement ("I&E") of the Pennsylvania Public Utility Commission ("Commission"), by its prosecuting attorneys, and files this Complaint against D & J Cappelli, Inc. ("Respondent"), pursuant to Section 701 of the Public Utility Code, 66 Pa.C.S. § 701. In support of its Complaint, I&E respectfully represents the following:

#### **Parties and Jurisdiction**

1. The Pennsylvania Public Utility Commission, with a mailing address of P. O. Box 3265, Harrisburg, PA 17105-3265, is a duly constituted agency of the Commonwealth of Pennsylvania empowered to regulate public utilities within the Commonwealth pursuant to the Public Utility Code, 66 Pa.C.S. §§ 101, et seq.

2. Complainant is the Commission's Bureau of Investigation and Enforcement and is the entity established by

statute to prosecute complaints against public utilities pursuant to 66 Pa.C.S. § 308.2(a)(11).

3. Complainant is represented by:

Kourtney L. Myers  
Prosecutor  
Pennsylvania Public Utility Commission  
Bureau of Investigation and Enforcement  
P. O. Box 3265  
Harrisburg, PA 17105-3265  
717.705.4366  
komyers@pa.gov

Stephanie M. Wimer  
Prosecutor  
Pennsylvania Public Utility Commission  
Bureau of Investigation and Enforcement  
P. O. Box 3265  
Harrisburg, PA 17105-3265  
717.772.8839  
stwimer@pa.gov

Wayne T. Scott  
First Deputy Chief Prosecutor  
Pennsylvania Public Utility Commission  
Bureau of Investigation and Enforcement  
P. O. Box 3265  
Harrisburg, PA 17105-3265  
wascott@pa.gov

4. Respondent is D & J Cappelli, Inc. and maintains its principal place of business at 139 School House Lane, Glen Mills, PA 19342.

5. Respondent is a "public utility" as that term is defined at 66 Pa.C.S. § 102, as it is engaged in transporting property in the Commonwealth of Pennsylvania for compensation.

6. The Commission issued Respondent a certificate of public convenience on or about June 14, 2005, at A-00107907, for truck authority.

7. Section 501(a) of the Public Utility Code, 66 Pa.C.S. § 501(a), authorizes and obligates the Commission to execute and enforce the provisions of the Public Utility Code.

8. Section 701 of the Public Utility Code, 66 Pa.C.S. § 701, authorizes the Commission, inter alia, to hear and determine complaints against public utilities for a violation of any law or regulation that the Commission has jurisdiction to administer.

9. Section 3301 of the Public Utility Code, 66 Pa.C.S. § 3301, authorizes the Commission to impose civil penalties on any public utility, or any other person or corporation subject to the Commission's authority, for violation(s) of the Public Utility Code and/or Commission regulations.

10. Respondent, in transporting property as a common carrier for compensation, is subject to the power and authority of this Commission pursuant to Section 501(c) of the Public Utility Code, 66 Pa.C.S. § 501(c), which requires a public utility to comply with Commission regulations.

11. Pursuant to the provisions of the applicable Commonwealth statutes and regulations, the Commission has jurisdiction over the subject matter of this complaint and the actions of Respondent related thereto.

#### **Factual Background**

##### **2012-2013 Fiscal Year**

12. On or about February 16, 2012, the Commission mailed to Respondent an assessment report for Respondent to submit its 2011 calendar year revenues.

13. The assessment report was accompanied by a letter, which notified Respondent that the report was due on or before March 31, 2012.

14. The assessment report and instructions on how to complete it are also available on the Commission's website.

15. Respondent failed to file an assessment report to show its 2011 calendar year revenues.

##### **2013-2014 Fiscal Year**

16. On or about February 7, 2013, the Commission mailed to Respondent an assessment report for Respondent to submit its 2012 calendar year revenues.

17. The assessment report was accompanied by a letter, which notified Respondent that the report was due on or before March 31, 2013.

18. The assessment report and instructions on how to complete it are also available on the Commission's website.

19. Respondent failed to file an assessment report to show its 2012 calendar year revenues.

20. On or about September 12, 2013, the Commission sent Respondent, through certified mail, an assessment invoice for the July 1, 2013 to June 30, 2014 Fiscal Year that was based, in part, on Respondent's estimated revenues for the 2012 calendar year. Respondent's assessment was \$392.

21. Accompanying the assessment invoice was a notice that informed Respondent that it was obligated to pay the amount listed on the assessment invoice within thirty (30) days.

22. The assessment invoice was mailed to Respondent at 139 School House Lane, Glen Mills, PA 19342.

23. This is the mailing address that Respondent provided to the Commission for assessment purposes.

24. The assessment invoice was returned to the Commission by the United States Postal Service as being undeliverable.

25. Respondent is obligated to promptly apprise the Commission of changes to its current address pursuant to Section 1.53(d) of the Commission's regulations, 52 Pa. Code § 1.53(d).

26. The Commission was unable to effectively serve the 2013-2014 fiscal year assessment invoice upon Respondent due to Respondent's failure to provide the Commission with its current address or claim the certified mailing.

27. On November 26, 2013, the Commission credited Respondent's assessment balance in the amount of \$51.

28. Respondent failed to pay the amount of its 2013-2014 assessment invoice.

29. The total outstanding assessment balance for Respondent is \$341.

#### **Violations**

##### **COUNTS 1-2**

30. That Respondent failed to demonstrate its gross intrastate operating revenues for the 2011 and 2012 calendar years in that it did not file assessment reports for those years.

If proven, this is a violation of Section 510(b) of the Public Utility Code, 66 Pa.C.S. § 510(b). The Bureau of Investigation and Enforcement's proposed civil penalty for



this violation is \$1,000 for each calendar year that Respondent failed to report its gross intrastate operating revenues or \$2,000.

### COUNT 3

31. That Respondent failed to satisfy its 2013-2014 fiscal year assessments in that it did not pay the amounts due within thirty (30) days of receipt of the invoices.

If proven, this is a violation of Section 510(c) of the Public Utility Code, 66 Pa.C.S. § 510(c). The Bureau of Investigation and Enforcement's proposed civil penalty for this violation is 15% of the outstanding assessment balance or \$51.

Wherefore, for all the foregoing reasons, the Bureau of Investigation and Enforcement of Pennsylvania Public Utility Commission respectfully requests that:

(a) Respondent be ordered to pay a total of \$2,392, which consists of its outstanding assessment balance, which totals \$341 and a civil penalty of \$2,051 for the above-described violations;

(b) Respondent be directed to file assessment reports on a going-forward basis;

(c) If Respondent's address changed, Respondent be directed to update its address with the Commission using the form available on the Commission's website at:

[http://www.puc.pa.gov/filing\\_resources/motor\\_carrier\\_online\\_forms.aspx](http://www.puc.pa.gov/filing_resources/motor_carrier_online_forms.aspx); and

(d) If payment of the civil penalty and assessment is not made, the Bureau of Investigation and Enforcement requests that:

(1) the Commission issue an Order to cancel the Certificate of Public Convenience issued to Respondent;

(2) this matter be referred to the Pennsylvania Office of Attorney General for appropriate action; and

(3) the Commission certify Respondent's automobile registrations to the Pennsylvania Department of Transportation for suspension or revocation.

Respectfully submitted,  
Kourtney L. Myers  
Prosecutor  
PA Attorney ID No. 316494

Pennsylvania Public Utility Commission  
Bureau of Investigation and Enforcement  
P. O. Box 3265  
Harrisburg, PA 17105-3265

Date: October 27, 2014

### VERIFICATION

I, Mandy Freas, Accountant, Bureau of Administrative Services, Assessment Section, hereby state that the facts above set forth are true and correct to the best of my knowledge, information, and belief and that I expect the Bureau will be able to prove the same at any hearing held in this matter. I understand that the statements herein are made subject to the penalties of 18 Pa.C.S. § 4904 relating to unsworn falsification to authorities.

Date: October 27, 2014

Mandy Freas, Accountant  
Assessment Section  
Bureau of Administrative Services  
PA. Public Utility Commission  
P. O. Box 3265  
Harrisburg, PA 17105-3265

### NOTICE

A. You must file an Answer within 20 days of the date of service of this Complaint. The date of service is the mailing date as indicated at the top of the Secretarial Letter. See 52 Pa. Code § 1.56(a). The Answer must raise all factual and legal arguments that you wish to claim in your defense, include the docket number of this Complaint, and be verified. You may file your Answer by mailing an original to:

Rosemary Chiavetta, Secretary  
Pennsylvania Public Utility Commission  
P. O. Box 3265  
Harrisburg, PA 17105-3265

Or, you may eFile your Answer using the Commission's website at [www.puc.pa.gov](http://www.puc.pa.gov). The link to eFiling is located under the Filing & Resources tab on the homepage. If your Answer is 250 pages or less, you are not required to file a paper copy. If your Answer exceeds 250 pages, you must file a paper copy with the Secretary's Bureau.

Additionally, a copy should either be mailed to:

Wayne T. Scott, First Deputy Chief Prosecutor  
Pennsylvania Public Utility Commission  
Bureau of Investigation and Enforcement  
P. O. Box 3265  
Harrisburg, PA 17105-3265

Or, emailed to Mr. Scott at: [RA-PCCmplntResp@pa.gov](mailto:RA-PCCmplntResp@pa.gov)

B. If you fail to answer this Complaint within 20 days, the Bureau of Investigation and Enforcement will request that the Commission issue an Order imposing the penalty.

C. You may elect not to contest this Complaint by paying the past due assessment and civil penalty within 20 days. Your check or money order should be payable to the Commonwealth of Pennsylvania and mailed to:

Rosemary Chiavetta, Secretary  
Pennsylvania Public Utility Commission  
P. O. Box 3265  
Harrisburg, PA 17105-3265

D. If you file an Answer which either admits or fails to deny the allegations of the Complaint, the Bureau of Investigation and Enforcement will request the Commission to issue an Order imposing the penalty set forth in this Complaint.

E. If you file an Answer which contests the Complaint, the matter will be assigned to an Administrative Law Judge for hearing and decision. The Judge is not bound by the penalty set forth in the Complaint, and may impose additional and/or alternative penalties as appropriate.

F. If you are a corporation, you must be represented by legal counsel. 52 Pa. Code § 1.21.

G. Alternative formats of this material are available for persons with disabilities by contacting the Commission's ADA Coordinator at 717-787-8714.

*Pennsylvania Public Utility Commission; Bureau of Investigation and Enforcement v. Posten Taxi Inc.;  
Docket No. C-2014-2449995*

### COMPLAINT

Now Comes the Bureau of Investigation and Enforcement ("I&E") of the Pennsylvania Public Utility Commission ("Commission"), by its prosecuting attorneys, and files this Complaint against Posten Taxi Inc. ("Respon-

dent”), pursuant to Section 701 of the Public Utility Code, 66 Pa.C.S. § 701. In support of its Complaint, I&E respectfully represents the following:

### Parties and Jurisdiction

1. The Pennsylvania Public Utility Commission, with a mailing address of P. O. Box 3265, Harrisburg, PA 17105-3265, is a duly constituted agency of the Commonwealth of Pennsylvania empowered to regulate public utilities within the Commonwealth pursuant to the Public Utility Code, 66 Pa.C.S. §§ 101, et seq.

2. Complainant is the Commission’s Bureau of Investigation and Enforcement and is the entity established by statute to prosecute complaints against public utilities pursuant to 66 Pa.C.S. § 308.2(a)(11).

3. Complainant is represented by:

Kourtney L. Myers  
Prosecutor  
Pennsylvania Public Utility Commission  
Bureau of Investigation and Enforcement  
P. O. Box 3265  
Harrisburg, PA 17105-3265  
717.705.4366  
komyers@pa.gov

Stephanie M. Wimer  
Prosecutor  
Pennsylvania Public Utility Commission  
Bureau of Investigation and Enforcement  
P. O. Box 3265  
Harrisburg, PA 17105-3265  
717.772.8839  
stwimer@pa.gov

Wayne T. Scott  
First Deputy Chief Prosecutor  
Pennsylvania Public Utility Commission  
Bureau of Investigation and Enforcement  
P. O. Box 3265  
Harrisburg, PA 17105-3265  
wascott@pa.gov

4. Respondent is Posten Taxi Inc. and maintains its principal place of business at P. O. Box 1108, Nassawadox, VA 23413.

5. Respondent is a “public utility” as that term is defined at 66 Pa.C.S. § 102, as it is engaged in transporting passengers and property in the Commonwealth of Pennsylvania for compensation.

6. The Commission issued Respondent a certificate of public convenience on or about March 3, 1960, at A-00086705, for taxi, paratransit, truck, and group and party 15 or less authority.

7. Section 501(a) of the Public Utility Code, 66 Pa.C.S. § 501(a), authorizes and obligates the Commission to execute and enforce the provisions of the Public Utility Code.

8. Section 701 of the Public Utility Code, 66 Pa.C.S. § 701, authorizes the Commission, inter alia, to hear and determine complaints against public utilities for a violation of any law or regulation that the Commission has jurisdiction to administer.

9. Section 3301 of the Public Utility Code, 66 Pa.C.S. § 3301, authorizes the Commission to impose civil penalties on any public utility, or any other person or corporation subject to the Commission’s authority, for violation(s) of the Public Utility Code and/or Commission regulations.

10. Respondent, in transporting passengers and property as a common carrier for compensation, is subject to the power and authority of this Commission pursuant to Section 501(c) of the Public Utility Code, 66 Pa.C.S. § 501(c), which requires a public utility to comply with Commission regulations.

11. Pursuant to the provisions of the applicable Commonwealth statutes and regulations, the Commission has jurisdiction over the subject matter of this complaint and the actions of Respondent related thereto.

### Factual Background

#### 2012-2013 Fiscal Year

12. On or about August 27, 2012, the Commission sent Respondent, through certified mail, an assessment invoice for the July 1, 2012 to June 30, 2013 Fiscal Year. Respondent’s assessment was \$15,605.

13. On September 8, 2012, Respondent signed a certified mail card, which indicated that it received an assessment invoice for the Commission’s July 1, 2012 to June 30, 2013 Fiscal Year.

14. Accompanying the assessment invoice was a notice that informed Respondent that it was obligated to pay the amount listed on the assessment invoice within thirty (30) days.

15. The Commission received no objections from Respondent to this assessment.

16. Respondent failed to fully pay the amount of its 2012-2013 assessment invoice.

#### 2013-2014 Fiscal Year

17. On or about February 7, 2013, the Commission mailed to Respondent an assessment report for Respondent to submit its 2012 calendar year revenues.

18. The assessment report was accompanied by a letter, which notified Respondent that the report was due on or before March 31, 2013.

19. The assessment report and instructions on how to complete it are also available on the Commission’s website.

20. Respondent failed to file an assessment report to show its 2012 calendar year revenues.

21. On or about September 12, 2013, the Commission sent Respondent, through certified mail, an assessment invoice for the July 1, 2013 to June 30, 2014 Fiscal Year that was based, in part, on Respondent’s estimated revenues for the 2012 calendar year. Respondent’s assessment was \$14,794.

22. Accompanying the assessment invoice was a notice that informed Respondent that it was obligated to pay the amount listed on the assessment invoice within thirty (30) days.

23. The assessment invoice was mailed to Respondent at 777 South Franklin Street, Wilkes-Barre, PA 18702.

24. This is the mailing address that Respondent provided to the Commission for assessment purposes.

25. The assessment invoice was returned to the Commission by the United States Postal Service as being undeliverable with a new address at P. O. Box 1108, Nassawadox, VA 23413.

26. On or about October 2, 2013, the Commission mailed an assessment invoice for the July 1, 2013 to June 30, 2014 Fiscal Year to Respondent at P. O. Box 1108, Nassawadox, VA 23413.

27. Respondent is obligated to promptly apprise the Commission of changes to its current address pursuant to Section 1.53(d) of the Commission's regulations, 52 Pa. Code § 1.53(d).

28. The Commission was unable to effectively serve the 2013-2014 fiscal year assessment invoice upon Respondent due to Respondent's failure to provide the Commission with its current address or claim the certified mailing.

29. Consequently, Respondent failed to pay the amount of its 2013-2014 assessment invoice.

30. The total outstanding assessment balance for Respondent is \$30,399.

#### Violations

#### COUNT 1

31. That Respondent failed to demonstrate its gross intrastate operating revenues for the 2012 calendar year in that it did not file an assessment report for that year.

If proven, this is a violation of Section 510(b) of the Public Utility Code, 66 Pa.C.S. § 510(b). The Bureau of Investigation and Enforcement's proposed civil penalty for this violation is \$1,000 for each calendar year that Respondent failed to report its gross intrastate operating revenues or \$1,000.

#### COUNTS 2-3

32. That Respondent failed to satisfy its 2012-2013 and 2013-2014 fiscal year assessments in that it did not pay the amounts due within thirty (30) days of receipt of the invoices.

If proven, this is a violation of Section 510(c) of the Public Utility Code, 66 Pa.C.S. § 510(c). The Bureau of Investigation and Enforcement's proposed civil penalty for this violation is 15% of the outstanding assessment balance or \$4,560.

Wherefore, for all the foregoing reasons, the Bureau of Investigation and Enforcement of Pennsylvania Public Utility Commission respectfully requests that:

(a) Respondent be ordered to pay a total of \$35,959, which consists of its outstanding assessment balance, which totals \$30,399 and a civil penalty of \$5,560 for the above-described violations;

(b) Respondent be directed to file assessment reports on a going-forward basis;

(c) If Respondent's address changed, Respondent be directed to update its address with the Commission using the form available on the Commission's website at:

[http://www.puc.pa.gov/filing\\_resources/motor\\_carrier\\_online\\_forms.aspx](http://www.puc.pa.gov/filing_resources/motor_carrier_online_forms.aspx); and

(d) If payment of the civil penalty and assessments is not made, the Bureau of Investigation and Enforcement requests that:

(1) the Commission issue an Order to cancel the Certificate of Public Convenience issued to Respondent;

(2) this matter be referred to the Pennsylvania Office of Attorney General for appropriate action; and

(3) the Commission certify Respondent's automobile registrations to the Pennsylvania Department of Transportation for suspension or revocation.

Respectfully submitted,  
Kourtney L. Myers  
Prosecutor  
PA Attorney ID No. 316494

Pennsylvania Public Utility Commission  
Bureau of Investigation and Enforcement  
P. O. Box 3265  
Harrisburg, PA 17105-3265

Date: October 27, 2014

#### VERIFICATION

I, Mandy Freas, Accountant, Bureau of Administrative Services, Assessment Section, hereby state that the facts above set forth are true and correct to the best of my knowledge, information, and belief and that I expect the Bureau will be able to prove the same at any hearing held in this matter. I understand that the statements herein are made subject to the penalties of 18 Pa.C.S. § 4904 relating to unsworn falsification to authorities.

Date: October 27, 2014

Mandy Freas, Accountant  
Assessment Section  
Bureau of Administrative Services  
PA. Public Utility Commission  
P. O. Box 3265  
Harrisburg, PA 17105-3265

#### NOTICE

A. You must file an Answer within 20 days of the date of service of this Complaint. The date of service is the mailing date as indicated at the top of the Secretarial Letter. See 52 Pa. Code § 1.56(a). The Answer must raise all factual and legal arguments that you wish to claim in your defense, include the docket number of this Complaint, and be verified. You may file your Answer by mailing an original to:

Rosemary Chiavetta, Secretary  
Pennsylvania Public Utility Commission  
P. O. Box 3265  
Harrisburg, PA 17105-3265

Or, you may eFile your Answer using the Commission's website at [www.puc.pa.gov](http://www.puc.pa.gov). The link to eFiling is located under the Filing & Resources tab on the homepage. If your Answer is 250 pages or less, you are not required to file a paper copy. If your Answer exceeds 250 pages, you must file a paper copy with the Secretary's Bureau.

Additionally, a copy should either be mailed to:

Wayne T. Scott, First Deputy Chief Prosecutor  
Pennsylvania Public Utility Commission  
Bureau of Investigation and Enforcement  
P. O. Box 3265  
Harrisburg, PA 17105-3265

Or, emailed to Mr. Scott at: [RA-PCCmplntResp@pa.gov](mailto:RA-PCCmplntResp@pa.gov)

B. If you fail to answer this Complaint within 20 days, the Bureau of Investigation and Enforcement will request that the Commission issue an Order imposing the penalty.

C. You may elect not to contest this Complaint by paying the past due assessment and civil penalty within 20 days. Your check or money order should be payable to the Commonwealth of Pennsylvania and mailed to:

Rosemary Chiavetta, Secretary  
Pennsylvania Public Utility Commission  
P. O. Box 3265  
Harrisburg, PA 17105-3265

D. If you file an Answer which either admits or fails to deny the allegations of the Complaint, the Bureau of



Investigation and Enforcement will request the Commission to issue an Order imposing the penalty set forth in this Complaint.

E. If you file an Answer which contests the Complaint, the matter will be assigned to an Administrative Law Judge for hearing and decision. The Judge is not bound by the penalty set forth in the Complaint, and may impose additional and/or alternative penalties as appropriate.

F. If you are a corporation, you must be represented by legal counsel. 52 Pa. Code § 1.21.

G. Alternative formats of this material are available for persons with disabilities by contacting the Commission's ADA Coordinator at 717-787-8714.

*Pennsylvania Public Utility Commission; Bureau of  
Investigation and Enforcement v. Deer Haven, LLP;  
Docket No. C-2014-2450011*

### COMPLAINT

Now Comes the Bureau of Investigation and Enforcement ("I&E") of the Pennsylvania Public Utility Commission ("Commission"), by its prosecuting attorneys, and files this Complaint against Deer Haven, LLP ("Respondent"), pursuant to Section 701 of the Public Utility Code, 66 Pa.C.S. § 701. In support of its Complaint, I&E respectfully represents the following:

#### Parties and Jurisdiction

1. The Pennsylvania Public Utility Commission, with a mailing address of P. O. Box 3265, Harrisburg, PA 17105-3265, is a duly constituted agency of the Commonwealth of Pennsylvania empowered to regulate public utilities within the Commonwealth pursuant to the Public Utility Code, 66 Pa.C.S. §§ 101, et seq.

2. Complainant is the Commission's Bureau of Investigation and Enforcement and is the entity established by statute to prosecute complaints against public utilities pursuant to 66 Pa.C.S. § 308.2(a)(11).

3. Complainant is represented by:

Kourtney L. Myers  
Prosecutor  
Pennsylvania Public Utility Commission  
Bureau of Investigation and Enforcement  
P. O. Box 3265  
Harrisburg, PA 17105-3265  
717.705.4366  
komyers@pa.gov

Stephanie M. Wimer  
Prosecutor  
Pennsylvania Public Utility Commission  
Bureau of Investigation and Enforcement  
P. O. Box 3265  
Harrisburg, PA 17105-3265  
717.772.8839  
stwimer@pa.gov

Wayne T. Scott  
First Deputy Chief Prosecutor  
Pennsylvania Public Utility Commission  
Bureau of Investigation and Enforcement  
P. O. Box 3265  
Harrisburg, PA 17105-3265  
wascott@pa.gov

4. Respondent is Deer Haven, LLP and maintains its principal place of business at 865 Route 507, Greentown, PA 18426. Attention: Sam Shahar.

5. Respondent is a "public utility" as that term is defined at 66 Pa.C.S. § 102, as it is engaged in sewage collection, treatment, or disposal for the public in the Commonwealth of Pennsylvania for compensation.

6. The Commission issued Respondent a certificate of public convenience on or about March 25, 2010, at A-230106, for wastewater authority.

7. Section 501(a) of the Public Utility Code, 66 Pa.C.S. § 501(a), authorizes and obligates the Commission to execute and enforce the provisions of the Public Utility Code.

8. Section 701 of the Public Utility Code, 66 Pa.C.S. § 701, authorizes the Commission, inter alia, to hear and determine complaints against public utilities for a violation of any law or regulation that the Commission has jurisdiction to administer.

9. Section 3301 of the Public Utility Code, 66 Pa.C.S. § 3301, authorizes the Commission to impose civil penalties on any public utility, or any other person or corporation subject to the Commission's authority, for violation(s) of the Public Utility Code and/or Commission regulations.

10. Respondent, in collecting, treating, or disposing sewage for the public for compensation, is subject to the power and authority of this Commission pursuant to Section 501(c) of the Public Utility Code, 66 Pa.C.S. § 501(c), which requires a public utility to comply with Commission regulations.

11. Pursuant to the provisions of the applicable Commonwealth statutes and regulations, the Commission has jurisdiction over the subject matter of this complaint and the actions of Respondent related thereto.

#### Factual Background

##### 2012-2013 Fiscal Year

12. On or about August 27, 2012, the Commission sent Respondent, through certified mail, an assessment invoice for the July 1, 2012 to June 30, 2013 Fiscal Year. Respondent's assessment was \$126.

13. On October 1, 2012, Respondent signed a certified mail card, which indicated that it received an assessment invoice for the Commission's July 1, 2012 to June 30, 2013 Fiscal Year.

14. Accompanying the assessment invoice was a notice that informed Respondent that it was obligated to pay the amount listed on the assessment invoice within thirty (30) days.

15. The Commission received no objections from Respondent to this assessment.

16. Respondent failed to fully pay the amount of its 2012-2013 assessment invoice.

##### 2013-2014 Fiscal Year

17. On or about February 7, 2013, the Commission mailed to Respondent an assessment report for Respondent to report its 2012 calendar year revenues.

18. The assessment report was accompanied by a letter, which notified Respondent that the report was due on or before March 31, 2013.

19. Respondent failed to file an assessment report to show its 2012 calendar year revenues.

20. On or about September 12, 2013, the Commission sent Respondent, through certified mail, an assessment

invoice for the July 1, 2013 to June 30, 2014 Fiscal Year that was based, in part, on Respondent's estimated revenues for the 2012 calendar year. Respondent's assessment was \$109.

21. On November 15, 2013, Respondent signed a certified mail card, which indicated that it received an assessment invoice for the Commission's July 1, 2013 to June 30, 2014 Fiscal Year.

22. Accompanying the assessment invoice was a notice that informed Respondent that it was obligated to pay the amount listed on the assessment invoice within thirty (30) days.

23. The Commission received no objections from Respondent to the 2013-2014 Fiscal Year Assessment.

24. Respondent failed to fully pay the amount of its 2013-2014 assessment invoice.

25. The total outstanding assessment balance for Respondent is \$235.

### Violations

#### COUNT 1

26. That Respondent failed to demonstrate its gross intrastate operating revenues for the 2012 calendar year in that it did not file an assessment report for that year.

If proven, this is a violation of Section 510(b) of the Public Utility Code, 66 Pa.C.S. § 510(b). The Bureau of Investigation and Enforcement's proposed civil penalty for this violation is \$1,000 for each calendar year that Respondent failed to report its gross intrastate operating revenues or \$1,000.

#### COUNTS 2-3

27. That Respondent failed to satisfy its 2012-2013 and 2013-2014 fiscal year assessments in that it did not pay the amounts due within thirty (30) days of receipt of the invoices.

If proven, this is a violation of Section 510(c) of the Public Utility Code, 66 Pa.C.S. § 510(c). The Bureau of Investigation and Enforcement's proposed civil penalty for this violation is 15% of the outstanding assessment balance or \$35.

Wherefore, for all the foregoing reasons, the Bureau of Investigation and Enforcement of Pennsylvania Public Utility Commission respectfully requests that:

(a) Respondent be ordered to pay a total of \$1,270, which consists of its outstanding assessment balance, which totals \$235 and a civil penalty of \$1,035 for the above-described violations;

(b) Respondent be directed to file assessment reports on a going-forward basis; and

(c) If payment of the civil penalty and assessments is not made, the Bureau of Investigation and Enforcement requests that:

(1) the Commission issue an Order to cancel the Certificate of Public Convenience issued to Respondent; and

(2) this matter be referred to the Pennsylvania Office of Attorney General for appropriate action.

Respectfully submitted,  
Kourtney L. Myers  
Prosecutor  
PA Attorney ID No. 316494

Pennsylvania Public Utility Commission  
Bureau of Investigation & Enforcement  
P. O. Box 3265  
Harrisburg, PA 17105-3265

Date: October 27, 2014

#### VERIFICATION

I, Mandy Freas, Accountant, Bureau of Administrative Services, Assessment Section, hereby state that the facts above set forth are true and correct to the best of my knowledge, information, and belief and that I expect the Bureau will be able to prove the same at any hearing held in this matter. I understand that the statements herein are made subject to the penalties of 18 Pa.C.S. § 4904 relating to unsworn falsification to authorities.

Date: October 27, 2014

Mandy Freas, Accountant  
Assessment Section  
Bureau of Administrative Services  
PA. Public Utility Commission  
P. O. Box 3265  
Harrisburg, PA 17105-3265

#### NOTICE

A. You must file an Answer within 20 days of the date of service of this Complaint. The date of service is the mailing date as indicated at the top of the Secretarial Letter. See 52 Pa. Code § 1.56(a). The Answer must raise all factual and legal arguments that you wish to claim in your defense, include the docket number of this Complaint, and be verified. You may file your Answer by mailing an original to:

Rosemary Chiavetta, Secretary  
Pennsylvania Public Utility Commission  
P. O. Box 3265  
Harrisburg, PA 17105-3265

Or, you may eFile your Answer using the Commission's website at [www.puc.pa.gov](http://www.puc.pa.gov). The link to eFiling is located under the Filing & Resources tab on the homepage. If your Answer is 250 pages or less, you are not required to file a paper copy. If your Answer exceeds 250 pages, you must file a paper copy with the Secretary's Bureau.

Additionally, a copy should either be mailed to:

Wayne T. Scott, First Deputy Chief Prosecutor  
Pennsylvania Public Utility Commission  
Bureau of Investigation and Enforcement  
P. O. Box 3265  
Harrisburg, PA 17105-3265

Or, emailed to Mr. Scott at: [RA-PCCmplntResp@pa.gov](mailto:RA-PCCmplntResp@pa.gov)

B. If you fail to answer this Complaint within 20 days, the Bureau of Investigation and Enforcement will request that the Commission issue an Order imposing the penalty.

C. You may elect not to contest this Complaint by paying the past due assessment and civil penalty within 20 days. Your check or money order should be payable to the Commonwealth of Pennsylvania and mailed to:

Rosemary Chiavetta, Secretary  
Pennsylvania Public Utility Commission  
P. O. Box 3265  
Harrisburg, PA 17105-3265

D. If you file an Answer which either admits or fails to deny the allegations of the Complaint, the Bureau of Investigation and Enforcement will request the Commission to issue an Order imposing the penalty set forth in this Complaint.

E. If you file an Answer which contests the Complaint, the matter will be assigned to an Administrative Law Judge for hearing and decision. The Judge is not bound by the penalty set forth in the Complaint, and may impose additional and/or alternative penalties as appropriate.

F. If you are a corporation, you must be represented by legal counsel. 52 Pa. Code § 1.21.

G. Alternative formats of this material are available for persons with disabilities by contacting the Commission's ADA Coordinator at 717-787-8714.

—————

*Pennsylvania Public Utility Commission; Bureau of Investigation and Enforcement v. XLNT Collision, LLC t/a D Laughlin Road Service; Docket No. C-2014-2450484*

### COMPLAINT

Now Comes the Bureau of Investigation and Enforcement ("I&E") of the Pennsylvania Public Utility Commission ("Commission"), by its prosecuting attorneys, and files this Complaint against XLNT Collision, LLC t/a D Laughlin Road Service ("Respondent"), pursuant to Section 701 of the Public Utility Code, 66 Pa.C.S. § 701. In support of its Complaint, I&E respectfully represents the following:

#### **Parties and Jurisdiction**

1. The Pennsylvania Public Utility Commission, with a mailing address of P. O. Box 3265, Harrisburg, PA 17105-3265, is a duly constituted agency of the Commonwealth of Pennsylvania empowered to regulate public utilities within the Commonwealth pursuant to the Public Utility Code, 66 Pa.C.S. §§ 101, et seq.

2. Complainant is the Commission's Bureau of Investigation and Enforcement and is the entity established by statute to prosecute complaints against public utilities pursuant to 66 Pa.C.S. § 308.2(a)(11).

3. Complainant is represented by:

Kourtney L. Myers  
Prosecutor  
Pennsylvania Public Utility Commission  
Bureau of Investigation and Enforcement  
P. O. Box 3265  
Harrisburg, PA 17105-3265  
717.705.4366  
komyers@pa.gov

Stephanie M. Wimer  
Prosecutor  
Pennsylvania Public Utility Commission  
Bureau of Investigation and Enforcement  
P. O. Box 3265  
Harrisburg, PA 17105-3265  
717.772.8839  
stwimer@pa.gov

Wayne T. Scott  
First Deputy Chief Prosecutor  
Pennsylvania Public Utility Commission  
Bureau of Investigation and Enforcement  
P. O. Box 3265  
Harrisburg, PA 17105-3265  
wascott@pa.gov

4. Respondent is XLNT Collision, LLC t/a D Laughlin Road Service and maintains its principal place of business at 5433 Woodside Drive, Erie, PA 16505, Attention: David M. Laughlin.

5. Respondent is a "public utility" as that term is defined at 66 Pa.C.S. § 102, as it is engaged in transporting property in the Commonwealth of Pennsylvania for compensation.

6. The Commission issued Respondent a certificate of public convenience on or about September 7, 2010, at A-2010-2184360, for truck authority.

7. Section 501(a) of the Public Utility Code, 66 Pa.C.S. § 501(a), authorizes and obligates the Commission to execute and enforce the provisions of the Public Utility Code.

8. Section 701 of the Public Utility Code, 66 Pa.C.S. § 701, authorizes the Commission, inter alia, to hear and determine complaints against public utilities for a violation of any law or regulation that the Commission has jurisdiction to administer.

9. Section 3301 of the Public Utility Code, 66 Pa.C.S. § 3301, authorizes the Commission to impose civil penalties on any public utility, or any other person or corporation subject to the Commission's authority, for violation(s) of the Public Utility Code and/or Commission regulations.

10. Respondent, in transporting property as a common carrier for compensation, is subject to the power and authority of this Commission pursuant to Section 501(c) of the Public Utility Code, 66 Pa.C.S. § 501(c), which requires a public utility to comply with Commission regulations.

11. Pursuant to the provisions of the applicable Commonwealth statutes and regulations, the Commission has jurisdiction over the subject matter of this complaint and the actions of Respondent related thereto.

#### **Factual Background**

##### **2011-2012 Fiscal Year**

12. On or about August 23, 2011, the Commission sent Respondent an assessment invoice for the July 1, 2011 to June 30, 2012 Fiscal Year. Respondent's assessment was \$82.

13. Accompanying the assessment invoice was a notice that informed Respondent that it was obligated to pay the amount listed on the assessment invoice within thirty (30) days.

14. The Commission received no objections from Respondent to this assessment.

15. Respondent failed to fully pay the amount of its 2011-2012 assessment invoice.

##### **2012-2013 Fiscal Year**

16. On or about August 27, 2012, the Commission sent Respondent an assessment invoice for the July 1, 2012 to June 30, 2013 Fiscal Year. Respondent's assessment was \$83.

17. Accompanying the assessment invoice was a notice that informed Respondent that it was obligated to pay the amount listed on the assessment invoice within thirty (30) days.

18. The Commission received no objections from Respondent to this assessment.

19. Respondent failed to fully pay the amount of its 2012-2013 assessment invoice.



**2013-2014 Fiscal Year**

20. On or about February 7, 2013, the Commission mailed to Respondent an assessment report for Respondent to report its 2012 calendar year revenues.

21. The assessment report was accompanied by a letter, which notified Respondent that the report was due on or before March 31, 2013.

22. Respondent failed to file an assessment report to show its 2012 calendar year revenues.

23. On or about September 12, 2013, the Commission sent Respondent, through certified mail, an assessment invoice for the July 1, 2013 to June 30, 2014 Fiscal Year that was based, in part, on Respondent's estimated revenues for the 2012 calendar year. Respondent's assessment was \$117.

24. On September 21, 2013, Respondent signed a certified mail card, which indicated that it received an assessment invoice for the Commission's July 1, 2013 to June 30, 2014 Fiscal Year.

25. Accompanying the assessment invoice was a notice that informed Respondent that it was obligated to pay the amount listed on the assessment invoice within thirty (30) days.

26. The Commission received no objections from Respondent to the 2013-2014 Fiscal Year Assessment.

27. On October 23, 2013, Respondent made a payment towards its 2013-2014 assessment invoice in the amount of \$117.

28. Respondent's payment in the amount of \$117 was rejected due to insufficient funds.

29. The Commission debited Respondent's assessment balance in the amount of \$20 for the bad check that was remitted by Respondent.

30. On November 26, 2013, the Commission credited Respondent's assessment balance in the amount of \$15.

31. Respondent failed to fully pay the amount of its 2013-2014 assessment invoice.

32. The total outstanding assessment balance for Respondent is \$287.

**Violations****COUNT 1**

33. That Respondent failed to demonstrate its gross intrastate operating revenues for the 2012 calendar year in that it did not file an assessment report for that year.

If proven, this is a violation of Section 510(b) of the Public Utility Code, 66 Pa.C.S. § 510(b). The Bureau of Investigation and Enforcement's proposed civil penalty for this violation is \$1,000 for each calendar year that Respondent failed to report its gross intrastate operating revenues or \$1,000.

**COUNTS 2-4**

34. That Respondent failed to satisfy its 2011-2012, 2012-2013, and 2013-2014 fiscal year assessments in that it did not pay the amounts due within thirty (30) days of receipt of the invoices.

If proven, this is a violation of Section 510(c) of the Public Utility Code, 66 Pa.C.S. § 510(c). The Bureau of Investigation and Enforcement's proposed civil penalty for this violation is 15% of the outstanding balance for the 2012-2013 and 2013-2014 fiscal year assessments or \$28.

Wherefore, for all the foregoing reasons, the Bureau of Investigation and Enforcement of Pennsylvania Public Utility Commission respectfully requests that:

(a) Respondent be ordered to pay a total of \$1,315, which consists of its outstanding assessment balance, which totals \$287 and a civil penalty of \$1,028 for the above-described violations;

(b) Respondent be directed to file assessment reports on a going-forward basis; and

(c) If payment of the civil penalty and assessments is not made, the Bureau of Investigation and Enforcement requests that:

(1) the Commission issue an Order to cancel the Certificate of Public Convenience issued to Respondent;

(2) this matter be referred to the Pennsylvania Office of Attorney General for appropriate action; and

(3) the Commission certify Respondent's automobile registrations to the Pennsylvania Department of Transportation for suspension or revocation.

Respectfully submitted,  
Kourtney L. Myers  
Prosecutor  
PA Attorney ID No. 316494

Pennsylvania Public Utility Commission  
Bureau of Investigation & Enforcement  
P. O. Box 3265  
Harrisburg, PA 17105-3265

Date: October 30, 2014

**VERIFICATION**

I, Mandy Freas, Accountant, Bureau of Administrative Services, Assessment Section, hereby state that the facts above set forth are true and correct to the best of my knowledge, information, and belief and that I expect the Bureau will be able to prove the same at any hearing held in this matter. I understand that the statements herein are made subject to the penalties of 18 Pa.C.S. § 4904 relating to unsworn falsification to authorities.

Date: October 30, 2014

Mandy Freas, Accountant  
Assessment Section  
Bureau of Administrative Services  
PA. Public Utility Commission  
P. O. Box 3265  
Harrisburg, PA 17105-3265

**NOTICE**

A. You must file an Answer within 20 days of the date of service of this Complaint. The date of service is the mailing date as indicated at the top of the Secretarial Letter. See 52 Pa. Code § 1.56(a). The Answer must raise all factual and legal arguments that you wish to claim in your defense, include the docket number of this Complaint, and be verified. You may file your Answer by mailing an original to:

Rosemary Chiavetta, Secretary  
Pennsylvania Public Utility Commission  
P. O. Box 3265  
Harrisburg, PA 17105-3265

Or, you may eFile your Answer using the Commission's website at [www.puc.pa.gov](http://www.puc.pa.gov). The link to eFiling is located under the Filing & Resources tab on the homepage. If your Answer is 250 pages or less, you are not required to file a paper copy. If your Answer exceeds 250 pages, you must file a paper copy with the Secretary's Bureau.

Additionally, a copy should either be mailed to:

Wayne T. Scott, First Deputy Chief Prosecutor  
 Pennsylvania Public Utility Commission  
 Bureau of Investigation and Enforcement  
 P. O. Box 3265  
 Harrisburg, PA 17105-3265

Or, emailed to Mr. Scott at: RA-PCCmplntResp@pa.gov

B. If you fail to answer this Complaint within 20 days, the Bureau of Investigation and Enforcement will request that the Commission issue an Order imposing the penalty.

C. You may elect not to contest this Complaint by paying the past due assessment and civil penalty within 20 days. Your check or money order should be payable to the Commonwealth of Pennsylvania and mailed to:

Rosemary Chiavetta, Secretary  
 Pennsylvania Public Utility Commission  
 P. O. Box 3265  
 Harrisburg, PA 17105-3265

D. If you file an Answer which either admits or fails to deny the allegations of the Complaint, the Bureau of Investigation and Enforcement will request the Commission to issue an Order imposing the penalty set forth in this Complaint.

E. If you file an Answer which contests the Complaint, the matter will be assigned to an Administrative Law Judge for hearing and decision. The Judge is not bound by the penalty set forth in the Complaint, and may impose additional and/or alternative penalties as appropriate.

F. If you are a corporation, you must be represented by legal counsel. 52 Pa. Code § 1.21.

G. Alternative formats of this material are available for persons with disabilities by contacting the Commission's ADA Coordinator at 717-787-8714.

*Pennsylvania Public Utility Commission; Bureau of Investigation and Enforcement v. Scott A. Dechert t/a Distinctive Limousine Service; Docket No. C-2014-2450665*

### COMPLAINT

Now Comes the Bureau of Investigation and Enforcement ("I&E") of the Pennsylvania Public Utility Commission ("Commission"), by its prosecuting attorneys, and files this Complaint against Scott A. Dechert t/a Distinctive Limousine Service ("Respondent"), pursuant to Section 701 of the Public Utility Code, 66 Pa.C.S. § 701. In support of its Complaint, I&E respectfully represents the following:

#### **Parties and Jurisdiction**

1. The Pennsylvania Public Utility Commission, with a mailing address of P. O. Box 3265, Harrisburg, PA 17105-3265, is a duly constituted agency of the Commonwealth of Pennsylvania empowered to regulate public utilities within the Commonwealth pursuant to the Public Utility Code, 66 Pa.C.S. §§ 101, et seq.

2. Complainant is the Commission's Bureau of Investigation and Enforcement and is the entity established by statute to prosecute complaints against public utilities pursuant to 66 Pa.C.S. § 308.2(a)(11).

3. Complainant is represented by:

Kourtney L. Myers  
 Prosecutor  
 Pennsylvania Public Utility Commission  
 Bureau of Investigation and Enforcement  
 P. O. Box 3265  
 Harrisburg, PA 17105-3265  
 717.705.4366  
 komyers@pa.gov

Stephanie M. Wimer  
 Prosecutor  
 Pennsylvania Public Utility Commission  
 Bureau of Investigation and Enforcement  
 P. O. Box 3265  
 Harrisburg, PA 17105-3265  
 717.772.8839  
 stwimer@pa.gov

Wayne T. Scott  
 First Deputy Chief Prosecutor  
 Pennsylvania Public Utility Commission  
 Bureau of Investigation and Enforcement  
 P. O. Box 3265  
 Harrisburg, PA 17105-3265  
 wascott@pa.gov

4. Respondent is Scott A. Dechert t/a Distinctive Limousine Service and maintains its principal place of business at 1224 Oak Street, Lebanon, PA 17042, Attention: Scott A. Dechert.

5. Respondent is a "public utility" as that term is defined at 66 Pa.C.S. § 102, as it is engaged in transporting passengers in the Commonwealth of Pennsylvania for compensation.

6. The Commission issued Respondent a certificate of public convenience on or about February 7, 2000, at A-00116103, for limousine and group and party 16 or greater authority.

7. Section 501(a) of the Public Utility Code, 66 Pa.C.S. § 501(a), authorizes and obligates the Commission to execute and enforce the provisions of the Public Utility Code.

8. Section 701 of the Public Utility Code, 66 Pa.C.S. § 701, authorizes the Commission, inter alia, to hear and determine complaints against public utilities for a violation of any law or regulation that the Commission has jurisdiction to administer.

9. Section 3301 of the Public Utility Code, 66 Pa.C.S. § 3301, authorizes the Commission to impose civil penalties on any public utility, or any other person or corporation subject to the Commission's authority, for violation(s) of the Public Utility Code and/or Commission regulations.

10. Respondent, in transporting passengers as a common carrier for compensation, is subject to the power and authority of this Commission pursuant to Section 501(c) of the Public Utility Code, 66 Pa.C.S. § 501(c), which requires a public utility to comply with Commission regulations.

11. Pursuant to the provisions of the applicable Commonwealth statutes and regulations, the Commission has jurisdiction over the subject matter of this complaint and the actions of Respondent related thereto.

#### **Factual Background**

12. On November 19, 2012, I&E filed a Complaint against Respondent at Docket No. C-2012-2334904, alleging that Respondent violated Section 510(c) of the Public

Utility Code, 66 Pa.C.S. § 510(c), by failing to satisfy its 2010-2011 and 2011-2012 fiscal year assessments.

13. On or about January 10, 2013, Respondent paid the full amount of its outstanding assessment balance, which satisfied its 2010-2011 and 2011-2012 fiscal year assessments.

14. After hearing, the Administrative Law Judge and Commission determined that Respondent violated Section 510(c) of the Public Utility Code, 66 Pa.C.S. § 510(c), by failing to timely pay its 2010-2011 and 2011-2012 fiscal year assessments. The Commission's order entered on October 17, 2013 directed Respondent to pay the civil penalty as sought in I&E's Complaint. Respondent subsequently paid the civil penalty.

#### 2012-2013 Fiscal Year

15. On or about August 27, 2012, the Commission sent Respondent, through certified mail, an assessment invoice for the July 1, 2012 to June 30, 2013 Fiscal Year. Respondent's assessment was \$191.

16. Accompanying the assessment invoice was a notice that informed Respondent that it was obligated to pay the amount listed on the assessment invoice within thirty (30) days.

17. The assessment invoice was mailed via certified mail to Respondent at 1224 Oak Street, Lebanon, PA 17042.

18. This is the mailing address that Respondent provided to the Commission for assessment purposes.

19. The assessment invoice was returned to the Commission by the United States Postal Service as being undeliverable.

20. On or about January 9, 2013, the Commission sent Respondent, through first class mail, an assessment invoice for the July 1, 2012 to June 30, 2013 Fiscal Year at 1224 Oak Street, Lebanon, PA 17042. The assessment invoice was not returned as undeliverable.

21. Respondent failed to pay the amount of its 2012-2013 assessment invoice.

#### 2013-2014 Fiscal Year

22. On or about September 12, 2013, the Commission sent Respondent, through certified mail, an assessment invoice for the July 1, 2013 to June 30, 2014 Fiscal Year. Respondent's assessment was \$351.

23. Accompanying the assessment invoice was a notice that informed Respondent that it was obligated to pay the amount listed on the assessment invoice within thirty (30) days.

24. The assessment invoice was mailed via certified mail to Respondent at 1224 Oak Street, Lebanon, PA 17042.

25. This is the mailing address that Respondent provided to the Commission for assessment purposes.

26. The assessment invoice was returned to the Commission by the United States Postal Service as being undeliverable.

27. On or about October 23, 2013, the Commission sent Respondent, through first class mail, an assessment invoice for the July 1, 2013 to June 30, 2014 Fiscal Year at 1224 Oak Street, Lebanon, PA 17042. The assessment invoice was not returned as undeliverable.

28. Respondent failed to pay the amount of its 2013-2014 assessment invoice.

29. The total outstanding assessment balance for Respondent is \$542.

#### Violations

#### COUNTS 1-2

30. That Respondent failed to satisfy its 2012-2013 and 2013-2014 fiscal year assessments in that it did not pay the amounts due within thirty (30) days of receipt of the invoices.

If proven, this is a violation of Section 510(c) of the Public Utility Code, 66 Pa.C.S. § 510(c). The Bureau of Investigation and Enforcement's proposed civil penalty for this violation is 25% of the outstanding assessment balance or \$136.

This civil penalty is based, in part, on Respondent's history of noncompliance with the Public Utility Code involving a failure to satisfy its assessments, as set forth above.

Wherefore, for all the foregoing reasons, the Bureau of Investigation and Enforcement of Pennsylvania Public Utility Commission respectfully requests that:

(a) Respondent be ordered to pay a total of \$678, which consists of its outstanding assessment balance, which totals \$542 and a civil penalty of \$136 for the above-described violations; and

(b) If payment of the civil penalty and assessments is not made, the Bureau of Investigation and Enforcement requests that:

(1) the Commission issue an Order to cancel the Certificate of Public Convenience issued to Respondent;

(2) this matter be referred to the Pennsylvania Office of Attorney General for appropriate action; and

(3) the Commission certify Respondent's automobile registrations to the Pennsylvania Department of Transportation for suspension or revocation.

Respectfully submitted,  
Kourtney L. Myers  
Prosecutor  
PA Attorney ID No. 316494

Pennsylvania Public Utility Commission  
Bureau of Investigation & Enforcement  
P. O. Box 3265  
Harrisburg, PA 17105-3265

Date: October 30, 2014

#### VERIFICATION

I, Mandy Freas, Accountant, Bureau of Administrative Services, Assessment Section, hereby state that the facts above set forth are true and correct to the best of my knowledge, information, and belief and that I expect the Bureau will be able to prove the same at any hearing held in this matter. I understand that the statements herein are made subject to the penalties of 18 Pa.C.S. § 4904 relating to unsworn falsification to authorities.

Date: October 30, 2014

Mandy Freas, Accountant  
Assessment Section  
Bureau of Administrative Services  
PA. Public Utility Commission  
P. O. Box 3265  
Harrisburg, PA 17105-3265



NOTICE

A. You must file an Answer within 20 days of the date of service of this Complaint. The date of service is the mailing date as indicated at the top of the Secretarial Letter. See 52 Pa. Code § 1.56(a). The Answer must raise all factual and legal arguments that you wish to claim in your defense, include the docket number of this Complaint, and be verified. You may file your Answer by mailing an original to:

Rosemary Chiavetta, Secretary  
 Pennsylvania Public Utility Commission  
 P. O. Box 3265  
 Harrisburg, PA 17105-3265

Or, you may eFile your Answer using the Commission's website at [www.puc.pa.gov](http://www.puc.pa.gov). The link to eFiling is located under the Filing & Resources tab on the homepage. If your Answer is 250 pages or less, you are not required to file a paper copy. If your Answer exceeds 250 pages, you must file a paper copy with the Secretary's Bureau.

Additionally, a copy should either be mailed to:

Wayne T. Scott, First Deputy Chief Prosecutor  
 Pennsylvania Public Utility Commission  
 Bureau of Investigation and Enforcement  
 P. O. Box 3265  
 Harrisburg, PA 17105-3265

Or, emailed to Mr. Scott at: [RA-PCCmplntResp@pa.gov](mailto:RA-PCCmplntResp@pa.gov)

B. If you fail to answer this Complaint within 20 days, the Bureau of Investigation and Enforcement will request that the Commission issue an Order imposing the penalty.

C. You may elect not to contest this Complaint by paying the civil penalty within 20 days. Your check or money order for the civil penalty should be payable to the Commonwealth of Pennsylvania and mailed to:

Rosemary Chiavetta, Secretary  
 Pennsylvania Public Utility Commission  
 P. O. Box 3265  
 Harrisburg, PA 17105-3265

D. If you file an Answer which either admits or fails to deny the allegations of the Complaint, the Bureau of Investigation and Enforcement will request the Commission to issue an Order imposing the penalty set forth in this Complaint.

E. If you file an Answer which contests the Complaint, the matter will be assigned to an Administrative Law Judge for hearing and decision. The Judge is not bound by the penalty set forth in the Complaint, and may impose additional and/or alternative penalties as appropriate.

F. If you are a corporation, you must be represented by legal counsel. 52 Pa. Code § 1.21.

G. Alternative formats of this material are available for persons with disabilities by contacting the Commission's ADA Coordinator at 717-787-8714.

*Pennsylvania Public Utility Commission; Bureau of Investigation and Enforcement v. Yellow 2000 of Philadelphia Inc.; Docket No. C-2014-2450045*

COMPLAINT

Now Comes the Bureau of Investigation and Enforcement ("I&E") of the Pennsylvania Public Utility Commission ("Commission"), by its prosecuting attorneys, and files this Complaint against Yellow 2000 of Philadelphia

Inc. ("Respondent"), pursuant to Section 701 of the Public Utility Code, 66 Pa.C.S. § 701. In support of its Complaint, I&E respectfully represents the following:

**Parties and Jurisdiction**

1. The Pennsylvania Public Utility Commission, with a mailing address of P. O. Box 3265, Harrisburg, PA 17105-3265, is a duly constituted agency of the Commonwealth of Pennsylvania empowered to regulate public utilities within the Commonwealth pursuant to the Public Utility Code, 66 Pa.C.S. §§ 101, et seq.

2. Complainant is the Commission's Bureau of Investigation and Enforcement and is the entity established by statute to prosecute complaints against public utilities pursuant to 66 Pa.C.S. § 308.2(a)(11).

3. Complainant is represented by:

Kourtney L. Myers  
 Prosecutor  
 Pennsylvania Public Utility Commission  
 Bureau of Investigation and Enforcement  
 P. O. Box 3265  
 Harrisburg, PA 17105-3265  
 717.705.4366  
[komyers@pa.gov](mailto:komyers@pa.gov)

Stephanie M. Wimer  
 Prosecutor  
 Pennsylvania Public Utility Commission  
 Bureau of Investigation and Enforcement  
 P. O. Box 3265  
 Harrisburg, PA 17105-3265  
 717.772.8839  
[stwimer@pa.gov](mailto:stwimer@pa.gov)

Wayne T. Scott  
 First Deputy Chief Prosecutor  
 Pennsylvania Public Utility Commission  
 Bureau of Investigation and Enforcement  
 P. O. Box 3265  
 Harrisburg, PA 17105-3265  
[wascott@pa.gov](mailto:wascott@pa.gov)

4. Respondent is Yellow 2000 of Philadelphia Inc. and maintains its principal place of business at 1405 West Pike Street, Philadelphia, PA 19140.

5. Respondent is a "public utility" as that term is defined at 66 Pa.C.S. § 102, as it is engaged in transporting passengers in the Commonwealth of Pennsylvania for compensation.

6. The Commission issued Respondent a certificate of public convenience on or about September 2, 1999, at A-00115790, for taxi authority.

7. Section 501(a) of the Public Utility Code, 66 Pa.C.S. § 501(a), authorizes and obligates the Commission to execute and enforce the provisions of the Public Utility Code.

8. Section 701 of the Public Utility Code, 66 Pa.C.S. § 701, authorizes the Commission, inter alia, to hear and determine complaints against public utilities for a violation of any law or regulation that the Commission has jurisdiction to administer.

9. Section 3301 of the Public Utility Code, 66 Pa.C.S. § 3301, authorizes the Commission to impose civil penalties on any public utility, or any other person or corporation subject to the Commission's authority, for violation(s) of the Public Utility Code and/or Commission regulations.

10. Respondent, in transporting passengers as a common carrier for compensation, is subject to the power and

authority of this Commission pursuant to Section 501(c) of the Public Utility Code, 66 Pa.C.S. § 501(c), which requires a public utility to comply with Commission regulations.

11. Pursuant to the provisions of the applicable Commonwealth statutes and regulations, the Commission has jurisdiction over the subject matter of this complaint and the actions of Respondent related thereto.

### **Factual Background**

#### **2013-2014 Fiscal Year**

12. On or about February 7, 2013, the Commission mailed to Respondent an assessment report for Respondent to report its 2012 calendar year revenues.

13. The assessment report was accompanied by a letter, which notified Respondent that the report was due on or before March 31, 2013.

14. Respondent failed to file an assessment report to show its 2012 calendar year revenues.

15. On or about September 12, 2013, the Commission sent Respondent, through certified mail, an assessment invoice for the July 1, 2013 to June 30, 2014 Fiscal Year that was based, in part, on Respondent's estimated revenues for the 2012 calendar year. Respondent's assessment was \$308.

16. On September 28, 2013, Respondent signed a certified mail card, which indicated that it received an assessment invoice for the Commission's July 1, 2013 to June 30, 2014 Fiscal Year.

17. Accompanying the assessment invoice was a notice that informed Respondent that it was obligated to pay the amount listed on the assessment invoice within thirty (30) days.

18. The Commission received no objections from Respondent to the 2013-2014 Fiscal Year Assessment.

19. Respondent failed to fully pay the amount of its 2013-2014 assessment invoice.

20. The total outstanding assessment balance for Respondent is \$308.

### **Violations**

#### **COUNT 1**

21. That Respondent failed to demonstrate its gross intrastate operating revenues for the 2012 calendar year in that it did not file an assessment report for that year.

If proven, this is a violation of Section 510(b) of the Public Utility Code, 66 Pa.C.S. § 510(b). The Bureau of Investigation and Enforcement's proposed civil penalty for this violation is \$1,000 for each calendar year that Respondent failed to report its gross intrastate operating revenues or \$1,000.

#### **COUNT 2**

22. That Respondent failed to satisfy its 2013-2014 fiscal year assessment in that it did not pay the amount due within thirty (30) days of receipt of the invoice.

If proven, this is a violation of Section 510(c) of the Public Utility Code, 66 Pa.C.S. § 510(c). The Bureau of Investigation and Enforcement's proposed civil penalty for this violation is 15% of the outstanding assessment balance or \$46.

Wherefore, for all the foregoing reasons, the Bureau of Investigation and Enforcement of Pennsylvania Public Utility Commission respectfully requests that:

(a) Respondent be ordered to pay a total of \$1,354, which consists of its outstanding assessment balance, which totals \$308 and a civil penalty of \$1,046 for the above-described violations;

(b) Respondent be directed to file assessment reports on a going-forward basis; and

(c) If payment of the civil penalty and assessment is not made, the Bureau of Investigation and Enforcement requests that:

(1) the Commission issue an Order to cancel the Certificate of Public Convenience issued to Respondent;

(2) this matter be referred to the Pennsylvania Office of Attorney General for appropriate action; and

(3) the Commission certify Respondent's automobile registrations to the Pennsylvania Department of Transportation for suspension or revocation.

Respectfully submitted,  
Kourtney L. Myers  
Prosecutor  
PA Attorney ID No. 316494

Pennsylvania Public Utility Commission  
Bureau of Investigation and Enforcement  
P. O. Box 3265  
Harrisburg, PA 17105-3265

Date: October 27, 2014

#### VERIFICATION

I, Mandy Freas, Accountant, Bureau of Administrative Services, Assessment Section, hereby state that the facts above set forth are true and correct to the best of my knowledge, information, and belief and that I expect the Bureau will be able to prove the same at any hearing held in this matter. I understand that the statements herein are made subject to the penalties of 18 Pa.C.S. § 4904 relating to unsworn falsification to authorities.

Date: October 27, 2014

Mandy Freas, Accountant  
Assessment Section  
Bureau of Administrative Services  
PA. Public Utility Commission  
P. O. Box 3265  
Harrisburg, PA 17105-3265

#### NOTICE

A. You must file an Answer within 20 days of the date of service of this Complaint. The date of service is the mailing date as indicated at the top of the Secretarial Letter. See 52 Pa. Code § 1.56(a). The Answer must raise all factual and legal arguments that you wish to claim in your defense, include the docket number of this Complaint, and be verified. You may file your Answer by mailing an original to:

Rosemary Chiavetta, Secretary  
Pennsylvania Public Utility Commission  
P. O. Box 3265  
Harrisburg, PA 17105-3265

Or, you may eFile your Answer using the Commission's website at [www.puc.pa.gov](http://www.puc.pa.gov). The link to eFiling is located under the Filing & Resources tab on the homepage. If your Answer is 250 pages or less, you are not required to file a paper copy. If your Answer exceeds 250 pages, you must file a paper copy with the Secretary's Bureau.

Additionally, a copy should either be mailed to:

Wayne T. Scott, First Deputy Chief Prosecutor  
 Pennsylvania Public Utility Commission  
 Bureau of Investigation and Enforcement  
 P. O. Box 3265  
 Harrisburg, PA 17105-3265

Or, emailed to Mr. Scott at: RA-PCCmplntResp@pa.gov

B. If you fail to answer this Complaint within 20 days, the Bureau of Investigation and Enforcement will request that the Commission issue an Order imposing the penalty.

C. You may elect not to contest this Complaint by paying the civil penalty within 20 days. Your check or money order for the civil penalty should be payable to the Commonwealth of Pennsylvania and mailed to:

Rosemary Chiavetta, Secretary  
 Pennsylvania Public Utility Commission  
 P. O. Box 3265  
 Harrisburg, PA 17105-3265

D. If you file an Answer which either admits or fails to deny the allegations of the Complaint, the Bureau of Investigation and Enforcement will request the Commission to issue an Order imposing the penalty set forth in this Complaint.

E. If you file an Answer which contests the Complaint, the matter will be assigned to an Administrative Law Judge for hearing and decision. The Judge is not bound by the penalty set forth in the Complaint, and may impose additional and/or alternative penalties as appropriate.

F. If you are a corporation, you must be represented by legal counsel. 52 Pa. Code § 1.21.

G. Alternative formats of this material are available for persons with disabilities by contacting the Commission's ADA Coordinator at 717-787-8714.

*Pennsylvania Public Utility Commission; Bureau of Investigation and Enforcement v. Juan Genet Enterprises LLC t/a Safe Destinations; Docket No. C-2014-2450660*

#### COMPLAINT

Now Comes the Bureau of Investigation and Enforcement ("I&E") of the Pennsylvania Public Utility Commission ("Commission"), by its prosecuting attorneys, and files this Complaint against Juan Genet Enterprises LLC t/a Safe Destinations ("Respondent"), pursuant to Section 701 of the Public Utility Code, 66 Pa.C.S. § 701. In support of its Complaint, I&E respectfully represents the following:

#### **Parties and Jurisdiction**

1. The Pennsylvania Public Utility Commission, with a mailing address of P. O. Box 3265, Harrisburg, PA 17105-3265, is a duly constituted agency of the Commonwealth of Pennsylvania empowered to regulate public utilities within the Commonwealth pursuant to the Public Utility Code, 66 Pa.C.S. §§ 101, et seq.

2. Complainant is the Commission's Bureau of Investigation and Enforcement and is the entity established by statute to prosecute complaints against public utilities pursuant to 66 Pa.C.S. § 308.2(a)(11).

3. Complainant is represented by:

Kourtney L. Myers  
 Prosecutor  
 Pennsylvania Public Utility Commission  
 Bureau of Investigation and Enforcement  
 P. O. Box 3265  
 Harrisburg, PA 17105-3265  
 717.705.4366  
 komyers@pa.gov

Stephanie M. Wimer  
 Prosecutor  
 Pennsylvania Public Utility Commission  
 Bureau of Investigation and Enforcement  
 P. O. Box 3265  
 Harrisburg, PA 17105-3265  
 717.772.8839  
 stwimer@pa.gov

Wayne T. Scott  
 First Deputy Chief Prosecutor  
 Pennsylvania Public Utility Commission  
 Bureau of Investigation and Enforcement  
 P. O. Box 3265  
 Harrisburg, PA 17105-3265  
 wascott@pa.gov

4. Respondent is Juan Genet Enterprises LLC t/a Safe Destinations and maintains its principal place of business at 3311 Hartel Avenue, Philadelphia, PA 19136, Attention: Juan Genet.

5. Respondent is a "public utility" as that term is defined at 66 Pa.C.S. § 102, as it is engaged in transporting passengers in the Commonwealth of Pennsylvania for compensation.

6. The Commission issued Respondent a certificate of public convenience on or about September 30, 2009, at A-2009-2109403, for paratransit authority.

7. Section 501(a) of the Public Utility Code, 66 Pa.C.S. § 501(a), authorizes and obligates the Commission to execute and enforce the provisions of the Public Utility Code.

8. Section 701 of the Public Utility Code, 66 Pa.C.S. § 701, authorizes the Commission, inter alia, to hear and determine complaints against public utilities for a violation of any law or regulation that the Commission has jurisdiction to administer.

9. Section 3301 of the Public Utility Code, 66 Pa.C.S. § 3301, authorizes the Commission to impose civil penalties on any public utility, or any other person or corporation subject to the Commission's authority, for violation(s) of the Public Utility Code and/or Commission regulations.

10. Respondent, in transporting passengers as a common carrier for compensation, is subject to the power and authority of this Commission pursuant to Section 501(c) of the Public Utility Code, 66 Pa.C.S. § 501(c), which requires a public utility to comply with Commission regulations.

11. Pursuant to the provisions of the applicable Commonwealth statutes and regulations, the Commission has jurisdiction over the subject matter of this complaint and the actions of Respondent related thereto.

#### **Factual Background**

##### **2012-2013 Fiscal Year**

12. On or about February 16, 2012, the Commission mailed to Respondent an assessment report for Respondent to report its 2011 calendar year revenues.



13. The assessment report was accompanied by a letter, which notified Respondent that the report was due on or before March 31, 2012.

14. The assessment report and instructions on how to complete it are also available on the Commission's website.

15. Respondent failed to file an assessment report to show its 2011 calendar year revenues.

16. On or about August 27, 2012, the Commission sent Respondent, through certified mail, an assessment invoice for the July 1, 2012 to June 30, 2013 Fiscal Year that was based, in part, on Respondent's estimated revenues for the 2011 calendar year. Respondent's assessment was \$224.

17. On October 19, 2012, Respondent signed a certified mail card, which indicated that it received an assessment invoice for the Commission's July 1, 2012 to June 30, 2013 Fiscal Year.

18. Accompanying the assessment invoice was a notice that informed Respondent that it was obligated to pay the amount listed on the assessment invoice within thirty (30) days.

19. The Commission received no objections from Respondent to this assessment.

20. Respondent failed to fully pay the amount of its 2012-2013 assessment invoice.

#### **2013-2014 Fiscal Year**

21. On or about February 7, 2013, the Commission mailed to Respondent an assessment report for Respondent to submit its 2012 calendar year revenues.

22. The assessment report was accompanied by a letter, which notified Respondent that the report was due on or before March 31, 2013.

23. The assessment report and instructions on how to complete it are also available on the Commission's website.

24. Respondent failed to file an assessment report to show its 2012 calendar year revenues.

25. On or about September 12, 2013, the Commission sent Respondent, through certified mail, an assessment invoice for the July 1, 2013 to June 30, 2014 Fiscal Year that was based, in part, on Respondent's estimated revenues for the 2012 calendar year. Respondent's assessment was \$218.

26. Accompanying the assessment invoice was a notice that informed Respondent that it was obligated to pay the amount listed on the assessment invoice within thirty (30) days.

27. The assessment invoice was mailed to Respondent at 3311 Hartel Avenue, Philadelphia, PA 19136.

28. This is the mailing address that Respondent provided to the Commission for assessment purposes.

29. The assessment invoice was returned to the Commission by the United States Postal Service as being undeliverable.

30. Respondent is obligated to promptly apprise the Commission of changes to its current address pursuant to Section 1.53(d) of the Commission's regulations, 52 Pa. Code § 1.53(d).

31. The Commission was unable to effectively serve the 2013-2014 fiscal year assessment invoice upon Respondent due to Respondent's failure to provide the Commission with its current address or claim the certified mailing.

32. Consequently, Respondent failed to pay the amount of its 2013-2014 assessment invoice.

33. The total outstanding assessment balance for Respondent is \$442.

#### **Violations**

##### **COUNTS 1-2**

34. That Respondent failed to demonstrate its gross intrastate operating revenues for the 2011 and 2012 calendar years in that it did not file assessment reports for those years.

If proven, this is a violation of Section 510(b) of the Public Utility Code, 66 Pa.C.S. § 510(b). The Bureau of Investigation and Enforcement's proposed civil penalty for this violation is \$1,000 for each calendar year that Respondent failed to report its gross intrastate operating revenues or \$2,000.

##### **COUNTS 3-4**

35. That Respondent failed to satisfy its 2012-2013 and 2013-2014 fiscal year assessments in that it did not pay the amounts due within thirty (30) days of receipt of the invoices.

If proven, this is a violation of Section 510(c) of the Public Utility Code, 66 Pa.C.S. § 510(c). The Bureau of Investigation and Enforcement's proposed civil penalty for this violation is 15% of the outstanding assessment balance or \$66.

*Wherefore*, for all the foregoing reasons, the Bureau of Investigation and Enforcement of Pennsylvania Public Utility Commission respectfully requests that:

(a) Respondent be ordered to pay a total of \$2,508, which consists of its outstanding assessment balance, which totals \$442 and a civil penalty of \$2,066 for the above-described violations;

(b) Respondent be directed to file assessment reports on a going-forward basis; and

(c) If payment of the civil penalty and assessments is not made, the Bureau of Investigation and Enforcement requests that:

(1) the Commission issue an Order to cancel the Certificate of Public Convenience issued to Respondent;

(2) this matter be referred to the Pennsylvania Office of Attorney General for appropriate action; and

(3) the Commission certify Respondent's automobile registrations to the Pennsylvania Department of Transportation for suspension or revocation.

Respectfully submitted,  
Kourtney L. Myers  
Prosecutor  
PA Attorney ID No. 316494

Pennsylvania Public Utility Commission  
Bureau of Investigation & Enforcement  
P. O. Box 3265  
Harrisburg, PA 17105-3265

Date: October 30, 2014

VERIFICATION

I, Mandy Freas, Accountant, Bureau of Administrative Services, Assessment Section, hereby state that the facts above set forth are true and correct to the best of my knowledge, information, and belief and that I expect the Bureau will be able to prove the same at any hearing held in this matter. I understand that the statements herein are made subject to the penalties of 18 Pa.C.S. § 4904 relating to unsworn falsification to authorities.

Date: October 30, 2014

Mandy Freas, Accountant  
Assessment Section  
Bureau of Administrative Services  
PA. Public Utility Commission  
P. O. Box 3265  
Harrisburg, PA 17105-3265

NOTICE

A. You must file an Answer within 20 days of the date of service of this Complaint. The date of service is the mailing date as indicated at the top of the Secretarial Letter. See 52 Pa. Code § 1.56(a). The Answer must raise all factual and legal arguments that you wish to claim in your defense, include the docket number of this Complaint, and be verified. You may file your Answer by mailing an original to:

Rosemary Chiavetta, Secretary  
Pennsylvania Public Utility Commission  
P. O. Box 3265  
Harrisburg, PA 17105-3265

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Additionally, a copy should either be mailed to:

Wayne T. Scott, First Deputy Chief Prosecutor  
Pennsylvania Public Utility Commission  
Bureau of Investigation and Enforcement  
P. O. Box 3265  
Harrisburg, PA 17105-3265

Or, emailed to Mr. Scott at: [RA-PCCmplntResp@pa.gov](mailto:RA-PCCmplntResp@pa.gov)

B. If you fail to answer this Complaint within 20 days, the Bureau of Investigation and Enforcement will request that the Commission issue an Order imposing the penalty.

C. You may elect not to contest this Complaint by paying the civil penalty within 20 days. Your check or money order for the civil penalty should be payable to the Commonwealth of Pennsylvania and mailed to:

Rosemary Chiavetta, Secretary  
Pennsylvania Public Utility Commission  
P. O. Box 3265  
Harrisburg, PA 17105-3265

D. If you file an Answer which either admits or fails to deny the allegations of the Complaint, the Bureau of Investigation and Enforcement will request the Commission to issue an Order imposing the penalty set forth in this Complaint.

E. If you file an Answer which contests the Complaint, the matter will be assigned to an Administrative Law Judge for hearing and decision. The Judge is not bound

by the penalty set forth in the Complaint, and may impose additional and/or alternative penalties as appropriate.

F. If you are a corporation, you must be represented by legal counsel. 52 Pa. Code § 1.21.

G. Alternative formats of this material are available for persons with disabilities by contacting the Commission's ADA Coordinator at 717-787-8714.

*Pennsylvania Public Utility Commission; Bureau of Investigation and Enforcement v. Valley Limousine Service, LLC; Docket No. C-2014-2456396*

COMPLAINT

Now Comes the Bureau of Investigation and Enforcement ("I&E") of the Pennsylvania Public Utility Commission ("Commission"), by its prosecuting attorneys, and files this Complaint against Valley Limousine Service, LLC ("Respondent"), pursuant to Section 701 of the Public Utility Code, 66 Pa.C.S. § 701. In support of its Complaint, I&E respectfully represents the following:

**Parties and Jurisdiction**

1. The Pennsylvania Public Utility Commission, with a mailing address of P. O. Box 3265, Harrisburg, PA 17105-3265, is a duly constituted agency of the Commonwealth of Pennsylvania empowered to regulate public utilities within the Commonwealth pursuant to the Public Utility Code, 66 Pa.C.S. §§ 101, et seq.

2. Complainant is the Commission's Bureau of Investigation and Enforcement and is the entity established by statute to prosecute complaints against public utilities pursuant to 66 Pa.C.S. § 308.2(a)(11).

3. Complainant is represented by:

Kourtney L. Myers  
Prosecutor  
Pennsylvania Public Utility Commission  
Bureau of Investigation and Enforcement  
P. O. Box 3265  
Harrisburg, PA 17105-3265  
717.705.4366  
[komyers@pa.gov](mailto:komyers@pa.gov)

Stephanie M. Wimer  
Prosecutor  
Pennsylvania Public Utility Commission  
Bureau of Investigation and Enforcement  
P. O. Box 3265  
Harrisburg, PA 17105-3265  
717.772.8839  
[stwimer@pa.gov](mailto:stwimer@pa.gov)

Wayne T. Scott  
First Deputy Chief Prosecutor  
Pennsylvania Public Utility Commission  
Bureau of Investigation and Enforcement  
P. O. Box 3265  
Harrisburg, PA 17105-3265  
[wascott@pa.gov](mailto:wascott@pa.gov)

4. Respondent is Valley Limousine Service, LLC and maintains its principal place of business at 2312 Esquire Drive, Easton, PA 18045.

5. Respondent is a "public utility" as that term is defined at 66 Pa.C.S. § 102, as it is engaged in transporting passengers in the Commonwealth of Pennsylvania for compensation.

6. The Commission issued Respondent a certificate of public convenience on or about December 15, 2006, at A-00123058, for limousine authority.

7. Section 501(a) of the Public Utility Code, 66 Pa.C.S. § 501(a), authorizes and obligates the Commission to execute and enforce the provisions of the Public Utility Code.

8. Section 701 of the Public Utility Code, 66 Pa.C.S. § 701, authorizes the Commission, inter alia, to hear and determine complaints against public utilities for a violation of any law or regulation that the Commission has jurisdiction to administer.

9. Section 3301 of the Public Utility Code, 66 Pa.C.S. § 3301, authorizes the Commission to impose civil penalties on any public utility, or any other person or corporation subject to the Commission's authority, for violation(s) of the Public Utility Code and/or Commission regulations.

10. Respondent, in transporting passengers as a common carrier for compensation, is subject to the power and authority of this Commission pursuant to Section 501(c) of the Public Utility Code, 66 Pa.C.S. § 501(c), which requires a public utility to comply with Commission regulations.

11. Pursuant to the provisions of the applicable Commonwealth statutes and regulations, the Commission has jurisdiction over the subject matter of this complaint and the actions of Respondent related thereto.

#### **Factual Background**

12. On October 25, 2012, I&E filed an Amended Complaint against Respondent at Docket No. C-2012-2314500, alleging that Respondent violated Section 510(b) of the Public Utility Code, 66 Pa.C.S. § 510(b), by failing to file assessment reports for the 2009 and 2010 calendar years and that Respondent violated Section 510(c) of the Public Utility Code, 66 Pa.C.S. § 510(c), by failing to satisfy its 2010-2011 and 2011-2012 fiscal year assessments.

13. On November 28, 2012, I&E filed a Motion for Default Judgment against Respondent alleging that Respondent failed to file an Answer to the Amended Complaint within 20 days and requesting that Respondent be ordered to pay its outstanding assessment balance and civil penalty sought therein.

14. On April 18, 2013, the Commission entered an Order granting I&E's Motion, sustaining I&E's Amended Complaint, and directing Respondent to pay its outstanding assessment balance and the civil penalty as requested in I&E's Amended Complaint or its authority would be cancelled. On or about October 17, 2014, payment was received to satisfy Respondent's outstanding assessment balance.

#### **2012-2013 Fiscal Year**

15. On or about February 16, 2012, the Commission mailed to Respondent an assessment report for Respondent to report its 2011 calendar year revenues.

16. The assessment report was accompanied by a letter, which notified Respondent that the report was due on or before March 31, 2012.

17. Respondent failed to file an assessment report to show its 2011 calendar year revenues.

18. On or about August 27, 2012, the Commission sent Respondent, through certified mail, an assessment invoice for the July 1, 2012 to June 30, 2013 Fiscal Year that was based, in part, on Respondent's estimated revenues for the 2011 calendar year. Respondent's assessment was \$892.

19. Accompanying the assessment invoice was a notice that informed Respondent that it was obligated to pay the amount listed on the assessment invoice within thirty (30) days.

20. The assessment invoice was mailed to Respondent at 2312 Esquire Drive, Easton, PA 18045-6107.

21. This is the mailing address that Respondent provided to the Commission for assessment purposes.

22. The assessment invoice was returned to the Commission by the United States Postal Service as being undeliverable.

23. Respondent is obligated to promptly apprise the Commission of changes to its current address pursuant to Section 1.53(d) of the Commission's regulations, 52 Pa. Code § 1.53(d).

24. The Commission was unable to effectively serve the 2012-2013 fiscal year assessment invoice upon Respondent due to Respondent's failure to provide the Commission with its current address or claim the certified mailing.

25. Consequently, Respondent failed to pay the amount of its 2012-2013 assessment invoice.

26. The total outstanding assessment balance for Respondent is \$892.

#### **Violations**

##### **COUNT 1**

27. That Respondent failed to demonstrate its gross intrastate operating revenues for the 2011 calendar year in that it did not file an assessment report for that year.

If proven, this is a violation of Section 510(b) of the Public Utility Code, 66 Pa.C.S. § 510(b). The Bureau of Investigation and Enforcement's proposed civil penalty for this violation is \$1,500 for each calendar year that Respondent failed to report its gross intrastate operating revenues or \$1,500.

This civil penalty is based, in part, on Respondent's history of noncompliance with the Public Utility Code involving a failure to file its assessment reports and to satisfy its assessments, as set forth above.

##### **COUNT 2**

28. That Respondent failed to satisfy its 2012-2013 fiscal year assessment in that it did not pay the amount due within thirty (30) days of receipt of the invoice.

If proven, this is a violation of Section 510(c) of the Public Utility Code, 66 Pa.C.S. § 510(c). The Bureau of Investigation and Enforcement's proposed civil penalty for this violation is 25% of the outstanding assessment balance or \$223.

This civil penalty is based, in part, on Respondent's history of noncompliance with the Public Utility Code involving a failure to file its assessment reports and to satisfy its assessments, as set forth above.

Wherefore, for all the foregoing reasons, the Bureau of Investigation and Enforcement of Pennsylvania Public Utility Commission respectfully requests that:



(a) Respondent be ordered to pay a total of \$2,615, which consists of its outstanding assessment balance, which totals \$892 and a civil penalty of \$1,723 for the above-described violations;

(b) Respondent be directed to file assessment reports on a going-forward basis;

(c) If Respondent's address changed, Respondent be directed to update its address with the Commission using the form available on the Commission's website at:

[http://www.puc.pa.gov/filing\\_resources/motor\\_carrier\\_online\\_forms.aspx](http://www.puc.pa.gov/filing_resources/motor_carrier_online_forms.aspx); and

(d) If payment of the civil penalty and assessment is not made, the Bureau of Investigation and Enforcement requests that:

(1) the Commission issue an Order to cancel the Certificate of Public Convenience issued to Respondent;

(2) this matter be referred to the Pennsylvania Office of Attorney General for appropriate action; and

(3) the Commission certify Respondent's automobile registrations to the Pennsylvania Department of Transportation for suspension or revocation.

Respectfully submitted,  
Kourtney L. Myers  
Prosecutor  
PA Attorney ID No. 316494

Pennsylvania Public Utility Commission  
Bureau of Investigation & Enforcement  
P. O. Box 3265  
Harrisburg, PA 17105-3265

Date: December 5, 2014

#### VERIFICATION

I, Mandy Freas, Accountant, Bureau of Administrative Services, Assessment Section, hereby state that the facts above set forth are true and correct to the best of my knowledge, information, and belief and that I expect the Bureau will be able to prove the same at any hearing held in this matter. I understand that the statements herein are made subject to the penalties of 18 Pa.C.S. § 4904 relating to unsworn falsification to authorities.

Date: December 5, 2014

Mandy Freas, Accountant  
Assessment Section  
Bureau of Administrative Services  
PA. Public Utility Commission  
P. O. Box 3265  
Harrisburg, PA 17105-3265

#### NOTICE

A. You must file an Answer within 20 days of the date of service of this Complaint. The date of service is the mailing date as indicated at the top of the Secretarial Letter. See 52 Pa. Code § 1.56(a). The Answer must raise all factual and legal arguments that you wish to claim in your defense, include the docket number of this Complaint, and be verified. You may file your Answer by mailing an original to:

Rosemary Chiavetta, Secretary  
Pennsylvania Public Utility Commission  
P. O. Box 3265  
Harrisburg, PA 17105-3265

Or, you may eFile your Answer using the Commission's website at [www.puc.pa.gov](http://www.puc.pa.gov). The link to eFiling is located under the Filing & Resources tab on the homepage. If your Answer is 250 pages or less, you are not required to file a paper copy. If your Answer exceeds 250 pages, you must file a paper copy with the Secretary's Bureau.

Additionally, a copy should either be mailed to:

Wayne T. Scott, First Deputy Chief Prosecutor  
Pennsylvania Public Utility Commission  
Bureau of Investigation and Enforcement  
P. O. Box 3265  
Harrisburg, PA 17105-3265

Or, emailed to Mr. Scott at: [RA-PCCmplntResp@pa.gov](mailto:RA-PCCmplntResp@pa.gov)

B. If you fail to answer this Complaint within 20 days, the Bureau of Investigation and Enforcement will request that the Commission issue an Order imposing the penalty.

C. You may elect not to contest this Complaint by paying the past due assessment and civil penalty within 20 days. Send only a certified check or money order made payable to the Commonwealth of Pennsylvania to:

Rosemary Chiavetta, Secretary  
Pennsylvania Public Utility Commission  
P. O. Box 3265  
Harrisburg, PA 17105-3265

D. If you file an Answer which either admits or fails to deny the allegations of the Complaint, the Bureau of Investigation and Enforcement will request the Commission to issue an Order imposing the penalty set forth in this Complaint.

E. If you file an Answer which contests the Complaint, the matter will be assigned to an Administrative Law Judge for hearing and decision. The Judge is not bound by the penalty set forth in the Complaint, and may impose additional and/or alternative penalties as appropriate.

F. If you are a corporation, you must be represented by legal counsel. 52 Pa. Code § 1.21.

G. Alternative formats of this material are available for persons with disabilities by contacting the Commission's ADA Coordinator at 717-787-8714.

*Pennsylvania Public Utility Commission; Bureau of Investigation and Enforcement v. Diamond Courier Service, Inc.; Docket No. C-2014-2457209*

#### COMPLAINT

Now Comes the Bureau of Investigation and Enforcement ("I&E") of the Pennsylvania Public Utility Commission ("Commission"), by its prosecuting attorneys, and files this Complaint against Diamond Courier Service, Inc. ("Respondent"), pursuant to Section 701 of the Public Utility Code, 66 Pa.C.S. § 701. In support of its Complaint, I&E respectfully represents the following:

#### **Parties and Jurisdiction**

1. The Pennsylvania Public Utility Commission, with a mailing address of P. O. Box 3265, Harrisburg, PA 17105-3265, is a duly constituted agency of the Commonwealth of Pennsylvania empowered to regulate public utilities within the Commonwealth pursuant to the Public Utility Code, 66 Pa.C.S. §§ 101, et seq.

2. Complainant is the Commission's Bureau of Investigation and Enforcement and is the entity established by statute to prosecute complaints against public utilities pursuant to 66 Pa.C.S. § 308.2(a)(11).

3. Complainant is represented by:

Kourtney L. Myers  
Prosecutor  
Pennsylvania Public Utility Commission  
Bureau of Investigation and Enforcement  
P. O. Box 3265  
Harrisburg, PA 17105-3265  
717.705.4366  
komyers@pa.gov

Stephanie M. Wimer  
Prosecutor  
Pennsylvania Public Utility Commission  
Bureau of Investigation and Enforcement  
P. O. Box 3265  
Harrisburg, PA 17105-3265  
717.772.8839  
stwimer@pa.gov

Wayne T. Scott  
First Deputy Chief Prosecutor  
Pennsylvania Public Utility Commission  
Bureau of Investigation and Enforcement  
P. O. Box 3265  
Harrisburg, PA 17105-3265  
wascott@pa.gov

4. Respondent is Diamond Courier Service, Inc. and maintains its principal place of business at 2050 Richmond Street, Philadelphia, PA 19125, Attention: Richard Glassman.

5. Respondent is a "public utility" as that term is defined at 66 Pa.C.S. § 102, as it is engaged in transporting property in the Commonwealth of Pennsylvania for compensation.

6. The Commission issued Respondent a certificate of public convenience on or about September 30, 1991, at A-00109245, for truck authority.

7. Section 501(a) of the Public Utility Code, 66 Pa.C.S. § 501(a), authorizes and obligates the Commission to execute and enforce the provisions of the Public Utility Code.

8. Section 701 of the Public Utility Code, 66 Pa.C.S. § 701, authorizes the Commission, inter alia, to hear and determine complaints against public utilities for a violation of any law or regulation that the Commission has jurisdiction to administer.

9. Section 3301 of the Public Utility Code, 66 Pa.C.S. § 3301, authorizes the Commission to impose civil penalties on any public utility, or any other person or corporation subject to the Commission's authority, for violation(s) of the Public Utility Code and/or Commission regulations.

10. Respondent, in transporting property as a common carrier for compensation, is subject to the power and authority of this Commission pursuant to Section 501(c) of the Public Utility Code, 66 Pa.C.S. § 501(c), which requires a public utility to comply with Commission regulations.

11. Pursuant to the provisions of the applicable Commonwealth statutes and regulations, the Commission has jurisdiction over the subject matter of this complaint and the actions of Respondent related thereto.

## Factual Background

### 2009-2010 Fiscal Year

12. On or about September 9, 2009, the Commission sent Respondent, through certified mail, an assessment invoice for the July 1, 2009 to June 30, 2010 Fiscal Year that was based, in part, on Respondent's estimated revenues for the 2008 calendar year. Respondent's assessment was \$4,079.

13. Accompanying the assessment invoice was a notice that informed Respondent that it was obligated to pay the amount listed on the assessment invoice within thirty (30) days.

14. The Commission has no tracking information available to determine that Respondent received the assessment invoice that was mailed on September 9, 2009.

15. Out of an abundance of caution, on or about November 6, 2014, the Commission sent Respondent, through certified mail, an assessment invoice for the July 1, 2009 to June 30, 2010 Fiscal Year that was based, in part, on Respondent's estimated revenues for the 2008 calendar year. Respondent's assessment was \$4,079.

16. Accompanying the assessment invoice was a notice that informed Respondent that it was obligated to pay the amount listed on the assessment invoice within thirty (30) days.

17. The assessment invoice was mailed to Respondent at 2050 Richmond Street, Philadelphia, PA 19125.

18. This is the mailing address that Respondent provided to the Commission for assessment purposes.

19. The assessment invoice was returned to the Commission by the United States Postal Service as being undeliverable.

20. Respondent is obligated to promptly apprise the Commission of changes to its current address pursuant to Section 1.53(d) of the Commission's regulations, 52 Pa. Code § 1.53(d).

21. The Commission was unable to effectively serve the 2009-2010 fiscal year assessment invoice upon Respondent due to Respondent's failure to provide the Commission with its current address or claim the certified mailing.

22. Consequently, Respondent failed to pay the amount of its 2009-2010 assessment invoice.

### 2010-2011 Fiscal Year

23. On or about August 25, 2010, the Commission sent Respondent, through certified mail, an assessment invoice for the July 1, 2010 to June 30, 2011 Fiscal Year that was based, in part, on Respondent's estimated revenues for the 2009 calendar year. Respondent's assessment was \$6,521.

24. Accompanying the assessment invoice was a notice that informed Respondent that it was obligated to pay the amount listed on the assessment invoice within thirty (30) days.

25. The Commission has no tracking information available to determine that Respondent received the assessment invoice that was mailed on August 25, 2010.

26. Out of an abundance of caution, on or about November 6, 2014, the Commission sent Respondent, through certified mail, an assessment invoice for the July 1, 2010 to June 30, 2011 Fiscal Year that was based, in part, on Respondent's estimated revenues for the 2009 calendar year. Respondent's assessment was \$6,521.

27. Accompanying the assessment invoice was a notice that informed Respondent that it was obligated to pay the amount listed on the assessment invoice within thirty (30) days.

28. The assessment invoice was mailed to Respondent at 2050 Richmond Street, Philadelphia, PA 19125.

29. This is the mailing address that Respondent provided to the Commission for assessment purposes.

30. The assessment invoice was returned to the Commission by the United States Postal Service as being undeliverable.

31. Respondent is obligated to promptly apprise the Commission of changes to its current address pursuant to Section 1.53(d) of the Commission's regulations, 52 Pa. Code § 1.53(d).

32. The Commission was unable to effectively serve the 2010-2011 fiscal year assessment invoice upon Respondent due to Respondent's failure to provide the Commission with its current address or claim the certified mailing.

33. Consequently, Respondent failed to pay the amount of its 2010-2011 assessment invoice.

34. The total outstanding assessment balance for Respondent is \$10,600.

#### Violations

#### COUNTS 1-2

35. That Respondent failed to satisfy its 2009-2010 and 2010-2011 fiscal year assessments in that it did not pay the amounts due within thirty (30) days of receipt of the invoices.

If proven, this is a violation of Section 510(c) of the Public Utility Code, 66 Pa.C.S. § 510(c).

Wherefore, for all the foregoing reasons, the Bureau of Investigation and Enforcement of Pennsylvania Public Utility Commission respectfully requests that:

(a) Respondent be ordered to pay a total of \$10,600, which consists of its outstanding assessment balance;

(b) Respondent be directed to file assessment reports on a going-forward basis;

(c) If Respondent's address changed, Respondent be directed to update its address with the Commission using the form available on the Commission's website at:

[http://www.puc.pa.gov/filing\\_resources/motor\\_carrier\\_online\\_forms.aspx](http://www.puc.pa.gov/filing_resources/motor_carrier_online_forms.aspx); and

(d) If payment of the civil penalty and assessments is not made, the Bureau of Investigation and Enforcement requests that:

(1) the Commission issue an Order to cancel the Certificate of Public Convenience issued to Respondent;

(2) this matter be referred to the Pennsylvania Office of Attorney General for appropriate action; and

(3) the Commission certify Respondent's automobile registrations to the Pennsylvania Department of Transportation for suspension or revocation.

Respectfully submitted,  
Kourtney L. Myers  
Prosecutor  
PA Attorney ID No. 316494

Pennsylvania Public Utility Commission  
Bureau of Investigation and Enforcement  
P. O. Box 3265  
Harrisburg, PA 17105-3265

Date: December 10, 2014

#### VERIFICATION

I, Mandy Freas, Accountant, Bureau of Administrative Services, Assessment Section, hereby state that the facts above set forth are true and correct to the best of my knowledge, information, and belief and that I expect the Bureau will be able to prove the same at any hearing held in this matter. I understand that the statements herein are made subject to the penalties of 18 Pa.C.S. § 4904 relating to unsworn falsification to authorities.

Date: December 10, 2014

Mandy Freas, Accountant  
Assessment Section  
Bureau of Administrative Services  
PA. Public Utility Commission  
P. O. Box 3265  
Harrisburg, PA 17105-3265

#### NOTICE

A. You must file an Answer within 20 days of the date of service of this Complaint. The date of service is the mailing date as indicated at the top of the Secretarial Letter. See 52 Pa. Code § 1.56(a). The Answer must raise all factual and legal arguments that you wish to claim in your defense, include the docket number of this Complaint, and be verified. You may file your Answer by mailing an original to:

Rosemary Chiavetta, Secretary  
Pennsylvania Public Utility Commission  
P. O. Box 3265  
Harrisburg, PA 17105-3265

Or, you may eFile your Answer using the Commission's website at [www.puc.pa.gov](http://www.puc.pa.gov). The link to eFiling is located under the Filing & Resources tab on the homepage. If your Answer is 250 pages or less, you are not required to file a paper copy. If your Answer exceeds 250 pages, you must file a paper copy with the Secretary's Bureau.

Additionally, a copy should either be mailed to:

Wayne T. Scott, First Deputy Chief Prosecutor  
Pennsylvania Public Utility Commission  
Bureau of Investigation and Enforcement  
P. O. Box 3265  
Harrisburg, PA 17105-3265

Or, emailed to Mr. Scott at: [RA-PCCmplntResp@pa.gov](mailto:RA-PCCmplntResp@pa.gov)

B. If you fail to answer this Complaint within 20 days, the Bureau of Investigation and Enforcement will request that the Commission issue an Order imposing the penalty.

C. You may elect not to contest this Complaint by paying the past due assessment and civil penalty within 20 days. Send only a certified check or money order made payable to the Commonwealth of Pennsylvania to:

Rosemary Chiavetta, Secretary  
Pennsylvania Public Utility Commission  
P. O. Box 3265  
Harrisburg, PA 17105-3265



D. If you file an Answer which either admits or fails to deny the allegations of the Complaint, the Bureau of Investigation and Enforcement will request the Commission to issue an Order imposing the penalty set forth in this Complaint.

E. If you file an Answer which contests the Complaint, the matter will be assigned to an Administrative Law Judge for hearing and decision. The Judge is not bound by the penalty set forth in the Complaint, and may impose additional and/or alternative penalties as appropriate.

F. If you are a corporation, you must be represented by legal counsel. 52 Pa. Code § 1.21.

G. Alternative formats of this material are available for persons with disabilities by contacting the Commission's ADA Coordinator at 717-787-8714.

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*Pennsylvania Public Utility Commission; Bureau of Investigation and Enforcement v. Smiley's Well Services, LLC and William E. Robinson t/a Tri State Trucking Co.; Docket No. C-2014-2457980*

### COMPLAINT

Now Comes the Bureau of Investigation and Enforcement ("I&E") of the Pennsylvania Public Utility Commission ("Commission"), by its prosecuting attorneys, and files this Complaint against Smiley's Well Services, LLC ("Smiley's Well Services") and William E. Robinson t/a Tri State Trucking Co. ("William E. Robinson") (collectively, "Respondents"), pursuant to Section 701 of the Public Utility Code, 66 Pa.C.S. § 701. In support of its Complaint, I&E respectfully represents the following:

#### **Parties and Jurisdiction**

1. The Pennsylvania Public Utility Commission, with a mailing address of P. O. Box 3265, Harrisburg, PA 17105-3265, is a duly constituted agency of the Commonwealth of Pennsylvania empowered to regulate public utilities within the Commonwealth pursuant to the Public Utility Code, 66 Pa.C.S. §§ 101, et seq.

2. Complainant is the Commission's Bureau of Investigation and Enforcement and is the entity established by statute to prosecute complaints against public utilities pursuant to 66 Pa.C.S. § 308.2(a)(11).

3. Complainant is represented by:

Kourtney L. Myers  
Prosecutor  
Pennsylvania Public Utility Commission  
Bureau of Investigation and Enforcement  
P. O. Box 3265  
Harrisburg, PA 17105-3265  
717.705.4366  
komyers@pa.gov

Stephanie M. Wimer  
Prosecutor  
Pennsylvania Public Utility Commission  
Bureau of Investigation and Enforcement  
P. O. Box 3265  
Harrisburg, PA 17105-3265  
717.772.8839  
stwimer@pa.gov

Wayne T. Scott  
First Deputy Chief Prosecutor  
Pennsylvania Public Utility Commission  
Bureau of Investigation and Enforcement  
P. O. Box 3265  
Harrisburg, PA 17105-3265  
wascott@pa.gov

4. Respondents are Smiley's Well Services and William E. Robinson.

5. Smiley's Well Services maintains its principal place of business at P. O. Box 114, Arnot, PA 16911, Attention: Christopher Parker.

6. William E. Robinson maintains his principal place of business at 16064 Route 6, Mansfield, PA 16933, Attention: William E. Robinson.

7. Respondents are "public utilit[ies]" as that term is defined at 66 Pa.C.S. § 102, as Respondents are engaged in transporting property in the Commonwealth of Pennsylvania for compensation.

8. The Commission issued Smiley's Well Services a certificate of public convenience on or about February 7, 2011, at A-2010-2214118, for truck authority.

9. The Commission issued William E. Robinson a certificate of public convenience on or about April 19, 2010, at A-2010-2166900, for truck authority.

10. Section 501(a) of the Public Utility Code, 66 Pa.C.S. § 501(a), authorizes and obligates the Commission to execute and enforce the provisions of the Public Utility Code.

11. Section 701 of the Public Utility Code, 66 Pa.C.S. § 701, authorizes the Commission, inter alia, to hear and determine complaints against public utilities for a violation of any law or regulation that the Commission has jurisdiction to administer.

12. Section 3301 of the Public Utility Code, 66 Pa.C.S. § 3301, authorizes the Commission to impose civil penalties on any public utility, or any other person or corporation subject to the Commission's authority, for violation(s) of the Public Utility Code and/or Commission regulations.

13. Respondents, in transporting property as common carriers for compensation, are subject to the power and authority of this Commission pursuant to Section 501(c) of the Public Utility Code, 66 Pa.C.S. § 501(c), which requires a public utility to comply with Commission regulations.

14. Pursuant to the provisions of the applicable Commonwealth statutes and regulations, the Commission has jurisdiction over the subject matter of this complaint and the actions of Respondents related thereto.

#### **Factual Background**

##### **2013-2014 Fiscal Year**

15. On or about September 12, 2013, the Commission sent Smiley's Well Services, through certified mail, an assessment invoice for the July 1, 2013 to June 30, 2014 Fiscal Year that was based on Smiley's Well Services' reported gross intrastate operating revenues for the 2012 calendar year. The assessment was \$460.

16. Accompanying the assessment invoice was a notice that informed Smiley's Well Services that it was obligated to pay the amount listed on the assessment invoice within thirty (30) days.

17. The assessment invoice was mailed to Smiley's Well Services at P. O. Box 114, Arnot, PA 16911.

18. This is the mailing address that Smiley's Well Services provided to the Commission for assessment purposes.

19. The assessment invoice was returned to the Commission by the United States Postal Service as being undeliverable.

20. Smiley's Well Services is obligated to promptly apprise the Commission of changes to its current address pursuant to Section 1.53(d) of the Commission's regulations, 52 Pa. Code § 1.53(d).

21. The Commission was unable to effectively serve the 2013-2014 fiscal year assessment invoice upon Smiley's Well Services due to its failure to provide the Commission with its current address or claim the certified mailing.

22. Consequently, Smiley's Well Services failed to pay the amount of its 2013-2014 assessment invoice.

23. On or about October 23, 2013, Smiley's Well Services provided documentation to the Commission demonstrating the transfer of 100% of the limited liability company membership interests in Smiley's Well Services to William E. Robinson, which was effective April 26, 2013.

24. Due to the transfer of membership rights from Smiley's Well Services to William E. Robinson, on or about October 25, 2013, the Commission sent William E. Robinson, through certified mail, an assessment invoice for the July 1, 2013 to June 30, 2014 Fiscal Year that was based on Smiley's Well Services' reported gross intrastate operating revenues for the 2012 calendar year. The assessment was \$460.

25. On October 28, 2013, William E. Robinson signed a certified mail card, which indicated that he received the assessment invoice.

26. Accompanying the assessment invoice was a notice that informed William E. Robinson that he was obligated to pay the amount listed on the assessment invoice within thirty (30) days.

27. The Commission received no objections from William E. Robinson to the assessment invoice.

28. William E. Robinson failed to fully pay the amount of the assessment invoice.

### Violation

#### COUNT 1

29. That Respondents failed to satisfy the 2013-2014 fiscal year assessment in that neither Respondent paid the amount due within thirty (30) days of receipt of the invoice.

If proven, this is a violation of Section 510(c) of the Public Utility Code, 66 Pa.C.S. § 510(c). The Bureau of Investigation and Enforcement's proposed civil penalty for this violation is 15% of the outstanding assessment balance or \$69.

Wherefore, for all the foregoing reasons, the Bureau of Investigation and Enforcement of Pennsylvania Public Utility Commission respectfully requests that:

(a) Smiley's Well Services or William E. Robinson be ordered to pay a total of \$529, which consists of Smiley's Well Services' outstanding assessment balance, which totals \$460 and a civil penalty of \$69 for the above-described violation; and

(b) If payment of the civil penalty and assessment is not made, the Bureau of Investigation and Enforcement requests that:

(1) the Commission issue an Order to cancel the Certificates of Public Convenience issued to Smiley's Well Services and William E. Robinson;

(2) this matter be referred to the Pennsylvania Office of Attorney General for appropriate action; and

(3) the Commission certify Smiley's Well Services' and William E. Robinson's automobile registrations to the Pennsylvania Department of Transportation for suspension or revocation.

Respectfully submitted,  
Kourtney L. Myers  
Prosecutor  
PA Attorney ID No. 316494

Pennsylvania Public Utility Commission  
Bureau of Investigation & Enforcement  
P. O. Box 3265  
Harrisburg, PA 17105-3265

Date: December 10, 2014

#### VERIFICATION

I, Mandy Freas, Accountant, Bureau of Administrative Services, Assessment Section, hereby state that the facts above set forth are true and correct to the best of my knowledge, information, and belief and that I expect the Bureau will be able to prove the same at any hearing held in this matter. I understand that the statements herein are made subject to the penalties of 18 Pa.C.S. § 4904 relating to unsworn falsification to authorities.

Date: December 10, 2014

Mandy Freas, Accountant  
Assessment Section  
Bureau of Administrative Services  
PA. Public Utility Commission  
P. O. Box 3265  
Harrisburg, PA 17105-3265

#### NOTICE

A. You must file an Answer within 20 days of the date of service of this Complaint. The date of service is the mailing date as indicated at the top of the Secretarial Letter. See 52 Pa. Code § 1.56(a). The Answer must raise all factual and legal arguments that you wish to claim in your defense, include the docket number of this Complaint, and be verified. You may file your Answer by mailing an original to:

Rosemary Chiavetta, Secretary  
Pennsylvania Public Utility Commission  
P. O. Box 3265  
Harrisburg, PA 17105-3265

Or, you may eFile your Answer using the Commission's website at [www.puc.pa.gov](http://www.puc.pa.gov). The link to eFiling is located under the Filing & Resources tab on the homepage. If your Answer is 250 pages or less, you are not required to file a paper copy. If your Answer exceeds 250 pages, you must file a paper copy with the Secretary's Bureau.

Additionally, a copy should either be mailed to:

Wayne T. Scott, First Deputy Chief Prosecutor  
Pennsylvania Public Utility Commission  
Bureau of Investigation and Enforcement  
P. O. Box 3265  
Harrisburg, PA 17105-3265

Or, emailed to Mr. Scott at: [RA-PCCmplntResp@pa.gov](mailto:RA-PCCmplntResp@pa.gov)

B. If you fail to answer this Complaint within 20 days, the Bureau of Investigation and Enforcement will request that the Commission issue an Order imposing the penalty.

C. You may elect not to contest this Complaint by paying the past due assessment and civil penalty within 20 days. Send only a certified check or money order made payable to the Commonwealth of Pennsylvania to:

Rosemary Chiavetta, Secretary  
 Pennsylvania Public Utility Commission  
 P. O. Box 3265  
 Harrisburg, PA 17105-3265

D. If you file an Answer which either admits or fails to deny the allegations of the Complaint, the Bureau of Investigation and Enforcement will request the Commission to issue an Order imposing the penalty set forth in this Complaint.

E. If you file an Answer which contests the Complaint, the matter will be assigned to an Administrative Law Judge for hearing and decision. The Judge is not bound by the penalty set forth in the Complaint, and may impose additional and/or alternative penalties as appropriate.

F. If you are a corporation, you must be represented by legal counsel. 52 Pa. Code § 1.21.

G. Alternative formats of this material are available for persons with disabilities by contacting the Commission's ADA Coordinator at 717-787-8714.

[Pa.B. Doc. No. 15-145. Filed for public inspection January 23, 2015, 9:00 a.m.]

## PHILADELPHIA REGIONAL PORT AUTHORITY

### Request for Proposals

The Philadelphia Regional Port Authority will accept sealed proposals for Project No. 14-104.P, RFP for Design & Permitting Services of Paving Repairs at PAMT, until 2 p.m. on Thursday, March 5, 2015. Information (including mandatory prebid information) can be obtained from the web site [www.philaport.com](http://www.philaport.com) under Procurement or call (215) 426-2600.

JAMES T. McDERMOTT, Jr.,  
*Executive Director*

[Pa.B. Doc. No. 15-146. Filed for public inspection January 23, 2015, 9:00 a.m.]

### Request for Proposals

The Philadelphia Regional Port Authority will accept sealed proposals for Project No. 14-119.P, Request for Proposal—for PAMT Berth Enhancements, until 2 p.m. on Thursday, February 26, 2015. Information (including mandatory prebid information) can be obtained from the web site [www.philaport.com](http://www.philaport.com) under Procurement or call (215) 426-2600.

JAMES T. McDERMOTT, Jr.,  
*Executive Director*

[Pa.B. Doc. No. 15-147. Filed for public inspection January 23, 2015, 9:00 a.m.]

## STATE EMPLOYEES' RETIREMENT BOARD

### Hearings Scheduled

The following hearings have been scheduled, as authorized by 71 Pa.C.S. Part XXV (relating to the State Employees' Retirement Code), in connection with the State Employees' Retirement System's denial of Claimants' requests concerning the indicated accounts.

The hearings will be held before a hearing officer at the State Employees' Retirement System, 30 North Third Street, Fifth Floor, Harrisburg, PA 17101:

February 25, 2015	Lynn D. Wilson (D) Change Decedent's Retirement Option Selection	1 p.m.
February 27, 2015	Frank Yale (D) Continuation of Spousal Retirement Benefits	1 p.m.

Parties in each respective case may appear with or without counsel and offer relevant testimony or evidence to support their respective positions. The hearings will be held in accordance with the requirements of 2 Pa.C.S. §§ 501—508 and 701—704 (relating to Administrative Agency Law). Under 4 Pa. Code § 250.1 (relating to applicability of general rules), procedural matters will be in conformance with 1 Pa. Code Part II (relating to General Rules of Administrative Practice and Procedure) unless specific exemption is granted.

DAVID E. DURBIN,  
*Secretary*

[Pa.B. Doc. No. 15-148. Filed for public inspection January 23, 2015, 9:00 a.m.]



# STATE POLICE

## Sex Offender Registration; Approved Registration Sites

The Commissioner of the State Police, under 42 Pa.C.S. § 9799.23 (relating to court notification and classification requirements), shall publish a list of approved registration sites located throughout this Commonwealth where an individual subject to the requirements of 42 Pa.C.S. Chapter 97, Subchapter H (relating to registration of sexual offenders) can report to fulfill the individual's sex offender registration requirements. This notice contains a complete list of sites effective January 8, 2015.

The list of approved registration/verification sites now includes several new locations, including some county sheriff's offices, county probation offices and municipal police departments. The list of sites will be periodically updated as new locations are added. Prior to going to a site, it is recommended that individuals call the site to ensure that it is currently open to the public or that a registering official is there to process the individuals, or both.

<i>County Name</i>	<i>Registration Site</i>	<i>Address</i>	<i>Phone</i>
Adams	Adams County Prison—Central Booking	45 Major Bell Lane, Gettysburg, PA 17325	717-334-7671 Ext. 6
Adams	State Police Gettysburg	3033 Old Harrisburg Road, Gettysburg, PA 17325	717-334-8111
Allegheny	Allegheny County ID Section, Walk-in, Monday—Friday, 12 p.m.—8 p.m.	660 First Avenue, Municipal Courts Building, 3rd Floor, Pittsburgh, PA 15219	412-350-6700
Allegheny	State Police Pittsburgh	449 McCormick Road, Moon Township, PA 15108	412-787-2000
Armstrong	Armstrong County Adult Probation	500 East Market Street, Kittanning, PA 16201	724-548-3491
Armstrong	State Police Kittanning	184 Nolte Drive, Kittanning, PA 16201	724-543-2011
Beaver	Beaver County Sheriff—Regional Booking Center	6000 Woodlawn Boulevard, Aliquippa, PA 15001	724-512-2391
Beaver	State Police Beaver	1400 Brighton Road, Beaver, PA 15009	724-773-7400
Bedford	Bedford County Adult Probation	200 South Juliana Street, Bedford, PA 15522	814-623-4830
Bedford	State Police Bedford	171 Arthur L. Hershey Drive, Bedford, PA 15522	814-623-6133
Berks	Berks County Sheriff's Department	633 Court Street, Reading, PA 19601	610-478-6240
Berks	State Police Hamburg	90 Industrial Drive, Hamburg, PA 19526	610-562-6885
Berks	State Police Reading	600 Kenhorst Boulevard, Reading, PA 19611	610-378-4011
Blair	Blair County Prison	419 Market Square Alley, Hollidaysburg, PA 16648	814-693-3155
Blair	State Police Hollidaysburg	1510 North Juniata Street, Hollidaysburg, PA 16648	814-696-6100
Bradford	Bradford County Adult Probation	301 Main Street, Towanda, PA 18848	570-265-1706
Bradford	State Police Towanda	101 Hawkins Road, Towanda, PA 18848	570-265-2186
Bucks	Bensalem Township Police	2400 Byberry Road, Bensalem, PA 19020	215-633-3700
Bucks	Bucks County Department of Corrections	1730 South Easton Road, Building L, Doylestown, PA 18901	215-340-8480
Bucks	State Police Dublin	3218 Rickert Road, Perkasie, PA 18944	215-249-9191
Bucks	State Police Trevoise	3501 Neshaminy Boulevard, Bensalem, PA 19020	215-942-3900
Butler	Butler County Prison	202 South Washington Street, Butler, PA 16001	724-284-5256
Butler	Butler County Probation—Parole Office	203 South Washington Street, Butler, PA 16001	724-284-5259
Butler	Cranberry Township Police, Monday—Friday, 8 a.m.— 3 p.m. (no holidays)	2525 Rochester Road, Suite 500, Cranberry Township, PA 16066	724-776-5180
Butler	State Police Butler	200 Barracks Road, Butler, PA 16001	724-284-8100
Cambria	Cambria County Prison	425 Manor Drive, Ebensburg, PA 15931	814-472-7330
Cambria	State Police Ebensburg	100 Casale Court, Ebensburg, PA 15931	814-471-6500
Cameron	State Police Emporium	12921 Route 120, Emporium, PA 15834	814-486-3321

<i>County Name</i>	<i>Registration Site</i>	<i>Address</i>	<i>Phone</i>
Carbon	Carbon County Correctional Facility	331 Broad Street, Nesquehoning, PA 18240	570-325-2211
Carbon	State Police Lehigh	9170 Interchange Road, Lehigh, PA 18235	610-377-4270
Centre	Centre County Central Booking	700 Rishel Hill Road, Bellefonte, PA 16823	814-548-1186
Centre	State Police Philipsburg	3104 Port Matilda Highway, Philipsburg, PA 16866	814-342-3370
Centre	State Police Rockview	745 South Eagle Valley Road, Bellefonte, PA 16823	814-355-7545
Chester	Chester County Prison	501 South Wawaset Road, West Chester, PA 19382	610-793-1510
Chester	Coatesville Police	1 City Hall Place, Coatesville, PA 19320	610-384-2300
Chester	State Police Avondale	2 Moxley Lane, Avondale, PA 19311	610-268-2022
Chester	State Police Embreeville	997 Lieds Road, Coatesville, PA 19320	610-486-6280
Clarion	Clarion County Prison	309 Amsler Avenue, Shippensburg, PA 16254	814-226-9615
Clarion	State Police Clarion	209 Commerce Road, Clarion, PA 16214	814-226-1710
Clearfield	Clearfield County Prison	115 21st Street, Clearfield, PA 16830	814-765-7891
Clearfield	State Police Clearfield	147 Doe Hill Road, Woodland, PA 16881	814-857-3800
Clinton	Clinton County Prison—Central Booking	58 Pine Mountain Road, McElhattan, PA 17748	570-769-7680
Clinton	State Police Lamar	113 Boyd Road, Mill Hall, PA 17751	570-726-6000
Columbia	Bloomsburg Police	301 East 2nd Street, Bloomsburg, PA 17815	570-784-4155
Columbia	State Police Bloomsburg	6850 Hidlay Church Road, Bloomsburg, PA 17815	570-387-4701
Crawford	Crawford County Probation	903 Diamond Park, Meadville, PA 16335	814-333-7350
Crawford	State Police Meadville	11025 Murray Road, Meadville, PA 16335	814-332-6911
Cumberland	Cumberland County Prison	1101 Claremont Road, Carlisle, PA 17015	717-245-8787
Cumberland	State Police Carlisle	1538 Commerce Avenue, Carlisle, PA 17015	717-249-2121
Dauphin	Dauphin County Judicial Center	451 Mall Road, Harrisburg, PA 17111	717-547-4000
Dauphin	State Police Harrisburg	8000 Bretz Drive, Harrisburg, PA 17112	717-671-7500
Dauphin	State Police Lykens	301 State Drive, Elizabethville, PA 17023	717-362-8700
Delaware	Delaware County Probation	201 West Front Street, Media, PA 19063	610-891-4590
Delaware	State Police Media	1342 West Baltimore Pike, Media, PA 19063	484-840-1000
Elk	State Police Ridgway	15010 Boot Jack Road, Ridgway, PA 15853	814-776-6136
Erie	Erie County Sheriff's Department	140 West 6th Street, Room 400, Erie, PA 16501	814-351-6005
Erie	State Police Corry	11088 Route 6 East, Union City, PA 16438	814-663-2043
Erie	State Police Erie	4320 Iroquois Avenue, Erie, PA 16511	814-898-1641
Erie	State Police Girard	5950 Meadville Road, Girard, PA 16417	814-774-9611
Fayette	State Police Uniontown	1070 Eberly Way, Lemont Furnace, PA 15456	724-439-7111
Fayette	Uniontown City Police	45 East Penn Street, Uniontown, PA 15401	724-430-2929
Forest	State Police Marienville	4956 State Route 899, Marienville, PA 16239	814-927-5253
Franklin	Franklin County Sheriff's Department	157 Lincoln Way East, Chambersburg, PA 17201	717-261-3877
Franklin	State Police Chambersburg	679 Franklin Farm Lane, Chambersburg, PA 17202	717-264-5161
Fulton	Fulton County Sheriff's Department	207 North 2nd Street, McConnellsburg, PA 17233	717-485-4221
Fulton	State Police McConnellsburg	500 Fulton Station, McConnellsburg, PA 17233	717-485-3131
Greene	Greene County Courthouse	10 East High Street, Room 103, Waynesburg, PA 15370	724-852-5250
Greene	State Police Waynesburg	255 Elm Drive, Waynesburg, PA 15370	724-627-6151
Huntingdon	Huntingdon County Sheriff's Department	241 Mifflin Street, Suite 1, Huntingdon, PA 16652	814-643-0880

<i>County Name</i>	<i>Registration Site</i>	<i>Address</i>	<i>Phone</i>
Huntingdon	State Police Huntingdon	10637 Raystown Road, Huntingdon, PA 16652	814-627-3161
Indiana	Indiana County Probation	825 Philadelphia Street, Indiana, PA 15701	724-465-3820
Indiana	State Police Indiana	4221 Route 286 Highway West, Indiana, PA 15701	724-357-1960
Jefferson	Jefferson County Prison	578 Service Center Road, Brookville, PA 15825	814-849-1933
Jefferson	State Police DuBois	101 Preston Way, Falls Creek, PA 15840	814-371-4652
Jefferson	State Police Punxsutawney	485 North Findley Street, Punxsutawney, PA 15767	814-938-0510
Juniata	Juniata County Probation Office	11 North 3rd Street, Mifflintown, PA 17059	717-436-7716
Juniata	State Police Lewistown	34 Arch Rock Road, Mifflintown, PA 17059	717-320-1010
Lackawanna	Lackawanna County Probation	130 North Washington Avenue, Scranton, PA 18503	570-963-6876
Lackawanna	Scranton Police	100 South Washington Avenue, Scranton, PA 18503	570-348-4134
Lackawanna	State Police Dunmore	85 Keystone Industrial Park, Dunmore, PA 18512	570-963-3156
Lancaster	Lancaster City Police	39 West Chestnut Street, Lancaster, PA 17603	717-735-3300
Lancaster	Lancaster County Probation	40 East King Street, Lancaster, PA 17603	717-299-8181
Lancaster	State Police Lancaster	2099 Lincoln Highway East, Lancaster, PA 17602	717-299-7650
Lawrence	State Police New Castle	3539 Wilmington Road, New Castle, PA 16105	724-598-2211
Lebanon	State Police Jonestown	3185 State Route 72, Jonestown, PA 17038	717-865-2194
Lehigh	State Police Bethlehem	2930 Airport Road, Bethlehem, PA 18017	610-861-2026
Lehigh	State Police Fogelsville	8320 Schantz Road, Breinigsville, PA 18031	610-395-1438
Luzerne	State Police Hazleton	250 Dessen Drive, West Hazleton, PA 18202	570-459-3890
Luzerne	State Police Shickshinny	872 Salem Boulevard, Berwick, PA 18603	570-542-7105
Luzerne	State Police Wyoming	475 Wyoming Avenue, Wyoming, PA 18644	570-697-2000
Lycoming	Old Lycoming Township Police Department, Monday—Friday, 10 a.m.—2 p.m.	1951 Green Avenue, Williamsport, PA 17701	570-323-4987
Lycoming	State Police Montoursville	899 Cherry Street, Montoursville, PA 17754	570-368-5700
McKean	McKean County Prison	17013 Route 6, Smethport, PA 16749	814-887-2333
McKean	State Police Kane	3178 Route 219, Kane, PA 16735	814-778-5555
Mercer	State Police Mercer	826 Franklin Road, Mercer, PA 16137	724-662-6162
Mifflin	Mifflin County Prison	103 West Market Street, Lewistown, PA 17044	717-248-1130
Monroe	Monroe County Prison	4250 Manor Drive, Stroudsburg, PA 18360	570-992-3232
Monroe	State Police Fern Ridge	127 Parkside Avenue, Blakeslee, PA 18610	570-646-2271
Monroe	State Police Swiftwater	113 Enforcer Lane, Swiftwater, PA 18370	570-839-7701
Montgomery	Abington Township Police	1166 Old York Road, Abington, PA 19001	267-536-1100
Montgomery	Montgomery County Adult Probation	100 Ross Road, Suite 120, King of Prussia, PA 19406	610-992-7777
Montgomery	Plymouth Township Police	700 Belvoir Road, Plymouth Meeting, PA 19462	610-279-1901
Montgomery	State Police Skippack	2047C Bridge Road, Schwenksville, PA 19473	610-410-3835
Northampton	Northampton County Prison	666 Walnut Street, Easton, PA 18042	610-923-4300
Northampton	State Police Belfast	654 Bangor Road, Nazareth, PA 18064	610-759-6106
Northumberland	State Police Milton	50 Lawton Lane, Milton, PA 17847	570-524-2662
Northumberland	State Police Stonington	2465 State Route 61, Sunbury, PA 17801	570-286-5601
Northumberland	Sunbury Police	440 Market Street, Sunbury, PA 17801	570-286-4584
Perry	Perry County Courthouse	2 East Main Street, New Bloomfield, PA 17068	717-582-2131
Perry	State Police Newport	155 Red Hill Road, Newport, PA 17074	717-567-3110
Philadelphia	State Police Philadelphia	2201 Belmont Avenue, Philadelphia, PA 19131	215-452-5216
Pike	Pike County Probation	506 Broad Street, Milford, PA 18337	570-296-7412
Pike	State Police Blooming Grove	434 Route 402, Hawley, PA 18428	570-226-5720
Potter	Potter County Adult Probation	1 North Main Street, Coudersport, PA 16915	814-274-8791



<i>County Name</i>	<i>Registration Site</i>	<i>Address</i>	<i>Phone</i>
Potter	State Police Coudersport	3140 East Second Street, Coudersport, PA 16915	814-274-8690
Schuylkill	Schuylkill County Sheriff's Department	401 North 2nd Street, Pottsville, PA 17901	570-628-1440
Schuylkill	State Police Frackville	31 Eleanor Drive, Frackville, PA 17931	570-874-5300
Schuylkill	State Police Schuylkill Haven	23 Meadowbrook Drive, Schuylkill Haven, PA 17972	570-593-2000
Snyder	Snyder County Sheriff's Department	12 South Main Street, Middleburg, PA 17842	570-837-3311
Snyder	State Police Selinsgrove	204 Universal Road, Selinsgrove, PA 17870	570-374-8145
Somerset	Somerset Borough Police	340 West Union Street, Somerset, PA 15501	814-445-4596
Somerset	State Police Somerset	142 Sagamore Street, Somerset, PA 15501	814-445-4104
Sullivan	State Police Laporte	5837 Route 220, Laporte, PA 18626	570-946-4610
Susquehanna	State Police Gibson	2856 State Route 848, New Milford, PA 18834	570-465-3154
Susquehanna	Susquehanna County Adult Probation	81 Public Avenue, Montrose, PA 18801	570-278-4600
Tioga	State Police Mansfield	1745 Valley Road, Mansfield, PA 16933	570-662-2151
Tioga	Tioga County Probation Department	118 Main Street, Wellsboro, PA 16901	570-724-9340
Union	Union County Courthouse/Prison	103 South Second Street, Lewisburg, PA 17837	570-524-8716
Venango	State Police Franklin	6724 US 322, Franklin, PA 16323	814-676-6596
Warren	State Police Warren	22001 Route 6, Warren, PA 16365	814-728-3600
Warren	Warren County Prison	407 Market Street, Warren, PA 16365	814-723-2486
Washington	State Police Washington	83 Murtland Avenue, Washington, PA 15301	724-223-5200
Washington	Washington County Booking Center	29 West Cherry Avenue, Suite 209, Washington, PA 15301	724-229-5931
Wayne	State Police Honesdale	14 Collan Park, Honesdale, PA 18431	570-251-7207
Wayne	Wayne County Courthouse	925 Court Street, Honesdale, PA 18431	570-253-5970
Westmoreland	State Police Belle Vernon	560 Circle Drive, Belle Vernon, PA 15012	724-929-6262
Westmoreland	State Police Greensburg	100 North Westmoreland Avenue, Greensburg, PA 15601	724-832-3288
Westmoreland	State Police Kiski Valley	4451 Route 66, Apollo, PA 15613	724-727-3434
Westmoreland	Westmoreland County Probation	2 North Main Street, Suite 303, Greensburg, PA 15601	724-830-3457
Wyoming	State Police Tunkhannock	6039 State Route 6, Tunkhannock, PA 18657	570-836-2141
Wyoming	Wyoming County Sheriff's Department	1 Courthouse Square, Tunkhannock, PA 18657	570-996-2265
York	State Police York	110 Trooper Court, York, PA 17403	717-428-1011
York	York County Probation	45 North George Street, York, PA 17401	717-771-9602

COLONEL MARCUS BROWN,  
*Acting Commissioner*

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