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PENNSYLVANIA BULLETIN

Volume 30
Saturday, March 18, 2000 • Harrisburg, Pa.
Number 12
Pages 1461—1630

Part I

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Liquor Control Board
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Philadelphia Regional Port Authority
Securities Commission
Treasury Department

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

No. 304, March 2000

PENNSYLVANIA



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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 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 where the agency may omit the proposal step; they 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, they must re-propose.

Citation to the *Pennsylvania Bulletin*

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

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* contains, as Finding Aids, subject indexes for the complete *Code* and for each individual title, a list of Statutes Used As Authority for Adopting Rules and a list of annotated cases. Source Notes give you the history of the documents. 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*.

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.

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Printing Format

Material proposed to be added to an existing rule or regulation is printed in **bold face** and material proposed to be deleted from such 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; and that the fiscal note shall provide 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 five 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 five 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

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Part II

This part contains the
Insurance Department's
Quality Health Care Accountability
and Protection

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THE GOVERNOR

Title 4—ADMINISTRATION

GOVERNOR'S OFFICE

[4 PA. CODE CH. 5]

[EXECUTIVE ORDER 2000-2]

Pennsylvania Workforce Investment Board

February 14, 2000

Whereas, a well-educated, highly skilled workforce will enable Pennsylvania to be a leader among states and a competitor among nations; and

Whereas, Pennsylvanians have the work ethic and ability to make Pennsylvania a national leader, a global competitor, and a job creator; and

Whereas, workforce development is a process of education, training, and development activities for increasing the skills and knowledge of individuals so they can maximize their employment opportunities, participate in productive work, and achieve their career potential through employer-based or self-employment; and

Whereas, it is in the interest of the Commonwealth of Pennsylvania to build upon the current strengths of our workforce and to address more effectively the potential of Pennsylvania's citizens, employers, and communities by:

(1) recognizing that the skills and knowledge of Pennsylvania's workforce are the keys to providing enhanced opportunities for individuals and economic competitive advantage for businesses and communities;

(2) expanding and providing for more efficient and coordinated administration of workforce development activities;

(3) effecting the maximum feasible return on investment for the Commonwealth's citizens; and

(4) promoting the integration of workforce development, economic development, and education policy; and

Whereas, the goals of Pennsylvania's workforce development system are:

(1) economic opportunity for all citizens;

(2) economic self-sufficiency and individual responsibility; and

(3) an educated workforce with relevant skills; and

Whereas, the mission of Pennsylvania's workforce development system is to foster a dynamic world-class workforce in which Pennsylvania's citizens and businesses possess the knowledge and skills to succeed and to excel in a highly competitive and rapidly changing world; and

Whereas, the Commonwealth's achievement of a world-class workforce is best accomplished through a workforce development system that is dedicated to and operates in adherence with the following basic philosophy and core values:

(1) Economic competitiveness;

(2) Excellence in education, training, and workplace preparation;

(3) Strong work ethic;

(4) Lifelong learning;

(5) Stewardship of public resources;

(6) The highest quality delivery of market driven services that are readily identifiable and easily accessible, and that consider the abilities and work support needs of a diverse population;

(7) Informed choice regarding education and training opportunities and in career decision-making;

(8) Private-sector solutions to workforce development goals supplemented by appropriate government involvement when necessary;

(9) Cooperation and collaboration among all who participate and are engaged in this endeavor;

(10) Valuing all workers and all work; and

(11) Mutual respect; and

Whereas, an effective workforce development system is agile and flexible in meeting the local workforce and economic development needs of the Commonwealth and its regions and communities; and

Whereas, an effective workforce development system is agile and flexible in meeting the basic skills, career development, and other needs of the system's customers. The customers of the system are employers, job seekers, and incumbent workers; and

Whereas, the Commonwealth will be enabled to achieve an effective workforce development system with the *Workforce Investment Act of 1998* which was passed by the Congress of the United States to consolidate, coordinate, and improve employment, training, literacy, and vocational rehabilitation programs.

Now, Therefore, I, Thomas J. Ridge, Governor of the Commonwealth of Pennsylvania, by virtue of the authority vested in me by the Constitution of the Commonwealth of Pennsylvania, the *Workforce Investment Act of 1998* and other laws, do hereby establish, as part of Team Pennsylvania, the Pennsylvania Workforce Investment Board (hereinafter referred to as "Board") and invest it with the necessary powers to perform the duties and functions set forth herein and to advise and counsel me in the formation of a world-class workforce development system which complements the Commonwealth's overall education and economic development strategy and guides Federal, State, and local resources in a customer-focused and user-friendly manner that promotes a high quality, globally competitive workforce.

Annex A

TITLE 4. ADMINISTRATION

PART I. GOVERNOR'S OFFICE

CHAPTER 5. COUNCILS AND COMMITTEES

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§ 5.191. Purpose.

The purpose of the Board is to assist the Governor in:

- (1) Development of a unified plan for workforce development system.
- (2) Development and continuous improvement of a Statewide one-stop delivery system for workforce services.
- (3) Development of linkages to ensure coordination and nonduplication among workforce programs.

- (4) Designation of local workforce investment areas.
- (5) Review and approval of local workforce investment plans.
- (6) Coordinate with other Team Pennsylvania activities to develop a workforce development system that is market-driven and responsive to the needs of this Commonwealth's employers by supporting the primary goals of Team Pennsylvania which are to:
 - (i) Promote this Commonwealth to specific companies considering expansion and relocation.
 - (ii) Assist with business retention efforts.
 - (iii) Ensure that the Commonwealth's economic development strategies continue to be focused and effective.
 - (iv) Improve communication and collaboration among professionals serving businesses in this Commonwealth.
- (7) Establish a rapid response mechanism to mobilize training resources to address the skill requirements for business retention or attraction opportunities created by major job projects of the Governor's Action Team or local economic developers.
- (8) Collaborate and coordinate with State agencies and State boards and commissions that shape economic development and education policies of the Commonwealth, including the Ben Franklin/IRC Partnership Board, the State Board of Education, the State Literacy Council, the Pennsylvania Apprenticeship and Training Council, the State Board of Vocational Rehabilitation, the State System of Higher Education, the State-related universities and the Pennsylvania Higher Education Assistance Agency, to develop Statewide policies that connect workforce development with lifelong learning and economic competitiveness.
- (9) Collaborate with the Department of Community and Economic Development to ensure that the Statewide financing strategy for economic development reported to the General Assembly supports, and is supported by, the goals and objectives of this Commonwealth's workforce development system.
- (10) Collaborate with the Department of Public Welfare to ensure that the Statewide welfare-to-work strategy established to meet the demands of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996, the act of August 22, 1996 (Pub. L. No. 104-193, 110 Stat. 2105) supports, and is supported by, the goals and objectives of this Commonwealth's workforce development system.
- (11) Comment at least annually on the measures taken under section 113(b)(14) of the Carl D. Perkins Vocational and Technology Education Act of 1998 (20 U.S.C.A. § 2322(b)(14)).
- (12) Coordinate the provision of services among State agencies consistent with the laws and regulations governing the human resources programs and Pennsylvania's unified plan for workforce investment. For purposes of this order, applicable State and Federal laws include the following:
 - (i) The Workforce Investment Act of 1998, the act of August 7, 1998 (Pub. L. No. 105-220, 112 Stat. 936)
 - (ii) The Job Training Partnership Act, the act of October 13, 1982 (Pub. L. No. 97-300, 96 Stat. 1322)
 - (iii) The Carl D. Perkins Vocational and Applied Technology Education Act, the act of December 18, 1963 (Pub. L. No. 88-210).
 - (iv) The Wagner-Peyser Act (29 U.S.C.A. §§ 49—491-2).

(v) The Adult Education and Family Literacy Act (20 U.S.C.A. §§ 9201—9253).

(vi) The School-to-Work Opportunities Act of 1994 (20 U.S.C.A. §§ 6101—6251).

(vii) The National and Community Service Trust Act of 1993, the act of September 21, 1993 (Pub. L. No. 103-82, 107 Stat. 785).

(viii) Title V of the Older Americans Act of 1965 (42 U.S.C.A. §§ 3056—3056i).

(ix) The Rehabilitation Act Amendments of 1998 (29 U.S.C.A. §§ 701—795n).

(x) The Community Service Block Grant Amendments of 1994, the act of May 18, 1994 (Pub. L. No. 103—252, 108 Stat. 651) (42 U.S.C.A. § 9910c).

(xi) The Food Stamp Act of 1977 (Food Stamp Employment Training Program) (7 U.S.C.A. §§ 2011—2036).

(xii) The Trade Act of 1974 (19 U.S.C.A. §§ 2101—2495).

(xiii) The Customized Job Training Act (24 P. S. §§ 6201—6213).

(xiv) The Personal Responsibility and Work Opportunity Reconciliation Act of 1996.

(xv) Article XIX-A of the Pennsylvania School Code of 1949 (Community Colleges) (24 P. S. §§ 19-1901-A—19-1913-A).

(xvi) The Worker's Compensation Act (77 P. S. §§ 1—1041.4).

(xvii) The Unemployment Compensation Law (43 P. S. §§ 751—914).

(xviii) The New Economy Technology Scholarship Act (24 P. S. §§ 5199.1—5199.9).

(xix) Section 906-B of The Administrative Code of 1929, regarding inmate education programs (71 P. S. § 310-6).

(xx) Other laws that the Governor or Board believes necessary to implement the workforce development system.

(13) Evaluate State and local plans and proposals submitted for the implementation of the Federal and State human resource programs, and approve those plans that are consistent with the laws and regulations governing those programs and with the policies and priorities established by the Board.

(14) Develop strategies to assist local workforce investment boards in providing support services including, child care and transportation to better meet the needs of system customers.

(15) Develop and advance strategies for local workforce investment boards to work collaboratively to create regional networks.

(16) Coordinate the following components of this Commonwealth's workforce development system:

(i) The development and dissemination of appropriate and necessary research and statistical information with the requisite protocols and standards for common data reference.

(ii) The development of common definitions and common and specific performance standards and measures for workforce development programs and activities.

(iii) The establishment and maintenance of a universally accessible information access system which enables the workforce development system to function and to serve its customers effectively.

(iv) The provision of technical assistance to assist local workforce investment boards in meeting any changes associated with a new workforce development system.

(v) The implementation of mechanisms, including the collaborative process outlined in Federal law, to secure appropriate input from system customers and service providers in the development of policies, performance standards or investment strategies.

(17) Examine Federal and State laws and regulations to assess whether they present barriers to achieving the provisions of this subchapter, and recommend to the Governor and to the Federal government changes or waivers in the Federal or State statutes or regulations to eliminate barriers and promote the provisions of this subchapter.

(18) Report to the Governor, the General Assembly and the Commonwealth generally the Board's progress, the return on investment, and the overall effectiveness of the State and Federal human resource programs defined in this section.

§ 5.192. Composition.

(a) The Pennsylvania Workplace Investment Board (Board) is established in accordance with the composition requirements for State workforce investment boards found in section 111 of the Workforce Investment Act (29 U.S.C.A. § 2821) and shall include:

(1) The Governor or a designee.

(2) Two members of each chamber of the Legislature.

(3) Representatives appointed by the Governor, who are:

(i) Representatives of business, which shall include a private sector employer representative from each of the Team Pennsylvania regions and owners of businesses, chief executive officers and other business executives with optimum policymaking or hiring authority, including members of local workforce investment boards, and businesses that reflect the employment opportunities in this Commonwealth.

(ii) Chief elected officials.

(iii) Representatives of labor organizations.

(iv) Representatives of individuals and organizations experienced with respect to youth activities.

(v) Representatives of organizations that have experience and expertise in the delivery of workforce investment activities, including chief executive officers of community colleges and community based organizations in this Commonwealth.

(vi) Lead State agency officials including:

(A) The Secretary of Aging.

(B) The Secretary of Community and Economic Development.

(C) The Secretary of Education.

(D) The Secretary of Labor and Industry.

(E) The Secretary of Public Welfare.

(F) The Director of the Governor's Policy Office.

(vii) Other representatives or State agency officials the Governor deems necessary.

(b) A majority of the members of the Board shall be representatives described in subsection (a)(3)(i). Staggered terms of offices shall be established to allow for continuous operation of the Board.

§ 5.193. Chairperson and vice chairperson.

The Governor will designate, to serve at the Governor's pleasure, one private-sector employer to serve as chairperson and one government representative to serve as vice chairperson of the Board.

§ 5.194. Administration and staff.

(a) A management committee shall be established comprised of Commonwealth government representatives of the Pennsylvania Workplace Investment Board (Board) which are authorized to make determinations relating to the management and administration of workforce development programs.

(b) The management committee shall develop an organizational framework for the conduct of the Board's work and for meeting the Board's staffing and support needs. The organizational framework may utilize existing staff structures or may constitute a new staffing arrangement.

§ 5.195. Cooperation of State agencies.

(a) The Pennsylvania Workplace Investment Board (Board) will develop and adopt applied operating principles to govern the relationships between and among executive State agencies and other governmental and private sector organizations which are participants in the system.

(b) Executive State agencies are instructed to implement the decisions made by the Board regarding the State and Federal human resource programs listed in this subchapter and other decisions directly related to the development, implementation and operation of the Commonwealth's workforce development system.

(c) Executive State agencies are instructed to give to the Board necessary assistance required by the Board in the performance of its duties so far as is compatible with the authority and ability of each State agency.

(d) The policy and program offices of the Departments of Aging, Community and Economic Development, Education, Labor and Industry and Public Welfare shall provide personnel, equipment and resources, as may be required, for the functioning of the Board.

§ 5.196. Designation as the Commonwealth's State Workforce Investment Board.

The Pennsylvania Workplace Investment Board (Board) is designated as the Commonwealth's State Workforce Investment Board in accordance with of the Workforce Investment Act of 1998, the act of August 7, 1998 (Pub. L. No. 105-220, 112 Stat. 936) and, as such, assumes the powers and responsibilities required of a State Workforce Investment Board, previously held by the Human Resources Investment Council.

§ 5.197. Quorum.

A majority of the members shall constitute a quorum of the Pennsylvania Workplace Investment Board (Board) for the purpose of organizing and conducting business, and all action shall be taken by a vote of a majority of the members present. If a member cannot be present, the member may render a vote by proxy to another Board member.

§ 5.198. Meetings.

The Pennsylvania Workplace Investment Board shall meet at such times and places it determines to be necessary.

§ 5.199. Committees.

The Pennsylvania Workplace Investment Board (Board) has the authority to establish and to appoint members and delegate duties to committees, as it deems necessary, to fulfill its responsibilities. The committees will be chaired by a member of the Board.

§ 5.200. Compensation.

Members of the Pennsylvania Workplace Investment Board receive no compensation, but are entitled to receive an allowance for expenses incurred in the performance of their duties.

§ 5.200a. Rescission.

Executive Order 1997-7, Pennsylvania Human Resources Investment Council, is rescinded.

Governor

Fiscal Note: GOV. 00-1. No fiscal impact; (8) recommends adoption.

[Pa.B. Doc. No. 00-467. Filed for public inspection March 17, 2000, 9:00 a.m.]

THE COURTS

Title 231—RULES OF CIVIL PROCEDURE

PART II. ORPHAN'S COURT RULES

[231 PA. CODE PART II]

Proposed Amendments to Orphans' Court Rules 7.1, Exceptions; Joint Recommendation 98-1

The Appellate Court Procedural Rules Committee and the Orphans' Court Procedural Rules Committee have determined to publish for comment its revised proposals to amend Rule 7.1 of the Orphans' Court Rules. The amendments are being submitted to the Bench and Bar for comments and suggestions prior to their submission to the Supreme Court.

All communications in reference to the proposed amendments should be sent not later than March 31, 2000 to the Appellate Court Procedural Rules Committee or the Orphans' Court Procedural Rules Committee, P. O. Box 447, Ridley Park, PA 19078-0447.

The Revised Explanatory Comment which appears in connection with these proposed amendments has been inserted by the Committee for the convenience of the Bench and Bar. It will not constitute part of the rules nor will it be officially adopted or promulgated by the Court.

By the Appellate Court Procedural Rules Committee

HONORABLE JOSEPH M. AUGELLO,
Chair
MARVIN L. WILENZIK,
Vice Chair

By the Orphans' Court Procedural Rules Committee

HONORABLE JANE CUTLER GREENSPAN,
Chair
DEAN R. PHILLIPS, ESQUIRE
Counsel

Explanatory Comment—Revised Joint Recommendation 98-1

The Appellate Court Procedural Rules Committee and the Orphans' Court Procedural Rules Committee have previously published Joint Recommendation 98-1. See *Pennsylvania Bulletin* dated April 3, 1999 at Vol. 29, No. 14 at pages 1709-1712 with revisions also appearing on May 29, 1999 in Vol. 29, No. 22 at page 2766 and Vol. 29, No. 51 at pages 6325—6327.

Following receipt and consideration of comments, the Committees propose two new subdivisions to Orphans' Court Rule 7.1: subdivision (d) (Multiple Aggrieved Parties) and (e) (Adoptions and Involuntary Terminations). Previously published proposed subdivisions (d) (Time Limits for Decision on Exceptions) and (e) (Exceptions) will now become subdivisions (f) and (g) respectively.

Multiple Aggrieved Parties

New subdivision (d) provides that where there are multiple aggrieved parties to a final order, any aggrieved party may file an appeal without filing exceptions. If any other party has filed exceptions prior to a timely appeal by any other party, those exceptions are nullified by the appeal. Once any aggrieved party has filed a timely appeal, no other party may file exceptions even if the

time period for filing exceptions has not otherwise expired. Any exceptions filed after an appeal has been taken will be deemed a nullity.

Adoptions and Involuntary Terminations

In order to avoid delay of final determination of adoption and termination matters, new subdivision (e) eliminates post-trial practice in such cases.

For the convenience of those who wish to comment on these revisions, proposed Orphans' Court Rule 7.1 (as revised) is set forth in its entirety. Since there are no recommended revisions to proposed amended Pa.R.A.P. 342 and proposed Orphans' Court Rule 7.2, they are not reprinted here.

Annex A

TITLE 231. RULES OF CIVIL PROCEDURE

PART II. ORPHANS' COURT RULES

RULE 7: EXCEPTIONS

Rule 7.1 Exceptions

[Exceptions shall be filed at such place and time, shall be in such form, copies thereof served and disposition made thereof as local rules shall prescribe.]

(a) *General Rule.* No later than twenty (20) days after entry of an order, decree or adjudication, a party may file exceptions to any order, decree or adjudication which would become a final appealable order under Pa.R.A.P. 341(b) or 342 following disposition of the exceptions. If exceptions are filed, no appeal shall be filed until the disposition of exceptions except as provided in subdivision (d) (Multiple Aggrieved Parties). Failure to file exceptions shall not result in waiver if grounds for appeal are preserved as provided in subdivision (b) of this Rule.

(b) *Waiver.* Exceptions may not be sustained unless the grounds are specified in the exceptions and were raised by petition, motion, answer, claim, objection, offer of proof or other appropriate method.

(c) *Time for Filing Exceptions.* If a party files timely exceptions, any other party may file cross exceptions within ten (10) days after the filing of exceptions.

(d) *Multiple Aggrieved Parties.* Where more than one party is aggrieved by a final appealable order under Pa.R.A.P. 341(b) or 342, a timely appeal filed by any party supersedes exceptions by any other party and the order shall be submitted directly to the appellate court.

(e) *Adoptions and Involuntary Terminations.* No exceptions shall be filed to any final order in involuntary termination or adoption matters under the Adoption Act, 23 Pa.C.S. Section 2501, et seq.

(f) *Time Limits for Decision on Exceptions.* The Orphans' Court shall decide exceptions including supplemental exceptions and cross exceptions within one hundred and twenty (120) days of the filing of the initial exceptions. If the Orphans' Court fails to decide the exceptions within one hundred and twenty (120) days, the exceptions shall

be deemed denied by operation of law on the one hundred and twenty first (121st) day and the clerk is directed to enter the deemed denial on the docket as of that date. The appeal period shall begin to run as of the one hundred and twenty first (121st) day.

(g) *Exceptions.* Exceptions shall be the exclusive procedure for review by the Orphans' Court of a final order, decree or adjudication. A party may not file a motion for reconsideration of a final order.

Official Note: The 2000 amendment discontinues the prior practice permitting local rules to govern whether exceptions are required after entry of an order, decree or adjudication. The 2000 amendment limits the filing of exceptions to order, decree or adjudication which are final appealable orders after disposition of exceptions under Pa.R.A.P. 341(b) or amended Pa.R.A.P. 342. If an aggrieved party appeals from such order, that appeal shall not affect proceedings with regard to other aspects of the case.

It is understood that failure to appeal may constitute a waiver of any issues in the order which the Orphans' Court has determined as final.

The 30 day appeal period pursuant to Pa.R.A.P. 903 from such final orders begins to run from the date of entry of an order disposing of exceptions or on the date of a deemed denial pursuant to subdivision (f) of this rule. Where no exceptions are filed, the 30 day appeal period runs from entry of the final appealable order.

If an order would not become final within the definition of Pa.R.A.P. 341(b) or Pa.R.A.P. 342, then no exceptions may be filed until subsequent entry of a final order within the definition of Pa.R.A.P. 341(b) or Pa.R.A.P. 342. This will eliminate the practice in some counties of permitting issues to be raised by exception following entry of an otherwise interlocutory order and raising the same issues in exceptions to a final order, decree or adjudication. See, e.g., *Estate of McCutcheon*, 699 A.2d 746 (Pa.Super. 1997).

Rule 7.1 permits but does not require exceptions to orders pursuant to Pa.R.A.P. 341(b) and 342. The election of an aggrieved party not to file exceptions will not result in waiver of issues on appeal. However, nothing in this rule is intended to abrogate the requirement of decisional law or court rule mandating that issues on appeal be preserved by a timely petition, answer, claim, objection, offer of proof or other appropriate vehicle.

The 2000 amendments to Rule 7.1 and to Pa.R.A.P. 342 resolve the dilemma that the judiciary and litigants have faced in determining whether exceptions are required under local practice and whether issues have been preserved for appeal in accordance with the disparate rules throughout the Commonwealth. The prior practice also made it difficult to draw conclusions as to whether an appellate decision constituted controlling authority on a statewide basis or whether the holding was based in whole or part on the vagaries of a local rule.

Local practice shall continue to govern with respect to place of filing, briefs, oral argument, courts en banc, etc. Neither Pa.R.C.P. 227.1 nor 1517 shall apply to Orphans' Court matters.

Subdivision (d) provides that where there are multiple aggrieved parties to a final order, any aggrieved party may file an appeal without filing exceptions. If any other party has filed exceptions prior to a timely appeal by any other party, those exceptions are nullified by the appeal. Once any aggrieved party has filed a timely appeal, no other party may file exceptions even if the time period for filing exceptions has not otherwise expired. Any exceptions filed after an appeal has been taken will be deemed a nullity. See also Pa.R.A.P. 1701(b).

In order to avoid delay of final determination of adoption and termination matters, see *In Re A.L.A.*, 719 A.2d 363 (Pa.Super. 1998), subdivision (e) eliminates post-trial practice in such cases.

[Pa.B. Doc. No. 00-468. Filed for public inspection March 17, 2000, 9:00 a.m.]

Title 234—RULES OF CRIMINAL PROCEDURE

[234 PA. CODE CHS. 1—11, 20, 30, 50, 100, 200, 300, 350, 1100, 1400, 1500, 1600, 1700, 2000, 4000, 6000 AND 9000]

Order Adopting the Reorganization and Renumbering of the Rules of Criminal Procedure and Making Correlative Changes; No. 260 Criminal Procedural Rules, Doc. No. 2

The Criminal Procedural Rules Committee has prepared a Final Report explaining the March 1, 2000 reorganization and renumbering of the Rules of Criminal Procedure and the correlative rule changes. The Order will be effective April 1, 2001. The Final Report follows the Court's Order. In addition, as an aid to the Bench and the Bar, the Committee has included with the Court's Order as an Appendix a Table of Contents showing the reorganization and renumbering of the rules, a Derivation Table, and a Disposition Table. (*Editor's Note:* See 30 Pa.B. 1493 (March 18, 2000).) The complete text of the rules as renumbered and amended appears on the Court's homepage at www.courts.state.pa.us.

Order

Per Curiam:

Now, this first day of March, 2000, upon the recommendation of the Criminal Procedural Rules Committee; the proposal having been published before adoption at 29 Pa.B. 1360 (March 13, 1999), and in the *Atlantic Reporter* (Second Series Advance Sheets, Vol. 724/725), and a Final Report to be published with this *Order*:

It Is Ordered pursuant to Article V, Section 10 of the Constitution of Pennsylvania that:

- (1) the Rules of Criminal Procedure are hereby reorganized and renumbered;
- (2) the editorial changes and technical corrections to the Rules of Criminal Procedure are adopted;
- (3) new Rules 109, 112, 460, 461, 462, 645, and 1101 are promulgated;
- (4) former Rule 301, renumbered Rule 106, is amended;
- (5) former Rule 1108, renumbered Rule 633, is amended;

(6) former Rule 1117, renumbered Rule 602, is amended;

(7) the revision of the Comment to former Rule 51, renumbered Rule 400, is approved;

(8) the revision of the Comment to former Rule 313, renumbered Rule 585, is approved;

(9) the revision of the Comment to former Rule 314, renumbered Rule 586, is approved;

(10) former Rules 90 and 150 are rescinded and replaced by new Rule 109;

(11) former Rules 27 and 328 are rescinded and replaced by new Rule 112;

(12) former Rule 86 is rescinded and replaced by new Rules 460, 461, and 462; and

(13) former Rules 39, 159, 340, 1415 and 2020 are rescinded and replaced by new Rule 1101.

This *Order* shall be processed in accordance with Pa.R.J.A. 103(b), and shall be effective April 1, 2001.

FINAL REPORT¹

Reorganization and Renumbering of the Rules of Criminal Procedure,² and Correlative Amendments

On March 1, 2000, effective April 1, 2001, upon the recommendation of the Criminal Procedural Rules Committee, the Court reorganized and renumbered the Rules of Criminal Procedure and adopted correlative amendments to a number of rules. With this reorganization and renumbering, the rules are presented in a more logical fashion that more accurately reflects the movement of a criminal case through the criminal justice system, thereby making the rules more "user friendly" and easier to follow to the conclusion of a criminal proceeding.

INTRODUCTION

Over the years, the Committee has been reminded of the illogic of the organization of the rules that has evolved. From its creation, charged with developing uniform statewide procedures for criminal cases, the Committee has of necessity recommended blocks of new rules in a piecemeal fashion. New segments could not always be integrated into the existing rules in an orderly manner, but rather were "shoehorned in." For example, the search warrant rules follow the sentencing rules, although they more logically belong toward the beginning of the process.

The Committee understands those who are regularly involved with the criminal justice system are, for the most part, familiar with and comfortable using the current organization. However, many who are just beginning to work with, or are not regularly involved in the criminal justice system, are unfamiliar with the present organization of the rules;³ these people find it difficult to work with the rules as cases move through the system. The Committee also noted that even those regularly involved with criminal procedures find that familiarity with the present organization does not always eliminate the difficulty of finding the relevant rules when unfamiliar issues

¹ The Committee's Final Reports should not be confused with the official Committee Comments to the rules. Also note the Supreme Court does not adopt the Committee's Comments or the contents of the Committee's explanatory Final Reports.

² As an aid in following the reorganization, the Committee has prepared (1) a Table of Contents for the reorganized chapters and renumbered rules; (2) a Derivation Table that indicates the new rule numbers and titles, with the "former" rule numbers listed next to them, and (3) a Disposition Table that indicates the current rule numbers and titles with the "new" rule numbers listed next to them. See the Appendix that follows the Court's Order.

³ This may include lawyers, judges, and members of the minor judiciary, as well as law enforcement officials, court personnel, probation and parole officers, bail agencies, and private citizens.

arise. Therefore, following the initial compilation of the rules, the Committee began to reorganize groups of rules within specific Chapters when the opportunity presented itself.⁴

In 1999, no longer satisfied with this piecemeal approach to reorganization, the Committee agreed the system would benefit from a complete reorganization and renumbering of all the rules in a logical order that more closely mirrors the progression of a case. Our efforts culminated in the Court's March 1, 2000 Order.

It is the Committee's belief that this reorganization will not significantly affect those who work with the rules on a daily basis, although it may take time to "relearn" the rule numbers. It will simplify the procedures for those who come in contact with the criminal justice system less frequently.⁵

DISCUSSION

Using the "Table of Rules" as a starting point, the Committee initially considered reorganizing the rules into four chapters: General Provisions, Summary Case Rules, Court Case Rules, and Municipal Court Rules, with the numbers of the rules in each chapter preceded by the number of the chapter and a hyphen. However, after working with this format, the Committee found it too limiting; the rules did not easily fit into the scheme, and this presentation of the rules was less informative than the present multiple-chapter system. After additional consideration, the Committee agreed the organization would be clearer and easier to use if the rules continued to be separated into multiple chapters, each covering a separate category of procedures.

The new organization adopted by the Court has eleven chapters, starting with Chapter 1. The rules in Chapter 1 start with 100, and subsequent chapters are similarly numbered. There are some "gaps" in the numbers in a chapter in anticipation of future expanded provisions. Within some chapters are subdivisions or parts, similar to the subdivisions in the current system; whenever possible, the numbering within each part of a chapter starts with a different series of numbers, except in those cases in which the parts are interrelated. See, e.g., Chapter 5, Parts B(1) and B(2).

In addition to the overall reorganization and renumbering, the Court adopted a number of organizational rule changes described below in Part II.⁶ These include the "new" rules that have been developed by combining or separating existing rules. These rules are "new" only in the sense that they have not been previously combined or separated. There are no substantive changes. See, e.g., "new" Rule 109, combining former Rules 90 and 150, and "new" Rule 645, which has been created by separating provisions from paragraph (a) of former Rule 1108.

Finally, the Committee has indicated in the Table of Contents that a few rule numbers are [RESERVED]. These "reserved" rules cover substantive matters that

⁴ For example, in the early 1970s, chapters dealing with preliminary and summary proceedings were reorganized by moving the summary case rules into a separate chapter. In 1985, after monitoring the application of Chapter 50 (Procedures in Summary Cases) and recognizing there was confusion about the procedures, the Committee recommended the reorganization of the chapter. In 1994, the Committee recommended the reorganization of rules in Chapter 100 (Procedures in Court Cases). In 1995, to address continuing problems with the application of the bail rules in practice, the Committee recommended the reorganization of Chapter 4000 (Bail).

⁵ Although the piecemeal chapter reorganizations and renumberings initially met with resistance, even nay-sayers ultimately agreed that the changes were conceptually better, and that making the rules in the chapter easier to follow was beneficial for all those who use the rules.

⁶ In addition to the renumbering and correlative changes to all the rule cross-references, there are a number of editorial changes and technical corrections throughout, such as making a rule gender neutral or modifying punctuation. Because these are not substantive changes, they have not been described in this Final Report.

have no counterpart in the current rules, which the Committee has set aside for consideration at a future time.

I. REORGANIZATION⁷

(1) New Chapter 1 (General Provisions) covers all the procedures that apply generally to all cases, or at all stages of the proceedings, and includes the following current rules:

- (a) Rules 1 (100) through 6 (105);
- (b) Rule 301 (106) (Continuances) made applicable to both summary and court cases;
- (c) Rule 9016 (107) (Contents of Subpoena);
- (d) Rule 1701 (108) (Habeas Corpus Venue);
- (e) Rules 302 (120), 316 (122), 317 (123), and 318 (121) governing the procedures relating to counsel, and a possible new rule governing in forma pauperis proceedings;⁸
- (f) Rules 27 (112), 326 (110), 327 (111), and 328 (112) that address the procedures related to public comment, publicity, and broadcasting, with Rules 27 and 328 combined into one rule, "new" Rule 112, applicable to all cases;
- (g) the rules in Chapters 20 and 30;
- (h) Rules 90 and 150 governing defects in form, content, or procedure in summary and court cases, combined into one rule, "new" Rule 109, applicable to all cases;
- (i) Rules 9024 (113) and 9025 (114) concerning notices; and
- (j) Rule 9030 (115) concerning recording and transcribing court proceedings.

(2) New Chapter 2 (Investigations) is divided into two parts consisting of (1) the search warrant rules, current Chapter 2000, and (2) the investigating grand jury rules, current Chapter 200, Parts II and III. These rules have been moved up in the organization because these procedures could occur at anytime, including before a case is instituted.

(3) The ARD rules, Rules 160—162 (300—302) and 176—186 (310—320), continue to be separate, and have been moved into new Chapter 3 (Accelerated Rehabilitative Disposition).

(4) New Chapter 4 (Procedures in Summary Cases) incorporates former Chapter 50 governing all the proceedings in summary cases, and is broken into parts comparable to the parts in current Chapter 50. The following changes have been made:⁹

- (a) Rule 95 (401) concerning the institution of proceedings involving parking violations has been moved to the beginning of the chapter with the other summary case rules that provide for the institution of proceedings.
- (b) The summary arrest procedures have been joined together in Part D (Arrest Procedures in Summary Cases), with the order of the arrest with warrant and arrest without warrant rules switched, so the summary case rules are in the same order as the court case rules, see section (5)(b)(i) below.

⁷ The rule numbers listed in this part of the discussion, unless otherwise indicated, refer to the current rule numbers, with the new number appearing in parentheses.

⁸ A rule governing the procedures for proceeding in forma pauperis is one of the areas the Committee agreed to consider at a future time.

⁹ The Committee may consider a new summary case motions rule. If one is developed, it would be added to the general procedures section, Part E of Chapter 4.

(c) A separate new part, Part F, has been created to more clearly set forth the procedures for appeals for trial de novo. "New" rules have been created from Rules 86 (rescinded) and 1117(c) (deleted), and provisions comparable to those in Rule 83 (454), that cover the notice of appeal, stays pending and during the appeal, and the trial de novo. The new trial de novo rule, new Rule 462, provides that, although the trial will be conducted by a judge in the court of common pleas, the procedures for conducting the trial de novo are comparable to the trial provisions of Rule 83 (454), and includes a provision to make it clear that the attorney for the Commonwealth has the discretion whether to appear for the trial de novo.

(5) New Chapter 5 (Pretrial Procedures in Court Cases) incorporates the following current rules:

(a) Rules 9015 (500) and 9015A (501) concerning preservation of testimony have been moved into this chapter as Part A (Preservation of Testimony), because the procedures in these rules only apply to court cases, and are generally applicable to all stages of the proceedings in a court case.

(b) Rules 101—124 of current Chapter 100 (Procedure in Court Cases) have been moved into Part B (Instituting Proceedings) (Rules 502—518), with the following changes:

(i) Rule 101 (502) has been renamed "Instituting Proceedings in Court Cases;" and

(ii) Rule 102 (518) concerning warrantless arrests has been moved to Part B(3) (Arrest Procedures in Court Cases), and follows the arrest warrant rules.

(c) Current Chapter 4000 (Bail) has been moved to new Part C, with some modification of the order of the rules within the new chapter. Rule 4009 (521) concerning bail after the finding of guilt now follows Rule 4001 (520) concerning bail before verdict. Rule 4017 (522) concerning the detention of witnesses now follows Rule 4009 (521) because the detention of witness rule goes to the issue of setting bail, albeit for witnesses. The subchapter divisions in current Chapter 4000 are retained in new Part C.

(d) Rules 140—151¹⁰ (540—551), the rules governing court case proceedings before issuing authorities, follow the bail section as Part D (Proceedings in Court Cases Before Issuing Authorities).

(e) Rules 224 (561), 225 (560), 227—229 (562—564), 231 (565), and 232 (566) concerning the procedures related to informations have been moved to be Part E (Informations). This change has been made because chronologically the preparation of an information is the next step in the process after the case is held for court.

(f) Most of the rules in Chapter 300, except where noted otherwise, have been moved into Part F (Procedures Following Filing of Information), Part F(1) (Motion Procedures), and Part G (Plea Procedures). The rules from Chapter 300 and other rules have been reorganized in Part F as follows:

(i) Part F includes Rule 311 (570) (Pretrial Conference), Rule 303 (571) (Arraignment), Rule 304 (572) (Bill of Particulars), and Rule 305 (573) (Pretrial Discovery and Inspection).

(ii) Part F(1) includes Rules 306—307 (578—579) and 310 (580) concerning pretrial motions, Rules 9020 (574), 9021 (575), 9022 (576), and 9023 (577), which cover motions procedures generally, Rules 312—315 (584—587),

¹⁰ Present Rule 150 has been rescinded and combined with present Rule 90, also rescinded, to become new Rule 109.

323 (581), and 324 (588), which deal with specific pretrial motions, and Rules 1127 (582) (Joinder-Trial of Separate Indictments or Informations) and 1128 (583) (Severance of Offenses or Defendants), which usually are implemented by a pretrial motion. In addition, in keeping with the chronological organization, Rule 323 (581) (Suppression of Evidence) has been moved to follow Rule 310 (580) (Disposition of Pretrial Motions).

(iii) Part G includes Rules 319 (590) (Pleas and Plea Agreements) and 320 (591) (Withdrawal of Plea of Guilty).

(6) New Chapter 6 (Trial Procedures in Court Cases) includes the rules in Chapter 1100, which have been reorganized and modified as follows:

(a) Part A (General Provisions) includes those rules from Chapter 1100 that apply generally to all trials: Rules 1100 (600) (Prompt Trial), 1105 (601) (Presence of Judge), 1115 (603) (Exceptions), 1116 (604) (Opening Statements and Closing Arguments), 1117 (602) (Presence of the Defendant), 1118 (605) (Mistrial), 1124 (606) (Challenges to Sufficiency of Evidence), 1124A (607) (Challenges to Weight of Evidence), and 1125 (608) (Motion for Judgment of Acquittal After Discharge of Jury);

(b) Part B (Non-Jury Procedures) sets forth the rules that govern non-jury trials, including Rule 1101 (620) (Waiver of Jury Trial), Rule 1102 (621) (Procedure When Jury Trial is Waived), and 1122 (622) (Time for Court Action Following Non-Jury Trial); and

(c) Part C (Jury Procedures) sets forth the rules that govern jury trials beginning with Rule 1104 (630) (Juror Qualification Form, List of Trial Jurors, and Challenge to the Array). It is divided into two subparts: (1) impaneling the jury, Part C(1), which includes Rules 1106 (631) (Examination and Challenges of Trial Jurors), 1107 (632) (Juror Information Questionnaire), 1108 (633) (Alternate Trial Jurors), 1126 (634) (Number of Peremptory Challenges), and 1109 (635) (Exhaustion of the Jury Panel); and (2) the conduct of the jury trial, Part C(2), which includes Rule 1103 (641) (Consent to be Tried by Less Than Twelve Jurors), Rules 1110 (640), 1111—1113 (642—644), 1114 (646), and Rules 1119—1121 (647—649).

(i) Rule 1108 (Alternate Trial Jurors) has been broken into two rules. The provisions of Rule 1108 that govern the examination and selection of alternate trial jurors, "new" Rule 633, follow the juror information questionnaire rule. The second two sentences of Rule 1108(a) have been separated to form "new" Rule 645 (Seating and Discharge of Alternate Jurors). "New" Rule 645 follows Rule 1113 (644) (Note Taking by Jurors), maintaining the chronological organization.

(ii) Rule 1103 (641) (Consent to be Tried by Less Than Twelve Jurors), which applies at anytime after the jury is sworn and before verdict, has been moved to follow present Rule 1110 (640) (Swearing the Trial Jury to Hear the Case).

(7) New Chapter 7 (Post-Trial Procedures in Court Cases) incorporates current Chapter 1400. The Chapter is divided into two parts: (1) sentencing procedures, which includes Rules 1401—1409 (700—708); and (2) post-sentence procedures, which includes Rules 1410—1411 (720—721) and Rule 9017 (722) (Contents of Order of Expungement), included here because an expungement request ordinarily would not occur until after sentencing.

(8) New Chapter 8 incorporates, without change, current Chapter 350 (Special Rules for Cases in Which the Death Sentence is Authorized). These rules have been

moved to immediately precede the post-conviction collateral proceedings because they apply before post-conviction proceedings and are self-contained and impact on a narrow set of cases.

(9) New Chapter 9 incorporates, without change, current Chapter 1500 (Post-Conviction Collateral Proceedings).

(10) New Chapter 10 incorporates, without change, current Chapter 6000 (Philadelphia Municipal Court).

(11) New Chapter 11 has no counterpart in the present rules, and includes Rule 9998 (1100) (Abolition of Practice and Procedure Under Repealed Statutes) and all the suspension rules (Rules 39, 159, 340, 1415, and 2020) joined in one "new" rule, Rule 1101 (Suspension of Acts of Assembly).

II. RULE CHANGES

In order to facilitate the reorganization, the Committee agreed that, in addition to renumbering all the rules within the scheme of the reorganization, some of the current rules would have to be amended, a few others would have to be combined into "new" rules,¹¹ and still others would have to be divided into two or more separate rules. As noted previously, there are no substantive changes to these rules; the changes, described below, merely accommodate the overall reorganization of the rules.

(1) Rule 301 (Continuances) is renumbered Rule 106, and amended to make it applicable to both summary and court cases.

(2) "New" Rule 109 (Defects in Form, Content, or Procedure) combines Rules 90 and 150 into one rule, applicable to both summary and court cases.

(3) "New" Rule 112 (Publicity, Broadcasting, and Recording of Proceedings) combines Rules 27 and 328 into one rule, applicable to both summary and court cases. The "new" rule is derived largely from Rule 27, and incorporates the provisions of Rule 328 governing ceremonial proceedings.

(4) There are three "new" rules governing summary appeals for a trial de novo that were developed from Rules 83 (Trial in Summary Cases), 86 (Appeals),¹² and 1117(c) (Presence of the Defendant), as follows:

(a) "new" Rule 460 (Notice of Appeal) incorporates the provisions of Rule 86(A), (D), (E), (F), (H), and (I), and the corresponding paragraphs in the Comment;

(b) "new" Rule 461 (Stays) incorporates the provisions of Rule 86(B) and the corresponding provisions in the Comment; and

(c) "new" Rule 462 (Trial De Novo) incorporates provisions from Rules 86 and 1117(c), and enumerates the procedures for the trial de novo that are comparable to the procedures in Rule 83 (454), as follows: paragraph (A) incorporates Rule 86(G); paragraph (B) follows the procedures set forth in Rule 83(B); paragraph (C) follows the procedures set forth in Rule 86(G); paragraph (D) is derived from Rule 1117(c); paragraph (E) is new to the rules, and addresses the situation when a defendant withdraws a summary appeal; and paragraphs (F) and (G) follow the procedures set forth in Rule 83(D) and (E). In addition, the first paragraph of the Comment has been added to emphasize that the attorney for the Commonwealth has the discretion whether to appear for the trial

¹¹ When two rules are combined into a "new" rule, the former rules have been rescinded.

¹² Former Rule 86 has been rescinded.

de novo. The last paragraph of the Comment is taken from the Rule 1117 Comment.

(5) Rule 1117 (Presence of the Defendant) is renumbered Rule 602, and amended by the deletion of paragraph (c) and the correlative paragraph from the Comment, which have been moved to “new” Rule 462.

(6) Rule 1108 (Alternate Trial Jurors) is renumbered Rule 633 (Examination and Challenges of Alternate Trial Jurors), and amended by the deletion of the last two sentences of paragraph (A). The last two sentences of Rule 1108(A), which address procedures concerning alternate jurors that occur at a later stage in the proceedings—the seating of alternate jurors during the trial and the discharge of alternate jurors when the jury retires to deliberate—have been moved to form “new” Rule 645 (Seating and Discharge of Alternate Jurors).

(7) “New” Rule 1101 (Suspension of Acts of Assembly) combines all the suspension rules, Rules 39, 159, 340, 1415, and 2020, into one rule.

Annex A

TITLE 234. RULES OF CRIMINAL PROCEDURE

Editor’s Note: The following information is contained in this Annex:

1. Part I. Categories of rule changes.
2. Part II New Rules.
3. Part III. Rules that have conforming amendments or Comment revisions that go beyond the renumbering and the addition of the nonsubstantive technical or editorial changes; and rules that are being rescinded.
4. Part IV. Table of Contents, Derivation Table and Disposition Table.
5. The complete text of the rules as renumbered and amended appears at *www.courts.state.pa.us*.

PART I. CATEGORIES OF RULE CHANGES¹³

1. Rules that have conforming amendments of Comment revisions that go beyond the renumbering and the addition of the nonsubstantive technical or editorial changes:

51, 301, 313, 314, 1108, 1117, and the Bail Rules Introduction

2. Rules that are being rescinded:

27, 39, 86, 90, 150, 159, 328, 340, 1415, and 2020

3. Rules from which we have deleted outdated rule history or derivation history, in addition to the renumbering and the nonsubstantive technical or editorial changes:

1, 26, 51, 56, 58, 59, 62, 63, 64, 65, 66, 67, 68, 69, 70, 80, 84, 92, 106, 108, 119, 124, 140, 162, 176, 252, 258, 304, 306, 312, 317, 1124, 1125, 1404, 1405, 1410, 1504, 2003, 2006, 4001, 4002, 4003, 4005, 4007, 4008, 4009, 4010, 4011, 4012, 4013, 4014, 4015, 4016, 4017, 6000, 9016, 9020, 9021, 9023, and 9025

4. Rules in which the only changes are the addition of the new numbering scheme and changing paragraph designations such as changing (a) to (A) or (a) to (1):

3, 4, 5, 21, 22, 23, 31, 32, 52, 53, 55, 61, 71, 75, 76, 81, 83, 85, 87, 88, 101, 102, 103, 104, 105, 107, 109,

112, 113, 122, 123, 140A, 141, 142, 143, 144, 145, 146, 147, 148, 149, 151, 161, 177, 179, 180, 181, 182, 183, 184, 224, 228, 231, 232, 251, 255, 265, 260, 270, 271, 302, 310, 311, 315, 320, 353, 354, 357, 358B, 359, 1102, 1104, 1110, 1114, 1115, 1119, 1122, 1124A, 1128, 1408, 1409, 1500, 1501, 1502, 1503, 1505, 1506, 1507, 1509, 1510, 2001, 2004, 2005, 2009, 2010, 2011, 4004, 6002, 6003, 6004, 6006, 6007, 6008, 6009, 6010, 6011, 9015, 9017, 9022, 9024, and 9998

5. Rules that have technical or editorial changes, such as making the rule gender neutral, changing “which” to “that” or “where” to “when,” and correcting citations and making other blue book-type corrections, in addition to the new numbering scheme and changing paragraph designations:

2, 6, 24, 25, 30, 60, 82, 91, 95, 110, 121, 160, 178, 185, 186, 225, 227, 229, 253, 257, 259, 261, 263, 264, 272, 273, 274, 303, 305, 307, 316, 318, 319, 323, 324, 326, 327, 351, 352, 355, 356, 358A, 360, 1100, 1101, 1103, 1105, 1106, 1107, 1109, 1111, 1112, 1113, 1116, 1118, 1120, 1121, 1126, 1127, 1401, 1402, 1403, 1406, 1407, 1411, 1508, 1701, 2002, 2002A, 2007, 2008, 4006, 6001, 6005, 6012, 6013, 9015A and 9030.

PART II. TEXT OF NEW RULES

[This is an amalgamated rule, combining former Rules 90 and 150.]

Rule 109. Defects in Form, Content, or Procedure.

A defendant shall not be discharged nor shall a case be dismissed because of a defect in the form or content of a complaint, citation, summons, or warrant, or a defect in the procedures of these rules, unless the defendant raises the defect before the conclusion of the trial in a summary case or before the conclusion of the preliminary hearing in a court case, and the defect is prejudicial to the rights of the defendant.

Comment

This rule combines and replaces former Rules 90 and 150.

This rule clarifies when a defendant should be discharged or a case dismissed because of a defect; it eliminates disputes as to what is an informal defect or a substantive defect. As a condition of relief regardless of whether the defect is in form, content, or procedure, the court or issuing authority must determine that there is actual prejudice to the rights of the defendant.

A complaint, citation, summons, or warrant may be amended at any time so as to remedy any defect in form or content that is not prejudicial to the rights of the defendant. Nothing in this rule shall prevent the filing of a new complaint or citation and the reissuance of process. Any new complaint or citation must be filed within the time permitted by the applicable statute of limitations.

Ordinarily, if a defendant does not raise a defect at the summary trial or before the conclusion of the preliminary hearing, the defendant cannot thereafter raise the defect as grounds for dismissal or discharge at a later stage in the proceedings. See *Commonwealth v. Krall*, 304 A.2d 488 (Pa. 1973). In a summary case, however, the provisions of this rule do not preclude a defendant from raising a defect for the first time after the summary trial when the interests of justice require it, as for example, when the defendant was not represented by counsel during the proceedings before the district justice or when the defendant could not reasonably have discovered the defect until after the conclusion of the summary trial.

¹³ The rule numbers refer to the current rules before the renumbering.

Any defect properly raised under this rule shall be specifically described on the docket by the issuing authority. See Pa.R.Crim.P. 135.

If the issuing authority determines that a defect is prejudicial, it is intended that the decision recorded on the docket pursuant to Rule 135(B)(12) shall be "discharge of the defendant" or "dismissal of the case," rather than "not guilty."

Official Note: Former Rule 90 adopted July 12, 1985, effective January 1, 1986; effective date extended to July 1, 1986; rescinded March 1, 2000, effective April 1, 2001, and replaced by Rule 109. Former Rule 150, formed from former Rule 114 (Informal Defects), and former Rule 115 (Substantive Defects), both adopted June 30, 1964, effective January 1, 1965; suspended effective May 1, 1970; both revised January 31, 1970, effective May 1, 1970; combined, renumbered Rule 150 and amended September 18, 1973, effective January 1, 1974; amended April 8, 1982, effective July 1, 1982, Comment revised July 12, 1985, effective January 1, 1986; effective date extended to July 1, 1986; rescinded March 1, 2000, effective April 1, 2001, and replaced by Rule 109. New Rule 109 adopted March 1, 2000, effective April 1, 2001.

Committee Explanatory Reports:

Final Report explaining the March 1, 2000 reorganization and renumbering of the rules, and the provisions of Rule 109, published with the Court's Order at 30 Pa.B. 1478 (March 18, 2000).

[This is an amalgamated rule, combining former Rules 27 and 328.]

Rule 112. Publicity, Broadcasting, and Recording of Proceedings.

(A) The court or issuing authority shall:

(1) prohibit the taking of photographs or motion pictures of any judicial proceedings or in the hearing room or courtroom or its environs during the judicial proceedings; and

(2) prohibit the transmission of communications by telegraph, telephone, radio, or television from the hearing room or the courtroom or its environs during the progress of or in connection with any judicial proceedings, whether or not the court is actually in session.

The environs of the hearing room or courtroom is defined as the area immediately surrounding the entrances and exits to the hearing room or courtroom.

(B) The court or issuing authority may permit the taking of photographs or radio or television broadcasting of judicial proceedings, such as naturalization ceremonies or the swearing in of public officials, which may be conducted in the hearing room or courtroom.

(C) Except as provided in paragraph (D), the mechanical or electronic recording of any judicial proceedings by anyone other than the official court stenographer in a court case, for any purpose, is prohibited.

(D) In a judicial proceeding before an issuing authority, the issuing authority, the attorney for the Commonwealth, or the defendant may cause a recording to be made of the judicial proceeding as an aid to the preparation of the written record for subsequent use in a case, but such recordings shall not be publicly played or disseminated in any manner unless in a court during a trial or hearing.

(E) If it appears to the court or issuing authority that a violation of this rule has resulted in substantial prejudice

to the defendant, the court or issuing authority, upon application by the attorney for the Commonwealth or the defendant, may:

(1) quash the proceedings at the preliminary hearing and order another preliminary hearing to be held before the same issuing authority at a subsequent time without additional costs being taxed;

(2) discharge the defendant on nominal bail if in custody, or continue the bail if at liberty, pending further proceedings;

(3) order all costs of the issuing authority forfeited in the original proceedings; or

(4) adopt any, all, or combination of these remedies as the nature of the case requires in the interests of justice.

Comment

This rule combines and replaces former Rules 27 and 328.

"Recording" as used in this rule is not intended to preclude the use of recording devices for the preservation of testimony as permitted by Rules 500 and 501.

Official Note: Former Rule 27, previously Rule 143, adopted January 31, 1970, effective May 1, 1970; renumbered Rule 27 September 18, 1973, effective January 1, 1974; amended February 15, 1974, effective immediately; Comment revised March 22, 1989, effective July 1, 1989; amended June 19, 1996, effective July 1, 1996; rescinded March 1, 2000, effective April 1, 2001, and replaced by Rule 112. Former Rule 328 adopted January 25, 1971, effective February 1, 1971; amended June 29, 1977 and November 22, 1977, effective as to cases in which the indictment or information is filed on or after January 1, 1978; Comment revised March 22, 1989, effective July 1, 1989; rescinded March 1, 2000, effective April 1, 2001, and replaced by Rule 112. New Rule 112 adopted March 1, 2000, effective April 1, 2001.

Committee Explanatory Reports:

FORMER RULE 27:

Final Report explaining the June 19, 1996 amendments to former Rule 27 published with the Court's Order at 26 Pa.B. 3128 (July 6, 1996).

NEW RULE 112:

Final Report explaining the March 1, 2000 reorganization and renumbering of the rules, and the provisions of Rule 112, published at 30 Pa.B. 1478 (March 18, 2000).

[This rule is derived from former Rule 86(A), (D)—(F), (H), (I).]

Rule 460. Notice of Appeal.

(A) When an appeal is authorized by law in a summary proceeding, including a prosecution for violation of a municipal ordinance that provides for imprisonment upon conviction or upon failure to pay a fine, an appeal shall be perfected by filing a notice of appeal within 30 days after the conviction or other final order from which the appeal is taken. The notice of appeal shall be filed with the clerk of courts.

(B) The notice of appeal shall contain the following information:

(1) the name and address of the appellant;

(2) the name and address of the issuing authority who heard the case;

(3) the magisterial district number in which the case was heard;

(4) the name and mailing address of the affiant as shown on the complaint or citation;

(5) the date of the conviction or other final order from which the appeal is taken;

(6) the offense(s) of which convicted, if any;

(7) the sentence imposed, and if the sentence includes a fine, costs, or restitution, whether the amount due has been paid;

(8) the type or amount of bail or collateral, if any, furnished to the issuing authority;

(9) the name and address of the attorney, if any, filing the notice of appeal; and

(10) except when the appeal is from a conviction, the grounds relied upon for appeal.

(C) Within 5 days after filing the notice of appeal, a copy shall be served either personally or by mail by the clerk of courts upon the issuing authority, the affiant, and the appellee or appellee's attorney, if any.

(D) The issuing authority shall, within 20 days after receipt of the notice of appeal, file with the clerk of courts:

- (1) the transcript of the proceedings;
- (2) the original complaint or citation;
- (3) the summons or warrant of arrest, if any; and
- (4) the bail bond, if any.

(E) This rule shall provide the exclusive means of appealing from a summary conviction. Courts of common pleas shall not issue writs of certiorari in such cases.

(F) This rule shall not apply to appeals from contempt adjudications.

Comment

This rule is derived from former Rule 86(A), (D), (E), (F), (H), and (I).

This rule applies to appeals in all summary proceedings, including prosecutions for violations of municipal ordinances which provide for the possibility of imprisonment, and default hearings.

Appeals from contempt adjudications are governed by Rule 141.

The narrow holding in *City of Easton v. Marra*, 326 A.2d 637 (Pa. Super. 1974), is not in conflict, since the record before the court did not indicate that imprisonment was possible under the ordinance there in question.

When the only issues on appeal arise solely from an issuing authority's determination after a default hearing pursuant to Rule 456, the matter must be heard de novo by the appropriate judge of the court of common pleas and only those issues arising from the default hearing are to be considered. It is not intended to reopen other issues not properly preserved for appeal. A determination after a default hearing would be a final order for purposes of these rules.

Rule 462(D) provides for the dismissal of an appeal when the defendant fails to appear for the trial de novo.

Certiorari was abolished by the Criminal Rules in 1973 pursuant to Article V Schedule Section 26 of the Constitution of Pennsylvania, which specifically empowers the Supreme Court of Pennsylvania to do so by rule. This Schedule section is still viable, and the substance of this

Schedule section has also been included in the Judicial Code, 42 Pa.C.S. § 934. The abolition of certiorari continues with this rule.

Official Note: Former Rule 86 adopted July 12, 1985, effective January 1, 1986; revised September 23, 1985, effective January 1, 1986; the January 1, 1986 effective dates extended to July 1, 1986; amended February 2, 1989, effective March 1, 1989; amended March 22, 1993, effective January 1, 1994; amended October 28, 1994, effective as to cases instituted on or after January 1, 1995; amended February 27, 1995, effective July 1, 1995; amended October 1, 1997, effective October 1, 1998; amended May 14, 1999, effective July 1, 1999; rescinded March 1, 2000, effective April 1, 2001, and paragraphs (A), (D), (E), (F), (H), and (I) replaced by Rule 460. New Rule 460 adopted March 1, 2000, effective April 1, 2001.

Committee Explanatory Reports

FORMER RULE 86:

Final Report explaining the March 22, 1993 amendments to former Rule 86 published with the Court's Order at 23 Pa.B. 1699 (April 10, 1993).

Final Report explaining the October 28, 1994 amendments to former Rule 86 published with the Court's Order at 24 Pa.B. 5843 (November 26, 1994).

Final Report explaining the February 27, 1995 amendments to former Rule 86 published with the Court's Order at 25 Pa.B. 935 (March 18, 1995).

Final Report explaining the October 1, 1997 amendments to former Rule 86 published with the Court's Order at 27 Pa.B. 5408 (October 18, 1997).

NEW RULE 460:

Final Report explaining the reorganization and renumbering of the rules and the provisions of Rule 460 published at 30 Pa.B. 1478 (March 18, 2000).

[This rule is derived from former Rule 86(B) and (C).]

Rule 461. Stays.

(A) In all summary cases in which a sentence of imprisonment has been imposed, execution of sentence shall be stayed until the time for appeal expires.

(B) In any summary case in which a notice of appeal is filed, the execution of sentence shall be stayed.

(C) Whenever the execution of sentence is stayed pursuant to this rule, the issuing authority may set collateral.

(D) During the 30-day appeal period, failure to pay fines and costs, or restitution, shall not be grounds for imprisonment, and shall not be grounds to preclude the taking of an appeal.

Comment

This rule is derived from former Rule 86(B) and (C).

Under paragraph (B), the stay applies to all "sentences" imposed after conviction, including sentences of imprisonment, fines and costs, or restitution, and sentences of imprisonment for defaults in payment pursuant to Rule 456.

Official Note: Formerly Rule 86(B) and (C), adopted October 1, 1997, effective October 1, 1998; rescinded March 1, 2000, effective April 1, 2001, and paragraphs (B) and (C) replaced by Rule 461. New Rule 461 adopted March 1, 2000, effective April 1, 2001.

Committee Explanatory Reports:

FORMER RULE 86(B) AND (C):

Final Report explaining the October 1, 1997 addition of paragraphs (B) and (C) to Rule 86 published with the Court's Order at 27 Pa.B. 5408 (October 18, 1997).

NEW RULE 461:

Final Report explaining the reorganization and renumbering of the rules and the provisions of Rule 461 published at 30 Pa.B. 1478 (March 18, 2000).

[This rule is derived from former Rules 86(G) and 1117(c).]

Rule 462. Trial De Novo.

(A) When a defendant appeals after conviction by an issuing authority in any summary proceeding, upon the filing of the transcript and other papers by the issuing authority, the case shall be heard de novo by the judge of the court of common pleas sitting without a jury.

(B) The attorney for the Commonwealth may appear and assume charge of the prosecution. When the violation of an ordinance of a municipality is charged, an attorney representing that municipality, with the consent of the attorney for the Commonwealth, may appear and assume charge of the prosecution. When no attorney appears on behalf of the Commonwealth, the affiant may be permitted to ask questions of any witness who testifies.

(C) In appeals from summary proceedings arising under the Vehicle Code or local traffic ordinances, other than parking offenses, the law enforcement officer who observed the alleged offense must appear and testify. The failure of a law enforcement officer to appear and testify shall result in the dismissal of the charges unless:

(1) the defendant waives the presence of the law enforcement officer in open court on the record;

(2) the defendant waives the presence of the law enforcement officer by filing a written waiver signed by the defendant and defense counsel, or the defendant if proceeding pro se, with the clerk of courts; or

(3) the trial judge determines that good cause exists for the law enforcement officer's unavailability and grants a continuance.

(D) If the defendant fails to appear, the trial judge may dismiss the appeal and enter judgment in the court of common pleas on the judgment of the issuing authority.

(E) If the defendant withdraws the appeal, the trial judge shall enter judgment in the court of common pleas on the judgment of the issuing authority.

(F) The verdict and sentence, if any, shall be announced in open court immediately upon the conclusion of the trial.

(G) At the time of sentencing, the trial judge shall:

(1) if the defendant's sentence includes restitution, a fine, or costs, state the date on which payment is due. If the defendant is without the financial means to pay the amount in a single remittance, the trial judge may provide for installment payments and shall state the date on which each installment is due;

(2) advise the defendant of the right to appeal to the Superior Court within 30 days, and that, if an appeal is filed, the execution of sentence will be stayed and the trial judge may set bail;

(3) if a sentence of imprisonment has been imposed, direct the defendant to appear for the execution of

sentence on a date certain unless the defendant files a notice of appeal within the 30-day period; and

(4) issue a written order imposing sentence, signed by the trial judge. The order shall include the information specified in paragraphs (G)(1) through (G)(3), and a copy of the order shall be given to the defendant.

Comment

This rule is derived from former Rule 86(G) and former Rule 1117(c).

The procedures for conducting the trial de novo in the court of common pleas set forth in paragraphs (B), (F), and (G) are comparable to the summary case trial procedures in Rule 454 (Trial in Summary Cases).

Pursuant to paragraph (B), the decision whether to appear and assume control of the prosecution of the trial de novo is solely within the discretion of the attorney for the Commonwealth. When no attorney appears at the trial de novo on behalf of the Commonwealth or a municipality, the trial judge may ask questions of any witness who testifies, and the affiant may request the trial judge to ask specific questions. In the appropriate circumstances, the trial judge may also permit the affiant to question Commonwealth witnesses, cross-examine defense witnesses, and make recommendations about the case to the trial judge.

The provisions of paragraph (C) that permit the court to continue the case if there is good cause for the officer's unavailability were added in response to *Commonwealth v. Hightower*, 652 A.2d 873 (Pa. Super. 1995).

Paragraph (D) makes it clear that the trial judge may dismiss a summary case appeal when the judge determines that the defendant is absent without cause from the trial de novo. If the appeal is dismissed, the trial judge should enter judgment and order execution of any sentence imposed by the issuing authority.

Official Note: Former Rule 86 adopted July 12, 1985, effective January 1, 1986; revised September 23, 1985, effective January 1, 1986; the January 1, 1986 effective dates extended to July 1, 1986; amended February 2, 1989, effective March 1, 1989; amended March 22, 1993, effective January 1, 1994; amended October 28, 1994, effective as to cases instituted on or after January 1, 1995; amended February 27, 1995, effective July 1, 1995; amended October 1, 1997, effective October 1, 1998; amended May 14, 1999, effective July 1, 1999; rescinded March 1, 2000, effective April 1, 2001, and paragraph (G) replaced by Rule 462. New Rule 462 adopted March 1, 2000, effective April 1, 2001.

Committee Explanatory Reports:

FORMER RULE 86:

Final Report explaining the March 22, 1993 amendments to former Rule 86 published with the Court's Order at 23 Pa.B. 1699 (April 10, 1993).

Final Report explaining the October 28, 1994 amendments to former Rule 86 published with the Court's Order at 24 Pa.B. 5843 (November 26, 1994).

Final Report explaining the February 27, 1995 amendments to former Rule 86 published with the Court's Order at 25 Pa.B. 935 (March 18, 1995).

Final Report explaining the October 1, 1997 amendments to former Rule 86 concerning stays published with the Court's Order at 27 Pa.B. 5408 (October 18, 1997).

Final Report explaining the May 14, 1999 amendments to former Rule 86, paragraph (G), concerning the police officer's presence published with the Court's Order at 29 Pa.B. 2776 (May 29, 1999).

NEW RULE 462:

Final Report explaining the reorganization and renumbering of the rules and the provisions of Rule 462 published at 30 Pa.B. 1478 (March 18, 2000).

[This rule is derived from former Rule 1108(a).]

Rule 645. Seating and Discharge of Alternate Jurors.

(A) Alternate jurors, in the order in which they are called, shall replace principal jurors who, prior to the time the jury retires to consider its verdict, become unable or disqualified to perform their duties.

(B) An alternate juror who does not replace a principal juror shall be discharged before the jury retires to consider its verdict.

Comment

This rule is derived from the last two sentences of former Rule 1108(a). See Rule 633 for the procedures for the examination and challenges of alternate trial jurors.

Official Note: New Rule 645 adopted March 1, 2000, effective April 1, 2001.

Committee Explanatory Reports:

Final Report explaining the reorganization and renumbering of the rules and the provisions of Rule 645 published at 30 Pa.B. 1478 (March 18, 2000).

[This is an amalgamated rule, combining former Rules 39, 159, 340, 1415, and 2020.]

Rule 1101. Suspension of Acts of Assembly.

This rule provides for the suspension of the following Acts of Assembly:

(1) The Act of June 15, 1994, P. L. 273, No. 45, § 1, 42 Pa.C.S. §§ 4137, 4138, and 4139, which provides, *inter alia*, that any punishment imposed for contempt will be "automatically stayed for a period of 10 days from the date of the imposition of the punishment during which time an appeal of the action" of a district justice, a Pittsburgh Magistrates Court judge, or a Philadelphia Traffic Court judge "may be filed with the court of common pleas of the judicial district," and which is implemented by Rules 140, 141, and 142, is suspended only insofar as the Act is inconsistent with the 30-day appeal period and 30-day automatic stay period set forth in Rule 141.

(2) The Act of April 29, 1959, P. L. 58, § 1209, 75 P. S. § 1209, repealed by Act of June 17, 1976, P. L. 162, No. 81, § 7 and replaced by Sections 6322, 6323, 6324, and 6325 of the Vehicle Code (75 Pa.C.S. §§ 6322-6325), are suspended insofar as these sections are inconsistent with Rule 470.

(3) The Act of July 1, 1987, P. L. 180, No. 21, § 2, 42 Pa.C.S. § 1520, is suspended insofar as the Act is inconsistent with Rules 300, 301, 302, and Rules 310 through 320.

(4) The Public Defender Act, Act of December 2, 1968, P. L. 1144, No. 358, § 1 et seq. as amended through Act of December 10, 1974, P. L. 830, No. 277, § 1, 16 P. S. § 9960.1 et seq., is suspended only insofar as the Act is inconsistent with Rule 122.

(5) Section 5720 of the Wiretapping and Electronic Surveillance Control Act, Act of October 4, 1978, P. L. 831, No. 164, 18 Pa.C.S. § 5720, is suspended as inconsistent with Rule 573 only insofar as the section may delay disclosure to a defendant seeking discovery under Rule 573(B)(1)(g); and Section 5721(b) of the Act, 18 Pa.C.S. § 5721(b), is suspended only insofar as the time frame for making a motion to suppress is concerned, as inconsistent with Rules 579 and 581.

(6) Sections 9731, 9732, 9733, 9734, 9735, 9736, 9751, 9752, and 9759 of the Sentencing Code, 42 Pa.C.S. §§ 9731, 9732, 9733, 9734, 9735, 9736, 9751, 9752, and 9759 are suspended as being inconsistent with the rules of Chapter 7.

(7) The Act of November 21, 1990, P. L. 588, No. 138, § 1, 42 Pa.C.S. § 8934, which authorizes the sealing of search warrant affidavits, and which is implemented by Rule 211, is suspended only insofar as the Act is inconsistent with Rules 205, 206, and 211.

Comment

This rule is derived from former Rules 39, 159, 340, 1415, and 2020, the rules previously providing for the suspension of legislation.

Official Note: Former Rule 39 adopted October 1, 1997, effective October 1, 1998; rescinded March 1, 2000, effective April 1, 2001, and replaced by Rule 1101. Former Rule 159 adopted September 18, 1973, effective January 1, 1974; amended January 28, 1983, effective July 1, 1983; amended February 1, 1989, effective July 1, 1989; amended April 10, 1989, effective July 1, 1989; amended January 31, 1991, effective July 1, 1991; rescinded March 1, 2000, effective April 1, 2001, and replaced by Rule 1101. Former Rule 340 combined previous Rules 321 and 322, which were the prior suspension rules, and was adopted June 29, 1977, effective September 1, 1977; amended April 24, 1981, effective June 1, 1981; amended January 28, 1983, effective July 1, 1983; rescinded March 1, 2000, effective April 1, 2001, and replaced by Rule 1101. Former Rule 1415 adopted July 23, 1973, effective 90 days hence; paragraph (g) added March 21, 1975, effective March 31, 1975; amended August 14, 1995, effective January 1, 1996; rescinded March 1, 2000, effective April 1, 2001, and replaced by Rule 1101. Former Rule 2020 adopted September 3, 1993, effective January 1, 1994; rescinded March 1, 2000, effective April 1, 2001, and replaced by Rule 1101. New Rule 1101 adopted March 1, 2000, effective April 1, 2001.

Committee Explanatory Reports:

FORMER RULE 39:

Final Report explaining the provisions of new Rule 39 published with the Court's Order at 27 Pa.B. 5401 (October 18, 1997).

FORMER RULE 159:

Report explaining the January 31, 1991 amendments to former Rule 159 published at 20 Pa.B. 4788 (September 15, 1990); Supplemental Report published at 21 Pa.B. 621 (February 16, 1991).

FORMER RULE 1415:

Final Report explaining the August 14, 1995 amendments to former Rule 1415 published with the Court's Order at 25 Pa.B. 3472 (August 26, 1995).

FORMER RULE 2020:

Report explaining the provisions of former Rule 2020 published at 21 Pa.B. 3681 (August 17, 1991).

NEW RULE 1101:

Final Report explaining the reorganization and renumbering of the rules and the provisions of Rule 1101 published at 30 Pa.B. 1478 (March 18, 2000).

PART III. TEXT OF AMENDED OR RESCINDED RULES

Rule 27. [Publicity and Recording of Proceedings] (Rescinded).

[(a) During a hearing or summary trial, the issuing authority shall:

(1) Prohibit the taking of photographs and motion pictures of the proceedings or in the hearing room during the proceedings and the transmission of communications by telegraph, telephone, radio, or television, in or from the hearing room; and

(2) Prohibit the mechanical recording of the proceedings by anyone for any purpose, provided that the issuing authority, the attorney for the Commonwealth, or the defendant, may cause such a recording to be made as an aid to the preparation of the written record for subsequent use in a case, but such recordings shall not be publicly played or disseminated in any manner unless in a court during a trial or hearing.

(b) If it appears to the court that a violation of paragraph (a) has resulted in substantial prejudice to the defendant, the court, upon application by the attorney for the Commonwealth or the defendant, may:

(1) Quash the proceedings at the preliminary hearing and order another preliminary hearing to be held before the same issuing authority at a subsequent time without additional costs being taxed therefor;

(2) Discharge the defendant on nominal bail if in custody, or continue his bail if at liberty, pending further proceedings;

(3) Order all costs of the issuing authority forfeited in the original proceedings; and

(4) Adopt any, all, or combination of the remedies herein established as the nature of the case shall require in the interests of justice.

Comment

“Recording” as used in this rule is not intended to preclude the use of recording devices for the preservation of testimony as permitted by Rules 9015 and 9015A.]

Official Note: Formerly Rule 143, adopted January 31, 1970, effective May 1, 1970; renumbered Rule 27 September 18, 1973, effective January 1, 1974; amended February 15, 1974, effective immediately; Comment revised March 22, 1989, effective July 1, 1989; amended June 19, 1996, effective July 1, 1996; rescinded March 1, 2000, effective April 1, 2001, and replaced by Rule 112.

Committee Explanatory Reports:

Final Report explaining the June 19, 1996 amendments published with the Court’s Order at 26 Pa.B. 3128 (July 6, 1996).

Final Report explaining the March 1, 2000 reorganization and renumbering of the rules published with the Court’s Order at 30 Pa.B. 1478 (March 18, 2000).

Rule 39. [Suspension of Acts of Assembly—Chapter 30] (Rescinded).

[The Act of June 15, 1994, P. L. 273, No. 45, § 1, 42 Pa.C.S. §§ 4137, 4138, and 4139, which provides, inter alia, that any punishment imposed for contempt will be “automatically stayed for a period of 10 days from the date of the imposition of the punishment during which time an appeal of the action” of a district justice, a Pittsburgh Magistrates Court judge, or a Philadelphia Traffic Court judge “may be filed with the court of common pleas of the judicial district,” and which is implemented by Rules 30, 31, and 32, is hereby suspended only insofar as it is inconsistent with the 30-day appeal period and 30-day automatic stay period set forth in Rule 31.]

Official Note: Rule 39 [Adopted] adopted October 1, 1997, effective October 1, 1998; rescinded March 1, 2000, effective April 1, 2001, and replaced by Rule 1101.

Committee Explanatory Reports:

Final Report explaining the provisions of new Rule 39 published with the Court’s Order at 27 Pa.B. 5405 (October 18, 1997).

Final Report explaining the March 1, 2000 reorganization and renumbering of the rules published with the Court’s Order at 30 Pa.B. 1478 (March 18, 2000).

Rule [51] 400. Means of Instituting Proceedings in Summary Cases.

Criminal proceedings in summary cases shall be instituted either by:

[(a)] (1) issuing a citation to the defendant; or

[(b)] (2) filing a citation; or

[(c)] (3) filing a complaint; or

[(d)] (4) arresting without a warrant when arrest is specifically authorized by law.

Comment

This rule establishes the means of instituting criminal proceedings in summary cases. For general citation procedures, see Chapter 4 Part [II] B, Rules [52 and 53] 402 and 403.

For the procedures when a citation is issued to a defendant pursuant to paragraph [(a)] (1) of this rule, see Chapter 4 Part [IIA] B(1), Rules [55, 56, 57, 58, 59] 405, 406, 407, 408, and 409.

For the procedures when a citation is filed pursuant to paragraph [(b)] (2), see Chapter 4 Part [IIB] B(2), Rules [60, 61, 62, 63, 64] 410, 411, 412, 413, and 414.

For the procedures when a complaint is filed pursuant to paragraph [(c)] (3), see Chapter 4 Part [III] C, Rules [65, 66, 67, 68, 69] 420, 421, 422, 423, and 424.

For the procedures when there is an arrest without a warrant pursuant to paragraph [(d)] (4) see Chapter 4 Part [IV] D(2), Rules [70, 71] 440 and 441.

For the procedures regarding the use of arrest warrants in summary cases, see Chapter 4 Part [V] D(1), Rules [75, 76] 430 and 431.

For general procedures applicable in all summary cases, see **Chapter 4 Part [VI] E, Rules [80, 81, 82, 83, 84, 85, 86, 90] 451, 452, 453, 454, 455, 456, 457, 458.**

For the procedures for appealing to the court of common pleas for a trial de novo, see Chapter 4, Part F, Rules 460, 461, and 462.

For the procedures in summary cases charging parking violations, see **Chapter 4 Part [VII] A, Rule [95] 401.** Although a criminal proceeding may be instituted in these cases by issuing a citation either by handing it to a defendant or placing it on a vehicle windshield, it is expected that many parking cases will be disposed of without a criminal proceeding under these rules. A parking ticket, which is not a citation, is used by a political subdivision and the defendant pays the amount specified on the ticket within the time specified.

Summary cases are cases in which all the offenses charged are either summary offenses, as defined in the Crimes Code, 18 Pa.C.S. § 106(c), or violations of ordinances for which imprisonment may be imposed upon conviction or upon failure to pay a fine or penalty. See Rule [3] 103. Criminal proceedings in summary cases are to be brought under this chapter of the rules. If one or more of the offenses charged is a misdemeanor, felony, or murder, the case is a court case (see Rule [3] 103) and proceeds under Chapter [100] 5 of the rules. Any summary offenses in such a case, if known at the time, must be charged in the same complaint as the higher offenses and must be disposed of as part of the court case. See Crimes Code § 110, 18 Pa.C.S. § 110, and *Commonwealth v. Campana*, 304 A.2d 432 (Pa. 1973), vacated and remanded, 414 U.S. 808 (1973), on remand, 314 A.2d 854 (Pa. 1974). But see *Commonwealth v. Beatty*, 455 A.2d 1194 (Pa. 1983); *Commonwealth v. Taylor*, 522 A.2d 37 (Pa. 1987); and *Commonwealth v. Kresge*, 464 A.2d 384 (Pa. Super. 1983) (no Section 110 violation when separate prosecutions involve offenses "not within the jurisdiction of a single court"). See also *Commonwealth v. Geyer*, 687 A.2d 815 (Pa. 1996) (Section 110 applies to separate prosecution of two summary offenses within the jurisdiction of a single court).

The summary case rules are not intended to prohibit or to suspend any acknowledgment of guilt procedures that may be specifically authorized by statute. See, e.g., Section 926 of the Game and Wildlife Code, 34 Pa.C.S. § 926, and Section 925 of the Fish and Boat Code, 30 Pa.C.S. § 925. Furthermore, the use of a field acknowledgment of guilt pursuant to 34 Pa.C.S. § 926 or 30 Pa.C.S. § 925 should not be construed as the issuance of a citation for the purpose of instituting a summary case under these rules. See Rules [55 and 60] 405 and 410.

The Rules of Criminal Procedure generally do not apply to juvenile proceedings, but these rules do apply to proceedings in summary cases involving juveniles to the extent that the Juvenile Act does not apply to such proceedings. See, e.g., Juvenile Act §§ 6302-6303, 42 Pa.C.S. §§ 6302-6303; Vehicle Code § 6303, 75 Pa.C.S. § 6303. See also 42 Pa.C.S. § 1515(a)(1) and 6303(a)(5) concerning jurisdiction of summary offenses arising out of the same episode or transaction involving a delinquent act for which a petition alleging delinquency is filed.

See Section 1522 of the Judicial Code, 42 Pa.C.S. § 1522, concerning parental notification in certain summary cases involving juveniles.

Official Note: Previous Rule 51, adopted January 23, 1975, effective September 1, 1975; Comment revised January 28, 1983, effective July 1, 1983; Comment revised December 15, 1983, effective January 1, 1984; rescinded July 12, 1985, effective January 1, 1986; and replaced by present Rules [3, 51, 52, 55, 60, 65, 70, 75, and 95] 103, 400, 401, 402, 405, 410, 420, 440, and 430. Present Rule 51 adopted July 12, 1985, effective January 1, 1986. The January 1, 1986 effective dates all are extended to July 1, 1986; Comment revised February 1, 1989, effective July 1, 1989; Comment revised January 31, 1991, effective July 1, 1991; Comment revised January 16, 1996, effective immediately; Comment revised June 6, 1997, effective immediately; **renumbered Rule 400 and amended March 1, 2000, effective April 1, 2001.**

Committee Explanatory Reports:

Report explaining the January 31, 1991 amendments published at 20 Pa.B. 4788 (September 15, 1990); Supplemental Report published at 21 Pa.B. 621 (February 16, 1991).

Report explaining the January 16, 1996 Comment revisions published with the Court's Order at 26 Pa.B. 437 (February 3, 1996).

Report explaining the June 6, 1997 Comment revision published with the Court's Order at 25 Pa.B. 2923 (June 21, 1997).

Final Report explaining the March 1, 2000 reorganization and renumbering of the rules published with the Court's Order at 30 Pa.B. 1478 (March 18, 2000).

Rule 86. [Appeals] (Rescinded).

[(A) When an appeal is authorized by law in a summary proceeding, including a prosecution for violation of a municipal ordinance which provides for imprisonment upon conviction or upon failure to pay a fine, an appeal shall be perfected by filing a notice of appeal within 30 days after the conviction or other final order from which the appeal is taken and by appearing in the court of common pleas for the trial de novo. The notice of appeal shall be filed with the clerk of courts.

(B) Stays.

(1) In all cases in which a sentence of imprisonment has been imposed, execution of sentence shall be stayed until the time for appeal expires.

(2) In any case in which a notice of appeal is filed, the execution of sentence shall be stayed.

(3) Whenever the execution of sentence is stayed pursuant to this paragraph, the issuing authority may set bail or collateral.

(C) During the 30-day appeal period, failure to pay fines and costs, or restitution, shall not be grounds for imprisonment and shall not be grounds to preclude the taking of an appeal.

(D) The notice of appeal shall contain the following information:

(1) the name and address of the appellant;

(2) the name and address of the issuing authority who heard the case;

(3) the magisterial district number where the case was heard;

(4) the name and mailing address of the affiant as shown on the complaint or citation;

(5) the date of the conviction or other final order from which the appeal is taken;

(6) the offense(s) of which convicted, if any;

(7) the sentence imposed, and if the sentence includes a fine, costs, or restitution, whether the amount due has been paid;

(8) the type or amount of bail or collateral furnished to the issuing authority, if any;

(9) the name and address of the attorney, if any, filing the notice of appeal; and

(10) except when the appeal is from a conviction, the grounds relied upon for appeal.

(E) Within 5 days after filing the notice of appeal, a copy shall be served either personally or by mail by the clerk of courts upon the issuing authority, the affiant, and the appellee or appellee's attorney, if any.

(F) The issuing authority shall, within 20 days after receipt of the notice of appeal, file with the clerk of courts:

- (1) the transcript of the proceedings;
- (2) the original complaint or citation;
- (3) the summons or warrant of arrest, if any; and
- (4) the bail bond, if any.

(G) When a defendant appeals after conviction by an issuing authority in any summary proceeding, upon the filing of the transcript and other papers by the issuing authority, the case shall be heard de novo by the appropriate division of the court of common pleas as the president judge shall direct. In appeals from summary proceedings arising under the Vehicle Code or local traffic ordinances, other than parking offenses, the law enforcement officer who observed the alleged offense must appear and testify. The failure of a law enforcement officer to appear and testify shall result in the dismissal of the charges unless:

(1) the defendant waives the presence of the law enforcement officer in open court on the record;

(2) the defendant waives the presence of the law enforcement officer by filing a written waiver signed by the defendant and defense counsel, or the defendant if proceeding pro se, with the clerk of courts; or

(3) the trial judge determines that good cause exists for the law enforcement officer's unavailability and grants a continuance.

(H) This rule shall provide the exclusive means of appealing from a summary conviction. Courts of common pleas shall not issue writs of certiorari in such cases.

(I) This rule shall not apply to appeals from contempt adjudications.

Comment

This rule applies to appeals in all summary proceedings, including prosecutions for violations of municipal ordinances which provide for the possibility of imprisonment, and default hearings.

Appeals from contempt adjudications are governed by Rule 31.

The Rules of Criminal Procedure are applicable generally to these proceedings. See, e.g., Rule 3, Chapter 50 (Summary Cases), Rule 1117, and Chapter 6000. The narrow holding in *City of Easton v. Marra*, 326 A.2d 637 (Pa. Super. 1974), is not in conflict, since the record before the court did not indicate that imprisonment was possible under the ordinance there in question.

Under paragraph (B)(2), the stay applies to all "sentences" imposed after conviction, including sentences of imprisonment, fines and costs, or restitution, and sentences of imprisonment for defaults in payment pursuant to Rule 85.

When the only issues on appeal arise solely from an issuing authority's determination after a default hearing pursuant to Rule 85, the matter must be heard de novo by the appropriate judge of the court of common pleas

and only those issues arising from the default hearing are to be considered. It is not intended to reopen other issues not properly preserved for appeal. A determination after a default hearing would be a final order for purposes of these rules.

The 1999 amendment of paragraph (G), made in response to *Commonwealth v. Hightower*, 652 A.2d 873 (Pa. Super. 1995), permits the court to continue the case if there is good cause for the officer's unavailability.

Certiorari was abolished by former Rule 67 in 1973, pursuant to Article V Schedule Section 26 of the Constitution of Pennsylvania, which specifically empowers the Supreme Court of Pennsylvania to do so by rule. This Schedule section is still viable, and the substance of this Schedule section has also been included in the Judicial Code, 42 Pa.C.S. § 934. The abolition of certiorari, of course, continues.

Bail, when set in a summary case, must be set in accordance with the bail rules, Chapter 4000.]

Official Note: Rule 86 [Adopted] adopted July 12, 1985, effective January 1, 1986; revised September 23, 1985, effective January 1, 1986; January 1, 1986 effective dates extended to July 1, 1986; amended February 2, 1989, effective March 1, 1989; amended March 22, 1993, effective January 1, 1994; amended October 28, 1994, effective as to cases instituted on or after January 1, 1995; amended February 27, 1995, effective July 1, 1995; amended October 1, 1997, effective October 1, 1998; amended May 14, 1999, effective July 1, 1999; **rescinded March 1, 2000 and paragraphs (A), (D), (E), (F), and (I) replaced by Rule 460, paragraphs (B) and (C) replaced by Rule 461, and paragraph (G) replaced by Rule 462, effective April 1, 2001.**

Committee Explanatory Reports:

Final Report explaining the March 22, 1993 amendments published with the Court's Order at 23 Pa.B. 1699 (April 10, 1993).

Final Report explaining the October 28, 1994 amendments published with the Court's Order at 24 Pa.B. 5843 (November 26, 1994).

Final Report explaining the February 27, 1995 amendments published with the Court's Order at 25 Pa.B. 935 (March 18, 1995).

Final Report explaining the October 1, 1997 amendments published with the Court's Order at 27 Pa.B. 5408 (October 18, 1997).

Final Report explaining the May 14, 1999 amendments to paragraph (G) concerning the police officer's presence published with the Court's Order at 29 Pa.B. 2776 (May 29, 1999).

Final Report explaining the March 1, 2000 reorganization and renumbering of the rules published with the Court's Order at 30 Pa.B. 1478 (March 18, 2000).

Rule 90. [Defects in Form, Content, or Procedure—Summary Cases] (Rescinded).

[A defendant shall not be discharged nor shall a case be dismissed because of a defect in the form or content of a complaint, citation, summons, or warrant, or a defect in the procedures of this Chapter, unless the defendant raises the defect before the conclusion of the summary trial and the defect is prejudicial the rights of the defendant.

Comment

This rule replaces previous Rule 70.

This rule is intended to clarify when a defendant should be discharged or a case dismissed because of a defect; it eliminates disputes as to what is an informal defect or a substantive defect. As a condition of relief regardless of whether the defect is in form, content, or procedure, the court or issuing authority must determine that there is actual prejudice to the rights of the defendant.

A complaint, citation, summons, or warrant may be amended at any time so as to remedy any defect in form or content that is not prejudicial to the rights of the defendant. Nothing in this rule shall prevent the filing of a new complaint or citation and the reissuance of process. Any new complaint must be filed within the time permitted by the applicable statute of limitations.

Ordinarily, if a defendant does not raise a defect at the summary trial, the defendant cannot thereafter raise the defect as grounds for dismissal or discharge at a later stage in the proceedings. However, the intent is not to preclude a defendant from raising a defect for the first time after the summary trial when the interests of justice require it, as for example, when the defendant was not represented by counsel during the proceedings before the district justice or when the defendant could not reasonably have discovered the defect until after the conclusion of the summary trial.

Any defect properly raised under this rule shall be specifically described on the docket by the issuing authority. See Pa.R.Crim.P. 26.

If the district justice determines that a defect is prejudicial, it is intended that the decision recorded on the docket pursuant to Rule 26(b)(12) shall be discharge of the defendant or dismissal of the case, rather than not guilty.

For the comparable procedures in court case see Rule 150].

Official Note: Rule 90 [Adopted] adopted July 12, 1985, effective January 1, 1986; effective date extended to

July 1, 1986; rescinded March 1, 2000 and replaced by Rule 109, effective April 1, 2001.

Committee Explanatory Reports:

Final Report explaining the March 1, 2000 reorganization and renumbering of the rules published with the Court's Order at 30 Pa.B. 1478 (March 18, 2000).

Rule 150. [Defects in Form, Content, or Procedure—Court Cases] (Rescinded).

[A defendant shall not be discharged nor shall a case be dismissed because of a defect in the form or content of a complaint, summons, or warrant, or a defect in the procedures in this Chapter, unless the defendant raises the defect before the conclusion of the preliminary hearing and the defect is prejudicial to the rights of the defendant.]

Official Note: Previous paragraph (a) (Informal Defects) formerly Rule 114 and previous paragraph (b) (Substantive Defects) formerly Rule 115, both adopted June 30, 1964, effective January 1, 1965; suspended **January 31, 1970**, effective May 1, 1970; revised January 31, 1970, effective May 1, 1970; combined, renumbered **Rule 150**, and amended September 18, 1973, effective January 1, 1974; amended April 8, 1982, effective July 1, 1983[,]; Comment revised July 12, 1985, effective January 1, 1986; effective date extended to July 1, 1986; **rescinded March 1, 2000 and replaced by Rule 109, effective April 1, 2001.**

[Comment

The 1981 amendment is intended to clarify when a defendant should be discharged or a case dismissed because of a defect; it eliminates disputes as to what is an informal defect or a substantive defect. Under this amendment, as a condition of relief regardless of whether the defect is in form, content, or procedure, the court or issuing authority must determine that there is actual prejudice to the rights of the defendant.

A complaint, summons, or warrant may be amended at any time so as to remedy any defect in form or content that is not prejudicial to the rights of the defendant. Nothing in this rule shall prevent the filing of a new complaint and the reissuance of process. Any new complaint must be filed within the time permitted by the applicable statute of limitations.

Ordinarily, if a defendant does not raise a defect before the conclusion of the preliminary hearing, the defendant cannot thereafter raise the defect as grounds for dismissal or discharge at a later state in the proceedings. See, *Commonwealth v. Krall*, 452 Pa. 215, 304 A.2d 488 (1973).

Any defect properly raised under this rule shall be specifically described on the docket by the issuing authority. See Pa.R.Crim.P. 26.

For the comparable procedures in summary cases see Rule 90.]

Committee Explanatory Reports:

Final Report explaining the March 1, 2000 reorganization and renumbering of the rules published with the Court's Order at 30 Pa.B. 1478 (March 18, 2000).

Rule 159. [Suspension of Acts of Assembly—Chapters 50 and 100] (Rescinded).

[The following Acts of Assembly are hereby suspended:

(a) The Act of April 29, 1959, P. L. 58, § 1209, 75 P. S. § 1209, repealed by Act of June 17, 1976, P. L. 162, No. 81, § 7 and replaced by Sections 6322, 6323, 6324, and 6325 of the Vehicle Code, 75 Pa.C.S. §§ 6322—6325 (1977), insofar as they are inconsistent with Rule 91.

(b) The Act of July 1, 1987, P. L. 180, No. 21, § 2, 42 Pa.C.S. § 1520, insofar as it is inconsistent with Rules 160, 161, 162, and Rules 175 through 186.]

Official Note: Rule 159 [Adopted] adopted September 18, 1973, effective January 1, 1974; amended January 28, 1983, effective July 1, 1983; amended February 1, 1989, effective July 1, 1989; amended April 10, 1989, effective July 1, 1989; amended January 31, 1991, effective July 1, 1991; **rescinded March 1, 2000 and replaced by Rule 1101, effective April 1, 2001.**

Committee Explanatory Reports:

Report explaining the January 31, 1991 amendments published at 20 Pa.B.[ull.] 4788 (September 15, 1990); Supplemental Report published at 21 Pa.B.[ull.] 621 (February 16, 1991).

Final Report explaining the March 1, 2000 reorganization and renumbering of the rules published with the Court's Order at 30 Pa.B. 1478 (March 18, 2000).

Rule [301] 106. Continuances in Summary and Court Cases.

[(a)] (A) The court or issuing authority may, in the interests of justice, grant a continuance, [of] on its own motion, or on the motion of either party.

(B) When the matter is before an issuing authority, the issuing authority shall record on the transcript the identity of the moving party and the reasons for granting or denying the continuance. When the matter is in the court of common pleas, [The court] the judge shall on the record identify the moving party and state of record the [court's] reasons [justifying the] for granting or [denial of] denying the continuance.

[(b)] (C) A motion for continuance on behalf of the defendant shall be made not later than [forty-eight () 48 ()] hours before the time set for the trial. A later motion shall be entertained only when the opportunity therefor did not previously exist, or the defendant was not aware of the grounds for the motion, or the interests of justice require it.

Official Note: Rule 301 [Adopted] adopted June 30, 1964, effective January 1, 1965; amended June 8, 1973, effective July 1, 1973[,] ; amended June 29, 1977 and November 22, 1977, effective as to cases in which the indictment or information is filed on or after January 1, 1978; **renumbered Rule 106 and amended March 1, 2000, effective April 1, 2001.**

Committee Explanatory Reports:

Final Report explaining the March 1, 2000 reorganization and renumbering of the rules published with the Court's Order at 30 Pa.B. 1478 (March 18, 2000).

Rule [313] 585. Nolle Prosequi.

[(a)] (A) Upon motion of the attorney for the Commonwealth, the court may, in open court, order a nolle prosequi of one or more charges notwithstanding the objection of any person.

[(b)] (B) Upon a nolle prosequi, costs may be imposed as the court may direct.

Comment

Section 8932 of the Judicial Code, 42 Pa.C.S. § 932, prohibits the district attorney from entering a nolle prosequi without court approval at any time after the filing of an information.

Before an information is filed, the attorney for the Commonwealth may withdraw one or more of the charges by filing a notice of withdrawal with the clerk of courts. See Rule [224(a)] 561(A). Upon the filing of an information, any charge in the complaint not listed on the information will be deemed withdrawn by the attorney for the Commonwealth. See Rule [224(b)] 561(B). After the information is filed, court approval is required before a nolle prosequi may be entered on a charge listed therein. See 42 Pa.C.S. § 8932.

Official Note: [Formerly] Rule 314[,] adopted June 30, 1964, effective January 1, 1965; **Comment [amended] revised** February 15, 1974, effective immediately; **renumbered Rule 313 and Comment [amended] revised** June 29, 1977 and November 22, 1977, effective as to cases in which the indictment or information is filed on or after January 1, 1978. **Comment revised** January 28, 1983, effective July 1, 1983; amended August 12, 1993, effective September 1, 1993; amended August 14, 1995, effective January 1, 1996; **renumbered Rule 585 and amended March 1, 2000, effective April 1, 2001.**

Committee Explanatory Reports:

Report explaining the August 12, 1993 amendments published at 22 Pa.B. 3826 (July 25, 1992).

Final Report explaining the August 14, 1995 amendments published with the Court's Order at 25 Pa.B. 3468 (August 26, 1995).

Final Report explaining the March 1, 2000 reorganization and renumbering of the rules published with the Court's Order at 30 Pa.B. 1478 (March 18, 2000).

Rule [314] 586. Court Dismissal Upon Satisfaction or Agreement.

When a defendant is charged with an offense which is not alleged to have been committed by force or violence or threat thereof, the court may order the case to be dismissed upon motion and a showing that:

[(a)] (1) the public interest will not be adversely affected; and

[(b)] (2) the attorney for the Commonwealth consents to the dismissal; and

[(c)] (3) satisfaction has been made to the aggrieved person or there is an agreement that satisfaction will be made to the aggrieved person; and

[(d)] (4) there is an agreement as to who shall pay the costs.

Comment

This rule applies only to courts of common pleas. Neither justices of the peace, **district justices**, Philadelphia Municipal Court judges, Pittsburgh Police Magistrates, nor any other issuing authority may dismiss a case under this rule, but rather only as provided in Rule [145] 546.

This rule [**was amended in 1983 to set**] sets forth concisely the criteria a defendant must satisfy before the court has the discretion to order dismissal under this rule.

Official Note: Rule 315 [Adopted] adopted June 30, 1964, effective January 1, 1965; amended September 18, 1973, effective January 1, 1974; [; **formerly Rule 315,]** renumbered **Rule 314** and amended June 29, 1977 and November 22, 1977, effective as to cases in which the indictment or information is filed on or after January 1, 1978; amended January 28, 1983, effective July 1, 1983; **renumbered Rule 586 and amended March 1, 2000, effective April 1, 2001.**

Committee Explanatory Reports:

Final Report explaining the March 1, 2000 reorganization and renumbering of the rules published with the Court's Order at 30 Pa.B. 1478 (March 18, 2000).

Rule 328. [**Photography and Broadcasting in the Courtroom and its Environs**] (Rescinded).

[**The taking of photographs in the courtroom or its environs or radio or television broadcasting from the courtroom or its environs during the progress of or in connection with any judicial proceedings, whether or not the court is actually in session, is prohibited. The environs of the courtroom is defined as the area immediately surrounding the entrances and exits to the courtroom.**

This rule is not intended to prohibit the taking of photographs or radio or television broadcasting of proceedings such as naturalization ceremonies or the swearing in of public officials which may be conducted in the courtroom.

Comment

See also Rule 27 for provisions concerning publicity of preliminary hearings and summary trials.

This rule is not intended to preclude the use of recording devices for the preservation of testimony as permitted by Rules 9015 and 9015A.]

Official Note: Rule 328 [Adopted] adopted January 25, 1971, effective February 1, 1971; amended June 29, 1977 and November 22, 1977, effective as to cases in which the indictment or information is filed on or after January 1, 1978; Comment revised March 22, 1989, effective July 1, 1989; **rescinded and replaced by new Rule 112 March 1, 2000, effective April 1, 2001.**

Committee Explanatory Reports:

Final Report explaining the March 1, 2000 reorganization and renumbering of the rules published with the Court's Order at 30 Pa.B. 1478 (March 18, 2000).

Rule 340. [**Suspension of Acts of Assembly**] (Rescinded).

[**The following Acts of Assembly are hereby suspended:**

(a) **The Public Defender Act, Act of December 2, 1968, P.L. 1144, No. 358, § 1 et. seq. as amended through Act of December 10, 1974, P.L. 830, No. 277, § 1; 16 P.S. § 9960.1 et. seq., only insofar as inconsistent with Rule 316.**

(b) **Section 5720 of the Wiretapping and Electronic Surveillance Control Act, Act of October 4, 1978, P.L. 831, No. 164, 18 Pa.C.S. § 5720, only insofar as it may delay disclosure to a defendant seeking discovery under Rule 305B(1)(g), as inconsistent with Rule 305; and Section 5721(b) of the Act, 18 Pa. C.S. § 5721(b), only insofar as the time frame for making a motion to suppress is concerned, as inconsistent with Rules 307 and 323.**

Comment

Paragraphs (a)—(d) and (f) were deleted in 1983 as unnecessary in view of the Judiciary Act Repealer Act, which repealed the Acts of Assembly that were suspended by those paragraphs. See Act of April 28, 1978, P.L. 202, No. 53, § 2(a); 42 P.S. § 20002(a) [191], [377], [451], [656], [658], [691], [799], [1310], [1341] (1979). Former paragraph (e), now paragraph (a), was amended at the same time in view of the Public Defender Act, which replaced the Acts that were previously suspended by that paragraph. Former paragraph (g) is retained in full and renumbered paragraph (b).]

Official Note: [This rule] Rule 340 [combines] combined former Rules 321 and 322, which were the previous suspension rules. Adopted June 29, 1977, effective September 1, 1977; amended April 24, 1981, effective June 1, 1981; amended January 28, 1983, effective July 1, 1983; **rescinded and replaced by Rule 1101 March 1, 2000, effective April 1, 2001.**

Committee Explanatory Reports:

Final Report explaining the March 1, 2000 reorganization and renumbering of the rules published with the Court's Order at 30 Pa.B. 1478 (March 18, 2000).

Rule [1108] 633. **Examination and Challenges of Alternate Trial Jurors.**

[(a)] (A) The trial judge may direct that a reasonable even number of jurors in addition to the principal jurors be called and impaneled to sit as alternate jurors. [**Alternate jurors in the order in which they are called shall replace principal jurors who, prior to the time the jury retires to consider its verdict, become unable or disqualified to perform their duties. An alternate juror who does not replace a principal juror shall be discharged before the jury retires to consider its verdict.**

(b)] (B) When alternate jurors are selected in trials involving only one defendant, the defendant and the Commonwealth shall each be entitled to one peremptory challenge for each [**two**] 2 alternate jurors to be selected. When alternate jurors are selected in trials involving joint defendants, each defendant shall be entitled to one peremptory challenge for each [**two**] 2 alternate jurors to be selected and the Commonwealth shall be entitled to peremptory challenges equal in number to the total number of peremptory challenges given to all of the defendants. All peremptory challenges remaining unexercised after the selection of the principal [**twelve**] 12 jurors shall be considered exhausted, and

in no case may the challenges reserved for the selection of alternates be added to the number allowed during the selection of the principal [**twelve**] **12**.

[(c)] (C) Alternate jurors shall be examined, challenged, and selected in the same manner as the principal jurors.

Comment

The last two sentences of paragraph (A) were moved to new Rule 645 as part of the reorganization of the rules in 2000.

Paragraph [(b)] (B) of this rule sets forth the number of peremptory challenges for the selection of alternate trial jurors and is intended to replace the Act of May 1, 1935, P. L. 127, No. 50, 51, insofar as it applied to criminal trials. That Act was repealed by the Judiciary Act Repealer Act, [**Act of April 28, 1978, P. L. 202, No. 53, § 2(a);**] 42 P. S. § 20002(a) [1156] [(1979)].

The number of peremptory challenges for the selection of principal trial jurors is governed by Rule [**1126**] **634**. [**The 1980 amendment to paragraph**] Paragraph [(b)] (B) [**is intended to reflect**] reflects the different treatment, under Rule [**1126**] **634**, of trials involving only one defendant and trials involving joint defendants.

Official Note: Rule 1108 [Adopted] adopted January 24, 1968, effective August 1, 1968; amended June 30, 1975, effective September 28, 1975; amended July 1, 1980, effective August 1, 1980; **renumbered Rule 633 and amended March 1, 2000, effective April 1, 2001.**

Committee Explanatory Reports:

Final Report explaining the March 1, 2000 reorganization and renumbering of the rules published with the Court's Order at 30 Pa.B. 1478 (March 18, 2000).

Rule [**1117**] **602**. Presence of the Defendant.

[(a)] (A) The defendant shall be present [**at the arraignment,**] at every stage of the trial including the impaneling of the jury and the return of the verdict, and at the imposition of sentence, except as otherwise provided by this rule. The defendant's absence without cause shall not preclude proceeding with the trial including the return of the verdict.

[(b)] (B) A corporation may appear by its attorney for all purposes.

[(c)] In a summary case appealed for a trial de novo, if the defendant fails to appear as required by Rule 86, the trial judge may dismiss the appeal and enter judgment in the court of common pleas on the judgment of the issuing authority.]

Comment

[**Paragraph**] Former Rule 1117(c) was moved to Rule 642 (Trial de novo) in 2000 as part of the reorganization of the rules [**added in 1994 to make it clear that the trial judge may dismiss a summary case appeal when the judge determines that the defendant is absent without cause from the trial de novo. If the appeal is dismissed, the trial judge should enter judgment and order execution of any sentence imposed by the issuing authority**].

Official Note: Rule 1117 [Adopted] adopted January 24, 1968, effective August 1, 1968; amended October 28, 1994, effective as to cases instituted on or after January 1, 1995; **renumbered Rule 602 and amended March 1, 2000, effective April 1, 2001.**

Committee Explanatory Reports:

FORMER RULE 1117:

Final Report explaining the October 28, 1994 amendments published with the Court's Order at 24 Pa.B. 5841 (November 26, 1994).

FORMER RULE 602:

Final Report explaining the March 1, 2000 reorganization and renumbering of the rules published with the Court's Order at 30 Pa.B. 1478 (March 18, 2000).

Rule 1415. [**Suspension of Acts of Assembly**] (Rescinded).

[**The following Acts of Assembly are hereby suspended:**

Sections 9731, 9732, 9733, 9734, 9735, 9736, 9751, 9752, and 9759 of the Sentencing Code, 42 Pa.C.S. §§ 9731, 9732, 9733, 9734, 9735, 9736, 9751, 9752, and 9759 as being inconsistent with the rules of this Chapter.

Comment

This rule was amended in 1995 for several reasons:

(1) the Vehicle Code repealed and replaced the Act of April 29, 1959, P. L. 32, § 1206.1, which had been suspended by former paragraph (f);

(2) the JARA Continuation Act of 1980 (Act 1980-142, § 41) transferred the Sentencing Code provisions suspended by former paragraph (g) from the Crimes Code (Title 18) to the Judicial Code (Title 42);

(3) the Act of November 26, 1978, P. L. 1316, No. 319, § 2 repealed §§ 1381 and 1382 of the Act of December 30, 1974, which had been suspended by former paragraph (g); and

(4) the Judiciary Act Repealer Act repealed the other acts that were suspended by this rule. 42 P. S. § 20002(a) [150], [377], [931], [955], [1007], [1188], [1202], [1287], [1335] (1982).]

Official Note: Rule 1415 [Adopted] adopted July 23, 1973, effective 90 days hence; paragraph (g) added March 21, 1975, effective March 31, 1975; amended August 14, 1995, effective January 1, 1996; **rescinded and replaced by Rule 1101 March 1, 2000, effective April 1, 2001.**

Committee Explanatory Reports:

Final Report explaining the August 14, 1995 amendments published with the Court's Order at 25 Pa.B. 3472 (August 26, 1995).

Final Report explaining the March 1, 2000 reorganization and renumbering of the rules published with the Court's Order at 30 Pa.B. 1478 (March 18, 2000).

Rule 2020. [**Suspension of Acts of Assembly—Chapter 2000**] (Rescinded).

[**The Act of November 21, 1990, P. L. 588, No. 138, § 1, 42 Pa.C.S. § 8934, which authorizes the sealing**

of search warrant affidavits, and which is implemented by Rule 2011, is hereby suspended only insofar as it is inconsistent with Rules 2005, 2006, and 2011.]

Official Note: Rule [Adopted] adopted September 3, 1993, effective January 1, 1994; rescinded **March 1, 2000, effective April 1, 2001, and replaced by Rule 1101.**

Committee Explanatory Reports:

Report explaining the provisions of the new rule published at 21 Pa.B. 3681 (August 17, 1991).

Final report explaining the March 1, 2000 reorganization and renumbering of the rules published with the Court's Order at 30 Pa.B. 1478 (March 18, 2000).

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[Pa.B. Doc. No. 00-469. Filed for public inspection March 17, 2000, 9:00 a.m.]

PART I. GENERAL
[234 PA. CODE CH. 50]

Order Adopting Amendments to Rules of Criminal Procedure 53 and 86¹; No. 261 Criminal Procedural Rules; Doc. No. 2

The Criminal Procedural Rules Committee has prepared a Final Report explaining the March 3, 2000 amendments to Pa.Rs.Crim.P. 53 (Contents of Citation) and 86 (Appeals), which will be effective July 1, 2000. These amendments clarify that a defendant may appeal for a trial de novo following the entry of a guilty plea in a summary case. The Final Report follows the Court's Order.

Order

Per Curiam:

Now, this third day of March, 2000, upon the recommendation of the Criminal Procedural Rules Committee; this proposal having been submitted without publication pursuant to Pa.R.J.A. 103(a)(3), and a Final Report to be published with this Order:

It Is Ordered pursuant to Article V, Section 10 of the Constitution of Pennsylvania that Pa.Rs.Crim.P. 53 and 86 are hereby amended in the attached form.

This Order shall be processed in accordance with Pa.R.J.A. 103(b), and shall be effective July 1, 2000.

Annex A

TITLE 234. RULES OF CRIMINAL PROCEDURE

PART I. GENERAL

CHAPTER 50. PROCEDURE IN SUMMARY CASES

Rule 53. Contents of Citation.

* * * * *

(B) The copy delivered to the defendant shall also contain a notice to the defendant:

* * * * *

(2) that the defendant shall, with 10 days after issuance of the citation:

* * * * *

(c) appear before the proper issuing authority to request consideration for inclusion in an accelerated rehabilitative disposition program;

* * * * *

(6) that, if the defendant is convicted or has pleaded guilty, the defendant may appeal within 30 days for a trial de novo.

Official Note: Previous rule, originally numbered Rule 133(a) and Rule 133(b), adopted January 31, 1970, effective May 1, 1970; renumbered as Rule 53(a) and 53(b) September 18, 1973, effective January 1, 1974; amended January 23, 1975, effective September 1, 1975; Comment revised January 28, 1983, effective July 1, 1983; rescinded July 12, 1985, effective January 1, 1986, and not replaced in these rules. Present rule adopted July 12, 1985, effective January 1, 1986. The January 1, 1986 effective dates all are extended to July 1, 1986; amended February 1, 1989, effective as to cases instituted on or after July 1, 1989; amended January 31, 1991, effective

¹ Rule 53 will be renumbered Rule 403 and the provisions of Rule 86 will be separated into new Rules 460, 461, and 462 as part of the renumbering and reorganization of the Rules of Criminal Procedure that the Court adopted on March 1, 2000, effective April 1, 2001.

July 1, 1991; amended June 3, 1993, effective as to new citations printed on or after July 1, 1994; amended July 25, 1994, effective January 1, 1995; amended March 3, 2000, effective July 1, 2000.

Comment

* * * * *

Paragraph (B)(5) provides a uniform procedure for handling cases in which a defendant returns the fines and costs but fails to sign the citation and, therefore, does not indicate a plea. See Rule 57.

Paragraph (B)(6) was amended in 2000 to make it clear in a summary criminal case that the defendant may file an appeal for a trial de novo following the entry of a guilty plea. See Rule 86 (Appeals).

* * * * *

Committee Explanatory Reports:

* * * * *

Final Report explaining the March 3, 2000 amendments concerning appeals from guilty pleas published with the Court's Order at 30 Pa.B. 1509 (March 18, 2000).

Rule 86. Appeals.

(A) When an appeal is authorized by law in a summary proceeding, including [a] an appeal following a prosecution for violation of a municipal ordinance which provides for imprisonment upon conviction or upon failure to pay a fine, an appeal shall be perfected by filing a notice of appeal within 30 days after the entry of the guilty plea, the conviction, or other final order from which the appeal is taken and by appearing in the court of common pleas for the trial de novo. The notice of appeal shall be filed with the clerk of courts.

* * * * *

(D) The notice of appeal shall contain the following information:

* * * * *

(2) the name and address of the issuing authority who accepted the guilty plea or heard the case;

(3) the magisterial district number where the case was heard;

(4) the name and mailing address of the affiant as shown on the complaint or citation;

(5) the date of the entry of the guilty plea, the conviction, or other final order from which the appeal is taken;

(6) the offense(s) of which convicted or to which a guilty plea was entered, if any;

* * * * *

(10) except when the appeal is from a guilty plea or a conviction, the grounds relied upon for appeal.

* * * * *

(G) When a defendant appeals after the entry of a guilty plea or a conviction by an issuing authority in any summary proceeding, upon the filing of the transcript and other papers by the issuing authority, the case shall be heard de novo by the appropriate division of the court of common pleas as the president judge shall direct. In appeals from summary proceedings arising under the Vehicle Code or local traffic ordinances, other than parking offenses, the law enforcement officer who observed the alleged offense must appear and testify. The failure of a

law enforcement officer to appear and testify shall result in the dismissal of the charges unless:

* * * * *

(H) This rule shall provide the exclusive means of appealing from a summary **guilty plea** or conviction. Courts of common pleas shall not issue writs of certiorari in such cases.

* * * * *

Official Note: Adopted July 12, 1985, effective January 1, 1986; revised September 23, 1985, effective January 1, 1986; January 1, 1986 effective dates extended to July 1, 1986; amended February 2, 1989, effective March 1, 1989; amended March 22, 1993, effective January 1, 1994; amended October 28, 1994, effective as to cases instituted on or after January 1, 1995; amended February 27, 1995, effective July 1, 1995; amended October 1, 1997, effective October 1, 1998; amended May 14, 1999, effective July 1, 1999; **amended March 3, 2000, effective July 1, 2000.**

Comment

This rule applies to appeals in all summary proceedings, including **appeals from** prosecutions for violations of municipal ordinances which provide for the possibility of imprisonment, and default hearings.

This rule was amended in 2000 to make it clear in a summary criminal case that the defendant may file an appeal for a trial de novo following the entry of a guilty plea.

* * * * *

“Entry,” as used in this rule, means the date on which the issuing authority enters or records the guilty plea, the conviction, or other order in the district justice computer system.

* * * * *

Committee Explanatory Reports:

* * * * *

Final Report explaining the March 3, 2000 amendments concerning appeals from guilty pleas published with the Court’s Order at 30 Pa.B. 1509 (March 18, 2000).

FINAL REPORT¹

Amendments to Pa.Rs.Crim.P. 53 (Contents of Citation) and 86 (Appeals)² Appeals of Guilty Pleas in Summary Cases

On March 3, 2000, effective July 1, 2000, upon the recommendation of the Criminal Procedural Rules Committee, the Court amended Pa.Rs.Crim.P. 53 (Contents of Citation) and 86 (Appeals). These amendments clarify that a defendant may appeal for a trial de novo following the entry of a guilty plea in a summary case.

I. BACKGROUND

The Committee undertook a review of the issue of appealing guilty pleas in summary cases in view of communications we have received from time to time from members of both the bench and bar asking whether a defendant may appeal for a trial de novo from a guilty plea in a summary case. The source of the confusion

¹ The Committee’s Final Reports should not be confused with the official Committee Comments to the rules. Also note that the Supreme Court does not adopt the Committee’s Comments or the contents of the Committee’s explanatory Final Reports.

² Rule 53 will be renumbered Rule 403 and the provisions of Rule 86 will be separated into new Rules 460, 461, and 462 as part of the renumbering and reorganization of the Rules of Criminal Procedure that the Court adopted on March 1, 2000, effective April 1, 2001.

appears to be the reference in Rules 53 and 86 to appealing a “conviction,”³ which in the context of a summary case appeal is being construed by some courts as excluding guilty pleas.

The Committee discussed the rule history and reviewed the relevant case law. The traditional justification for the minor judiciary to be a court not of record and to expeditiously handle the relatively minor or summary offenses in proceedings in which some of the defendant’s constitutional rights may be forborne is that the defendant is given the right to a trial de novo in the court of common pleas. See, e.g., *Colten v. Kentucky*, 407 U.S. 104 (1972). It is this principle that permits the rules to provide for a defendant in a summary case to enter a guilty plea by mail without the advice of counsel or the requirement of a formal guilty plea colloquy. The Committee also noted that Rule 86 provides the exclusive means of appealing from a summary conviction. See Rule 86(H). In addition, Rule 86(H) has been interpreted broadly to include a defendant’s appeal from the entry of a guilty plea in a summary case. See, e.g., *Commonwealth v. Toner*, 663 A.2d 202 (Pa. Super. 1995), citing *Commonwealth v. Bassion*, 568 A.2d 1316 (Pa. Super. 1990), in which the court stated that “[t]he appropriate method of challenging the propriety of a summary conviction, whether after hearing or by plea, is by a timely appeal to the court of common pleas pursuant to Pa.R.Cr.P. 86.”

II. DISCUSSION OF RULE CHANGES

Rule 53(B)(6) has been amended by adding “or has pleaded guilty” after “is convicted.” A new paragraph has been added to the Comment reiterating the principle that a defendant may file an appeal for a trial de novo following the entry of a guilty plea.

Paragraphs (A), (D)(2), (5), (6), and (10), (G), and (H) of Rule 86 have been amended to include references to the entry or acceptance of a guilty plea. Correlative revisions have been added as the second paragraph of the Rule 86 Comment. In addition, the Rule 86 Comment includes the definition of “entry” as it applies in the context of the district justice computer system

[Pa.B. Doc. No. 00-470. Filed for public inspection March 17, 2000, 9:00 a.m.]

Title 25—LOCAL COURT RULES

BUTLER COUNTY

Rescission and Adoption of Local Rules of Court Governing Compulsory Arbitration; Civil Division, MsD. 00-40026

Administrative Order of Court

And Now, this 2nd day of March 2000, the Court hereby *Orders* Local Rules of Civil Procedure L 1301, L 1302, L 1302.1, L 1303, and L 1304, as promulgated by Order of Court dated January 11, 1982, and amended by Orders of Court dated May 12, 1988 and July 27, 1992, are *Rescinded* effective thirty (30) days after publication of the within Local Rules of Civil Procedure, as set forth in the *Pennsylvania Bulletin*.

³ As defined in *Black’s Law Dictionary*, Sixth Edition, “conviction” includes the final judgment on a plea of guilty.

The Court further *Orders* Local Rules of Civil Procedure L 1300, L 1301, L 1302, and L 1303, governing cases to be submitted to compulsory arbitration, as set forth below are *Adopted* effective thirty (30) days after publication of the within Local Rules of Civil Procedure in the *Pennsylvania Bulletin*.

The Court *Directs* the Court Administrator to do the following:

1. File seven (7) certified copies of this Administrative Order and the within Local Rules of Civil Procedure with the Administrative Office of Pennsylvania Courts.

2. File two (2) certified copies of this Administrative Order and the within Local Rules of Civil Procedure and one (1) diskette with the Legislative Reference Bureau for publication in the *Pennsylvania Bulletin*.

3. File one (1) certified copy of this Administrative Order and the within Local Rules of Civil Procedure with the Pennsylvania Civil Procedure Rules Committee.

4. Forward one (1) copy of this Administrative Order and the within Local Rules of Civil Procedure to the Judicial Council of Pennsylvania Statewide Rules Committee for purposes of its unification project.

5. Forward one (1) copy of this Administrative Order and the within Local Rules of Civil Procedure for publication in the Butler County Law Journal.

6. Forward one (1) copy of this Administrative Order and the within Local Rules of Civil Procedure to the Butler County Law Library.

7. Keep continuously available for public inspection copies of this Administrative Order of Court and the within Local Rules of Civil Procedure in the Prothonotary's Office.

Compulsory Arbitration

Rule L 1300. Adoption.

Pennsylvania Rules of Civil Procedure governing Compulsory Arbitration, as set forth at Pa.R.C.P. Nos. 1301—1481, shall govern all compulsory arbitrations in the Court of Common Pleas of Butler County, Pennsylvania except as provided by or modified by the Local Rules as set forth herein.

Rule L 1301. Scope.

(a) These Rules apply to all Civil Actions or issues that shall be submitted to compulsory arbitration pursuant to Section 7361 of the Judicial Code, 42 Pa.C.S.A. § 7361, and Pa.R.C.P. No. 1301, et seq.

(b) A Board of Arbitrators, consisting of three (3) members of the bar actively engaged in the practice of law primarily in Butler County and selected as hereinafter provided, shall decide the following matters:

(1) All Civil Actions, as defined in Pa.R.C.P. No. 1001(b)(1), for money damages where the amount at issue is within the statutory arbitration limits, as provided by law and/or Order of Court. See 42 Pa.C.S.A. § 7361. The amount at issue shall be determined from the pleadings, by agreement of the parties, or the Court;

(2) All Civil Actions where no appearance has been entered and the plaintiff desires to have the damages assessed in an amount not to exceed the arbitration limits;

(3) All appeals from a civil judgment of a District Justice, except judgments for possession of real property; and

(4) By agreement of reference signed by the parties or their counsel. Such agreement shall define the issues and contain such stipulation as to facts, admissions or waivers of defenses or proofs as are agreed upon.

(c) These Rules shall not apply to the following actions:

(1) Action in Ejectment;

(2) Action to Quiet Title;

(3) Action in Replevin—except by Order of Court;

(4) Action in Mandamus;

(5) Action in Quo Warranto;

(6) Action of Mortgage Foreclosure;

(7) Actions upon Ground Rent;

(8) Foreign Attachment; or

(9) Fraudulent Debtors Attachment.

Rule L 1302. List of Arbitrators. Appointment to Board.

(a) The Prothonotary of Butler County shall compile and maintain a list of persons eligible and willing to serve as arbitrators and a list of persons eligible and willing to serve as Chairpersons of the Board of Arbitrators. This list shall be comprised of members of the bar actively engaged in the practice of law primarily in Butler County. "Actively engaged in the practice of law primarily in Butler County" is defined as: persons who regularly maintain an office in Butler County for the practice of law; public defenders; assistant and deputy district attorneys; and judicial law clerks of the Court of Common Pleas of Butler County. Persons who have been determined to be eligible shall file a written consent to serve as an arbitrator or chairperson with the Prothonotary. Arbitrators and chairpersons shall be selected by the Prothonotary from those persons who have filed a consent to serve.

(b) Should a vacancy on the Board of Arbitrators occur prior to the hearing for any reason, or should a member of the Board fail to attend the hearing, a member of the Board shall notify the Prothonotary who shall immediately vacate that appointment and make an appointment to fill that vacancy. Should a vacancy on the Board of Arbitrators occur after the hearing takes place but before an award is signed by all arbitrators, or should a member of the Board fail to or refuse to perform his duties, the award shall be signed and filed by the remaining members of the Board. If the remaining members of the Board are unable to agree, they shall notify the Prothonotary who shall appoint a third member. Thereafter, the Prothonotary shall schedule a rehearing for the new Board, which shall thereafter file an award.

(c) The Board shall be chaired by a member of the bar admitted to the practice of law for at least ten (10) years.

(d) Each member of the Board of Arbitrators, who has been duly sworn in to hear a case, shall receive as compensation a fee in the amount set by the Court from time to time by a Special Order. In cases requiring hearings that exceed one-half day, the arbitrators may petition the Court for additional compensation, which the Court may grant for cause shown. The arbitrators shall not be entitled to receive their compensation fees until after filing a report and award with the Prothonotary. Compensation fees paid to the arbitrators shall not be taxed as costs or follow the award as other costs.

(e) Upon the filing of the arbitrators' report and award, or a discontinuance by the parties after the swearing of

the arbitrators or an award by the Court in accordance with Pa.R.C.P. No. 1303(b), the Prothonotary shall certify such filing to the County Commissioners and to the County Controller together with the names of the sworn members of the Board of Arbitrators and submit an Order for Payment. The County Commissioners and County Controller shall thereupon pay the applicable fee to each member of the Board of Arbitrators.

(f) If an arbitrator fails in his duties or the Board of Arbitrators fails to file an award promptly, as required by Pa.R.C.P. No. 1306, the result will be the forfeiture of the arbitrator's fees.

Rule L 1303. Hearing. Notice.

(a)(1) The Chairperson shall fix the date and time of the arbitration hearing at the Butler County Courthouse. The hearing shall be within sixty (60) days after the appointment of the Board. Not less than thirty (30) days Notice in writing of the date and time shall be given to the arbitrators and parties or their attorneys of record.

(2) All written Notices shall include the following statement:

This matter will be heard by a Board of Arbitrators at the time, date, and place specified, but if one or more of the parties is not present at the hearing, the matter may be heard at the same time and date before a Judge of the Court without the absent party or parties. There is no right to a trial de novo on appeal from a decision entered by a Judge.

(b) The Chairperson of the Board of Arbitrators shall have the powers conferred upon him by law, including but not limited to the following:

(1) To grant continuances for good and sufficient reason before the hearing convenes. Parties shall make requests for a continuance as soon as the need arises. In the event a party requests and secures a continuance of the hearing prior to the commencement thereof, it shall be the Chairperson's duty to ascertain an appropriate date and time for a new hearing and to see that all parties and arbitrators are notified both of the continuance and the new hearing schedule. If there is a dispute as to a continuance, the issue shall be submitted to the Motion Court Judge.

(2) To permit the amendment of any pleading. Except for good cause shown, such an amendment must be filed in writing.

(c) If the Court grants a continuance of the hearing, the Court may, in its discretion, impose a reasonable fee upon the party so requesting the continuance if the Court finds the request for the continuance was not obtained in a timely fashion. The party upon whom such fees have been imposed may not, so long as such fees remain unpaid, take any further step in such arbitration without prior leave of Court. The party upon whom such fees have been imposed may not recover such fees if that party is ultimately successful in the arbitration.

By the Court

MARTIN J. O'BRIEN,
President Judge

[Pa.B. Doc. No. 00-471. Filed for public inspection March 17, 2000, 9:00 a.m.]

WARREN COUNTY

**Adoption of Civil and Criminal Local Rules; No. 22
of 2000, Miscellaneous Book # 2, Page 320**

Order

And Now, this 18th day of February, 2000, the Court hereby adopts the Local Civil and Criminal Rules of the 37th Judicial District as hereinafter set forth. Said Rules shall be effective thirty (30) days after publication in the *Pennsylvania Bulletin*.

It is further ordered that the Local Rules as they existed prior to the adoption of the Rules herein set forth are hereby repealed on the effective date of the new Rules. No right acquired under the preexisting Rules shall be disturbed by the adoption of these new Rules.

The Warren County Prothonotary is ordered and directed to do the following:

1. File seven (7) certified copies of this Order and Rules with the Administrative Office of Pennsylvania Courts.
2. File two (2) certified copies of this Order and Rules with the Legislative Reference Bureau for publication in the *Pennsylvania Bulletin*.
3. File one (1) certified copy of this Order and pertinent Rules with the Civil Procedural Rules Committee.
4. File one (1) certified copy of this Order and pertinent Rules with the Domestic Relations Committee.
5. File one (1) certified copy of this Order and pertinent Rules with the Criminal Procedural Rules Committee.
6. Keep continuously available for public inspection copies of this Order and Rules.

By the Court

PAUL H. MILLIN,
President Judge

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- Rule 1405 Probation/Parole General Rules and Regulations
- Rule 1409 Violation of Probation or Parole—Hearing and Disposition
- Rule 1410 Arrest and Processing of Probation/Parole Violators

MOTIONS

- Rule 9020 Motions

**WARREN AND FOREST COUNTY
COMMON PLEAS COURT RULES**

Rule L49. Official Periodical.

The official legal periodical for Forest County shall be *The Forest Press* and for Warren County shall be the *Warren Times Observer*.

All legal notices shall be published in accordance with applicable rules in the forgoing publications.

Rule L50. Terms of Court.

There shall be a continuous session of Court annually. The Prothonotary shall separately number all causes filed numerically and consecutively throughout the calendar year. On the first day of January each successive year, the numbering shall commence anew.

Rule L51. Title and Citation of Rules.

The Local Rules of the 37th Judicial District of the Commonwealth of Pennsylvania shall be known and cited as "37 L _____."

Rule L52. Effective Date.

These Local Rules shall become effective within thirty (30) days after publication in the *Pennsylvania Bulletin* and shall be applicable to pending actions.

Rule L101. Principles of Interpretation and Construction of Rules.

When interpreting any rule, the principles of interpretation, rules of construction, and presumptions in ascertaining intent, set forth in the Pa. Rules of Civil Procedure, "Pa.R.C.P." shall be applied.

Rule L200. Attorneys.

1. No attorney, judge, or any elected official having decisional power and whose duties are related to the judicial process of the District shall be accepted as surety in any suit, action, prosecution or proceeding pending within the District, provided, that this rule shall not prohibit any such person from being accepted as principal or surety in any action or proceeding in which such person is personally involved as a party.

2. The signing of a pleading by an attorney shall constitute that attorney's entry of appearance irrespective if the signature is made on behalf of a professional corporation, partnership or similar entity. Appearances by attorneys or parties not signing pleadings shall be made by written praecipe filed with the Prothonotary of the respective Court in the District.

3. An attorney may withdraw after entry of appearance for a party without leave of Court pursuant to Pa.R.C.P. 1012. When leave is required the withdrawing attorney shall file a petition to withdraw and a copy of the same

shall be served on all parties, or their counsel. The Court shall not grant the petition until entrance of appearance by substitute counsel or until at least thirty (30) days after service of the petition.

Rule L200.1. Sureties.

1. No corporation shall be accepted as surety upon any bond to be approved by the Court unless such corporation has filed in the office of the Prothonotary of the County of the District a certificate issued by the Insurance Commissioner of the Commonwealth authorizing it to become surety on bonds, obligations and undertakings and certifying that such certificate has not been revoked by the Insurance Commissioner.

2. In all cases where surety other than a corporation is required to be approved by the court for bonding purposes, the individual offering the surety for approval shall execute an affidavit in the following form which shall be provided by the Prothonotary.

COMMONWEALTH OF PENNSYLVANIA

County of Warren/Forest

SS:

The undersigned, being considered as a proper surety in the above entitled case and being duly sworn according to law, deposes and states:

- 1. My (our) full post office address is:

2. I (we) own real estate in Warren/Forest County, Pennsylvania, in fee simple in my (our) name(s) having a fair market value of at least \$ _____.

3. That attached hereto is the appraisal of a licensed real estate appraiser within the Commonwealth of Pennsylvania/or certified copy of the County tax assessment record.

4. That attached hereto is the certificate of an attorney of all recorded liens against the said realty.

5. The real estate is recorded in my (our) name(s) in Warren/Forest County Deed Book/Record Book Vol. _____, Page _____.

Signature

Sworn and subscribed to me this

_____ day of _____, ____.

Rule L205.1. Flat Filing and Face Sheet.

All pleadings and papers in connection therewith, petitions and motions filed with the Prothonotary in an action at law or in equity and in other matters designated under the Rules of Civil Procedure shall be prepared for flat filing. Every pleading and legal paper, of two or more pages, shall have a face sheet in substantially the form of Exhibit L205.1. See also Rule L300C.

IN THE COURT OF COMMON PLEAS
OF THE 37TH JUDICIAL DISTRICT OF
PENNSYLVANIA
COUNTY BRANCH
CIVIL ACTION-LAW

Plaintiff
vs. No. A. D.
Defendant
Type of Document:
(Filed on Behalf of)
(Plaintiff/Defendant)
Counsel of Record for this Party:
(Name of Attorney Primarily Responsible)
Supreme Court I. D. No.
(Firm name, if any)
(Address)
(Phone)
(Fax number)

Exhibit L205.1

Rule L205.2. Pro Se Filings.

All pro se complaints, petitions and motions must be filed and docketed in the office of the Prothonotary. The Prothonotary may refuse to accept filings not accompanied by the requisite filing fee. Complaints, petitions and motions sent to any other office may be returned with a copy of this rule attached thereto.

The Prothonotary shall forward a copy of all documents filed by individuals who are represented by counsel of record to that attorney.

All pro se filings shall be clocked in by the Prothonotary. Filings which are not in compliance with the law, rule of court or the appropriate fee schedule shall be duly noted and forwarded immediately to the office of the Court Administrator. The Court Administrator, after consulting with the Court, shall notify the individual of the deficiency in the filing.

The notice shall be as follows:

NOTICE. YOU HAVE FILED A DOCUMENT WITH THE COURT OF COMMON PLEAS OF FOREST/WARREN COUNTY WHICH IS NOT IN COMPLIANCE WITH THE LAW, RULE OF COURT OR FEE SCHEDULE. YOU ARE ADVISED THAT YOUR FAILURE TO COMPLY MAY RESULT IN PREJUDICE TO YOUR RIGHTS OR CLAIM. YOU SHOULD CONSULT A LAWYER IMMEDIATELY. IF YOU CANNOT AFFORD A LAWYER YOU SHOULD CONTACT THE FOLLOWING AGENCIES TO OBTAIN LEGAL HELP:

- PA Lawyer Referral Services
Northwestern Legal Services
PA Bar Association
Warren, PA 16365
100 South Street
Phone (800) 665-6957
Harrisburg, PA 17108
Phone (800) 692-7375

IF YOU DESIRE TO REPRESENT YOURSELF OR DO NOT QUALIFY FOR FREE COUNSEL YOU ARE INSTRUCTED THAT YOU MUST BRING YOUR FILING INTO COMPLIANCE WITH THE LAW, RULE OF COURT OR FEE SCHEDULE YOU HAVE VIOLATED OR YOUR RIGHTS OR CLAIM MAY BE PREJUDICED.

AMERICANS WITH DISABILITIES
ACT OF 1990

The Court of Common Pleas of Forest/Warren County is required by law to comply with the Americans with Disabilities Act of 1990. For information about accessible facilities and reasonable accommodations available to disabled individuals having business before the Court, please contact the Court Administrator's Office. All arrangements must be made at least 72 hours prior to any hearing or business before the Court. You must attend the scheduled conference or hearing.

RULE L206. MOTIONS AND PETITIONS

Rule L206A. Petitions shall be Governed by Pennsylvania Rule of Civil Procedure 206.5.

Rule to Show Cause. Discretionary issuance.

All petitions shall proceed under Pennsylvania Rule of Civil Procedure 206.5.

Rule L206B. Notice and Service to Opposing Party or Counsel.

1. Uncontested Motions.

Before an uncontested motion is filed, the moving party shall furnish a copy of the motion and any proposed order to every other party or counsel of record. Certification that the motion and proposed order are uncontested shall be completed and attached thereto in the form of Exhibit L206(1). Counsel may either certify that all parties or their counsel have consented or attach the written consents thereto.

UNCONTESTED MOTION CERTIFICATION
Form L206(1)

The undersigned represents that:

- 1. All parties or counsel have consented.
2. Consents of all parties or counsel are attached.
3. The Order seeks only a return hearing or argument date and no other relief.
4. The Order seeks only the appointment of a master or hearing officer, incorporation of an agreement in a divorce decree or other order, and no other relief.

Opposing Counsel:
(if opposing party is unrepresented, list his/her current address and telephone):

(Phone)

I HEREBY CERTIFY ALL OF THE ABOVE STATEMENTS ARE TRUE AND CORRECT

By:
Attorney

for:

2. Contested Motions.

In all contested matters, the moving party shall serve upon the opposing party or opposing counsel a copy of the proposed motion and order prior to presentation to the

Court and shall inform the opponent of the date and time when the proposed motion and order is to be presented. Such notice and service shall occur at least two (2) business days prior to the date for presentation. See Exhibit L206(2)

FORM L206(2)
CONTESTED MOTION NOTICE
NOTICE

You are hereby notified that the attached motion/petition will be presented by me to the Court on the ___ day of _____, ____ at ____ o'clock ___ m.

The undersigned represents that two days prior notice and a copy of this motion and proposed order have been served by () first class mail, () fax, or () hand delivery on the ___ day of _____, ____ upon all parties or their counsel or record in accordance with Pa.R.C.P. No. 440.

INFORMATION FOR COURT ADMINISTRATOR

A. Is this an original filing in this case? ___ Yes ___ No

B. Has any judge heard this matter previously? ___ Yes ___ No

C. If yes, name of judge who presided over previous matter:

D. Estimated court time required if this matter is granted: ___ Minutes ___ Hours ___ Days

E. Is this motion/petition opposed by another party?
___ Yes ___ No ___ Unknown

3. *Certification of Service.*

Service of the motions shall be in accord with Pennsylvania Rule of Civil Procedure No. 440. The motions shall set forth the manner in which notice and service has been given, attaching certification thereof in the form of Exhibit L206(2).

4. *Service of Order Entered.*

All orders entered by the Court after presentation of the motion or petition shall be served upon the opposing party or counsel by the moving party in accordance with Pa.R.C.P. No 440 within three days after entry of an order. Service of a conformed order is deemed sufficient. As a courtesy, the Prothonotary may furnish a copy of the actual order at a further date but the responsibility of the moving party or counsel to effectuate service is not relieved thereby. The time allowed for response by opposing parties or counsel to any rule or order of court shall date from the service of the conformed order by the moving party.

Rule L206C. Presentation of Contested Motions.

All contested motions and petitions shall be presented to the Court at times the Court is available as established by the Court Administrator. All motions shall be presumed to be contested motions unless the uncontested motions certification (Exhibit L206(1)) is completed and attached to the motion.

Rule L206D. Uncontested Motions.

1. Uncontested Motions Definition. Uncontested motions are defined as those:

(a) Motions upon which all parties or their counsel of record have consented to the motion and the proposed order; or

(b) Where the proposed order seeks only a rule to show cause with a return hearing or argument date and no such other or further relief; or

(c) Where the proposed order seeks only the appointment of a master or hearing officer or the incorporation of an agreement into a divorce decree or other order of Court and no other relief.

(d) Motions for summary judgment, motions for judgment on the pleadings, motion for post-trial relief pursuant to Pa.R.C.P. No. 227.1, and all other motions which must be filed within a prescribed time pursuant to the Rules of Civil Procedure and which seek a return hearing or argument date shall be filed as uncontested motions.

2. **Filing of Uncontested Motions**

Uncontested motions shall be filed with the Court Administrator. The Court Administrator will set an appropriate hearing date or argument date or present the same to the Judge for entry of the uncontested proposed order or appointment of a master or hearing officer. If the motion is mailed to the Court Administrator then enclose a self-addressed, postage prepaid envelope for the return of the order to counsel.

Rule L206E. Contents of Motions or Petitions.

All motions, rules, petitions and orders and reasons therefore, shall be typewritten or printed, signed by a party or counsel of record and shall contain the caption of the case, a description of the motion, the reasons therefore, and the relief requested. A proposed order shall be included. For all motions/petitions, the notice, the certification of service, the information for the court administrator, and, if applicable, the uncontested motion certification shall be completed in the form of Exhibit L206(1) and attached as the last page to the motion/petition.

When the motion or petition requests a hearing it shall contain (a) an estimate of the amount of time the hearing will take and (b) the name of the judge who heard any prior matter in the case. Notice and service shall be given at least two business days prior to the date for presentation. This notice requirement may be waived by opposing counsel in writing.

Rule L206F. Verification.

Motions or petitions which are based on matters not of record in the case must be verified in accordance with Pennsylvania Rule of Civil Procedure 1024.

Rule L206G. Answer to Petition or Rule to Show Cause

Each respondent shall file an answer to a petition or rule to show cause within the time prescribed by the Court or if not stated within twenty (20) days after the petition or rule is served on such respondent. Respondent shall at once serve a copy of the pleading on each adverse party or their counsel in the manner prescribed by Pa.R.C.P. No. 440. Answers shall conform to the requirements for answers to complaints in civil actions under the applicable Rules of Civil Procedure, and the manner and effect of failure to answer, admissions and/or denials shall be governed by the provisions of Pa.R.C.P. No. 206.7.

Rule L206H. Petitions.

The petitioner shall notify the respondent on the face sheet of the petition of the following:

NOTICE

A petition has been filed against you in Court. If you wish to defend against the claims set forth in the petition, you must take action as specified in the court order or

rule returnable and file in writing with the court your defenses or objections to the matter set forth against you. You are warned that if you fail to do so, the case may proceed without you and an order may be entered against you by the court without further notice for the relief requested by the petitioner. You may lose rights important to you.

YOU SHOULD TAKE THIS PAPER TO YOUR LAWYER AT ONCE. If you do not have a lawyer or cannot afford one, go to or telephone the office set forth below to find out where you can get legal help.

PA Lawyer Referral Services	Northwestern Legal Services
PA Bar Association	Warren, PA 16365
100 South Street	Phone (800) 665-6597
Harrisburg, PA 17108	
Phone (800) 692-7375	

AMERICANS WITH DISABILITIES ACT OF 1990

The Court of Common Pleas of Forest/Warren County is required by law to comply with the Americans with Disabilities Act of 1990. For information about accessible facilities and reasonable accommodations available to disabled individuals having business before the Court, please contact the Court Administrator's Office. All arrangements must be made at least 72 hours prior to any hearing or business before the Court. You must attend the scheduled conference or hearing.

Rule L210. Form of Briefs.

Briefs shall be in the form specified by the Pennsylvania Rule of Civil Procedure 210.

Any party desiring to file a brief shall do so upon the following schedule:

A. The moving party shall file a brief ten days in advance of argument court; B. The responding party shall file a brief three days in advance of argument court. Briefs shall be filed with the Prothonotary with a copy to the Court Administrator.

Briefs which refer to deposition testimony, affidavits, answers to interrogatories, etc. shall have appended to the brief a copy of that portion of the testimony referenced in the brief.

Rule L211. Oral Arguments.

1. Oral arguments shall be limited to a maximum of seven (7) minutes for each party unless extended by the Court.

2. Rebuttal and surrebuttal argument shall be permitted only by leave of Court.

3. The Prothonotary shall schedule oral arguments upon praecipe. The argument list shall close 20 days before argument court.

Rule L212. Pre-Trial Conference.

1. Thirty days prior to the civil trial term commencing, the civil trial list shall be closed and the Prothonotary shall prepare a civil trial list of all civil cases which have been noted ready for trial. The list shall include cases for jury and non-jury trial.

2. The Court Administrator shall schedule pre-trial conferences on the civil cases and shall notify counsel of the date and time of the pre-trial conferences, which shall be held in the Judge's Chambers.

3. Counsel attending the pre-trial conference must have full and complete authority to stipulate on items of evidence, admissions, and settlement. In the absence of

such authority, counsel shall have their client immediately available, either in person or by telephone.

4. At the pre-trial conference the parties shall comply with Rule 212 of Rules of Civil Procedure, and in addition thereto shall submit to the Court and other counsel a pre-trial statement containing:

(a) A narrative statement of the facts that will be offered by oral or documentary evidence at trial, and a statement of any unusual questions of evidence, fact or law; and in the event of the latter, supporting citations of counsel's position of the law.

(b) A list of names and addresses of all persons who may be called as witnesses, classifying them as liability and/or damage witnesses. The listing of a witness shall impose no obligation to call the witness or to procure his attendance at trial.

(c) Medical reports, including hospital records and the reports of any experts whose opinions will be offered in evidence at time of trial.

(d) A specific listing of all non-pecuniary injuries sustained and damages sought in terms of temporary or permanent injury.

(e) A list of all exhibits the party intends to use at trial.

(f) An estimated length of time which will be required to present the parties' respective cases in chief.

Rule L216. Grounds for Continuance.

A first continuance shall be granted in all cases upon agreement of counsel. A subsequent continuance will be granted only with the agreement of counsel and the parties in writing. No third continuance shall be granted except by leave of Court.

Rule L217A. Bill of Costs.

A bill of costs must contain the names of the witnesses, the date of their attendance, the number of miles actually traveled by them, and the place from which mileage is claimed. The bill shall be verified by the affidavit of the party filing it or his agent or attorney that the witnesses named were actually present in court, and that, in the attorney's opinion they were material witnesses. Where the service of a notice to appear, produce, or a subpoena was necessary, to compel the appearance of a witness or the production of evidence, such notice or subpoena, showing the time, place, and cost of service thereof, shall be filed with the bill. Any receipts for disbursements made for necessary exemplification of records, or in taking depositions in the case, or for other costs recoverable by law or rule of court, shall be filed with the bill. A copy of the bill of costs shall be served on opposing counsel pursuant to Pa.R.C.P. No. 440.

Rule L217B. Exceptions to Bill of Costs.

The party upon whom a bill of costs has been served may, within ten (10) days after such service, file exceptions thereto, and the issue shall be determined by the court. Failure to file exceptions within ten (10) days shall be deemed a waiver of all objections.

Rule L221. Pre-emptory Challenges.

1. After the jury panel is drawn for each case the Court shall conduct a voir dire to exclude from the list members for cause. Thereafter the Plaintiff shall conduct Plaintiff's voir dire, and thereafter Defendant shall conduct Defendant's voir dire. Counsel shall be limited in their voir dire interrogation to the panel collectively, and the voir dire shall be structured to seat a fair and impartial jury.

Rule L223. Conduct of Jury Trial.

1. Each party shall be limited to two witnesses whose testimony is similar or cumulative, without leave of Court.

2. Time frames for opening and closing statements shall be set by the Court following pre-trial conference.

Rule L226. Points for Charge.

1. Each point for charge shall be submitted to the Court separately numbered on stationary 8 1/2 inches by 11 inches, double-spaced, containing the caption and the point number.

2. Each point shall be supported by a citation of case or cases to support it or to a statute reference. The Court shall rule on each point prior to the attorney's summations.

3. Each point for charge shall not be repetitious by structuring the same point with different words.

Rule L227.1. Post-Trial Relief.

1. All post-trial relief motions shall be in writing and shall be argued before the Court on the regular scheduled civil calendar argument date.

2. Each point of trial error shall be specifically identified and referenced to the trial transcript (if available) by page and line.

Rule L227.3. Transcript of Testimony.

1. The party filing post-trial motions shall cause the transcript or portion thereof to support the motion to be transcribed before the motion is argued.

2. The party requesting the transcript or portion thereof shall request the same to be transcribed by the Court Reporter in writing and deliver the request to the Reporter.

3. The party ordering the transcript shall be responsible to pay the reporter who may refuse to deliver it until paid and when paid shall be entered as a record cost.

4. Upon agreement of counsel and the Court, the Court may dispose of the motion without the transcript.

Rule L240. In Forma Pauperis—Appointment of Counsel.

The Court desires that legal services in civil actions shall be provided to indigents and qualified persons. Upon petition filed with the Court pursuant to motions practice, the Court will assign counsel to represent indigents in civil actions where deprivation of substantial rights may occur, such as dependency actions and actions to terminate parental rights. The petition for the assignment of counsel in a civil action shall be in the form set forth on Exhibit L240 of these rules. A supply of these forms shall be maintained by the Prothonotary and the Domestic Relations Section.

**IN THE COURT OF COMMON PLEAS
OF THE 37TH JUDICIAL DISTRICT
OF PENNSYLVANIA
_____ COUNTY BRANCH**

PETITION FOR THE APPOINTMENT OF COUNSEL
IN A CIVIL ACTION

TO THE HONORABLE _____, THE
JUDGE OF SAID COURT:

The petitioner respectfully represents and petitions the court as follows:

1. Petitioner is _____
who resides at _____
and is the (plaintiff) (defendant) in the above entitled
action.

2. Petitioner's social security number is _____
and his/her income and expense information as set forth
below is complete and true.

3. That this is an action for _____

4. That this is a civil action which may lead to the
deprivation of substantial rights of the petitioner and
thus raises due process and equal protection questions
where by the petitioner is entitled to the assignment of
counsel.

5. That the petitioner is, for financial reasons, unable
to obtain counsel to represent him/her in this action as
the petitioner does not have sufficient income or assets to
hire counsel nor does petitioner have the ability to borrow
money or obtain gifts from relatives, friends, or otherwise
in order to hire counsel. Petitioner has made the follow-
ing efforts to obtain counsel:

6. I represent that the information below relating to
my ability to pay counsel fees is true and correct:

(a) Employment

(i) I am presently employed and state as follows:

Employer _____

Address _____

Salary or wages per month _____

Type of work _____

(ii) I am presently unemployed and state as follows:

Date of last employment _____

Salary or wages per month _____

Type of work _____

(b) Other income within the past twelve months

Business or profession _____

Other self-employment _____

Interest _____

Dividends _____

Pension and annuities _____

Social security benefits _____

Support payments received _____

Disability payments _____

Unemployment compensation and
supplemental benefits _____

Worker's compensation _____

Public Assistance _____

Other _____

(c) Other contributions to the support of my household
(wife) (husband) (other adult living with me) _____

() My (wife) (husband) (or other adult) is employed,
and I state:

Employer _____

Salary or wages per month _____

Type of work _____

Contributions from children _____

Contributions from parents _____

Other contributions _____

() My wife, husband, or other adult is not employed.

(d) Property owned

Cash _____
Checking account _____
Savings account _____
Certificates of deposit _____
Real estate (including home): _____
Motor vehicle: Make _____ Year _____
Cost _____ Amt. owed _____
Stocks; bonds _____
Other _____

(e) Debts and obligations:

Mortgage _____
Rent _____
Loans _____
Other _____

(f) Persons dependent upon me for support

(Wife) (husband)

Name _____

Children, if any

Name	Age
_____	_____
_____	_____
_____	_____

Other persons:

Name _____

Relationship _____

7. Petitioner (is) (is not) receiving Public Assistance.

8. I agree that I have a continuing obligation to inform the Court and my court appointed counsel of any improvement in my financial circumstances which then may enable me to pay attorney's fees.

WHEREFORE, petitioner respectfully requests that this court appoint and assign counsel to represent him/her in this action.

(Print Name)

VERIFICATION

I, _____, verify that the statements made in this petition are true and correct to the best of my knowledge, information and belief. I understand that false statements made herein are subject to the penalties of 18 Pa.C.S.A. 4904 relating to unsworn falsification to authorities.

(Sign Name)

ORDER

AND NOW, this ____ day of _____, _____ upon consideration of the within petition the Court believing, based upon the representation and sworn statements of the petitioner, that the petitioner is indigent; and the Court further believing that this action affects "substantial rights" of the petitioner raising due process and equal protection questions, the court concludes that the petitioner has a right to the assignment of counsel to represent him/her in this action.

Accordingly, _____, Esq., is hereby appointed to represent the petitioner in this action until the petitioner is financially able to obtain counsel to

represent him/her in this matter. In the latter event, counsel appointed to represent the petitioner shall continue to represent the petitioner either pursuant to an agreement between counsel and the petitioner regarding the payment of fees and costs or, in lieu thereof, counsel or the petitioner may file a motion or petition with this Court to determine the petitioner's ability to pay counsel fees and the terms and conditions thereof.

BY THE COURT

RULE L300. PROTHONOTARY

Rule L300C. Form and Size of Documents Filed.

Size and other physical characteristics—No paper or other document may be filed in the Prothonotary's Office on any paper other than paper approximately 8 1/2 x 11 inches in size. Any paper or other document filed in any office shall be sufficient as to format and other physical characteristics if it substantially complies with the following requirements:

(a) Prepared on white paper of good quality with typed or printed matter 6 1/2 x 9 1/2 inches.

(b) The cover sheet shall contain a three inch space from the top of the paper for all court stampings, filing notices, etc.

(c) Exhibits introduced in judicial proceedings and wills are exempt from this rule.

(d) Multi-page filings shall be stapled in the upper left-hand corner only. No tape, headers or backers shall be used.

Rule L300J. Collection of Costs.

The Prothonotary shall establish, implement, maintain and utilize a system for the collection of outstanding unpaid fees and costs. The Prothonotary shall keep a separate listing of the date costs and fees were imposed, the date due, collection efforts, and the dates and amounts of payment. The Prothonotary shall make an annual report to the President Judge on or before April 1st of each year for the preceding calendar year setting forth the amount of outstanding costs and fees imposed on a delay time payment basis, the amount of said costs paid during the year and the amount of the unpaid costs at the end of the year. For the purpose of this rule costs and fees which are either paid at the time that services are incurred or paid at the time that the order imposing the costs and fees is entered are not included in this rule. This rule governs costs which either the Court or the Prothonotary has given an attorney or party time to pay.

RULE L400. SERVICE BY SHERIFF

A party filing a complaint or any other pleading that constitutes original process which is to be served by the Sheriff's Office shall deliver to that office a certified copy of the complaint or pleading for each party to be served together with instructions for service on a form available from the Sheriff's Office. The Sheriff shall have the right to require payment for the requested service before service is made or attempted unless the party seeking service has been given the right to proceed in forma pauperis.

RULE L1018.1. NOTICE TO DEFEND

Rule L1018.1A Notice to Defend.

As provided by Pa.R.C.P. No. 1018.1, the following agencies are designated to be named in the Notice to

Defend in order to find out where legal help can be obtained:

PA Lawyer Referral Services	Northwestern Legal Services
PA Bar Association 100 South Street Harrisburg, PA 17108 Phone (800) 692-7375	Warren, PA 16365 Phone (800) 665-6957

AMERICANS WITH DISABILITIES ACT OF 1990

The Court of Common Pleas of Forest/Warren County is required by law to comply with the Americans with Disabilities Act of 1990. For information about accessible facilities and reasonable accommodations available to disabled individuals having business before the Court, please contact the Court Administrator's Office. All arrangements must be made at least 72 hours prior to any hearing or business before the Court. You must attend the scheduled conference or hearing.

ARBITRATION

Rule L1301. Cases for Submission.

A. Compulsory arbitration of matters as authorized by Section 7631 of the Judicial Code, 42 Pa.C.S. § 101, et. seq. shall apply to all cases at issue where the amount in controversy shall be twenty-five thousand dollars (\$25,000.00) or less.

The amount in controversy shall be determined from the pleadings or by an agreement of reference filed by the attorneys. The amount in controversy, when determined from the pleadings, shall be the largest amount claimed by any one party.

In the event that a case within arbitration limits is consolidated with a case involving more than arbitration limits after the former has been referred to a board of arbitrators, the order of consolidation will remove the same from the jurisdiction of the board of arbitrators.

B. A civil action will be referred to arbitration 20 days after the filing with the prothonotary and the court administrator of a praecipe signed by either party or its counsel indicating the matter is ready for arbitration. If the other party objects to the filing, that party shall, within the 20 days, file a motion requesting delay in the appointment of arbitrators pending completion of the pre-trial discovery and filings. The objection shall specifically indicate the matters that must be preliminarily resolved and shall propose a timetable for their completion.

Rule L1301.2. Agreement of Reference.

Matters not in litigation may be referred to a board of arbitrators by an agreement of reference, signed by counsel for all sides in the case. Such agreement shall be filed with the prothonotary, who will forward a copy to the court administrator. Said agreement shall define the issue involved for determination by the board and, when agreeable, shall also contain stipulations with respect to facts. In such cases, the agreement shall take the place of the pleadings in the case and be filed of record.

Rule L1302. List of Arbitrators.

Upon receipt of a praecipe, the court administrator shall appoint, from the list of attorneys, a board of 3 arbitrators. The appointments shall be made in a rotational fashion from the members of the bar eligible for assignment, except where an attorney is excused by reason of incapacity, illness, or other disqualification. The court administrator shall further be responsible for appor-

tioning assignments between members with more than five years' experience and those under five years. No more than one member of a family, firm, professional corporation, or association shall be nominated to serve on one potential board.

Rule L1304. Continuances.

Continuances shall be granted only by court order for good cause shown on notice sent by the court administrator to the parties and the court. Requests for continuances shall be submitted in writing in the form of a motion. A motion for continuance should be filed not later than 3 days prior to the scheduled date for the arbitration hearing.

If a party fails to appear at a scheduled arbitration hearing, the arbitrators shall proceed as set forth in Pa.R.C.P. 1303 and 1304.

Rule L1306. Awards.

A. After the case has been heard, the arbitrators shall make their report/award, which shall be signed by at least a majority of them. An award must be submitted within 10 days after the day of the hearing or the last adjournment thereof.

B. The award shall be filed with the prothonotary.

C. The prothonotary shall enter the award of the arbitrators in the docket. If an appeal is taken, the prothonotary shall notify the court administrator, who shall place it on the next pre-trial list.

D. Upon the award being indexed, the prothonotary shall give immediate written notice of the award to all the parties, or their attorneys, by regular mail and a copy to the court administrator.

Rule L1308.1. Compensation for Arbitrators.

A. The chair of the board of arbitrators shall receive compensation in the amount of \$150.00 per case; the other members of the board shall receive compensation in the amount of \$100.00 per case.

B. Each arbitrator shall be entitled to receive an additional compensation at the rate of \$50.00 per hour in any case in which the actual time spent in the hearing exceeds 3 1/2 hours.

C. Upon the filing of the board's report or award, the prothonotary shall certify to the county treasurer that the report and award, if any, has been filed, together with the names of the members of the board serving in the case. The county shall then pay the aforesaid fee to each member of the board serving on the case in accordance with Subsection A. of this rule.

D. In the event that a case shall be settled or withdrawn or otherwise terminated by or between the parties at any time prior to the date scheduled for hearing, the board members shall not be entitled to the aforesaid fee. If the case is settled, withdrawn, or otherwise terminated by or between the parties, on the date scheduled for hearing but prior to the scheduled starting time, the panel members shall be entitled to one-half of the base fee as set forth in Subsection A of this rule. In the event the case is continued after the arbitrators have convened, either before or after testimony has begun, the time required of the arbitrators during the first scheduled hearing shall be aggregated with the time required during the second hearing. To the extent that such aggregate time is less than 3 1/2 hours, the fee set forth in Paragraph A shall be applicable. To the extent that such

aggregate time exceeds 3 1/2 hours, the hourly rate set forth in Paragraph B shall be due for the hours in excess of 3 1/2 hours.

The prothonotary shall not mark or certify a case settled or discontinued until the attorney for the plaintiff has presented his or her praecipe in proper form.

L1308.2. Appeals.

A. Any party to the proceeding may appeal from the decision or award of the arbitrators to the Court of Common Pleas, upon prepayment to the county of the fees of the members of the board as set forth in the following schedule:

(1) If the amount in controversy is less than \$5,000—\$200.00.

(2) If the amount in controversy is \$5,000 or more but less than \$10,000— \$300.00.

(3) If the amount in controversy is \$10,000 or more but less than \$20,000— \$400.00.

(4) If the amount in controversy is \$20,000 or more—\$500.00.

For purposes of determining the appeal fee, "amount in controversy" shall be defined as the amount of the award rendered by the Board of Arbitration, or, in cases of no award, the amount demanded in the complaint.

Said appeal shall be taken not later than 30 days after the date of the entry of the award of the arbitrators on the docket. Repayment to the county of the fees of the members of the board shall not be taxed as costs or be recoverable in any proceeding. A de novo appeal shall be allowed as a matter of course upon the filing of the affidavit of appeal and recognizance, and upon the aforesaid repayment of the arbitrators' fees.

B. The prothonotary shall notify the court administrator of all appeals from arbitration. All arbitration appeals shall immediately be scheduled by the court administrator for pre-trial conference and trial at the earliest practical date.

C. If no appeal is filed within 30 days, judgment may be taken on the award.

RULE L1903. Protection from Abuse Enforcement

Rule L1903.1. Enforcement Methods.

Generally, the Protection for Abuse Act, Act 1994-85, 23 Pa.C.S.A. § 6102 et seq., provides three methods for the enforcement of protection from abuse orders to-wit; arrest (23 Pa.C.S.A. § 6113); private criminal complaint (23 Pa.C.S.A. § 6113.1); and civil contempt (23 Pa.C.S.A. § 6114.1). Except as hereinafter provided the procedure with respect to enforcement by arrest and private criminal complaint shall be similar.

Rule L1903.2. Probable Cause Arrest.

A police officer may arrest a defendant for violation of a protection order (except for economic matters) upon probable cause which shall be supplied by the victim, officer, or witnesses or combination thereof. If necessary, the officer may verify the existence of said order by phone or radio with the appropriate police department, county control or the Prothonotary's office). A complaint for indirect criminal contempt in the form prescribed by Exhibit L1903.1A shall be completed, signed and filed by the arresting officer or the victim. The probable cause affidavit shall be in the form prescribed by Exhibit L1903.1B.

Rule L1903.3. Private Criminal Complaint.

A plaintiff may file a private criminal complaint against the defendant on a form similar to L1903.1A alleging indirect criminal contempt for non-economic violations of any provision of an order issued under the Protection from Abuse Act by the Court or a District Justice. The private criminal complaint shall be filed with the District Justice in the jurisdiction where the violation occurred.

1. Upon review and determination of probable cause the District Justice shall issue a warrant or summons. If the District Justice issues a summons the summons shall indicate the date, time and place for the hearing which the District Justice shall obtain from the Court Administrator unless the District Justice is unable to contact the Court Administrator. In the latter event the defendant shall be informed by the Court Administrator of the time, date and place for the hearing. If the District Justice issues a warrant the District Justice shall cause a warrant to be forwarded to the appropriate police agency for service. Upon arrest, the defendant shall be taken to the District Justice, without unnecessary delay for a preliminary arraignment in accordance with Rule L1903.4. The District Justice shall cause the complaint to be filed with the Clerk of Courts as soon as practicable. The Clerk of Courts shall docket the complaint and forward it to the Court Administrator who shall schedule a hearing.

2. The Sheriff shall not require a deposit for service however the cost of service may be assessed to one or both parties when the hearing is held.

Rule L1903.4. Preliminary Arraignment.

A. When a defendant is arrested by a police officer upon probable cause or pursuant to a private criminal complaint for violation of a protection from abuse order issued by a Judge or an emergency order issued by a District Justice, the defendant shall be preliminarily arraigned forthwith before a District Justice.

B. If the arraignment occurs during the Court's business hours the District Justice shall contact the Court Administrator to obtain a time and date for the hearing. The District Justice shall then inform the plaintiff and defendant of the date and time for the hearing in writing in the form of Exhibit L1903.2-B.

If the District Justice is unable to contact the Court Administrator at the preliminary arraignment he shall contact the Court Administrator as soon thereafter as possible. The District Justice shall advise the defendant, and if present the plaintiff, in the form of Exhibit L1903.2-B, that each will be receiving a notice from the Court Administrator setting forth the date, time and place of the hearing on contempt. The Court Administrator shall then schedule a hearing and notify the plaintiff and defendant of the date and time for the hearing in writing sent to their last known addresses shown on the documents filed before the District Justice in this action.

C. The Court of the District Justice shall set bail to insure the defendant's presence at the contempt hearing in accordance with Pennsylvania Rule of Criminal Procedure 4004 with conditions including, without limitation, a condition that the defendant not contact the plaintiff or members of the plaintiff's household, directly or indirectly, until further order of Court.

D. At the preliminary arraignment, the defendant shall be notified:

1. That he/she is charged with criminal contempt for violation of the Protection From Abuse Order.

2. That a hearing will be held in the Court of Common Pleas of Forest/Warren County when scheduled by the Court Administrator; and

3. That the defendant is entitled to be represented by counsel, and if unable to afford counsel, free counsel may be appointed if the Defendant cannot afford counsel. The defendant should immediately contact the office of the Public Defender of Forest/Warren County.

E. Defendants who fail to post bail shall be committed to the Warren County Jail pending the hearing.

F. The hearing shall be scheduled within ten (10) days.

Rule L1903.5. Contempt-Delivery of District Justice File to Court.

The District Justice shall cause the following completed forms and bail, if entered, to be delivered immediately to the Judges Chambers or Court Administrator: (1) criminal complaint; (2) probable cause affidavit, if any; (3) certificate of bail, if any was required, and discharge or commitment; and (4) receipts or copies of notice of the hearing.

Rule L1903.6. Contempt-Court Hearing.

The unavailability of plaintiff's counsel shall not be grounds for the dismissal of the contempt action, and said hearing shall not be unduly delayed by the unavailability of counsel.

Rule L1903.7. Civil Contempt.

A petition for civil contempt shall be filed by the plaintiff with the Prothonotary and then transmitted by the Prothonotary to the Court Administrator. The Court Administrator shall set a time for hearing. The plaintiff shall arrange to have the petition and order setting the hearing served upon the defendant in any manner by which service of original process may be made in a civil action. The order scheduling a hearing shall be in a form identical to Exhibit L1903.6-A.

**NOTICE OF HEARING FORM
IN THE COURT OF COMMON PLEAS
OF THE 37TH JUDICIAL DISTRICT OF
PENNSYLVANIA
_____ COUNTY BRANCH
CIVIL ACTION-LAW
INDIRECT CRIMINAL CONTEMPT FOR
VIOLATION
OF PROTECTION FROM ABUSE ORDER**

Plaintiff
vs.
Defendant

NOTICE OF HEARING

TO: Defendant _____

1. _____ You are hereby ORDERED to appear for hearing on:

DATE: _____ TIME _____ PLACE _____

The Forest/Warren County Court Administrator will notify you _____ by mail of the date, time, and Courtroom for your hearing at which you must appear. Defendant states that his mailing address is: _____

2. You have been charged with the following: _____

3. Your bail has been set at: _____

To protect your rights you should have a lawyer represent you at this hearing. If you do not have a lawyer, these referral services will give you information about finding one.

CONTACT:

PA Lawyer Referral Services
PA Bar Association
100 South Street
Harrisburg, PA 17108
Phone (800) 692-7375

Northwestern Legal Services
Warren, PA 16365
Phone (800) 665-6957

AMERICANS WITH DISABILITIES ACT OF 1990

The Court of Common Pleas of Forest/Warren County is required by law to comply with the Americans with Disabilities Act of 1990. For information about accessible facilities and reasonable accommodations available to disabled individuals having business before the Court, please contact the Court Administrator's Office. All arrangements must be made at least 72 hours prior to any hearing or business before the Court. You must attend the scheduled conference or hearing.

If you do not have the money to hire a lawyer, you must apply within 48 hours at the Office of the Public Defender of Forest/Warren County at the Courthouse in Warren or Tionesta.

_____ (SEAL)

_____ (DATE)

District Justice

CERTIFICATE OF SERVICE OF NOTICE OF HEARING

I certify that on this day I personally served the above notice of hearing on the defendant in this case.

Defendant is: ___ released on bail or ___ incarcerated in lieu of bail in the amount of \$ _____

_____ (SEAL)

_____ (DATE)

District Justice

EXHIBIT L1903-2B

Form for Order and Notice for Civil Contempt for Violation of Protection From Abuse Order.

**IN THE COURT OF COMMON PLEAS
OF THE 37TH JUDICIAL DISTRICT OF
PENNSYLVANIA
_____ COUNTY BRANCH
CIVIL ACTION-LAW**

_____,
Plaintiff
vs. No. A. D. _____

_____,
Defendant

NOTICE AND ORDER TO APPEAR

TO THE DEFENDANT:

Legal proceedings have been brought against you alleging that you have willfully disobeyed an Order of Court under the Protection From Abuse Act.

If you wish to defend against the claim set forth in the following pages you may but are not required to file in writing with the Court your defenses or objections.

Whether or not you file in writing with the Court your defenses or objections you must appear in person in Court on the _____ day of _____, _____, at _____ o'clock a.m./p.m. in Courtroom _____ of the Forest/Warren County Courthouse.

IF YOU DO NOT APPEAR IN PERSON THE COURT MAY ISSUE A WARRANT FOR YOUR ARREST.

If the Court finds that you have willfully violated the Protection From Abuse Order you may be found in contempt of court and committed to jail for up to six months and a fine from \$100 to \$1,000 or both.

YOU SHOULD TAKE THIS PAPER TO YOUR LAWYER AT ONCE. IF YOU DO NOT HAVE A LAWYER OR CANNOT AFFORD ONE, YOU MAY TELEPHONE THE OFFICES SET FORTH BELOW TO FIND OUT WHERE YOU CAN GET LEGAL HELP.

PA Lawyer Referral Services
Northwestern Legal Services
PA Bar Association
Warren, PA 16365
100 South Street
Phone (800) 665-6957
Harrisburg, PA 17108
Phone (800) 692-7375

AMERICANS WITH DISABILITIES ACT OF 1990

The Court of Common Pleas of Forest/Warren County is required by law to comply with the Americans with Disabilities Act of 1990. For information about accessible facilities and reasonable accommodations available to disabled individuals having business before the Court, please contact the Court Administrator's Office. All arrangements must be made at least 72 hours prior to any hearing or business before the Court. You must attend the scheduled conference or hearing.

BY THE COURT

Date: _____

**EXHIBIT L1903.6-A
SUPPORT RULES**

Rule L1910.12. Support Hearing Procedure.

Warren and Forest Counties shall follow the procedure set forth in Pa.R.C.P. 1910.12

Rule L1910.12(f). Exceptions to Court Hearing Officer's Report.

(1) Each exception to the Court Hearing Officer's Report regarding child support, spousal support, and alimony pendente lite shall be specifically identified by the party filing the exception as either:

(a) an exception asserting that the Hearing Officer made an erroneous finding of fact, or

(b) an exception asserting that the Hearing Officer made an error of law.

(2) An exception asserting that the Hearing Officer made an erroneous finding of fact shall:

- (a) identify the erroneous finding;
- (b) state specifically the finding which should have been made by the Hearing Officer;
- (c) specify any document which supports, or any witness whose testimony supports, the finding which should have been made by the Hearing Officer;
- (d) specify any document or testimony which supports the Hearing Officer's finding.

(3) An exception asserting that the Hearing Officer made an error of law shall identify the statute, rule, regulation, or judicial decision, not applied or improperly applied by the Hearing Officer.

(4) All exceptions shall include a statement of the following:

(a) the obligor's income available for support as claimed by the party filing the exceptions, together with a statement of the record evidence of the obligor's income;

(b) the obligee's income available for support as claimed by the party filing the exceptions, together with a statement of the record evidence of the obligee's income;

(c) the amount of support which should have been ordered.

(5) Exceptions shall contain no discussion of the claims made.

(6) Any party filing exceptions shall immediately submit to the Domestic Relations Department, a motion for argument on the exceptions.

(7) Exceptions which are not in compliance with this rule or which are not briefed as ordered may be deemed to have been waived.

CUSTODY RULES

L1915.3

In all cases involving claims for custody, partial custody, or visitation, a conference before the Court Hearing Officer shall be held except where the interest of justice would otherwise require.

The Court Hearing Officer shall have authority to grant continuances.

L1915.3(b). Form of Notice of Conference.

Claims for custody, partial custody, or visitation shall have attached thereto an order of Court referring the claim to the Court Hearing Officer for a conference and a notice to appear in the following form:

**IN THE COURT OF COMMON PLEAS
OF THE 37TH JUDICIAL DISTRICT OF
PENNSYLVANIA
WARREN COUNTY BRANCH
CIVIL**

Plaintiff
vs. In Custody
No.

Defendant

NOTICE AND ORDER TO APPEAR

You, _____, have been sued in Court to (obtain) (modify) custody, partial custody, or visitation of the following children:

You are ordered to appear in person in Room, Warren County Courthouse, Warren, Pennsylvania, before the Court Hearing Officer, Maureen A. Skerda, Esq., on the ____ day of _____, _____, at ____ m. for the purpose of a (conference) (hearing) to determine the disputed issues.

You (are) (are not) ordered to bring with you the child(ren)

If you fail to appear as provided by this order, an order for custody, partial custody, or visitation may be entered against you or the Court may issue a warrant for your arrest.

YOU SHOULD TAKE THIS PAPER TO YOUR LAWYER AT ONCE. IF YOU DO NOT HAVE A LAWYER OR CANNOT AFFORD ONE, GO TO OR TELEPHONE THE OFFICE SET FORTH BELOW TO FIND OUT WHERE YOU CAN GET LEGAL HELP.

PA Lawyer Referral Services
Northwestern Legal Services
Pennsylvania Bar Association
Warren, PA 16365
100 South Street
(800) 692-7375

AMERICANS WITH DISABILITIES ACT OF 1990

The Court of Common Pleas of Forest/Warren County is required by law to comply with the Americans with Disabilities Act of 1990. For information about accessible facilities and reasonable accommodations available to disabled individuals having business before the Court, please contact the Court Administrator's Office. All arrangements must be made at least 72 hours prior to any hearing or business before the Court. You must attend the scheduled conference or hearing.

FOR THE COURT

Court Hearing Officer

Rule L1915.3(f) Conference Results.

If the parties are unsuccessful in reaching an agreement following the conference with the Court Hearing Officer, the Court Hearing Officer shall enter an order that the parties:

- (a) shall attend and pay the cost of the seminar entitled "Children in the Middle" or a comparable program,
- (b) shall schedule a hearing before the Court Hearing Officer on all issues of partial custody and visitation and custody if the parties waive their right to have the matter heard by the Court, or
- (c) refer the parties to the Court Administrator to establish a hearing before the Court on the issue of custody.

Rule L1915.4-2(f)

In cases in which the parties waive the right to proceed before the Court with a custody matter and in which a hearing is held before the Court Hearing Officer, the Court Hearing Officer shall file a report in the same manner as provided by Pa.R.C.P. 1915.4-2 for cases of partial custody and visitation. The recommended order submitted by the Court Hearing Officer shall become a final order of Court within ten days from the date of entry unless a party files a written demand for a de novo hearing with the Court. A written demand for a de novo hearing in substantially the form hereinafter set forth shall be filed with the Prothonotary, who shall time stamp the demand and forward it to the Court Administrator for a hearing date. A demand for a de novo hearing shall not stay the recommended order entered by the Court unless the Court so directs. The Court Hearing Officer's Report shall be filed within thirty days of the hearing.

IN THE COURT OF COMMON PLEAS OF THE 37TH JUDICIAL DISTRICT OF PENNSYLVANIA FOREST/WARREN COUNTY

Plaintiff vs. No.

Defendant

REQUEST FOR A HEARING

AND NOW, this _____ day of _____, _____, the Plaintiff/Defendant, _____, by his/her Attorney _____, respectfully requests the Court Administrator to list the above case for hearing de novo before the Court for the following reasons: _____

The hearing is de novo and therefore is not limited in scope to the reasons set forth herein.

Plaintiff/Defendant

Attorney for Plaintiff: _____
Attorney for Defendant: _____
Name of Conference Officer: _____
Date of Recommendations: _____
Judge (if any) who has heard previous custody matter(s) _____
Estimated Court time required: _____

I certify under penalty of 18 Pa.C.S.A. Section 4904, relating to unsworn falsification to authorities, that this Request was mailed on the _____ day of _____, _____ by first class mail, postage prepaid.

By:

IN THE COURT OF COMMON PLEAS OF THE 37TH JUDICIAL DISTRICT OF PENNSYLVANIA WARREN COUNTY BRANCH CIVIL

Plaintiff In Custody vs. No.

Defendant

WAIVER

I, the undersigned, having been informed of the right to have this matter heard by a Judge or the Court of Common Pleas, hereby agree:

1. This matter may be heard by the Court Hearing Officer duly appointed by the Court.
2. Stenographic recording is waived.
3. The Court Hearing Officer may make Findings of Fact, Conclusions of Law and a Recommended Order after having heard the testimony of witnesses.
4. The Findings of Fact, Conclusions of Law and Recommended Order shall be binding upon all parties in the event that there are no exceptions filed.
5. If exceptions are filed in this matter within ten (10) days from the Recommended Order, the Court shall schedule a hearing de novo in this matter.

DATE: _____

Signature _____

Exhibit L1915.4

Rule L1915.4-2(h). Request for De Novo Hearing Withdrawn.

When a party files a timely demand for hearing de novo and later withdraws that request, there shall be no hearing de novo and the order entered by the Court Hearing Officer shall become final at the time the request for de novo hearing is withdrawn.

Rule L1930. Seminar for Separating Parents in Contested Custody Matters.

1. In all divorce and custody proceedings filed on or after February 1, 2000, and in such other cases as the Court shall direct, where the interest of children under the age of eighteen years are involved and the issue of custody and/or visitation remains in dispute and unresolved following a custody conference, the parties shall complete a seminar entitled "Children in the Middle" or a comparable program.

2. The Court Hearing Officer in conjunction with the provider shall establish the dates the parties shall attend the seminar and shall provide a recommended order to the Court for signature.

3. Both parties shall attend the seminar prior to the date of the custody hearing.

4. Any requests for an extension of time within which to complete the seminar shall be made to the Court Hearing Officer.

5. The fee for the seminar shall be determined by the provider and must be paid prior to attendance. Any request for waiver or reduction of the fee shall be filed with the Court Hearing Officer and shall be accompanied by a verified affidavit of indigency or other proof of economic hardship in accordance with Pa.R.C.P. No. 240, at least five days prior to the scheduled seminar.

6. The requirements to attend the seminar may be waived if:

(a) the Court, on motion, determines that participation is not necessary or,

(b) the parties select and participate in a comparable parenting education program.

7. No hearing or trial shall be delayed or court action withheld because of the failure of one party to attend the seminar.

8. Failure to comply with this rule may result in the dismissal of the action, striking of pleadings, or other appropriate remedy including sanction for contempt and attorney fees.

9. Should a party fail to attend the seminar, the Court may sua sponte bring a contempt action against a non-complying party. A party who has complied with the rules shall not be required to either bring the contempt action or appear at any contempt proceedings.

10. Copies of this rule and program description shall be available in the office of the Prothonotary, the Court Hearing Officer's office, and the office of the Court Administrator.

DIVORCE

Rule L1920.33. Divorce Pre-trial Statements.

Any party failing to comply with Pa.R.C.P. 1920.33 is guilty of dilatory conduct and subject to sanction by awarding court costs and attorney fees.

Upon finding that a party has failed to comply with the requirements of Pa.R.C.P. 1920.33 concerning the filing of an inventory and the filing of a pre-trial statement, the Court Hearing Officer may continue the hearing and recommend to the Court an order of sanctions.

Rule L1920.51. Appointment of Court Hearing Officer, Notice of Hearing, Prehearing, and Continuances.

Rule L1920.51A. Appointment of Court Hearing Officer.

1. The Court may appoint by separate order the Court Hearing Officer who shall not engage in any private domestic relations matters and who shall serve at the pleasure of the Court.

2. The Court may appoint other attorneys to serve as Court Hearing Officers in cases where it is not reasonable to appoint the permanent Court Hearing Officer. In such cases the Court shall attempt to appoint as Court Hearing Officers in complex or potentially protracted litigation attorneys who have at least five years experience as practicing members of the Bar of this Court with emphasis or expertise in divorce and related matters.

3. All matters which may by statute or rule be referred to the Court Hearing Officer shall be heard by a Court Hearing Officer in the absence of a Court Order to the contrary.

4. The Court Hearing Officer shall have authority to grant continuances.

5. All actions for divorce or annulment, and all claims for alimony, alimony pendente lite, equitable distribution of marital property, counsel fees, costs, expenses or any aspect thereof, shall be heard by the Court Hearing Officer in the absence of court order to the contrary.

6. A motion for appointment of a Court Hearing Officer shall be in the form prescribed by Form L1920.74 and shall be accompanied by a certificate of the moving party that the moving party has complied with the filing requirements of Pa.R.C.P. 1920.31(a)(1), 1920.33(a) and 1920.46 unless the moving party certifies that one of those rules is inapplicable. Motions for appointment of a Court Hearing Officer shall be filed in accordance with the Local Rule L206. A Court Hearing Officer shall not be appointed until the moving party has, and may not be appointed where the nonmoving party has not, complied with Pa.R.C.P. 1920.31(a)(1), 1920.33(a) and 1920.46, if applicable, unless the Court has made an order pursuant to Pa.R.C.P. 4019. A copy of the motion shall be filed with the permanent Court Hearing Officer.

Rule L1920.51B. Fees and Costs.

1. Fees and costs shall be paid to the Prothonotary at the times indicated:

a. A refundable deposit of \$250 shall be paid by the moving party at the time a motion for the appointment of the Court Hearing Officer is filed.

b. The fees set forth in this rule shall be regarded as costs of the case and the Court Hearing Officer may recommend and/or the Court may order each party to pay his/her own costs or may order that the costs be divided equitably and paid by each party as may appear just and reasonable.

c. No motion for the appointment of the Court Hearing Officer shall be filed until all of the fees in this rule have been paid to the Prothonotary.

In the motion the moving party must certify to the Court that these fees have been paid in full and the Prothonotary shall certify in writing on the face of the motion that the fees have been paid.

d. When the fees deposited with the Prothonotary are deemed insufficient to provide for the total services of the stenographer, the Court Hearing Officer may move the court to order additional deposits or the parties may agree to additional deposits. The Court Hearing Officer shall not be required to conduct additional hearings or proceed further in any respect until the payment of the additional deposits as may be ordered or agreed upon have been made to the Prothonotary.

2. Deposits in cases where someone other than the permanent Court Hearing Officer has been appointed shall be as set out in any appointing or other order and shall be held by the Prothonotary to be paid over as the Court may order to the Court Hearing Officer as a fee or returned to the parties, or otherwise. In such a case the specially appointed Court Hearing Officer shall file a petition or petitions for the payment of the Court Hearing Officer's fees detailing the time and services spent and rendered, and expenses incurred, all in compliance with local motions practice. The special Court Hearing Officer shall receive compensation as set by Court Order. The Prothonotary may pay the special Court Hearing Officer upon receipt of a bill approved by the parties or their attorneys without the necessity of a Court Order. Special Court Hearing Officers are not required to proceed until the court ordered deposit is paid in full.

3. Whenever a stenographic transcript is required, the Pennsylvania Rules of Judicial Administration shall apply. The Prothonotary shall pay the reporter upon receipt of a bill approved by the Court Hearing Officer or the Court.

Rule L1920.53D. Hearing Transcripts.

The Court Hearing Officer shall engage the services of a stenographer. The testimony shall be transcribed unless:

- 1) The parties waive transcription and the Court Hearing Officer concurs.
- 2) If a transcript is ordered by a party that party shall arrange to pay for the transcript in accordance with the Rules of Judicial Administration and the cost of the transcript may be allocated to one or both of the parties by a court order.

Form L1920.74

**IN THE COURT OF COMMON PLEAS
OF THE 37TH JUDICIAL DISTRICT OF
PENNSYLVANIA
CIVIL ACTION-LAW**

Plaintiff
vs. A. D. ____ of ____

Defendant
_____, Esq., for Plaintiff
_____, Esq., for Defendant
(of record or consulted)

**MOTION FOR APPOINTMENT OF
COURT HEARING OFFICER
IN DIVORCE**

AND NOW, _____, _____, moves the Court to appoint the Court Hearing Officer with respect to the following claims:

- () Divorce () Distribution of Property
- () Annulment () Support
- () Alimony () Counsel Fees
- () Alimony Pendente () Costs and Expenses Lite

and in support of the motion states:

(1) Discovery is complete as to the claim(s) for which the appointment of the Court Hearing Officer is requested.

(2) The statutory ground(s) for divorce (is) (are)

(a) If 3301(c), affidavit of consent filed by

Plaintiff _____, _____
(date)

Defendant. _____, _____
(date)

(b) If 3301(d), Plaintiff's affidavit filed _____, _____
(date)

Defendant's counter affidavit, if any, filed _____, _____
(date)

(3) Delete the inapplicable paragraph(s):

(a) The action is not contested.

(b) An agreement has been reached with respect to the following claims:

(c) The action is contested with respect to the following claims: _____

(4) The action (involves) (does not involve) complex issues of law or fact.

(5) The hearing is expected to take _____
(hours) (days).

(6) The Complaint was filed ____ and served ____.

(7) Matters at issue under the pleadings which are not to be referred to the Court Hearing Officer:

(8) Attached hereto is the completed form required by Pa.R.C.P. No. 1920.46.

(9) I hereby certify that Pa.R.C.P. No. 1920.31(a) is applicable, _____ not applicable, and the income and expense statements have been filed as follows:

Plaintiff _____ Date _____

Defendant _____ Date _____

(10) I hereby certify that Pa.R.C.P. No. 1920.33(a) is _____ applicable, _____ not applicable, and the inventories have been filed as follows:

Plaintiff _____ Date _____

Defendant _____ Date _____

(11) Approximate monthly take home income of:
 Plaintiff _____ Date _____
 Defendant _____ Date _____

(12) If applicable, approximate value of marital assets to be distributed:
 From Plaintiff's inventory _____
 From Defendant's inventory _____

(13) Approximate value of assets as to which there is a dispute as to whether they are marital assets: \$ _____

(14) Additional information, if any, relevant to the motion: _____

(15) I hereby certify that all Court Hearing Officer's fees required to be paid have been paid.

Date: _____

Attorney for: _____

ORDER APPOINTING COURT HEARING OFFICER

AND NOW, _____, _____, Esq., is appointed Court Hearing Officer in respect to the following claims:

If not filed already the parties are ordered to file their pre-hearing statements within twenty (20) days from this date.

Per Curiam,

 Judge

Received of Plaintiff \$ _____

 Prothonotary Date _____

Received of Defendant \$ _____

 Prothonotary Date _____

RULE L1920.76. FORM OF DIVORCE DECREE

Rule L1920.76. Incorporation of Agreement in Divorce Decree.

If the parties conclude a written agreement as to any or all ancillary matters and desire to have the agreement incorporated into the divorce decree the agreement to be so incorporated must be filed of record and the parties must stipulate in writing that they desire that the agreement be incorporated into the divorce decree. If the stipulation is included in the agreement itself, the praecipe to transmit the record shall refer to the paragraph and page number(s) of the agreement at which the stipulation may be found.

MISCELLANEOUS

Rules L2039, L2064, and L2206. Approval of compromises involving minors, incapacitated persons, wrongful death and survival actions.

1. Minor or incapacitated person's compromises:

Situs of the filing of the petition.

(a) Petitions for approval of settlements in cases where minors or incapacitated persons have an interest shall be filed with the Prothonotary if the underlying suit has

been filed with the Prothonotary. If no suit has been filed, such petitions shall be filed with the Clerk of the Orphans' Court.

(b) Contents of petition. The petition shall be substantially in the form set forth hereunder, and shall:

(1) set forth the date of birth and social security number of the minor plaintiff or incapacitated person, the names and addresses of the minor's parents, the name of the plaintiff's guardian and the appointing court, the address of the plaintiff, and a factual recitation of the salient facts which form the bases of the cause of action;

(2) state the terms of the settlement, including the specific provisions of any annuity, if applicable, including the credit rating of the entity which assumes responsibility for future payments, the present cost of the annuity, periodic and lump sum payments, and otherwise comply with Pa.R.C.P. 2039 and 2064;

(3) state whether a lien or claim has been raised on behalf of any medical supplier, including the Department of Public Welfare;

(4) contain or be accompanied by the following:

(a) a written report of a physician setting forth the present condition of the minor or incapacitated person;

(b) a statement under oath by the guardian and, if appropriate, the parent(s), certifying (i) the present physical or mental condition of the minor or incapacitated person, and (ii) approval of the proposed settlement and distribution thereof;

(c) a statement of the professional opinion of counsel as to the reasonableness of the proposed settlement and the basis for such opinion; and

(d) if there is to be an allocation between parents and children or incapacitated persons, or among children or other parties, the amounts allocated to each party and the specific reasons for such allocation must be set forth. In the event more than one plaintiff is involved, whether minor, adult or incapacitated, Petitioner must set forth the amount each plaintiff is to receive and shall provide justification for the requested allocation;

(e) in the event that a minor is sixteen (16) years of age or older, his or her written approval of the proposed settlement and distribution thereof.

(f) a proposed Order.

(g) Opinion of Guardian. When the minor or incapacitated person is represented by a guardian ad litem, the guardian ad litem shall submit a statement concerning his/her opinion as to the reasonableness of the proposed settlement and requested allocation of the gross settlement proceeds.

(h) Proof of Deposit and Compliance with Court Order. Within sixty (60) days of the entry of a final order, counsel shall file an affidavit with the Prothonotary certifying compliance with the court order, and shall submit proof of deposit in the form of a photocopy of the restricted certificate of deposit or bankbook. The affidavit shall be substantially in the form set forth hereunder.

2. Petitions for Approval of Settlements in Wrongful Death/Survival Actions.

(a) When Required.

(1) Survival Action. Court approval of settlements in survival actions is always required.

(2) Wrongful Death. If the complaint only raised a wrongful death claim, court approval of settlements shall be required only where a minor or incapacitated person has an interest.

(3) Combined Wrongful Death and Survival Actions. If the complaint raised wrongful death and survival claims, court approval is required as to allocation between the categories notwithstanding the absence of minors or incapacitated persons, even if plaintiff requests that the entire proceeds be allocated entirely to the wrongful death claim.

(b) Situs of the Filing of the Petition. Petitions for Approval of Settlements in Wrongful Death or Survival Actions shall be filed with the Prothonotary if the underlying suit has been filed with the Prothonotary. If no suit has been filed, such petitions shall be filed with the Clerk of the Orphans' Court.

(c) Contents of Petition. The Petition shall be substantially in the form set forth hereunder, and shall:

(1) set forth the date of death of plaintiff-decedent, the name of the personal representative of the estate and the county of appointment. A copy of the Decree of the Register must be attached;

(2) state the terms of the settlement, including the specific allocation as between wrongful death and survival, name the wrongful death beneficiaries and the amount each is to receive, name the intestate heirs of Plaintiff-decedent as of the date the cause of action arose, state reasons why the settlement and allocation are reasonable, and otherwise comply with Pa.R.C.P. 2206. In the event a portion of the settlement is payable through the purchase of an annuity, set forth the credit rating of the entity which assumes responsibility for future payments, the present cost of the annuity, as well as the periodic and lump sum payments.

(3) show compliance with Pa.R.C.P. 2205 and set forth the name, relationship and address of plaintiff-decedent's intestate heirs who must be served with a copy of the petition (as required by 20 Pa.C.S.A. § 2101, et. seq.)

(4) identify any other parties who may have a possible interest in plaintiff-decedent's estate, and list unpaid claims raised, or which are outstanding, in the decedent's estate;

(5) state whether a lien or claim has been raised on behalf of any medical supplier, including the Department of Public Welfare; and

(6) attach a proposed order.

(d) Proof of Deposit and Compliance with Court Order. Within sixty (60) days of the entry of a final order, counsel shall file an affidavit with the Prothonotary substantially in the form set forth hereunder, certifying compliance with the court order and shall submit proof of deposit in the form of a photocopy of the restricted certificate of deposit or bankbook. The affidavit shall be substantially in the form set forth hereunder.

3. Petitions for Allowance

(a) Petitions for Allowance in those cases where a guardian has been appointed by the Orphans' Court Division of Warren/Forest County shall be filed directly with such division. A copy of the order approving the settlement shall be attached to the petition.

(b) Petitions for Allowance in those cases where a guardian has been appointed by the Orphans' Court Division of a county other than Warren/Forest County, or by a different state, shall be filed directly with such

appointing court. A copy of the order approving the settlement shall be attached to the petition.

(c) Petitions for Allowance in those cases where a guardian has not been appointed shall be filed with the Orphans' Court Division of the appropriate county or other state. A copy of the order approving the settlement shall be attached to the petition.

**IN THE COURT OF COMMON PLEAS
OF THE 37TH JUDICIAL DISTRICT OF
PENNSYLVANIA
WARREN/FOREST COUNTY
CIVIL**

Plaintiff
vs. No. _____

Defendant

**PETITION FOR LEAVE TO SETTLE OR
COMPROMISE
MINOR'S ACTION**

To the Honorable, _____ the Judge of the said court:

The petition of _____, a minor, by his guardian (see Pa.R.C.P. § 2028), by his attorney, _____, Esq. respectfully requests:

1. Petitioner is (see Pa.R.C.P. 2026): _____ .
2. The minor was born on _____ and his/her social security number is _____ .
3. The minor resides with _____ at the following address: _____
4. A guardian (was)(was not) appointed for the minor as follows: _____

_____ A copy of the order is attached.

5. The minor's mother is _____ who resides at the following address: _____ .
6. The minor's father is _____ who resides at the following address: _____ .
7. The defendant is _____ who resides or whose principal place of business at all relevant times was _____ .

8. On _____, the minor sustained the following injuries at the following location (set forth in detail): _____

(If additional space is needed, please continue on separate page.)

9. A complaint was filed against defendant(s) as follows: _____

10. Attached hereto is a report by Dr. _____ dated _____ which sets forth the present condition of the minor.

11. Attached hereto is a statement, under oath, of the minor's parents and/or guardian and/or guardian ad litem certifying the physical and/or mental condition of the minor, as well as the parents' and/or guardian's and/or guardian ad litem's approval of the proposed settlement and distribution.

12. Attached hereto is the written approval of the proposed settlement and distribution by the minor, who is sixteen (16) years of age or older.

13. The following settlement has been proposed:

(If additional space is needed, please continue on separate page.)

14. Counsel is of the professional opinion that the proposed settlement is reasonable due to the following:

(If additional space is needed, please continue on separate page.)

15. Counsel has incurred the following expenses for which reimbursement is sought. (Please set forth in detail):

(If additional space is needed, please continue on separate page.)

16. The following costs have been incurred by or on behalf of the minor and must be paid from the proceeds of the settlement:

(If additional space is needed, please continue on separate page.)

17. The Department of Public Welfare, or any other entity, does (not) have a claim or lien against the plaintiff(s) as follows:

(If additional space is need, please continue on separate page.)

18. Counsel requests a fee in the sum of \$ _____ which is _____% of the net settlement payable to the minor. A copy of the retainer fee is attached.

19. Counsel (has)(has not) and (will)(will not) receive collateral payments as counsel fees for representation involving the same matter from third parties (i.e. subrogation).

20. The net settlement payable to the minor (after deduction of costs and attorney's fees) is \$ _____.

WHEREFORE, Petitioner requests that he/she be permitted to enter into the settlement recited above and that the Court enter an Order of Distribution as follows:

- a. To _____
\$ _____
Reimbursement for Costs
- b. To _____
\$ _____
- c. To _____
\$ _____
Counsel fee
- d. To: Adult Plaintiff(s) (if applicable)
\$ _____

e. To _____, a minor, in restricted accounts not to be withdrawn before majority or upon leave of Court
\$ _____

OR

f. To _____, the guardian of the estate of _____, a minor, appointed or to be appointed by the Orphans' Court of County, after posting appropriate security.
\$ _____

Name of attorney
Attorney for petitioner

VERIFICATION

I, _____, am the petitioner in this action and hereby verify that the statements made in the foregoing petition to settle or compromise minor's action are true and correct to the best of my knowledge, information and belief.

I understand that the statement in said petition are made subject to the penalties of 18 Pa.C.S. § 4904 relating to unsworn falsification to authorities.

Date _____ Petitioner _____

IN THE COURT OF COMMON PLEAS
OF THE 37TH JUDICIAL DISTRICT OF
PENNSYLVANIA
FOREST/WARREN COUNTY
CIVIL

No. _____ of

ORDER APPROVING SETTLEMENT AND
ORDER FOR DISTRIBUTION

AND NOW, this _____ day of _____, _____, upon consideration of the Petition for Leave to Compromise a Minor's Action, filed _____ it is hereby ORDERED and DECREED that Petitioner is authorized to enter into a settlement with Defendant(s) _____ in the gross sum of _____ (\$ _____) dollars. Defendant(s) shall forward all settlement drafts or checks to Petitioner's counsel for proper distribution.

IT IS FURTHER ORDERED and DECREED that the settlement proceeds be allocated as follows:

1. To: Minor Plaintiff(s)

Name	Date of birth	Social Security
§ _____		
§ _____		

2. Adult Plaintiff(s)

§ _____		
§ _____		

IT IS FURTHER ORDERED and DECREED that the settlement proceeds be distributed as follows:

Name	Date of birth	Social Security #
§ _____		

- a. To: _____, Esq. \$ _____
Reimbursement costs
- b. To: _____
\$ _____
- c. Costs to: _____, Esq.
\$ _____
Counsel fees
- d. The balance, the sum of \$ _____ payable to _____, a minor, shall be distributed as follows:

OPTION 1

To: _____, Guardian
\$ _____ of the Estate of _____, a minor; provided, however, that no payment shall be made to the guardian until the guardian has posted additional security as required by the Orphans' Court Division of _____ County pursuant to 20 Pa.C.S. § 5121, et seq. An appropriate petition shall be filed with the Orphans' Court within thirty (30) days.

OPTION 2

Counsel is hereby authorized to execute all documentation necessary to purchase saving certificate(s), from federally insured banks or savings institutions having an office in Forest/Warren County, in the sum of \$ _____, each not to exceed the insured amount, with the funds payable to the minor upon majority. The certificate shall be titled and restricted as follows:

_____, a minor, not to be redeemed except for renewal in its entirety, not to be withdrawn, assigned, negotiated, or, otherwise alienated before the minor attains majority, except upon prior order of Court.

Counsel shall open a savings account in the sum of \$ _____ in the name of the minor. The savings account shall be titled and restricted as follows:

_____, a minor, not to be withdrawn before the minor attains majority, except for the payment of city, state, and federal income taxes on the interest earned by the savings certificate and savings account, or upon prior order of Court.

2. Adult Plaintiff

The portion of the settlement payable to _____, an adult plaintiff named in the complaint, shall be distributed as follows:

- To: _____ Esquire
\$ _____
Reimbursement of Costs
- To: _____
\$ _____
Costs
- To: _____, Esquire
\$ _____
Counsel Fees
- To: _____
\$ _____
Plaintiff

Counsel shall file with the Prothonotary within sixty (60) days from the date of this final order, proof of the establishment of the accounts as required herein, by affidavit from counsel certifying compliance with this order. Counsel shall attach to the affidavit a copy of the Certificate of Deposit and/or bank account containing the required restrictions.

BY THE COURT

Judge

**IN THE COURT OF COMMON PLEAS
OF THE 37TH JUDICIAL DISTRICT OF
PENNSYLVANIA
FOREST/WARREN COUNTY
CIVIL**

vs. No. of _____

AFFIDAVIT

I, _____ Esquire, hereby state and affirm that I have complied with the order issued on _____ by the Honorable _____ as follows:

Copies of bank accounts are attached hereto.

I verify that the statements in the affidavit are made subject to the penalties of 18 Pa.C.S. § 4904 relating to unsworn falsification to authorities.

_____, Esq. _____
Attorney for Petitioner Date

**IN THE COURT OF COMMON PLEAS
OF THE 37TH JUDICIAL DISTRICT OF
PENNSYLVANIA
FOREST/WARREN COUNTY
CIVIL**

vs. No. of _____

PETITION TO SETTLE WRONGFUL DEATH AND SURVIVAL ACTIONS

To the Honorable _____, the Judge of the said court:

The petition of _____, Administrator/Executor of the Estate of _____, deceased, by his attorney, _____, Esq., respectfully requests:

1. Petitioner is _____ who was appointed Administrator/Executor of the Estate of _____, deceased, on _____, by the Register of Wills of _____ County. A copy of the Decree of the Register is attached.

2. The plaintiff decedent died on _____ as a result of: [set forth relevant information describing the underlying negligence or cause of action as required by Forest/Warren Rule L. ____]

(If additional space is needed, please continue on separate sheet).

3. Notice of the institution of the action as required by Pa.R.C.P. 2205 and Forest/Warren Rule L. _____ was given on _____ to the following individuals:

Name	Address
_____	_____
_____	_____

4. Pursuant to Forest/Warren Rule L _____ Petitioner has served a copy of this petition on the intestate heirs of plaintiff decedent (as provided in 20 Pa.C.S. § 2101 et seq.) who are as follows:

Name	Relationship	Address
_____	_____	_____
_____	_____	_____

5. Pursuant to Forest/Warren Rule L _____ Petitioner has served a copy of this petition on the following parties who may have a possible interest:

Name	Relationship	Address
_____	_____	_____
_____	_____	_____

6. Decedent (did)(did not) have a will. A copy is attached.

7. The following unpaid claims have been raised and/or are outstanding in the decedent's estate:

Creditor	Amount due
_____	_____
_____	_____

8. A complaint was filed against defendant(s) as follows: _____

9. The following settlement has been proposed: _____

(If additional space is needed, please continue on a separate page).

10. Counsel is of the professional opinion that the proposed settlement is reasonable due to the following (state the reasons why in the professional opinion of counsel the settlement is proper): _____

11. Petitioner is of the opinion that the proposed settlement is reasonable.

12. Counsel has incurred the following expenses for which reimbursement is sought (Please set forth in detail): _____

(If additional space is needed, please continue on separate page).

13. Counsel requests counsel fees in the amount of \$ _____ which represents _____ % of the net proceeds of the settlement.

14. Petitioner requests allocation of the net proceeds of the settlement (after deduction of costs and attorneys fees) as follows:

a. Wrongful Death Claim

\$ _____

b. Survival

\$ _____

15. The reasons for the requested allocation are as follows: _____

16. Pursuant to the Wrongful Death Statute (42 Pa.C.S. § 8301), the beneficiaries of the Wrongful Death claim, and the proportion of their interest, are as follows:

Name	Amount due
_____	\$ _____
_____	\$ _____
_____	\$ _____
_____	\$ _____

17. The pecuniary loss suffered by the beneficiaries listed in Paragraph 15 is as follows: _____

(If additional space is needed, please continue on a separate page).

Wherefore, Petitioner requests that he/she be permitted into the settlement recited above, and that the Court enter an Order of Distribution as follows:

a. To: _____

\$ _____

Reimbursement for costs

b. To: _____

\$ _____

Costs

c. To: _____

\$ _____

Counsel fees

d. Wrongful Death Claim

i. To: Spouse; and/or

\$ _____

ii. To: Adult child(ren); and/or

\$ _____

iii. To: Minor child(ren) and/or incapacitated persons;

\$ _____

and/or

(a) in restricted accounts; or

\$ _____

(b) to the guardian of the minor(s) estate; and/or

\$ _____

iv. To: Parent(s)

\$ _____

e. Survival claim

To: _____, Administrator/ Executor of the Estate of _____,

Deceased

\$ _____

Respectfully submitted,

Attorney for Petitioner

VERIFICATION

I, _____, am the Petitioner in this action and hereby verify that the statements made in the foregoing Petition to Settle or Compromise Minor's Action are true and correct to the best of my knowledge, information and belief.

I understand that the statement in said Petition are made subject to the penalties of 18 Pa.C.S. § 4904 relating to unsworn falsification to authorities.

Petitioner Date

**IN THE COURT OF COMMON PLEAS
OF THE 37TH JUDICIAL DISTRICT OF
PENNSYLVANIA
FOREST/WARREN COUNTY
CIVIL**

vs. No. of

NOTICE

To: _____
(name of beneficiary)

Date: _____

You are hereby notified that, _____, Administrator/Executor of the Estate of _____, deceased has filed (or will file) on _____, a Petition to Approve a Settlement of a Wrongful Death and Survival Action. A copy of that Petition is enclosed.

If you object to the proposed settlement and/or proposed distribution, you must submit your written objections on Response to the Petition on or before _____, _____, to the following address:

Prothonotary
Warren County Courthouse
204 Fourth Avenue
Warren, PA 16365
Prothonotary
Forest County Courthouse
Tionesta, PA 16353

I hereby certify that the within Notice has been mailed to the above named individual(s) on the date set forth above.

Attorney for Petitioner

**IN THE COURT OF COMMON PLEAS
OF THE 37TH JUDICIAL DISTRICT OF
PENNSYLVANIA
FOREST/WARREN COUNTY
CIVIL**

vs. No. of

ORDER

AND NOW, this _____ day of _____, _____, upon consideration of the Petition to Compromise Wrongful Death and Survival Action filed on _____, _____, it is hereby ordered and decreed that Petitioner is authorized to enter into a settlement with Defendant(s) _____, in the gross sum of (\$ _____) dollars. Defendant(s) shall forward all settlement drafts or checks to Petitioner's counsel for proper distribution.

It is further ordered and decreed that the settlement proceeds are allocated as follows:

- 1. Wrongful Death
\$ _____
- 2. Survival Claim
\$ _____

It is further ordered and decreed that the settlement proceeds be distributed as follows:

- 1. To: _____, Esq.
\$ _____
For costs
- 2. To: _____, Esq.
\$ _____
For counsel fees
- 3. The Wrongful Death Claim in the sum of \$ _____ shall be paid as follows:
 - a. To: Spouse; and/or
\$ _____
 - b. To: Adult Child(ren); and/or
\$ _____
 - c. To: Minor Child(ren) as provided hereunder
\$ _____

OPTION 1

To: _____, \$ _____
Guardian of the Estate of _____, a minor; provided, however, that no payment shall be made to the guardian until the guardian has posted additional security as may be required by the Orphans' Court Division of _____ County pursuant to 20 Pa.C.S. § 5121, et seq. An appropriate petition shall be filed with the Orphans' Court within thirty (30) days.

OPTION 2

Counsel is hereby authorized to execute all documentation necessary to purchase saving certificate(s), from federally insured banks or savings institutions having an office in Forest/Warren County, in the sum of \$ _____, each not to exceed the insured amount, with the funds payable to the minor upon majority. The certificate shall be titled and restricted as follows:

Not to be redeemed except for renewal in its entirety, not to be withdrawn, assigned, negotiated, or otherwise alienated before the minor attains majority, except upon prior order of Court. Counsel shall open a savings account in the sum of \$ _____ in the name of the minor. The savings account shall be restricted as follows:

Not to be withdrawn before the minor attains majority, except for the payment of city, state, and federal income taxes on the interest earned by the savings certificate and savings account, or upon prior order of Court.

- d. To: Parent(s)
\$ _____

4. The Survival Claim in the sum of \$ _____ shall be paid to _____, Administrator/Executor, of the Estate of _____, deceased; provided, however, that counsel shall not distribute any funds to the said Administrator/Executor until the additional security as may be required by the Register of Wills of _____ County pursuant to 20 Pa.C.S. § 3323(b)(3) is posted.

Within sixty (60) days from the date of this final Order, counsel shall file with the office of Civil Administration an Affidavit from counsel certifying compliance with this

order. Counsel shall attach to the Affidavit a copy of the Certificate of Deposit and/or bank account containing the required restrictions.

BY THE COURT

Judge

cc: Register of Wills of _____ County

**IN THE COURT OF COMMON PLEAS
OF THE 37TH JUDICIAL DISTRICT OF
PENNSYLVANIA
FOREST/WARREN COUNTY
CIVIL**

vs. No. of

AFFIDAVIT

I, _____ Esq. hereby state and affirm that I have complied with the Order issued on by the Honorable _____ as follows:

Copies of bank accounts are attached hereto.

I verify that the statements in this affidavit are made subject to the penalties of 18 Pa.C.S. § 4904 relating to unsworn falsification to authorities.

_____, Esq.
Attorney for Petitioner Date

**RULE L5000. UNIFORM RULES GOVERNING
COURT REPORTING AND TRANSCRIPTS**

Rule L5000.7. Fees for Transcripts.

(a) The typing of transcripts and payment under provisions of this rule are not automatic. All transcripts must be ordered pursuant to the Uniform Rules Governing Court Reporting and Transcripts Adopted by the Pennsylvania Supreme Court (RJA 5000.1 et seq.).

(b) These local rules are intended to cover matters not covered by the Pennsylvania Uniform Rules Governing Court Reporting and Transcripts.

(c) In criminal cases where the defendant is represented by private counsel and in all civil cases except where a party has been permitted to proceed *in forma pauperis*, the court reporters may charge, and a party requesting a transcript or copies shall pay, \$2.15 per page for the original which shall be filed with the Clerk of Courts or Prothonotary, as the case may be, and \$1.10 per page for any copy.

(d) Court reporters may require a deposit up to one-half of the estimated charge for any transcript or copies as a condition precedent to starting transcription. Court reporters are not required to file the original transcript and furnish copies until receipt of payment in full.

(e) These rates shall not apply to any transcripts produced on an accelerated schedule, i.e., daily copy, overnight or expedited transcripts.

Rule L5000.13. Ownership of Notes; Safeguarding; Retention.

(a) The original transcript shall be available for the court. No person shall reproduce the original or a copy of the transcript by copy machine or other methods of image production. Any person making such a reproduction is liable to the reporter for the costs, and shall be liable for any other costs or damages as provided for by law.

(b) Unless otherwise provided by contract with the Court Reporter, all stenographic notes, tapes or other media used by a Court Reporter to record a proceeding shall remain in the custody of the Court for a period of seven (7) years except as hereinafter provided. Thereafter such records may be destroyed.

(c) In all first, second and third degree murder cases the stenographic notes, tapes or other media used by a court reporter to record a proceeding shall be safely stored, kept and maintained permanently and shall not be destroyed without specific court order pertaining thereto.

(d) Notwithstanding the foregoing subsections any interested party may petition the court to retain stenographic notes, tapes or other media used by court reporters to record a proceeding for additional periods of time and the court may enter a specific order in a specific case permitting a longer period of retention.

(e) The Prothonotary and Clerk of Courts shall not permit the original transcript or a copy thereof to leave their custody except for use by a judge, or by order of court, or for the use by an appellate court as required by law or rules of court.

TAX APPEALS

L5003. Appeals from Real Estate Assessment

The following rules shall apply to all appeals from a real estate assessment determined by the Board of Assessment Appeals (Board) of Warren or Forest County. These rules apply to all appeals taken following their effective date, and may be applied as appropriate to current appeals ninety (90) days after their effective date.

Definitions

Board—the County Board of Assessment Appeals of Warren or Forest County.

Taxing Authority—municipalities, such as school districts, boroughs, townships, of Warren and Forest Counties.

Property Owner—the taxpayer, whether singular or plural, that owns the property which is the subject of an appeal.

Appraisal—an opinion of a qualified expert as to the value of property.

Date of Notification—date which is stamped on the decision of the Board.

Commercial Property—any property whose purpose is to generate income for its owner.

(a) Filing Instructions:

1. An appeal from the decision of the Board shall be filed within thirty (30) days from the date of notification by the Board.

2. Ten (10) days after filing the appeal the appellant shall serve a copy of the appeal on the Board and all affected taxing authorities or property owners by certified mail to the Board, to the property owner at his, her, its, or their registered address as shown on the tax records, and on the taxing districts at their business address.

3. Within twenty (20) days of service of the appeal, the appellant shall file an affidavit of service.

4. For purposes of service or notice, an appellant or party may use the address provided to the Board as part of its proceedings.

5. The Board shall automatically be a party to any appeal unless it specifically declines that status in writing.

Any taxing authority or property owner entitled to be notified of an appeal may become a party to the proceedings by filing an entry of appearance within one hundred-twenty (120) days of the filing of the appeal. The entry of appearance shall be considered to deny the allegations in the appellant's petition, except for the names of the parties and the location of the taxable property. However, any party may plead additional material by way of answer or new matter, as appropriate, within (30) days of becoming a party.

(b) Contents of Appeal:

1. Names and addresses of the taxpayer and the taxing districts;

2. Identification of the property, including street address and tax parcel number;

3. Reason(s) for the appeal. For the purposes of this section, where a challenge is based on fair market value, it shall be sufficient to state that the assessment pursuant to the applicable State Tax Equalization Board, common level or predetermined ratio, is excessive. Where the challenge is based on uniformity as the basis for the appeal. Where a challenge is based on class certification for the purposes of a class action suit, the appellant shall state with specificity the alleged error of law or abuse of discretion committed by the Board of Assessment Appeals.

4. Photocopy of the decision or the Board, if any.

(c) Discovery Procedures:

1. The appellant shall provide the Board and the other parties entitled to notice of the appeal with a copy of appellant's appraisal within sixty (60) days of filing the appeal. The other parties shall then have ninety (90) days from the receipt of the appellant's appraisal to provide the appellant with a counter-appraisal. Any party may designate an appraisal submitted to the Board as its appraisal for the purposes of appeal. Appraisals must certify that the appraiser's fee is not contingent upon the results of the appeal.

2. Any party who fails to provide an appraisal within the time frame provided by this rule or by leave of court or within such time as may be agreed to by the parties will not be allowed to present evidence of valuation at trial. This rule shall not preclude the Board for presenting County records in support of its valuation. Such records shall be admissible in evidence as official records in accordance with the requirements of the Judicial Code, 42 Pa.C.S.A. § 6103. Further, this rule shall not preclude a homeowner from presenting his own opinion as to his property's value.

3. The names of all witnesses to be called at trial by any party, other than rebuttal witnesses later determined, shall be provided to all other parties within one hundred fifty (150) days of the appeal date.

4. Additional discovery shall be by leave of court only.

5. The matter shall be scheduled for trial before the assigned judge after the lapse of one hundred fifty (150) days from the appeal date. Any party may request an administrative conference at any time up to one hundred twenty (120) days after the appeal date.

6. Masters may be appointed in cases involving a voluminous record or particularly complex issues.

7. Time periods may be extended for cause shown.

(d) Class Action Appeal:

In all cases involving an appeal from class action certification, a full record shall be made before the Board of Assessment Appeals.

(e) Discontinuance:

The party filing the appeal may discontinue the appeal prior to the time set for the first exchange of appraisals. Thereafter, the appeal may be discontinued only with the agreement of all parties, or by leave of court.

(f) Tax Exemption Cases:

1. All appeals to court from a determination of the Board of Tax Assessment Appeals involving a claimed exemption from real estate tax shall be accompanied by the full and complete transcript of the hearing before the Board, together with all documentary evidence entered as part of that record and the Board's Findings of Fact and Conclusions of Law in support of its decision.

2. In any appeal to the Board or to Court involving a claimed exemption from real estate taxation, the property owner claiming tax exemption shall be subject to such relevant discovery by written interrogatories, deposition and production of documentary evidence as reasonably bears on the property owner's claim of tax exemption. Discovery shall be requested and completed within one hundred twenty (120) days from the requesting party's receipt of notice of the initial application to the Board. Except in cases where such discovery request has not been complied with prior to the Board's hearing, no additional discovery shall be permitted on appeal to Court from the Board's decision, except by leave of court.

Comment

This rule specifically does not require simultaneous exchange of information; instead the entity filing an appeal should bear the initial expense and burden of producing an appraisal. This rule should then conserve resources by giving the respondent the opportunity to accept the appellant's appraisal as satisfactory before ordering his or its own appraisal.

**37th Judicial District
Rule of Judicial Administration 1901**

Prompt Disposition of Matters; Termination of Inactive Cases

(1) The Prothonotary shall, upon the periodic request of the Court Administrator, cause a report to be prepared which lists all civil matters, except support and eminent domain proceedings, in which no steps or proceedings have been docketed for two years or more prior thereto.

(2) Upon receipt of the report prepared by the Prothonotary, the Court Administrator shall give to all counsel of record, and to all parties from whom no appearance has been entered at least thirty (30) day's notice of the Court's intention to terminate the matter as provided by Pa.R.J.A. No. 1901(c). The Court Administrator shall note therein that a rule has been entered to show cause by written objection why the matter should not be dismissed pursuant to Rule R.J.A. No. 1901.

(3) If any such notices are returned by the postal authorities as undelivered for any reason, the Court Administrator shall forward said notice to the Prothonotary's Office for placement in the official file. The Prothonotary's Office shall prepare a list of any such cases and cause the same to be published one time in the legal periodical, together with a notice that said cases will be terminated 30 days after the date on which the list is published. The cost of publication shall be borne by the

office of the Prothonotary. The Prothonotary shall transmit a copy of such list to the Court Administrator.

(4) If no written objection is docketed prior to the date set for the rule returnable or within thirty (30) days after publication as set forth in (3) above, an order shall be entered by the Court dismissing the matter with prejudice for failure to prosecute under the provisions of this rule. If objections are filed, the Court will review any objections and, if appropriate, schedule a hearing thereon.

(5) Each district justice shall, at least annually, compile a list of civil and criminal summary cases filed in their offices in which no steps or proceedings have been taken for two years or more prior thereto. Notice of intention to terminate shall be given by the district justice as set forth in Pa.R.J.A. 1901(c). In criminal summary cases, district justices shall give notice thereof to the District Attorney, any private prosecutor, the defendant, and the defendant's attorney of record as provided by Pa.R.J.A. 1901(c).

(6) If any such notices are returned by the postal authorities as undelivered, the district justice shall prepare a list thereof and cause the same to be published one time in the legal periodical, together with a notice that said cases will be terminated thirty (30) days after the date on which the list is published. The cost of publication shall be borne by the office of the district justice.

If no written objection is received by the district justice prior to the date for the rule returnable or within thirty (30) days after publication as set forth in (6) above, an order shall be entered dismissing the matter with prejudice for failure to prosecute under the provisions of this rule.

RULES OF CRIMINAL PROCEDURE

Rule 1. Scope of Local Rules.

These rules are adopted in accordance with the Pennsylvania Rules of Criminal Procedure and are applicable to criminal cases in the Court of Common Pleas of Forest and Warren Counties, Pennsylvania and the District Justice Courts of Forest and Warren Counties, Pennsylvania to the extent appropriate.

Rule 2. Purpose and Construction.

These rules are intended and shall be construed to supplement the Pennsylvania Rules of Criminal Procedure.

Rule 3. Definitions.

(1) The definitions of terms used in these rules shall be the same as those set forth in Pa. R.Crim.P. 3 except:

(a) "Court" shall mean the Court of Common Pleas of the 37th Judicial District.

(b) "Issuing Authority" shall mean any one of the current District Justices for the 37th Judicial District.

(c) "Rule" shall mean any rule of the Court unless otherwise indicated.

Rule 4. Citing the Rules.

These rules shall be known as the Rules of Criminal Procedure of the 37th Judicial District and shall be cited as "Rule L Crim., ____."

Rule 5. Design of Forms.

The design of all forms mandated for use by the Court pursuant to these rules shall be determined by the District Court Administrator of the 37th Judicial District in consultation with the Court.

Rule 10. Release of Information.

All Court House personnel, including, among others, Sheriffs, Sheriff's deputies, court clerks, law clerks, tipstaves, court reporters, secretaries and other support staff, are prohibited from disclosing any information relating to a pending criminal case that is not part of the public record of the case, unless authorized by the Court. This rule also precludes disclosure of any information whether acquired at a formal or informal judicial proceeding.

Rule 10.1. Restriction on Removal of Records and Files.

(A) No file containing original documents, nor any original documents contained therein, may be removed from the Office of the Clerk of Courts, except by special order of the Court, by anyone other than the following:

- (1) A Judge of the Court or his authorized representative;
- (2) The District Court Administrator;
- (3) The Clerk of Courts and regularly employed and duly authorized employees of that office.
- (4) Counsel of Record as authorized by the Clerk of Courts.

Rule 112. Notice to be Sent When Case is Initiated by Summons.

In all summary cases where there is a likelihood of incarceration and in all court cases where a criminal action is commenced by summons, the Issuing Authority shall mail with the summons a notice substantially in the following form printed on paper other than the color of the paper of the accompanying summons in order to comply with Pa.R.Crim.P. 110(1):

IMPORTANT NOTICE—RIGHT TO COUNSEL

You have the absolute right to be represented by a lawyer. If you cannot afford a lawyer, one will be appointed to represent you free of charge.

In order to have a lawyer by the time of the preliminary hearing, you should immediately:

1. Hire a lawyer; or
2. If you believe you cannot afford to hire a lawyer, you should immediately apply to the Public Defender's Office,

Warren County Public Defender
Warren County Courthouse
Warren, PA 16365

Forest County Public Defender
Forest County Courthouse
Tionesta, PA 16353

where a lawyer may be appointed to represent you free of charge if you qualify.

If you are currently incarcerated and unable to contact the Public Defender's office, you should immediately request an application from the jail officials to apply for the services of a Public Defender.

Rule 140. Notice to be Given at Preliminary Arraignment.

In all cases in which a defendant does not appear with an attorney, in addition to the Issuing Authority verbally advising the defendant as set forth in Pa.R.Crim.P. 140(d), the Issuing Authority shall provide to the defendant at his or her preliminary arraignment, a written notice substantially in the form set forth in Local Rule

112 even if the defendant has previously received the same notice pursuant to Local Rule 112.

Rule 140A. Notice Required Following Waiver of Preliminary Hearing.

If a District Justice accepts the waiver of a preliminary hearing pursuant to Pa.R.Crim.P. 140A, the District Attorney shall schedule a court arraignment and complete a Criminal Case Scheduling Form in the manner provided by Local Rule 300(3)(a) notifying the defendant of the date and place of his or her arraignment as well as future important dates and places; all in compliance with Local Rule 300(3)(a).

Rule 141. Preliminary Hearing.

If the District Justice, after completion of the preliminary hearing held pursuant to Pa.R.Crim.P. 141, binds the case over to Court, the District Attorney shall schedule a court arraignment and complete a Criminal Case Scheduling Form in a form similar to that set forth as Form 300(3)(a) so that the defendant is notified of the date and place of the arraignment as well as future important dates and places; all in compliance with Local Rule 300(3)(a).

Rule 300. Scheduling Procedures. (Warren County)

(1) Annually, no later than October 30th, the Court Administrator shall publish a schedule for the succeeding year setting forth the following pertinent dates for each case with the appropriate schedule for each case to be set in motion by the date the defendant either waives his or her preliminary hearing or is bound over following that preliminary hearing:

(a) The date of the court arraignment which shall be the first available arraignment date at least 20 days after the preliminary hearing is held or waived.

(b) The date for the settlement conference as required by Local Rule 311 which shall be no later than 45 days after court arraignment.

(c) The date for Criminal Calendar Call, which shall follow settlement conference and precede jury selection.

(d) The day of jury selection.

(2) The Court Administrator shall immediately, after publishing said schedule, provide copies to each sitting District Justice, the District Attorney's office, the Public Defender's office, and each member of the county criminal defense bar known to the Court Administrator. Copies shall also be available free of charge at all times in the Court Administrator's office and the Clerk of Courts office.

(3)(a) At the time defendant is bound over to Court or waives his preliminary hearing, the District Attorney shall complete a Criminal Case Scheduling Form with an original and five copies substantially in the form set forth as Form 300(3)(a).

(b) The District Justice shall orally advise the defendant and counsel of the time, date, and place of arraignment and that the failure to appear at such arraignment may result in the defendant's arrest and forfeiture of bond.

(c) The District Justice shall require the defendant to sign the Criminal Case Scheduling Form indicating the defendant is aware of the time and place of arraignment and of obligation to appear at the arraignment and other proceedings noted thereon.

(d) Once the Criminal Case Scheduling Form has been completed, the defendant shall be provided with a copy

and the District Attorney shall retain a copy. If they are present, a copy shall be provided to the defendant's attorney.

All undistributed copies, together with the original Criminal Case Scheduling Form shall be attached to the official record when it is forwarded to the Clerk of Courts as required by Pa.R.Crim.P. 146 and shall be distributed by the Clerk of Courts.

**Form 300 (3)(a)
IN THE COURT OF COMMON PLEAS
OF THE 37TH JUDICIAL DISTRICT OF
PENNSYLVANIA
WARREN COUNTY BRANCH
CRIMINAL**

COMMONWEALTH OF PENNSYLVANIA
VS. No.
OTN No.

Defendant

CRIMINAL CASE SCHEDULING FORM

Charges: _____
Date Complaint filed: _____
Defense counsel: _____
Date of Preliminary hearing/waiver _____

IMPORTANT NOTICE

You and your attorney and/or attorney's representative are required to appear for the following proceedings. These dates may not be changed without leave of Court.

1. Arraignment: _____, in the Main Courtroom, Warren County Courthouse, Warren, PA. Arraignment may be waived but only if you have an attorney prior to your arraignment date.

2. Settlement conference: _____, in the Main Courtroom, Warren County Courthouse, Warren, PA.

3. Criminal Calendar Call: _____, in the Main Courtroom, Warren County Courthouse, Warren, PA.

CAUTION: CRIMINAL CALENDAR CALL WILL BE THE LAST DAY YOU WILL BE PERMITTED TO ENTER A GUILTY PLEA AS A RESULT OF A PLEA BARGAIN. AFTER THIS DATE, YOU MUST EITHER GO TO TRIAL OR PLEAD AS CHARGED.

4. Jury Selection: _____, in the Main Courtroom, Warren County Courthouse, Warren, PA.

FAILURE TO APPEAR ON ANY OF THE ABOVE DAYS MAY RESULT IN FORFEITURE OF YOUR BAIL BOND AND THE ISSUANCE OF A BENCH WARRANT FOR YOUR ARREST AS WELL AS ADDITIONAL CHARGES OF DEFAULT IN REQUIRED APPEARANCE.

The undersigned hereby acknowledge receipt of a copy of this notice.

Date: _____

Original: Clerk of Courts
Copies: Ct. Administrator
District Attorney
Defense Counsel
Defendant

Signature of Defendant

Signature of Counsel

Signature of District Attorney

Rule 302. Attorneys-Appearances and Withdrawals.

(1) Counsel representing a defendant shall file a written appearance in all cases in the office of the Clerk of Courts at or before the time of arraignment. A written appearance shall be filed as soon as possible if employment follows arraignment. A copy of any such written appearance shall be forwarded to the District Attorney's office as required by these rules.

(2) The signing of a criminal case scheduling form [Rule 300(3)(a)] or waiver of arraignment by defense counsel or representative and/or the endorsement of an information shall constitute a written appearance.

Rule 303. Arraignment.

A. Arraignment

(1) Arraignment shall take place in open Court at such time as designated by the Court Administrator as required by these rules.

(2) If a defendant wishes to plead not guilty, said plea shall be noted on the information and signed by the defendant. If the defendant wishes to plead guilty or nolo contendere, the Court shall conduct a colloquy on the record prior to accepting a plea of guilty or nolo contendere. The Defendant shall be advised that he or she will not be required to attend the calendar call or the jury selection unless the plea is not entered or is refused by the Court in which case the defendant will be required to follow the original schedule provided to him or her on the Criminal Case Scheduling Form.

B. Waiver of Arraignment

(1) A defendant who has counsel of record may, prior to arraignment, waive the arraignment by filing a Waiver of Arraignment form in the Clerk of Courts office substantially similar to Form 303 B. A copy of the waiver shall be served upon the District Attorney pursuant to Local Rule 9023.

(2) If a written Waiver of Arraignment is filed prior to the scheduled date of arraignment, the scheduled date of arraignment shall be deemed the day of arraignment for the purpose of computing time limitations for filing all pre-trial motions and requests pursuant to Pa.R.Crim.P. 304, 305, and 307 and for the purpose of scheduling further dates pursuant to these rules.

Form 303 B

**IN THE COURT OF COMMON PLEAS
OF THE 37TH JUDICIAL DISTRICT OF
PENNSYLVANIA
_____ COUNTY BRANCH
CRIMINAL**

COMMONWEALTH OF PENNSYLVANIA
VS. _____
No. _____
OTN No. _____

Defendant

**WAIVER OF FORMAL ARRAIGNMENT AT
COMMON PLEAS
COURT LEVEL**

I, the undersigned counsel, do hereby appear on the Defendant's behalf and do waive the arraignment provided for in Pa.R.Crim.P. 303.

I, the undersigned Defendant, understand that:

1. The information containing the charges against me will be filed in the office of the Clerk of Courts and a copy will be mailed to my attorney and to me.

_____ [Defendant's initials]

2. Any discovery must be concluded 14 days after the stated arraignment date.

_____ [Defendant's initials]

3. I must file a Request for Bill of Particulars in writing within 7 days after the stated arraignment date.

_____ [Defendant's initials]

4. If I intend to offer the defense of alibi, insanity or mental infirmity, I must notify the attorney for the Commonwealth in writing within 30 days after the stated arraignment date.

_____ [Defendant's initials]

5. I must file all pre-trial motions for relief on or before 30 days from the stated arraignment date.

_____ [Defendant's initials]

6. If I fail to file any motions for discovery or pre-trial relief within the prescribed time limits, it shall be considered a waiver of my right to file such motions.

_____ [Defendant's initials]

7. I must give the Court notice no later than the time set for the call of the trial list in my case [which date has been provided to me on the Criminal Case Scheduling Form I have received] if I desire to have my case tried before a judge without a jury.

_____ [Defendant's initials]

8. If I want to enter a guilty or no contest plea in this case as a result of a plea bargain, I must do so no later than the date set for criminal calendar call.

_____ [Defendant's initials]

Date: _____

Signature of Defendant

Signature of Counsel

Original: Clerk of Courts

Copies: Court Administrator
District Attorney
Defense Counsel
Defendant

Rule 307. Time for Omnibus Pre-Trial Motion.

Any omnibus pre-trial motion not filed within 30 days after arraignment must set forth the reasons why it was not filed timely unless the late filing has been agreed to by the District Attorney or already permitted by previous order of Court. If the reasons are not stated within the motion, there has been no agreement with the District Attorney and there has been no prior order of court allowing the late filing, such motion may be summarily dismissed within the discretion of the Court.

Rule 308. Transportation of Defendant for Court Proceedings.

(1) For incarcerated defendants, transportation orders must be obtained from the Court and served upon the Sheriff at least 7 days prior to the time he or she is to appear if he or she is incarcerated in an out-of-county facility.

(2) The responsibility for obtaining a transportation order shall be on:

(a) The District Attorney, if the defendant is required to appear at trial or at a hearing set upon motion of the District Attorney, or if the defendant is unrepresented by counsel or is proceeding pro se.

(b) Defense counsel if the defendant is required for a hearing set upon motion of the defendant. If the location of the defendant cannot reasonably be determined by defense counsel, such information may be sought from the District Attorney's office and shall be reasonably provided to the defendant's counsel.

Rule 311. Settlement Conference. (Warren County)

(1) Based on a schedule published by the Court Administrator each year, no later than October 30th for the succeeding year, at the time a defendant either waives his preliminary hearing or is bound over following a preliminary hearing, he will be given a specific date for a settlement conference which date shall be no later than 45 days after the formal arraignment required by Local Rule 303. Each settlement conference shall be held in the Main Courtroom at times designated by the Court Administrator. Defense counsel and each defendant will be required to attend the settlement conference unless the defendant has previously entered a plea of guilty or nolo contendere; a plea date is already scheduled; the matter is being considered for ARD disposition or the matter has been resolved in some other manner.

(2) Defense counsel and the defendant shall assemble in the Main Courtroom or such other designated location and the District Attorney shall have representatives available with authority to take a position on behalf of the District Attorney on each case.

(3) The District Attorney representative and defense counsel shall meet to discuss each case and at the discretion of counsel the defendant may participate in all or part of those discussions but the defendant shall remain available at the Courthouse until the defendant's conference is concluded.

(4) At the end of the settlement conference, a Certificate of Conference substantially in the form set forth as Form 311(4) shall be filled out and shall be signed by the District Attorney's representative, defense counsel and the defendant. The original Certificate of Conference shall be filed promptly with the Court Administrator by the District Attorney's office and the District Attorney's office shall also supply a copy of the Certificate of Conference to defense counsel and the defendant. A copy of the Certificate of Conference shall not be filed among the official papers in the Clerk of Courts office.

(5) Any pleas reached at the conclusion of the settlement conferences shall be entered before the Court on the same date as settlement conferences.

(6) The District Attorney will supply a list of defendants who will be entering pleas to the Court Administrator on each day set for settlement conferences and arraignments.

(7) A scheduled settlement conference may not be continued until another date unless ordered by the Court upon written motion filed by a party.

Form 311 (4)
IN THE COURT OF COMMON PLEAS
OF THE 37TH JUDICIAL DISTRICT OF
PENNSYLVANIA
COUNTY BRANCH
CRIMINAL

COMMONWEALTH OF PENNSYLVANIA
VS. No.

Defendant

CERTIFICATE OF CONFERENCE

We, the undersigned attorneys [or Defendants if not represented by counsel], hereby certify that we have held a settlement conference in this case with the following result [complete Section I if you have reached a plea agreement or Section II if you have not reached a plea agreement]:

SECTION I

____ 1. An agreement has been reached and that agreement is: _____

____ 2. No agreement has been reached and we anticipate this matter will be going to trial.

____ 3. No agreement has been reached but the parties have had productive discussions and an agreement may likely still be reached.

SECTION II

HAS DISCOVERABLE MATERIAL BEEN EXCHANGED?
Yes _____ No _____

ARE ANY DEFENSE MOTIONS PENDING AT THIS TIME?
Yes _____ No _____ IF SO, SPECIFY TYPE OF MOTION(S)

ARE ANY DEFENSE MOTIONS ANTICIPATED?
Yes _____ No _____

HAS ARD BEEN APPLIED FOR?
Yes _____ No _____

Assistant District Attorney

Defense Attorney

Defendant

I certify that I have been available throughout the settlement conference and at the end of the settlement conference I have reviewed the Certificate of Conference and I further understand the date and time I am to next appear in Court. Additionally, I certify that I have been advised of the last day I will be permitted to enter a plea as a result of a plea agreement and the last day I will be permitted to request a non-jury trial both of which will be the date of the call of the trial list.

Defendant

Date and time the Defendant is to next appear in Court [to be filled in by District Attorney representative at the end of the settlement conference]: _____

The last day the Defendant will be permitted to enter a plea based on any plea agreement or waive any jury trial in favor of a non-jury trial is at the call of the trial list [to

be filled in by District Attorney representative at the end of the settlement conference]: _____

Thereafter, the Defendant will only be permitted to go to trial or plead as charged.

Original: Court Administrator

Copies: District Attorney
Defense Counsel
Defendant

Rule 319. Plea Agreements.

(1) The Court will be available for the purpose of taking guilty or nolo contendere pleas from time to time as designated by the Court Administrator which dates shall always include each afternoon when settlement conferences are held and immediately after the call of each criminal trial list.

(2) After pleas are taken following the call of the trial list, the Court will not accept any plea for a case on that criminal list unless said plea is a straight plea as charged and in no way is a negotiated plea even for the purposes of a sentencing recommendation by the District Attorney.

(3) The Court may waive this prohibition against late plea agreements only if both parties agree and have shown good cause for doing so to the Court. In the event the Court does find good cause shown and agrees to take the negotiated plea, such plea may be taken at that time or the case may be continued by the Court for the plea to be taken at another date all as the Court may direct.

(4) The call of the criminal trial list for a particular criminal term of Court shall be held by the Court prior to the first day of the criminal term of court as set forth on the schedule prepared by the Court Administrator pursuant to Local Rule 300(1).

(a) All defendants and all attorneys representing defendants on the call of the list must attend the criminal calendar call unless:

(1) A date certain has been scheduled for the entry of a plea; or

(2) A motion for a continuance has been previously properly presented and granted; or

(3) The Court has excused a defendant and/or counsel based on good cause shown or defense counsel and the District Attorney's office have agreed that the defendant and/or counsel may be excused from the call of the list.

(b) Failure to comply with the requirements of this rule may result in the imposition of sanctions of the Court including the issuance of a bench warrant and revocation of bail bond. Additionally, the District Attorneys office may file a charge of default in required appearance.

Rule 1111. Contact with Jurors.

Before or during the trial of a case, no attorney, party or witness, shall communicate, or cause another to communicate, with any member of the jury, or anyone known to be a member of the venire from which the jury is selected for the trial of a case.

Rule 1130. Admission and Custody of Exhibits.

(A) Counsel for the respective parties shall retain possession, and shall be responsible for, the care and custody of all tangible exhibits used at hearings and trials, whether or not they have been presented, marked, identified and used, until such time as they have been formally offered into evidence.

(B) From and after an order of admission, or if admission is denied, if the Court should so order, the Clerk of Courts shall take possession, and shall be responsible for the care and custody of all such tangible exhibits during the remainder of the hearing or trial, and thereafter, until further order of the Court.

(C) At any time after final disposition of the case, including the expiration of any applicable appeal period, the Clerk of Courts may, after notice to counsel for all parties, petition the Court for an order authorizing the removal and disposition by destruction, or otherwise, of any tangible exhibit of a size or weight precluding its enclosure in a regular case file.

Rule 1405. Probation/Parole General Rules and Regulations.

The Court, whenever sentencing a defendant to probation or granting parole, shall state in its order that the general rules, regulations and conditions governing probation and parole in Forest and Warren Counties shall be applicable and all of the following shall apply unless specifically deleted by the Court in its order or in a subsequent order:

1. The defendant will be in the legal custody of the Court until the expiration of his/her probation/parole or the further order of Court, and the Probation or Parole Officer has the power any time during this period, in case of violation by the defendant of any of the conditions of his/her probation/parole, to detain the defendant in a county prison and make a recommendation to the Court, which may result in the revocation of probation/parole and commitment to a penal or correctional institution for service of the sentence.

2. The defendant will report regularly to the Probation/Parole Department, in person or in writing, and reply to any communication from the Court or the Probation/Parole Department.

3. The defendant will live at an address provided to the Probation/Parole Department and may not change that residence without prior permission from that department.

4. The defendant will not travel outside of Pennsylvania or the community to which he/she has been paroled or placed on probation as defined by his/her Probation/Parole Officer without prior permission.

5. The defendant will comply with all municipal, county, state and federal criminal laws, and abide by any written instructions of his/her Probation/Parole Officer. The defendant will immediately notify his/her Probation/Parole officer of any arrest or investigation by law enforcement agencies.

6. If the defendant is not employed, he/she will make every effort to obtain and maintain employment and support any dependents he/she has. The defendant will obtain written permission prior to changing employment. If the defendant loses his/her job, he/she will immediately notify his/her Probation/Parole Officer and cooperate in any effort he/she may make to obtain employment for the defendant. Job hopping is strictly forbidden.

7. The defendant shall abstain completely from the use and possession of illegal controlled substances.

8. If the defendant has been convicted of a felony or a misdemeanor involving the use or possession of a weapon, he/she shall not be permitted to own, possess or have access to any firearm.

If the defendant has been convicted of a non-weapons misdemeanor, with the advance permission of his/her

Probation/Parole Officer, he/she may possess weapons to be used exclusively for hunting or other sports activities. This decision shall be solely at the discretion of his/her Probation/Parole Officer.

9. The defendant may not use alcoholic beverages nor may he/she go into places of business where alcoholic beverages are sold unless, at the discretion of the Probation/Parole Department, this condition is totally or partially waived in writing.

10. All fines, costs and restitution imposed upon the defendant by the Court must be paid immediately or in accordance with any schedule set up by the Court or the Probation/Parole Department before the defendant will be released from probation/parole.

11. The defendant will attend any therapeutic program offered by a recognized agency when directed to do so by his/her Probation/Parole Officer.

12. The Probation/Parole Department may place the defendant in the electronic monitoring/house arrest program at its discretion if there is a violation of any conditions of probation/parole. The defendant will be responsible to pay the costs of the program if placed in it.

13. The defendant will not annoy or harass any victim of his/her crime or any witnesses and shall not procure anyone else to do so.

14. If the defendant believes that his/her rights have been violated as a result of Probation/Parole supervision, the defendant may submit a timely complaint in writing, first to the Chief Probation/Parole Officer and then to the Judge at the Forest/Warren County Courthouse in Tionesta/Warren, Pennsylvania, if the matter is not satisfactorily resolved.

15. The defendant shall obey the law and be of good behavior generally.

16. The defendant shall submit to random and periodic testing to determine the use and presence of any illegal substances and/or alcoholic beverages.

17. The defendant shall report to the Forest/Warren County Probation/Parole Department within 24 hours after being released from any institution.

18. The defendant shall comply with any curfew imposed by the Probation/Parole Department.

19. The defendant shall always be truthful and accurate in any written or oral statements the defendant makes to a Probation/Parole Officer or member of the staff of the Probation/Parole Department.

20. The defendant shall receive a copy of these general terms and conditions of probation/parole at or about the time supervision commences.

Rule 1409. Violation of Probation or Parole: Hearing and Disposition.

When it is alleged that a defendant is in violation of his or her probation/parole, a Gagnon I hearing shall be held before a member of the Adult Probation staff designated for that purpose by the President Judge. This hearing will be held within ten (10) Court business days if the defendant is incarcerated as a result of the violation(s). That designated hearing officer shall be responsible for advising the defendant of all information required at a Gagnon I hearing. Should the hearing officer, at the Gagnon I hearing, find that a prima facie case exists, the following procedure shall be followed. Should a determination be made by the hearing officer at the Gagnon I hearing, that the defendant should be returned to contin-

ued supervision at liberty, the defendant shall be released from custody, if incarcerated, and continue on probation/parole.

A Gagnon II hearing, whether it be with regard to a contested violation, alleged violations or merely for the purpose of disposition or for both purposes, shall be scheduled promptly, but no later than 120 days after the Gagnon I hearing. This shall be done by the hearing officer filing a motion with the Court Administrator requesting that a Gagnon II hearing be scheduled and advising in that motion as to when the Gagnon I hearing was completed. That motion shall also indicate whether the allegations are contested or whether the Gagnon II hearing will be for disposition purposes only. The hearing officer shall serve a copy of the motion upon the District Attorney's office. The defendant shall be afforded the right to representation by an attorney of choice, or upon his/her application, the appointment of the Public Defender for the Gagnon II hearing.

Rule 1410. Arrest and Processing of Probation/Parole Violators.

When a duly appointed adult probation officer has conducted an investigation which reveals that a violation of supervision has been committed by the defendant, the officer shall request a supervisor to issue a "Supervisor's Warrant" for the arrest and detention of the defendant. The defendant shall be arrested upon issuance of the warrant, by any peace officer in the Commonwealth authorized to make arrests, or in the case of a defendant who has absconded the Commonwealth, the warrant shall be submitted to the proper police agency for processing as per normal procedure. Following arrest, the filing officer shall request a Gagnon I hearing before the Court designated hearing officer, which will be held within ten (10) Court business days. The above procedure relating to Rule 1409 shall then be followed.

Should the filing officer determine that a supervisor's warrant is not needed, a Gagnon I hearing will be scheduled as soon as possible following discovery of the violation(s), and the 1409 procedure will continue as stated. Notice of the Gagnon I hearing, in this instance, shall be served upon the defendant by the filing officer and a Gagnon I hearing would then be scheduled at the convenience of the hearing officer.

Rule 9020. Motions.

Uncontested Motions

(1) Uncontested motions-defined. Uncontested motions are defined as those:

(a) Motions upon which all parties or their counsel of record have consented to the motion and the proposed order; or

(b) Where the proposed order seeks only a rule to show cause with a return hearing or argument date and no other or further relief.

(2) Filing of uncontested motions. Uncontested motions shall be filed with the Clerk of Courts and then may be presented to the judge for entry of the uncontested proposed order.

(3) Notice and service to opposing party or counsel. Before an uncontested motion is filed, the moving party shall furnish a copy of the motion and any proposed order to the other party or counsel of record if the party is represented. Certification that the motion and proposed order are uncontested shall be completed and attached thereto in a form similar to that set forth as Form

9020B(3). Counsel may indicate that the other party or counsel have consented; consents of the other party or counsel are attached or that the order only seeks a return hearing or argument date and no other relief.

Contested Motions

In all contested matters, the moving party shall serve upon the opposing party or their counsel, if they have counsel, a copy of the proposed motion and the order, prior to presentation to the judge and shall have informed the opponent of the date and time when the proposed motion and order is to be presented. Such notice and service shall occur at least two business days prior to the date of presentation in a manner set forth in Local Rule 9023. Service for the purpose of this rule must be reasonably calculated to have occurred in a manner that the other party actually has the notice at least two business days prior to the presentation of the motion except upon consent of both parties or leave of Court. Certification of notice and service shall be attached in a form similar to that set forth as Form 9020B(3).

A proposed order shall accompany each motion or petition filed.

Form 9023 B (3)

NOTICE

You are hereby notified that the attached motion/petition will be presented by me on _____, _____:

() to the Court as an uncontested matter;

() to the Court at _____ o'clock a.m./p.m.

CERTIFICATION OF NOTICE AND SERVICE

The undersigned represents that two days prior notice and a copy of this motion and proposed order have been served by () hand delivery, () first class mail, () certified or registered mail, () facsimile on the _____ day of _____, _____ upon the other party or their counsel of record in accordance with Pa.R.Crim.P. 9023 and Local Rule 9023. [The date indicated for service shall be the date determined that actual service occurred pursuant to Local Rule 9023.]

INFORMATION FOR COURT ADMINISTRATOR

A. Estimated Court time required if this matter is granted:

_____ minutes _____ hours _____ days

B. Is this motion/petition opposed by the other party? _____ yes _____ no

C. Judge previously involved [Sentencing Judge if applicable]: _____

D. (1) Schedule for next available argument court. (2) Schedule first available time.

UNCONTESTED MOTION CERTIFICATION

The undersigned represents that:

- _____ 1. The other party or counsel have consented.
_____ 2. Consents of the other party or counsel are attached.
_____ 3. The order seeks only a return hearing or argument date and no other relief.

I HEREBY CERTIFY ALL OF THE ABOVE STATEMENTS ARE TRUE AND CORRECT.

Other party or counsel:

By: _____
Attorney

for: _____

Pro Se Filings

(1) All pro se petitions and motions must be filed and docketed in the office of the Clerk of Courts. Petitions and motions sent to any other office shall be returned with a copy of this rule attached thereto.

(2) The Clerk of Courts shall forward a copy of all documents filed by individuals themselves, to their attorney of record, if any.

(3) All pro se filings must be docketed in by the Clerk of Courts. Filings which are not in compliance with the law or rule of court shall be duly noted and forwarded immediately to the office of the Court Administrator. The Court Administrator, after consulting with the Court, shall notify the individual of the deficiency in the filing.

(4) Notice to any individual who has filed a deficient pleading shall be as follows:

NOTICE. YOU HAVE FILED A DOCUMENT WITH THE COURT OF COMMON PLEAS WHICH IS NOT IN COMPLIANCE WITH THE LAW OR RULE OF COURT. YOU ARE ADVISED THAT YOUR FAILURE TO COMPLY MAY RESULT IN PREJUDICE TO YOUR RIGHTS OR CLAIM. YOU SHOULD CONSULT A LAWYER IMMEDIATELY. IF YOU CANNOT AFFORD A LAWYER, YOU MAY BE ENTITLED TO BE REPRESENTED FREE OF CHARGE BY THE PUBLIC DEFENDER'S OFFICE. IF YOU BELIEVE YOU QUALIFY, CONTACT THE FOLLOWING OFFICE:

Warren County Public Defender
Warren County Courthouse
Warren, PA 16365

Forest County Public Defender
Forest County Courthouse
Tionesta, PA 16353

IF YOU ARE INCARCERATED, YOU MAY OBTAIN AN APPLICATION FOR THE PUBLIC DEFENDER'S OFFICE BY ASKING THE STAFF IN THE JAIL.

IF YOU ARE ALREADY REPRESENTED BY COUNSEL, A COPY OF YOUR FILING HAS BEEN SENT TO THEM BY THE CLERK OF COURTS.

IF YOU ARE NOT REPRESENTED BY COUNSEL AND DESIRE TO REPRESENT YOURSELF OR DO NOT QUALIFY FOR FREE COUNSEL, YOU ARE INSTRUCTED THAT YOU MUST BRING YOUR FILING INTO COMPLIANCE WITH THE LAW OR RULE OF COURT YOU HAVE VIOLATED, OR YOUR RIGHTS OR CLAIM MAY BE PREJUDICED.

[Pa.B. Doc. No. 00-472. Filed for public inspection March 17, 2000, 9:00 a.m.]

DISCIPLINARY BOARD OF THE SUPREME COURT

Notice of Disbarment

Notice is hereby given that Michael Hawkins, having been disbarred from the practice of law in the State of New Jersey, the Supreme Court of Pennsylvania issued an Order dated March 1, 2000, disbaring Michael Hawkins from the Bar of this Commonwealth. In accordance with Rule 217(f), Pa.R.D.E., since this formerly admitted attorney resides outside of the Commonwealth of Pennsylvania, this notice is published in the *Pennsylvania Bulletin*.

ELAINE M. BIXLER,
*Executive Director & Secretary
The Disciplinary Board of the
Supreme Court of Pennsylvania*

[Pa.B. Doc. No. 00-473. Filed for public inspection March 17, 2000, 9:00 a.m.]

Notice of Disbarment

Notice is hereby given that Samuel Robert Miller, III having been disbarred from the practice of law in the State of New Jersey, the Supreme Court of Pennsylvania issued an Order dated March 1, 2000, disbaring Samuel Robert Miller, III from the Bar of this Commonwealth. In accordance with Rule 217(f), Pa.R.D.E., since this formerly admitted attorney resides outside of the Commonwealth of Pennsylvania, this notice is published in the *Pennsylvania Bulletin*.

ELAINE M. BIXLER,
*Executive Director & Secretary
The Disciplinary Board of the
Supreme Court of Pennsylvania*

[Pa.B. Doc. No. 00-474. Filed for public inspection March 17, 2000, 9:00 a.m.]

Notice of Suspension

Notice is hereby given that on March 3, 2000, pursuant to Rule 214(d)(1) of the Pa.R.D.E., Alfred A. Porro, Jr., who is located in New Jersey, was placed on temporary suspension by the Supreme Court until further Order of the Court. In accordance with Rule 217(f), Pa.R.D.E.,

since this formerly admitted attorney resides outside of the Commonwealth of Pennsylvania, this notice is published in the *Pennsylvania Bulletin*.

ELAINE M. BIXLER,
*Executive Director & Secretary
The Disciplinary Board of the
Supreme Court of Pennsylvania*

[Pa.B. Doc. No. 00-475. Filed for public inspection March 17, 2000, 9:00 a.m.]

Notice of Suspension

Notice is hereby given that on March 3, 2000, pursuant to Rule 214(d)(1) of the Pa.R.D.E., Salvatore DeLello, Jr., who is located in New Jersey, was placed on temporary suspension by the Supreme Court until further Order of the Court. In accordance with Rule 217(f), Pa.R.D.E., since this formerly admitted attorney resides outside of the Commonwealth of Pennsylvania, this notice is published in the *Pennsylvania Bulletin*.

ELAINE M. BIXLER,
*Executive Director & Secretary
The Disciplinary Board of the
Supreme Court of Pennsylvania*

[Pa.B. Doc. No. 00-476. Filed for public inspection March 17, 2000, 9:00 a.m.]

Notice of Suspension

Notice is hereby given that Rubina Arora, having been suspended from the practice of law before the Immigration and Naturalization Service and the Executive Office of Immigration Review for an indefinite period of time, with leave to petition for reinstatement after the expiration of two years from the effective date of the suspension by Order of the United States Department of Justice, Executive Office for Immigration Review, dated September 12, 1996, the Supreme Court of Pennsylvania issued an Order dated March 3, 2000 suspending Rubina Arora for an indefinite period of time retroactive to December 1, 1996, with leave to petition for reinstatement after the expiration of two years from the effective date of this Order. In accordance with the Rule 217(f), Pa.R.D.E., since this formerly admitted attorney resides outside of the Commonwealth of Pennsylvania, this notice is published in the *Pennsylvania Bulletin*.

ELAINE M. BIXLER,
*Executive Director & Secretary
The Disciplinary Board of the
Supreme Court of Pennsylvania*

[Pa.B. Doc. No. 00-477. Filed for public inspection March 17, 2000, 9:00 a.m.]

RULES AND REGULATIONS

Title 31—INSURANCE

INSURANCE DEPARTMENT

[31 PA. CODE CHS. 35, 123 AND 124]

Surplus Lines Insurance

The Insurance Department (Department), by this order deletes Chapters 35 and 123 (relating to surplus lines agents; and surplus lines) and adopts Chapter 124 (relating to surplus lines insurance) to read as set forth in Annex A. This rulemaking sets forth duties and requirements relating to surplus lines agents, producing brokers and surplus lines insurers transacting business in this Commonwealth.

Purpose

The surplus lines insurance market is intended to provide coverage for nonstandard or unique risks that do not fit the underwriting guidelines of insurers licensed to transact business in the market for standard or traditional insurance coverages (admitted insurers). Surplus lines insurance may be procured through licensed surplus lines agents (surplus lines licensees) from insurers that appear on a list of eligible surplus lines insurers published by the Department. A surplus lines licensee may place coverage as a result of being contacted directly by a consumer or in response to a request from another insurance broker (producing broker) who is dealing directly with the consumer.

The Commonwealth's surplus lines laws and regulations were adopted to establish a system of regulations that permits orderly access to surplus lines insurance in this Commonwealth with reputable and financially sound insurers and provides for adequate protections in the insurance marketplace. The Commonwealth's initial Surplus Lines Insurance Law (act of January 24, 1966, (1965) P. L. 1509) was replaced by Article XVI of The Insurance Company Law of 1921 (40 P. S. §§ 991.1601—991.1625) (act) in 1992. This rulemaking replaces the regulations adopted under the authority of the initial Surplus Lines Insurance Law with updated regulations consistent with Article XVI of the act.

Statutory Authority

This final-form rulemaking is adopted under the authority of Article XVI of the act.

Comments

Notice of the proposed rulemaking was published at 28 Pa.B. 4932 (October 3, 1998) with a 30-day public comment period.

No comments were received from the standing committees. Comments were received during the 30-day public comment period from the Alliance of American Insurers (Alliance); The Insurance Federation of Pennsylvania, Inc., (IFP) and from Senator Frank A. Salvatore on behalf of Martin G. Lane, Chairperson of the Board of Aegis Security Insurance Company (Aegis). On November 12, 1998, comments were also received from the Professional Insurance Agents Association (PIA). The Independent Regulatory Review Commission (IRRC) submitted its comments and recommendations to the Department on December 3, 1998. The following is a summary of the comments and the Department's response to its final-form rulemaking.

The Alliance and the IFP commented in support of the rulemaking published in proposed form.

Aegis suggested that the rulemaking requires notice to insureds that a nonadmitted insurer is not licensed by the Department, is subject to limited regulation, and that losses would not be covered by the State guaranty fund if the insurer becomes insolvent. Section 1608 of the act requires surplus lines licensees to provide insureds with written notice when all or part of their insurance is placed with a nonadmitted insurer (an eligible surplus lines insurer or other insurer that is not authorized and not licensed to do business in this Commonwealth). The notice must be provided at the time an insured is presented with a quotation and must advise the insured that: (1) the nonadmitted insurer is not licensed by the Department and is subject to only limited regulation; and (2) losses will not be covered by the State guaranty fund in the event the insurer becomes insolvent. Section 124.2 (relating to notice to insured) requires the notice to be substantially similar in content to the language cited in section 1608 of the act and prominently printed on the first page of the quotation. In addition, section 1612 of the act requires substantially the same notice to appear on every evidence of insurance negotiated, placed or procured under Article XVI of the act. Therefore, the Department believes that the notice suggested by Martin Lane is sufficiently addressed in the authorizing statute and § 124.2 of this final-form rulemaking.

The PIA and IRRC commented on § 124.5(1)(i) (relating to diligent search of admitted insurers) of the proposed rulemaking concerning the producing broker's duty to make a diligent effort to procure the desired coverage from admitted insurers before having the coverage placed with an eligible surplus lines insurer. Section 1604(2) of the act sets forth three criteria, at least one of which must be satisfied before a surplus lines licensee may place coverage with an eligible surplus lines insurer. Under section 1604(2)(i) of the act, the first criterion permits placement of surplus lines insurance when the full amount or kind of insurance cannot be obtained from admitted insurers in this Commonwealth, if a diligent search has been made among the admitted insurers who are writing coverage comparable to the coverage being sought. Under section 1609(a)(1) of the act, the second criterion, the declaration form prescribed, currently requires the producing broker (or the surplus lines licensee when acting as both the producing broker and the surplus lines licensee) to identify at least three admitted insurers which have declined to insure the risk. Under section 1609(a)(2) of the act, the third criterion, the surplus lines licensee, is also required to file a written declaration of the licensee's lack of knowledge of how the coverage could have been procured from admitted insurers when coverage is placed under the diligent search criterion of the act.

Section 124.5(1)(i) of the proposed rulemaking would have permitted a producing broker with less than three agent appointments to obtain declinations from less than three admitted insurers when placing coverage in the surplus lines market under the diligent search criterion. An agent appointment is a written agreement between an agent and an insurer under which the agent may solicit, negotiate, make or procure insurance coverages written by the insurer. See § 37.1 (relating to definitions). IRRC commented that the proposed provisions for less than three declinations appeared to penalize brokers and

agents with three or more appointments because they would be required to secure three declinations while brokers and agents with less than three appointments would be allowed to secure fewer declinations. The PIA also questioned the basis of the proposed provisions to tie the number of required declinations to the number of appointments but commented on the difficulties producing brokers or surplus lines licensees may face in obtaining declinations from admitted insurers with which they do not have agent appointments. IRRC recommended that the final-form rulemaking addresses what is required if a producing broker is unable to secure the required number of declinations. In response to these comments, the Department has amended § 124.5(1)(i) to:

1. Delete the proposed provisions to base the number of required declinations on the number of agent appointments, and
2. Add a statement consistent with existing requirements to provide that a diligent effort to procure the desired coverage from admitted insurers shall have been made if the producing broker declares on the form prescribed under section 1609(a)(1) of the act that at least three admitted insurers have declined to insure the risk.

The amendment will retain the Commonwealth's historic requirement that producing brokers obtain at least three declinations when placing coverage under the diligent search criterion of the act. At least 42 other states specifically require a diligent search as a condition for placing coverage in the surplus lines market, and at least 11 of those states require a minimum of three declinations to evidence a diligent search. In addition to being a Nationally recognized approach to diligent search requirements, the standard requirement for three declinations applies equally to all producing brokers transacting business in the surplus lines market. The historic requirement for three declinations also provides for stronger consumer protection by establishing a uniform minimum standard for the degree of diligence performed by producing brokers when searching the admitted market for available coverages. Under § 124.6 (relating to export list coverages), a diligent search will not be required when placing coverages that appear on the most recent export list of coverages recognized as generally unavailable from admitted insurers. Additionally, a diligent search is not required when placing coverage for a risk that requires a unique coverage not available from admitted insurers. Further, § 124.5(1)(iv) will permit a producing broker to assume that an admitted insurer has declined to write a risk if the insurer fails to respond within 5 business days. Surplus lines insurers are subject to limited regulation by the Department, and policyholders are not protected by the Pennsylvania Property and Casualty Insurance Guaranty Association in the event of the insolvency of a surplus lines insurer. Therefore, the criteria in section 1604(2) of the act and the requirements of this final-form rulemaking are intended to permit orderly access to surplus lines insurance in this Commonwealth while providing for adequate consumer protections.

Section 124.5(1)(ii) of the proposal requires a producing broker who obtained less than three declinations in conducting a diligent search of the admitted market to attach to the prescribed declaration form a notarized statement affirming the number of agent appointments held by the broker. The PIA commented that this requirement was unnecessary, cumbersome and expensive and recommended it be deleted in the final-form rulemaking. IRRC noted that the purpose of the statement was to affirm the number of appointments held by a broker who

obtained less than three declinations, but asked the Department to explain why the statement needed to be notarized. Since the Department has deleted the companion provision in § 124.5(1)(i) that based the minimum number of required declinations on the number of agent appointments, § 124.5(1)(ii) is no longer needed and has also been deleted in this final-form rulemaking.

IRRC suggested that the requirements for declinations in § 124.5(3) of the proposed rulemaking be included under the provisions of § 124.5(1) to improve the clarity of the rulemaking. In response to IRRC's comment, the Department has included the provisions of § 124.5(3) and (4) of the proposal under § 124.5(1) in this final-form rulemaking.

Finally, the Department amended § 124.10(c)(2) (relating to eligible surplus lines insurer filing requirements) to change the word insurer to insure. The change was made to correct a typographical error in the proposed rulemaking.

Fiscal Impact

State Government

Department costs associated with the review of applications and reports filed under Chapter 124 will not increase as a result of this final-form rulemaking. The chapter eliminates current costs imposed on the Department and regulated parties related to the filing and review of binding authority contracts. The chapter will serve to enhance the protection of Commonwealth revenues by imposing minimum bonding requirements consistent with premium tax liability.

General Public

While the chapter has no immediate fiscal impact on the general public, the general public will benefit to the extent that adoption of the chapter enhances the efficiency and effectiveness of the Commonwealth's regulation of surplus lines insurance under Article XVI of the act.

Political Subdivisions

The chapter has no impact on costs to political subdivisions.

Private Sector

The reporting, recordkeeping and qualification requirements in Chapter 124 will impose no significant costs on surplus lines licensees, producing brokers or surplus lines insurers transacting business in this Commonwealth.

Paperwork

Chapter 124 eliminates filing requirements related to binding authority contracts. The chapter requires producing brokers to maintain records to demonstrate that a diligent search of licensed insurers was made before placing coverage in the surplus lines market. These recordkeeping requirements provide guidance to producing brokers in efforts to conduct a proper search of the licensed market and enhance compliance with the statutory conditions that must be met before coverage is placed in the surplus lines market. The requirements also enhance the Department's ability to monitor transactions in the surplus lines market.

Persons Regulated

This final-form rulemaking applies to all surplus lines agents, producing brokers and surplus lines insurers transacting business in this Commonwealth.

Contact Person

Questions or comments regarding this final-form rulemaking may be addressed to Peter J. Salvatore, Regulatory Coordinator, Office of Special Projects, 1326 Strawberry Square, Harrisburg, PA 17120, (717) 787-4429. Questions or comments may also be E-mailed to psalvato@ins.state.pa.us or faxed to (717) 705-3873.

Regulatory Review

Under section 5(a) of the Regulatory Review Act (71 P. S. § 745.5(a)), on September 23, 1998, the Department submitted a copy of this proposed rulemaking, published at 28 Pa.B. 4932 (October 3, 1998) to IRRC and to the Chairpersons of the Senate Committee on Banking and Insurance and the House Insurance Committee. In addition to the submitted rulemaking, the Department has provided IRRC and the Committees with a copy of a detailed Regulatory Analysis Form prepared by the Department in compliance with Executive Order 1996-1, "Regulatory Review and Promulgation." In compliance with section 5(c) of the Regulatory Review Act, the Department also provided IRRC and the Committees with copies of the comments received. A copy of that material is available to the public upon request.

This final-form rulemaking was deemed approved by the Senate and House Committees on February 13, 2000, in accordance with section 5.1(d) of the Regulatory Review Act (71 P. S. § 745.5a(d)). IRRC met on February 17, 2000, and approved the regulation in accordance with section 5.1(e) of the Regulatory Review Act.

Findings

The Insurance Commissioner finds that:

(1) Public notice of intention to adopt this final-form rulemaking as amended by this order has been given under sections 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) The adoption of this final-form rulemaking in the manner provided in this order is necessary and appropriate for the administration and enforcement of the authorizing statutes.

Order

The Insurance Commissioner, acting under the authorizing statutes, orders that:

(1) The regulations of the Department, 31 Pa. Code Chapters 35, 123 and 124, are amended by deleting §§ 35.1—35.4, 35.11—35.13, 35.21, 35.22, 123.1, 123.4, 123.11, 123.12, 123.31—123.42 and 123.51—123.63; and by adding §§ 124.1—124.10, to read as set forth in Annex A.

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

(3) The Commissioner shall certify this order and Annex A and deposit them with the Legislative Reference Bureau as required by law.

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

M. DIANE KOKEN,
Insurance Commissioner

(Editor's Note: For the text of the order of the Independent Regulatory Review Commission relating to this document, see 30 Pa.B. 1320 (March 4, 2000).)

Fiscal Note: Fiscal Note 11-170 remains valid for the final adoption of the subject regulations.

Annex A**TITLE 31. INSURANCE****PART I. GENERAL PROVISIONS****CHAPTER 35. (Reserved)**

§§ 35.1—35.4. (Reserved).

§§ 35.11—35.13. (Reserved).

§ 35.21. (Reserved).

§ 35.22. (Reserved).

PART VIII. MISCELLANEOUS PROVISIONS**CHAPTER 123. (Reserved)**

§ 123.1. (Reserved).

§ 123.4. (Reserved).

§ 123.11. (Reserved).

§ 123.12. (Reserved).

§ 123.21. (Reserved).

§§ 123.31—123.42. (Reserved).

§§ 123.51—123.63. (Reserved).

CHAPTER 124. SURPLUS LINES INSURANCE

Sec.

124.1. Definitions.

124.2. Notice to insured.

124.3. Conditions of binding authority.

124.4. Evidence of insurance.

124.5. Diligent search of admitted insurers.

124.6. Export list coverages.

124.7. Unique forms of coverages.

124.8. Surplus lines licensee bond requirements.

124.9. Requirements to qualify as an eligible surplus lines insurer.

124.10. Eligible surplus lines insurer filing requirements.

§ 124.1. Definitions.

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

Act—Article XVI of The Insurance Company Law of 1921 (40 P. S. §§ 991.1601—991.1625).

Alien insurer—An insurer incorporated or organized under the laws of a foreign nation or of a province or territory other than a state or a territory of the United States or the District of Columbia.

Binding authority—The authority delegated to a surplus lines licensee by an eligible surplus lines insurer to obligate the eligible surplus lines insurer to accept a particular risk.

Commissioner—The Insurance Commissioner of the Commonwealth.

Department—The Insurance Department of the Commonwealth.

Eligible surplus lines insurer list—The most recent list of eligible surplus lines insurers published by the Department under section 1605(b) of the act (40 P. S. § 991.1605(b)).

Foreign insurer—

(i) An insurer, other than an alien insurer, not incorporated or organized under the laws of the Commonwealth.

(ii) For purposes of this chapter, the term also includes a United States branch of an alien insurer which branch is not entered through and licensed to transact insurance or reinsurance in this Commonwealth.

(b) Unless the context otherwise requires, other terms found in this chapter are used as defined in the act.

§ 124.2. Notice to insured.

The written notice required to be given to the insured under section 1608 of the act (40 P. S. § 991.1608) shall be:

- (1) Substantially similar in content to that set forth in section 1608(1) and (2) of the act.
- (2) Prominently printed on the first page of the quotation.

§ 124.3. Conditions of binding authority.

(a) A surplus lines licensee may not exercise binding authority in this Commonwealth on behalf of an eligible surplus lines insurer unless there is in force a written contract executed by all parties to the contract setting forth the terms, conditions and limitations governing the exercise of binding authority by the surplus lines licensee. The written contract shall, at a minimum, contain the following:

- (1) A description of the classes of insurance for which the surplus lines licensee holds binding authority.
- (2) The geographical limits of the binding authority.
- (3) The maximum dollar limitations on the binding authority for any one risk for each class of insurance.
- (4) The maximum policy period for which the surplus lines licensee may bind a risk.
- (5) A prohibition against delegation of binding authority by the surplus lines licensee or, if the binding authority is delegable by the surplus lines licensee, a prohibition against delegation of binding authority by the surplus lines licensee without the prior written approval of the eligible surplus lines insurer.
- (6) A provision in the following or substantially similar language:

It is understood and agreed that all insurance placed pursuant to this agreement on risks resident, located, or to be performed in this Commonwealth, shall be effected and written in accordance with Article XVI of the act of May 17, 1921 (P.L. 682, No. 284) (40 P. S. §§ 991.1601—991.1625).

(b) An executed copy of the written contract shall be maintained by the surplus lines licensee in its office in this Commonwealth. The copy shall be available at all reasonable times for examination by the Department without notice for at least 5 years following termination of the contract.

(c) If a surplus lines licensee, who is qualified under this chapter to exercise binding authority on behalf of the eligible surplus lines insurer, delegates binding authority to any other surplus lines licensee, the instrument delegating binding authority shall specifically identify the binding authority agreement between the delegating surplus lines licensee and the eligible surplus lines insurer. An executed copy of the instrument delegating binding authority shall be maintained by both the surplus lines licensee delegating binding authority and the surplus lines licensee to whom the authority is delegated in their offices in this Commonwealth. The copy shall be available at all reasonable times for examination by the Department without notice for at least 5 years following termination of the contract.

§ 124.4. Evidence of insurance.

(a) Section 1612 of the act (40 P. S. § 991.1612) requires the surplus lines licensee, upon placing surplus

lines insurance, to deliver the contract of insurance to the insured or to the producing broker. A cover note, binder or other evidence of insurance shall be delivered by the surplus lines licensee if the contract of insurance is not immediately available.

(b) Delivery of the contract or other evidence of insurance by the surplus lines licensee shall occur within 15 calendar days after:

(1) Coverage has been bound by the surplus lines licensee, if the surplus lines licensee holds binding authority on behalf of the eligible surplus lines insurer.

(2) The surplus lines licensee has received written notification from the eligible surplus lines insurer or other nonadmitted insurer that it has assumed the risk, if the surplus lines licensee does not hold binding authority on behalf of the eligible surplus lines insurer.

(c) Under section 1624 of the act (40 P. S. § 991.1624), a contract or other evidence of insurance delivered by the surplus lines licensee shall contain a service of process clause substantially similar to the following:

SERVICE OF PROCESS CLAUSE

It is agreed that in the event of the failure of the Insurer(s) or Underwriter(s) herein to pay any amount claimed to be due hereunder, the Insurer(s) or Underwriter(s) herein, at the request of the Insured (or reinsured), will submit to the jurisdiction of any court of competent jurisdiction within the United States of America and will comply with all requirements necessary to give such court jurisdiction, and all matters arising hereunder shall be determined in accordance with the law and practice of such court. It is further agreed that in any such action instituted against any one of them upon this contract, Insurer(s) or Underwriter(s) will abide by the final decision of such court or of any appellate court in the event of an appeal.

Service of process shall be made pursuant to the procedures provided by 42 Pa.C.S. Ch. 53 Subch. B (relating to interstate and international procedure). When making service of process by mail, such process shall be mailed to _____. The above-named is authorized and directed to accept service of process on behalf of the Insured(s) or Underwriter(s) in any such action or upon the request of the insured (or reinsured) to give a written undertaking to the insured (or reinsured) that it or they will enter a general appearance for the Insurer(s) or Underwriter(s) in the event such an action shall be instituted.

Further, pursuant to any statute of any state, territory or district of the United States of America, which makes provisions therefor, the Insured(s) or Underwriter(s) hereby designates the Superintendent, Commissioner or Director of Insurance or other officer specified for that purpose in the statute or his successor or successors in office, as the true and lawful attorney upon whom any lawful process may be served in any action, suit or proceeding instituted by or on behalf of the insured (or reinsured) or any beneficiary hereunder arising out of his contract of insurance (or reinsurance), and hereby designates the above-named as the person on whom such process or a true copy thereof shall be served.

§ 124.5. Diligent search of admitted insurers.

Under section 1604(2)(i) of the act (40 P. S. § 991.1604(2)(i)), surplus lines insurance may be procured through a surplus lines licensee from nonadmitted

insurers if a diligent search is made among the admitted insurers who are writing, in this Commonwealth, coverage comparable to the coverage being sought. The following minimum requirements and conditions apply to the conduct of a diligent search among admitted insurers under section 1604(2)(i) of the act.

(1) Under section 1609(a)(1)(i) of the act (40 P. S. § 991.1609(a)(1)(i)), the producing broker shall execute and forward to the surplus lines licensee a written statement, in a form prescribed by the Department, declaring that a diligent effort to procure the desired coverage from admitted insurers was made.

(i) A diligent effort by the producing broker to procure the desired coverage from admitted insurers shall have been made if the producing broker declares on the prescribed form that at least three admitted insurers which are writing, in this Commonwealth, coverage comparable to the coverage being sought have declined to insure the particular risk.

(ii) A producing broker who obtains a declination from an admitted insurer shall either obtain the declination in writing from the admitted insurer or create a written record of an oral declination by the admitted insurer. A written record of an oral declination shall be made by the person who initially received the declination or by another person working for the business from information transmitted by the person who received the declination. A declination shall be obtained from the admitted insurer or recorded by the producing broker at or near the time of receipt of the declination and maintained in the regular course of business.

(iii) A written record documenting an oral declination shall include:

(A) The name, office location and phone number of the admitted insurer or firm acting in the capacity of underwriting manager for the admitted insurer.

(B) The name and position of the person contacted.

(C) The date of contact.

(D) An explanation of the declination.

(iv) If an admitted insurer fails to respond within 5 business days after first being contacted by the producing broker, the producing broker may assume that the insurer has declined to write the risk. The producing broker shall create a written record of the contact, including the manner in which contact was made and the information required under subparagraph (iii)(A)—(C).

(v) A declination of coverage by an admitted insurer shall be made by a person who is a full-time employe of the admitted insurer and who has underwriting responsibility for that admitted insurer or by a full-time employe of a firm acting in the capacity of underwriting manager for the admitted insurer.

(vi) For purposes of this subparagraph, the term "affiliate" is used as defined in section 1401 of The Insurance Company Law of 1921 (40 P. S. § 991.1401).

(A) A declination may not be obtained from an admitted insurer which is an affiliate of an admitted insurer from which a declination has already been obtained.

(B) Surplus lines insurance may not be placed with a nonadmitted insurer that is an affiliate of an admitted insurer from which a declination has been obtained.

(C) The restrictions in clauses (A) and (B) do not apply if the affiliated insurers write independently of each other

using separate and independently developed underwriting criteria and marketing plans, and for underwriting purposes, compete with each other for the same type of coverage or class of insurance.

(2) Under section 1609(a)(2) of the act, the surplus lines licensee shall file with the Department a written declaration of the licensee's lack of knowledge of how the coverage could have been procured from admitted insurers and shall simultaneously file the written declaration of the producing broker required under section 1609(a)(1) of the act. Under section 1609(a)(3) of the act, if the surplus lines licensee acts as both the producing broker and surplus lines licensee in a particular transaction, the surplus lines licensee is required to execute the declarations required under section 1609(a)(1) and (2) of the act.

§ 124.6. Export list coverages.

(a) Under section 1604(2)(ii) of the act (40 P. S. § 991.1604(2)(ii)), the Commissioner may create and maintain an export list of insurance coverages for which the full amount or kind of insurance cannot be obtained from admitted insurers.

(b) The diligent search requirement of section 1604(2)(i) of the act and the reporting requirements of section 1609(a) of the act (40 P. S. § 991.1609(a)) do not apply to the placement of an insurance coverage which appears on the export list.

(c) Within 45-calendar days after the placement of an insurance coverage which appears on the most recent export list published by the Commissioner, the surplus lines licensee shall file with the Department or its designee a copy of the declaration page of the policy, cover note, binder or other evidence of insurance delivered by the surplus lines licensee in accordance with section 1612(a) of the act (40 P. S. § 991.1612(a)) with the word "EXPORT" stamped in red letters in the upper right hand corner.

§ 124.7. Unique forms of coverages.

Under section 1604(2)(iii) of the act (40 P. S. § 1604(2)(iii)), surplus lines insurance may be procured through a surplus lines licensee from nonadmitted insurers if the kind of insurance sought to be obtained from admitted insurers requires a unique form of coverage not available in the admitted market. Within 45-calendar days after a unique form of coverage has been placed, the surplus lines licensee shall file with the Department or its designee, a written declaration reporting the transaction in a form prescribed by the Department.

§ 124.8. Surplus lines licensee bond requirements.

(a) The bond required under section 1615(b)(4) of the act (40 P. S. § 991.1615(b)(4)) to be maintained concurrent with the term of a surplus lines agent's license shall be in the amount of at least \$50,000 for the initial term of the license.

(b) The amount of the bond required for renewal of a surplus lines agent's license shall be based on the total taxable surplus lines premium volume of the surplus lines agent during the preceding calendar year as reported to the Department of Revenue under section 1621 of the act (40 P. S. § 991.1621) and determined by using the following table:

<i>Total Taxable Surplus Lines Premium Volume</i>	<i>Required Minimum Amount of Bond</i>
\$0—\$1,999,999	\$50,000
\$2,000,000—\$3,999,999	\$100,000
\$4,000,000—\$5,999,999	\$150,000
\$6,000,000—\$7,999,999	\$200,000
\$8,000,000—and over	3% of the total taxable surplus lines premium volume of the surplus lines licensee during the preceding calendar year or other amount acceptable to the Commissioner.

§ 124.9. Requirements to qualify as an eligible surplus lines insurer.

(a) To be considered for placement on the most recent eligible surplus lines insurer list, a nonadmitted insurer shall meet the requirements of the act and this chapter. The nonadmitted insurer shall meet the following requirements:

(1) Currently licensed as an insurer in the state or country of its domicile for the kinds of insurance which it proposes to provide in this Commonwealth.

(2) Either engaged in doing the business of surplus lines insurance in one or more jurisdictions for at least 3 years immediately preceding the filing of an application to be an eligible surplus lines insurer; or an affiliate of an admitted insurer which has been so admitted for at least 3 years immediately preceding seeking approval to do business in this Commonwealth.

(b) In addition to the requirements in subsection (a), an alien insurer shall provide documentation evidencing its inclusion on the most recent quarterly listing of nonadmitted alien insurers which have met the criteria in the plan of operation adopted by the National Association of Insurance Commissioners International Insurers Department, or successor organization.

§ 124.10. Eligible surplus lines insurer filing requirements.

(a) A request to consider a foreign nonadmitted insurer for placement on the Department's eligible surplus lines insurer list shall be made in writing by a surplus lines licensee and shall include the following:

(1) *Charter.* A copy of the charter of the nonadmitted insurer or similar document and any amendments, additions and deletions thereto certified by the corporate secretary of the nonadmitted insurer.

(2) *Certificate of authority.* A copy of the certificate of authority of the insurer or similar document setting forth its authority to issue policies and insure risks in the jurisdiction in which the insurer is incorporated, formed or organized.

(3) *Financial statement.*

(i) A copy of the latest annual financial report or statement of the insurer signed by the officers of the insurer and filed with the insurance regulatory authority or other governmental authority in the jurisdiction in which the insurer is incorporated, formed or organized. The copy shall include all supplemental reports, exhibits and schedules required as part of the annual statement filing and shall be certified as provided under section 1605(3) of the act (40 P. S. § 991.1605(3)).

(ii) A copy of each subsequent quarterly financial report or statement of the insurer signed by the officers of

the insurer and filed with the insurance regulatory authority or other governmental authority in the jurisdiction in which the insurer is incorporated, formed or organized.

(4) *Report of examination.* A copy of the most recent report of examination of the insurer conducted by the insurance regulatory authority or similar governmental authority requiring the examination and certified by the proper official of that authority.

(5) *Biographical information.* Biographical data for each officer, director, person in managerial control, and like individual on a form provided by the Department.

(6) *Kind of insurance.* A written statement by an officer of the insurer identifying the kinds of insurance coverages the insurer intends to write and the types of risks the insurer intends to insure in this Commonwealth.

(7) *Designee for service of process.* A written designation of the name of the individual employed by the insurer or other appropriate representative to whom all lawful process shall be mailed. The designee shall maintain a legal residence, domicile or office in the United States.

(8) *Additional information.* Additional information as may be required by the Commissioner to determine whether the insurer meets the standards and requirements of the act and this chapter.

(b) After placement on the eligible surplus lines insurer list, a foreign insurer shall submit to the Department through a surplus lines licensee:

(1) Changes or additions, or both, to the information in subsection (a)(7) within 10-calendar days of the occurrence.

(2) Changes or additions, or both, to the information in subsection (a)(1) and (5) within 30-calendar days of the occurrence.

(3) A certified copy of the information in subsection (a)(3)(i) within 30-calendar days after the date required for filing in its domiciliary jurisdiction. A copy of the information in subsection (a)(2) shall accompany the filing.

(4) A copy of the information in subsection (a)(3)(ii) within 45-calendar days from the close of the quarter for which the report is prepared.

(5) A certified copy of the information in subsection (a)(4) within 30-calendar days of the date it became a public document.

(6) Additional items as may be required by the Commissioner to determine whether the insurer continues to meet the standards under the act.

(c) A request to consider an alien nonadmitted insurer for placement on the Department's eligible surplus lines insurer list shall be made in writing by a surplus lines licensee and shall include the following:

(1) *Charter.* A copy of the charter of the insurer or similar document and any amendments, additions and deletions thereto certified by the corporate secretary of the insurer.

(2) *Certificate of authority.* A copy of the certificate of authority of the insurer or similar document setting forth its authority to issue policies and insure risks in the jurisdiction in which the insurer is incorporated, formed or organized.

(3) *Annual financial statement.*

(i) Two copies of the latest annual financial report of the insurer signed by the officers of the insurer and filed with the insurance regulatory authority or other governmental authority in the jurisdiction in which the insurer is incorporated, formed or organized. One copy of the financial report or statement shall be expressed in language and currency of the place of incorporation, formation or organization of the insurer and the other copy prepared and expressed in the English language and United States currency at the current rate of exchange as of the statement date. Certification of the financial report or statement shall be in accordance with section 1605(3) of the act (40 P. S. § 991.1605(3)).

(ii) A copy of the latest annual financial statement of the insurer in the standard reporting format prescribed by the National Association of Insurance Commissioners' International Insurers Department, or successor organization.

(4) *Trust fund agreement.*

(i) A copy of the trust fund agreement concerning the trust fund which the insurer maintains in the United States in either a National bank or a member of the Federal Reserve System in an amount as set out in the act for the protection of all of its policyholders in the United States, consisting of cash, securities, letters of credit or investments of substantially the same character and quality as those which are eligible investments for admitted insurers authorized to write like kinds of insurance in this Commonwealth.

(ii) The trustees of the trust fund shall give written verification of the amount initially deposited and presently on deposit by the insurer in the trust fund. The trustees shall immediately give written notification to the Department at any time the trust fund deposit is less than the minimum requirement as provided for in section 1605(a)(2)(i) of the act.

(5) *Biographical sketches.* Biographical data for each officer, director, person in managerial control, and like individual on a form provided by the Department.

(6) *Kind of insurance.* A written statement by an officer of the insurer identifying the kinds of insurance coverages the insurer intends to write and the types of risks the insurer intends to insure in this Commonwealth.

(7) *Designee for service of process.* A written designation of the name of the individual employed by the insurer or other appropriate representative to whom all lawful process shall be mailed. The designee shall maintain a legal residence, domicile or office in the United States.

(8) *Additional information.* Additional information as required by the Commissioner to determine whether the insurer meets the standards and requirements of the act and this chapter.

(d) After placement on the eligible surplus lines insurer list, an alien insurer shall submit the following to the Department through a surplus lines licensee:

(1) Changes or additions, or both, to the information in subsection (c)(7) and (4)(i) within 10-calendar days of the occurrence.

(2) Changes or additions, or both, to the information in subsection (c)(1) and (5) within 30-calendar days of the occurrence.

(3) A certified copy of the information in subsection (c)(3)(i) within 30-calendar days after the date required for filing in its domiciliary jurisdiction. A copy of the information in subsection (c)(2), (3)(ii) and (4)(ii) shall accompany the filing.

(4) Additional items as may be required by the Commissioner to determine whether the insurer continues to meet the standards under the act.

[Pa.B. Doc. No. 00-478. Filed for public inspection March 17, 2000, 9:00 a.m.]

Title 52—PUBLIC UTILITIES

PUBLIC UTILITY COMMISSION

[52 PA. CODE CH. 69]

Corrective Amendment to 52 Pa. Code § 69.85

The Pennsylvania Public Utility Commission (Commission) has discovered a discrepancy between the agency text of 52 Pa. Code § 69.85, as deposited with the Legislative Reference Bureau, and adopted at 28 Pa.B. 6309, 6314 (December 26, 1998) and the official text published in the *Pennsylvania Code Reporter* (MTS 292) and as currently appearing in the *Pennsylvania Code*. The deletion of § 69.85 was not codified.

Therefore, under 45 Pa.C.S. § 901, Commission has deposited with the Legislative Reference Bureau a corrective amendment to § 69.85. The corrective amendment to § 69.85 is effective as of March 6, 1999, the date the defective official text was announced in the *Pennsylvania Bulletin*.

The correct version of § 69.85 appears in Annex A.

JAMES J. MCNULTY,
Secretary

Annex A

TITLE 52. PUBLIC UTILITIES

PART I. PUBLIC UTILITY COMMISSION

Subpart C. FIXED SERVICE UTILITIES

CHAPTER 69. GENERAL ORDERS, POLICY STATEMENTS AND GUIDELINES ON FIXED UTILITIES

§ 69.85. (Reserved).

[Pa.B. Doc. No. 00-479. Filed for public inspection March 17, 2000, 9:00 a.m.]

PROPOSED RULEMAKING

PENNSYLVANIA PUBLIC UTILITIES

[52 PA. CODE CH. 63]

[L-00000148]

Universal Service Fund

The Pennsylvania Public Utility Commission (Commission) on January 27, 2000, adopted a proposed rulemaking order establishing a universal service funding mechanism, implementing revenue-neutral rate reform and resolving interconnection issues in the telecommunications industry. The contact persons are Gary Wagner, Bureau of Fixed Utility Services, (717) 783-6175, and Elizabeth Barnes, Law Bureau, (717) 772-5408.

Executive Summary

For several years, the Commission has been examining the need for an Intrastate Universal Service Fund (USF or Fund) in an effort to both reduce and restructure access charges and establish the appropriate level playing field for the development of local competition in this Commonwealth. The USF is a means to reduce access and toll rates for the ultimate benefit of end-users and to encourage greater toll competition while enabling carriers to preserve the affordability of local service rates.

The State USF, as currently constituted within the parameters of the instant rulemaking, can best be described as a "revenue-neutrality" fund designed to neutralize local exchange carrier (LEC) revenue short-falls resulting as a consequence of anticipated access charge and intrastate toll revenue reductions. Although it is referred to as a fund, it is actually a pass-through mechanism to facilitate the transition from a monopoly environment to a competitive environment—an exchange of revenue between telephone companies which attempts to equalize the revenue deficits occasioned by mandated decreases in toll and access charges receipts.

Prior rulemaking attempts at establishing USF regulations, *Rulemaking to Establish a Universal Service Funding Mechanism*, Docket No. L-00950105 (June 21, 1996), were ultimately addressed in the Commission's Order on September 30, 1999 (P-00991648 and P-00991649). The September 30 order directed that regulations be promulgated to establish and administer a State USF.

Regulatory Review

Under section 5(a) of the Regulatory Review Act (71 P. S. § 745.5(a)), the Commission submitted a copy of this proposed rulemaking to the Independent Regulatory Review Commission (IRRC) and to the Chairpersons of the House Committee on Consumer Affairs and the Senate Committee on Consumer Protection and Professional Licensure. In addition to submitting the proposed rulemaking, the Commission has provided IRRC and the Committees with a copy of a detailed Regulatory Analysis Form prepared by the Commission in compliance with Executive Order 1996-1. A copy of this material is available to the public upon request.

If the Legislative Committees have objections to any portion of the proposed amendment, they will notify the Commission within 20 days of the close of the public comment period. If IRRC has objections to any portion of

the proposed amendment, it will notify the Commission within 10 days of the close of the Committees' review period. The notification shall specify the regulatory review criteria which have not been met by that portion. The Regulatory Review Act specifies detailed procedures for review, prior to final publication of the regulations, by the Commission, the General Assembly and the Governor of objections raised.

Commissioners Present: John M. Quain, Chairperson; Robert K. Bloom, Vice-Chairperson; Nora Mead Brownell; Aaron Wilson, Jr.; and Terrance J. Fitzpatrick

Public Meeting held
January 27, 2000

Proposed Rulemaking Order

By the Commission:

For several years, the Commission has been examining the need for a USF in an effort to both reduce and restructure access charges and establish the appropriate level playing field for the development of local competition. The USF is a means to reduce access and toll rates for the ultimate benefit of end-users and to encourage greater toll competition while enabling carriers to continue to preserve the affordability of local service rates. The State USF, as currently constituted within the parameters of the instant rulemaking, can best be described as a revenue-neutrality fund designed to neutralize LEC revenue short-falls resulting as a consequence of anticipated access charge and intrastate toll revenue reductions. Although it is referred to as a fund, it is actually a pass-through mechanism to facilitate the transition from a monopoly environment to a competitive environment—an exchange of revenue between telephone companies which attempts to equalize the revenue deficits occasioned by mandated decreases in toll and access charges receipts.

This Commission has statutory authority to establish a USF to ensure the availability of basic telecommunications services to citizens of this Commonwealth. See 66 Pa.C.S. §§ 3001(1) and (2) and 3009(b)(3) (relating to declaration of policy; and additional powers and duties). Even before the enactment of 66 Pa.C.S. Chapter 30 (relating to alternative form of regulation of telecommunications services) (Chapter 30), this Commission recognized that its broad powers to regulate public utilities on a Statewide basis provided support for the establishment of a USF. *Rulemaking to Establish a Universal Service Funding Mechanism*, L-00950105 (June 21, 1996).

With the enactment of Chapter 30, the Commission has explicit regulatory authority to take appropriate actions to maintain universal service at affordable rates. In particular, we note the legislative objective of "maintaining universal service at affordable rates statewide," the requirement that telecommunications customers pay only "reasonable charges" for local service, and that the Commission may "establish such additional requirements and regulations as it determines to be necessary and proper to ensure the protection of consumers." See 66 Pa.C.S. §§ 3001(1) and (2) and 3009(b)(3) respectively.¹

¹ Section 254(f) of TA-96 also serves to provide state authority to establish a universal service fund, providing that "[e]very telecommunication carrier that provides intrastate telecommunications services shall contribute, on an equitable and nondiscriminatory basis, in a manner determined by the State to preserve and advance of universal service in that State.

With the initiation of the Global Settlement Conference in September 1998, the issues relating to a USF, including the size and structure of the fund, and its interplay with access and toll rate reduction, rate caps, and rate rebalancing, were bundled with the myriad of other complex telecommunications issues the parties were seeking to resolve. Both of the subsequent petitions to resolve these complex telecommunications issues (P-00991648 and P-00991649) contained proposals to establish a USF.

In *Formal Investigation to Examine and Establish Updated Universal Service Principles and Policies for Telecommunications in the Commonwealth*, Docket No. I-00940035 (November 10, 1997), and *Generic Investigation in Intrastate Access Charge Reform*, Docket No. I-00960066 (November 10, 1997), Bell Atlantic-Pennsylvania, Inc. (BA-PA) and the small incumbent local exchange carriers filed a proposed joint settlement of the universal service issues, embodied in their "Small Company Universal Service Plan" (Small Company Plan), originally filed on November 10, 1997, at Docket Nos. I-00940035, L-00950105, I-00940034 and I-00960066. The Small Company Plan was proposed as an interim measure to be in place until such time as the Commission and the Federal Communications Commission (FCC) resolved outstanding policy issues and permanently established rules concerning universal service and access charge reform. Subsequently, however, BA-PA and the Rural Telephone Company Coalition (RTCC) filed an Amended Plan (Amended Plan) which was attached to their petition at P-00991649 (1649 Petition) as Appendix II, Small Company Universal Service Fund Settlement.²

In the Global Order entered September 30, 1999, the Commission ordered that a Universal Service Fund be established and sized in accordance with the Amended Plan attached to the 1649 Petition as Appendix II, Section A, as altered by Sprint/United's inclusion in the plan. The Commission adopted the Amended Plan's proposal that the fund be sized at \$20.5 million based upon the schedules attached to the Amended Plan.

At a subsequent technical conference on November 2, 1999, the RTCC requested additional time to submit updated schedules which would more accurately reflect September 1998 to September 1999 data, and it was further generally agreed among the parties represented at the technical conference that the originally estimated sizing of \$20.5 million did not anticipate Sprint/United's participation in the Fund at a level of \$9 million. Therefore, since new ILEC schedules and Sprint/United's original schedule were forthcoming and would affect the eventual tariff filings and the sizing of the fund, it was recognized and accepted that the sizing figure of \$20.5 million as well as BA-PA's initial payment of \$12 million would increase.

At the November 2, 1999, USF technical conference sponsored by the Commission, the RTCC stated that it would prefer not to be responsible for calculating amounts owed to each of the approximately 30 recipients receiving numerous separate checks from the contributors into the USF under the monitored control of the Bureau of Audits as proposed in the Global Order. The LECs indicated a preference that the Commission or a neutral third party act as a clearing house for all contributors and recipients, and periodically do the calculations for the companies, bill

the companies accordingly, and pay from the Fund that which is due other companies based on the data provided to the third party.

The concept of hiring a neutral third party interim administrator through a sole source contract was proposed. Both the National Exchange of Carriers Association (NECA) and the Pennsylvania Telephone Association (PTA) were mentioned as possible entities to handle the task of a third party administrator until a permanent one is chosen through competitive bidding at a later date. On balance, however, it appeared that NECA was best-equipped to handle the tasks of administration since it had accountants, legal counsel, was bonded, and was currently administering USFs in seven other states as well as administering the Federal USF.

The Commission contacted NECA which expressed an interest in being the interim administrator of the fund. NECA was invited to make a presentation to the parties and the Commission. On November 17, 1999, at a second technical conference, NECA advised that based upon its prior experience, a new formula for calculating the monthly contributions of the carriers was advisable. The NECA suggested that instead of using the Amended Plan calculation (which used the prior year's data to calculate one flat monthly charge for the next 12 months), a fairer approach would be to use more current data, add in a 5% surcharge for uncollectables as well as a separate charge for administrative and auditing fees, and to divide this amount by the aggregate Statewide intrastate end-user telecommunications retail revenue to yield an assessment rate which would then be multiplied by each company's individual prior month's intrastate end-user telecommunications retail revenue. The individual companies could easily do this monthly calculation. The NECA would provide the companies with worksheet forms on a monthly basis, which the companies could fill out and return with their payments.

After reviewing the NECA's proposal, the Commission determines that this new formula is more fair to all carriers because it accounts for fluctuations in the market place, such as new entrants, companies merging, companies exiting, and fluctuations in revenues. The new formula also takes into account administrative and auditing fees, and allows for a 5% surcharge cushion for uncollectables, which will ensure that fund recipients will receive support even if there are delinquent contributors. The 5% surcharge figure may be adjusted subsequently if it is found to be too high or too low.

Through subsequent informal discussions and correspondence with the companies, it appears that the majority is convinced that the NECA-proposed formula for contributions is preferred. The NECA proposal is reflected in § 63.165 (relating to calculation of contributions), of the proposed regulations attached to this order.

The Commission supports the 1649 Petitioners' original proposal in the Amended Plan that "[A]ll telecommunications service providers (excluding wireless carriers) will contribute to the Fund on the basis of their intrastate end-user telecommunications revenues." Amended Plan, Appendix II, Section B, ¶5(b). This concept is incorporated in Annex A under § 63.162 (relating to definitions) in the definition of "contributing telecommunications providers."

² Since the modified Small Company Universal Service Plan in the P-00991649 Petition essentially replaced the November 10, 1997 filing, this Commission viewed the November 10, 1997 filing as being superseded by the Amended Plan. Global Order, P-00991648 and P-00991649 (September 30, 1999).

In our Global Order entered September 30, 1999, this Commission directed that all telecommunications providers (excluding wireless carriers) contribute to the USF on the pro rata basis of their intrastate end-user telecommunications retail revenues. We further ordered that all ILECs other than BA-PA and GTE will be USF recipients. These requirements are proposed to be codified in § 63.162.³

Finally, the Commission ordered that the USF terminate on December 31, 2003, subject to provisions regarding the access charge investigation. If on or before that date, the Commission receives information showing that the USF may be dissolved, and no alternative funding has been established through that investigation, residential and business universal service credits may be eliminated. This provision is proposed to be codified in § 63.171 (relating to sunset provision).

Section 63.163 (relating to universal service fund administration) provides for an independent fund auditor that will annually audit the USF records covering both collections and disbursements for the calendar years. The auditor's duties are set forth in proposed § 63.168 (relating to auditor's duties). The concept of an independent fund auditor was first proposed in the Amended Plan at Appendix II, Section B.

An illustrative timeline of the Fund is as follows:

- January 1, 1999—December 31, 1999—data collection period.
- January 2000—Administrator mails reporting forms to carriers.
- March 1, 2000—the administrator's financial statements, income statements and balance sheets for the prior calendar/fiscal year are due to the auditor and Commission.
- April 1, 2000—Each company reports its total intrastate end-user telecommunications retail revenue to the administrator, the Commission and the Auditor.
- May 1, 2000—Auditor's report due to Commission and Administrator.
- July 1, 2000—Administrator's report is due to Commission with copies to the Office of Consumer Advocate (OCA) and interested parties.
- August 1, 2000—Comments on administrator's report due.
- October 1, 2000—Commission orders new assessment rates and budget, which will be implemented beginning the next fiscal/calendar year.
- January 1, 2001—New assessments implemented.
- Process repeats itself through December 31, 2003.

We are aware that the FCC is currently examining the three interrelated issues of: 1) interconnection regulations; 2) universal service funding rules; and 3) restructuring of interstate access charges that will collectively establish the new regulatory environment under TA-96. As the FCC recognized:

[O]nly when all parts of the trilogy are complete will the task of adjusting the regulatory framework to fully competitive markets be finished. Only when our counterparts at the state level complete implementing and supplementing these rules will the complete blueprint for competition be in place.

³ We note that on January 18, 2000, a Joint Petition was filed to amend the Global Order, which if approved, would exclude Sprint/United from being a recipient of the USF. If that occurs, we will revise the regulations accordingly.

In the Matter of the Local Competition Provisions of the Telecommunications Act of 1996, Interconnection Between Local Exchange Carriers and Commercial Mobile Radio Service Providers: First Report and Order, CC Docket Nos. 96-98 and 95-185, FCC 96-325, ¶19 (released August 8, 1996).

To implement the goals of TA-96 consistent with this language, we are establishing a universal service funding mechanism at the same time that we are implementing revenue-neutral rate reform and resolving interconnection issues. The interim funding mechanism that we have proposed through this rulemaking proceeding will function until December 31, 2003, or until the subsequent investigation develops a new process, whichever occurs first. We believe that the rules proposed will provide the best mechanism to establish the USF which is necessary to accomplish the desired reforms to implement a reduction in access and intraLATA toll rates on a revenue-neutral basis; *Therefore*,

It Is Ordered That:

1. The proposed rulemaking be opened to consider the regulations set forth in Annex A.
2. The Secretary submit this order and Annex A to the Office of Attorney General for review as to form and legality and to the Governor's Budget Office for review of fiscal impact.
3. The Secretary certify this order and Annex A and deposit them with the Legislative Reference Bureau to be published in the *Pennsylvania Bulletin*.
4. An original and 15 copies of comments referencing the docket number of the proposed regulations be submitted within 30 days of publication in the *Pennsylvania Bulletin* to the Pennsylvania Public Utility Commission, Attn.: Secretary, P. O. Box 3265, Harrisburg, PA 17105-3265.
5. A copy of this order and Annex A be filed in the Joint Petitions for Global Resolution proceeding at P-00991648 and P-00991649.
6. The Secretary shall submit this order and Annex A for review by the designated standing committees of both Houses of the General Assembly, and for formal review and comments by the Independent Regulatory Review Commission.
7. An outside contractor shall be retained to assist the Bureau of Audits in administering the USF until final-form regulations are approved and a permanent administrator can be selected through a competitive bidding process.
8. A copy of this order and Annex A be served upon the Pennsylvania Telephone Association, all jurisdictional telecommunication utilities, the Office of Trial Staff, the Office of Consumer Advocate and the Office of Small Business Advocate.

JAMES J. MCNULTY,
Secretary

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

Annex A

TITLE 52. PUBLIC UTILITIES

PART I. PUBLIC UTILITIES COMMISSION

Subpart C. FIXED SERVICE UTILITIES

CHAPTER 63. TELEPHONE SERVICE

Subchapter L. UNIVERSAL SERVICE

Sec.

63.161.	Statement of purpose and policy.
63.162.	Definitions.
63.163.	Universal service fund administration.
63.164.	Commission oversight.
63.165.	Calculation of contributions.
63.166.	Administrator criteria.
63.167.	Administrator's duties.
63.168.	Auditor's duties.
63.169.	Collection of universal service fund contributions.
63.170.	End-user surcharge prohibited.
63.171.	Sunset provision.
63.172.	Enforcement.

§ 63.161. Statement of purpose and policy.

On July 8, 1993, the General Assembly enacted 66 Pa.C.S. Chapter 30 (relating to alternative form of regulation of telecommunications services) which provides for the regulatory reform of the telephone industry in this Commonwealth.

(1) The General Assembly's first declaration of policy in enacting Chapter 30 is to "[m]aintain universal telecommunications services at affordable rates while encouraging the accelerated deployment of a universally available state-of-the-art, interactive, public switched broadband telecommunications network in rural, suburban and urban areas." See 66 Pa.C.S. § 3001(1) (relating to declaration of policy).

(2) The General Assembly assigned to the Commission and the Commonwealth's telecommunications providers responsibility for assuring and maintaining universal service in this Commonwealth. Given an increasingly competitive telecommunications marketplace, it is necessary to establish a competitively-neutral universal service funding mechanism to assure and maintain universal service and to promote the development of competition in telecommunications markets throughout this Commonwealth.

(3) The Fund is currently intended for the purpose of allowing rural telephone companies to reduce their access charges and toll rates, and to reduce and cap certain local service charges to consumers on a revenue-neutral basis thereby encouraging greater toll competition while at the same time continuing to maintain the affordability of local service rates for end-user customers. The manner by which these funds are used will be determined by applicable orders of the Commission including the order entered on September 30, 1999, at P-00991648 and P-00991649, as amended by the order entered on November 5, 1999.

§ 63.162. Definitions.

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

Assessment rate—The percentage rate which when multiplied by each contributing telecommunications provider's total intrastate end-user telecommunications retail revenue for the prior month will equal that provider's monthly contribution to the annual Fund budget. Each contributing telecommunications provider's assessment rate is computed annually under § 63.165 (relating to calculation of contributions).

Basic universal service—An evolving set of telephone services, as defined by the Commission, which represents the set of services essential for a resident of this Commonwealth to participate in modern society at any point in time.

Contributing telecommunications providers—Telecommunications carriers that provide intrastate telecommunications services. Whether a provider or class of providers is a telecommunications carrier will be determined based upon whether the provider or class of providers is considered a telecommunications carrier under Federal law as interpreted by the Federal Communications Commission except that wireless carriers will be exempt from this subchapter.

End-user revenue—Revenues received from telecommunications subscribers who actually consume the final service unadjusted for any expense or other purpose. Total intrastate end-user telecommunications retail revenue does not include those revenues received from access, resale (toll or local), unbundled network elements or other services which are essentially wholesale in nature.

Fund—The Universal Service Fund.

Fund recipient—An entity or person who receives funds from the Fund. All incumbent local exchange carriers operating in this Commonwealth, with the exception of Bell Atlantic-Pennsylvania, Inc. and GTE, shall be eligible Fund recipients.

Local service provider—A telecommunications company to which telephone customers subscribe for basic local exchange services.

§ 63.163. Universal service fund administration.

(a) The Commission will designate within the context of a competitive bidding process a third-party administrator and a fund auditor to establish, maintain and audit the Fund consistent with this subchapter. The third-party administrator designated by the Commission will be independent and will not be affiliated with any contributing telecommunications provider or any other party with a vested interest in the Fund. The administrator shall be responsible for general administration of the Fund, the preparation of an annual report to the Commission, and maintaining the financial viability of the Fund.

(b) The Fund shall be administered in a manner ensuring that the Fund is exempt from State, Federal and local taxes. The Fund administrator shall seek tax exempt status from the Internal Revenue Service.

(c) The Fund shall be established and kept separate from any other Commonwealth general fund.

(d) The administrator shall be responsible for assessing contributing telecommunications providers for contributions to the Fund as provided for in § 63.165 (relating to calculation of contributions). The administrator shall also be responsible for receiving, validating and paying universal service reimbursement claims submitted by local service providers.

(e) The administrator shall file with the Commission and the auditor by July 1 of each year an annual report which shall include an income statement of the Fund's activity for the preceding calendar year, a list of recommendations pertaining to operations of the Fund, and a proposed budget and assessment rates for the upcoming year. A copy of the report will be served contemporaneously upon the Office of Consumer Advocate and any other interested party.

(f) Interested parties shall be provided the opportunity to file comments to the administrator's report within 30 days of its submission to the Commission.

§ 63.164. Commission oversight.

(a) The Commission will issue an order within 90 days of receipt of the administrator's annual report, which establishes a budget, assessment rate for contributing telecommunications providers and administrative guidelines for the upcoming calendar year. The order may address the following:

- (1) Establishing new programs eligible for universal service funding.
- (2) Terminating the eligibility for universal service funding of existing programs.
- (3) Reallocating the budget among programs.
- (4) Modifying support formulas or benefits within a program.
- (5) Raising or reducing assessment levels consistent with § 63.165 (relating to calculation of contributions).
- (6) Reviewing and establishing compensation for the administrator and the auditor including reimbursement of reasonable administrative expenses related to the Fund.

(b) The Commission will perform an annual review of Fund recipients to verify their continued eligibility and that each eligible local service provider has received and is projected to receive Fund entitlements. Subject to these reviews, the Commission will order required adjustments to Fund assessments, distributions, necessary rule changes and other relevant items as appropriate.

(c) Supplemental and forecast information that may be requested by the Commission to assure a complete review shall be provided by telecommunications service providers to the Commission within 45 days of the Commission's written request. When data required is not provided within 45 days of the request, the Commission may impose applicable remedies, including withholding future support from the Fund or penalties, or both, as provided under the Public Utility Code, 66 Pa.C.S. Part I (relating to Public Utility Code).

§ 63.165. Calculation of contributions.

(a) Telecommunications providers shall submit an affidavit to the administrator by April 1 of each year, identifying the provider's total intrastate end-user telecommunications retail revenue for the previous calendar year. A copy shall be served upon the Commission. In determining a contributing telecommunications provider's assessment rate, the administrator will calculate the upcoming year's size of the Fund and add to that 5% times the estimated size of the Fund plus the Commission-approved administrative and auditor expenses for the upcoming year and divide that subtotal by the aggregate Statewide intrastate end-user telecommunications retail revenue for the year. This rate will then be multiplied by each carrier's individual intrastate end-user telecommunications retail revenue for the prior month to yield that carrier's monthly contribution. This calculation is illustrated as follows:

$$\frac{X + Y + Z}{A} \times B = C$$

X = size of fund

Y = surcharge for uncollectables (5% times X)

Z = Commission approved administrative and auditing expenses

A = aggregate statewide end-user intraState retail revenue for the previous calendar year

B = carrier's individual end-user intraState retail revenue for the prior month

C = carrier's monthly contribution

(b) To the extent the funding received from providers in any 1 year exceeds the disbursements required for the Fund plus the cost of administering the Fund (including such reserve as may be necessary for the proper administration of the Fund), any unexpended and unencumbered moneys shall remain in the Fund, and the subsequent year's Fund size reduced by that surplus.

§ 63.166. Administrator criteria.

The administrator shall meet the following criteria:

- (1) The administrator shall be neutral, impartial and independent.
- (2) The administrator may not advocate specific positions before the Commission in nonuniversal service administrative proceedings related to common carrier issues.
- (3) The administrator may not be an affiliate of any provider of telecommunications services.
- (4) If the administrator has a board of directors that includes members with direct financial interests in entities that contribute to or receive support from the Fund, no more than a third of the board members may represent any one category (for example, local exchange carriers or interexchange carriers) of contributing carriers or support recipients, and the Board's composition shall reflect the broad base of contributors to and recipients of Fund assets. For purposes of this restriction, a direct financial interest exists when the administrator or board member does one or more of the following:
 - (i) Is an employe of a telecommunications carrier.
 - (ii) Owns equity interests in bonds or equity instruments issued by any telecommunications carrier.
 - (iii) Owns mutual funds that invest more than 50% of its assets in telecommunications securities.

§ 63.167. Administrator's duties.

At a minimum, the administrator shall have the following duties:

- (1) Maintain a database to track entities obligated to pay into the Fund.
- (2) Develop appropriate forms to be used by all telecommunications service providers to report monthly contributions and provide a copy of the form on a monthly basis to those companies for completion.
- (3) Review the carrier forms to ensure completeness and accuracy of calculations and contact providers whose accounts contain unexplained variances in reported revenues or Fund assessments.
- (4) Assess late-payment charges of 1.5% per month on contributors that are 30 days past due (disbursements will not be made to a recipient that has outstanding contributions due until the administrator has received the contributions and associated late fees).
- (5) Send initial notices of delinquency to delinquent contributors when a payment is 30 days past due and

follow up with at least one subsequent written notice, phone call, or both, to the contributor to pursue collection of Fund payments due.

(6) Maintain logs of notices of delinquent contributors and refer to the Commission for further enforcement, on a monthly basis, all delinquencies that persist beyond 90 days.

(7) Inform the Commission if it has reason to believe that a company has submitted false information to the administrator with the intent of obtaining fraudulent funding or if any other irregularity occurs in the operation or administration of the Fund.

(8) Invest Fund moneys in instruments designed to minimize risk of loss while providing maximum liquidity. Permitted investments shall include:

(i) Marketable obligations directly and fully guaranteed by the United States government.

(ii) Federally insured checking, money market accounts or certificates of deposit.

(iii) Other accounts which the Commission approves.

(9) Promptly advise the Commission if the administrator's data analysis projects a potential Fund shortfall or if Fund disbursements exceed receipts for a given period.

(10) In January of each year, mail reporting forms to each telecommunications service provider to acquire appropriate data to compute the Statewide aggregate intrastate end-user telecommunications retail revenues.

(11) Cooperate with the independent auditor selected by the Commission and provide data and information reasonably required to support audit activities.

(12) Promptly respond to incidental or occasional Commission requests for information pertaining to Fund administration.

(13) Maintain adequate principal liability insurance coverage, criminal liability coverage, and a sufficient umbrella liability policy.

(14) Prepare reports of Fund activity for the Commission on a monthly basis detailing carrier assessments, delinquent payers, late-payment charges (if applicable), fund disbursements, interest earned and cumulative results.

(15) Maintain records by contributor and by recipient in each program.

(16) Provide additional reports as requested by the Commission.

(17) Maintain a statement of financial condition (balance sheet) and income statement for the total fund, and a sources and uses of Funds statement, which will tie to the total fund income statement.

(18) Deliver the balance sheet, income statement and sources and uses of Funds statement to the auditor by May 1 of each year so that the auditor may prepare its report.

(19) Maintain a system of internal controls.

(20) Consider the auditor's report in preparing the annual report for submission to the Commission and include any undercollections or overcollections identified by the audit report in developing a proposed budget for the upcoming fiscal year.

(21) Submit the administrator's annual report by July 1 (60 days after the audit report is due).

(22) With prior Commission approval, borrow monies to cover the short-term liabilities of the Fund caused by undercollections.

(23) If short-term borrowing is necessary, the administrator shall provide formal notice on a timely basis to the Commission which identifies the amount, the proposed lending source, and the terms and conditions of the loan.

(24) Comply with procedures and guidelines established by the Commission, but may request the Commission amend, modify or delete procedures or guidelines. The administrator will not have the authority to develop or interpret the Commission's procedures or guidelines with respect to the Fund, and any dispute between the administrator and any contributing telecommunications provider shall be submitted to the Commission for resolution.

(25) Have access to the books of account of all telecommunications service providers to the limited extent necessary to verify their intrastate end-user telecommunications retail revenues and other information used by the administrator in determining assessments and disbursements for the Fund.

(26) Treat competitive and financial information received as confidential and proprietary and only release this information upon order of the Commission. This restriction does not apply to information that the Commission has determined shall be publicly released.

(27) Operate on a fiscal year, which shall be the same as the calendar year.

§ 63.168. Auditor's duties.

The auditor shall have the following duties:

(1) An independent external auditor chosen by the Commission shall audit the Fund records covering both collections and disbursements for the fiscal years. The costs for conducting audits shall be included in the computation of Fund requirements. Thereafter, the Fund shall be audited in the same manner annually.

(2) The Fund auditor will conduct an annual comprehensive audit of the Fund and will prepare and submit a report to the Commission and the administrator by July 1 of each year. The audit report should make recommendations regarding the finances of the Fund and should identify undercollections or overcollections experienced by the Fund in the previous year.

§ 63.169. Collection of universal service fund contributions.

(a) At the beginning of each month, the administrator will provide monthly reporting forms to each contributing telecommunications provider. The carriers calculate their contribution on the form taking into account their prior month's intrastate end-user telecommunications retail revenue. Within 30 days of issuance of the reporting forms, each carrier will complete the form using the calculation as described in § 63.165 (relating to calculation of contributions) and remit the form to the administrator along with its monthly contribution in full.

(b) Failure to make timely payment will result in the levy of appropriate interest and penalties on the delinquent contribution or any other remedy available under law.

(c) If a carrier's contribution to the Fund in a given year is less than a Commission-determined de minimis amount, that carrier will not be required to submit a contribution.

§ 63.170. End-user surcharge prohibited.

A telecommunications service provider may not implement a customer or end-user surcharge to recover its contribution to the Fund.

§ 63.171. Sunset provision.

The Fund shall expire on December 31, 2003, unless the term of the Fund is extended by the Commission. Money remaining in the Fund upon dissolution will be returned to contributors participating in the Fund as of the date of dissolution in their prorata share.

§ 63.172. Enforcement.

A telecommunications service provider that fails to pay, in a timely manner, a contribution required under this subchapter may be prohibited from providing service in this Commonwealth.

[Pa.B. Doc. No. 00-480. Filed for public inspection March 17, 2000, 9:00 a.m.]

STATEMENTS OF POLICY

Title 4—ADMINISTRATION

PART II. EXECUTIVE BOARD

[4 PA. CODE CH. 9]

Reorganization of the Department of Public Welfare

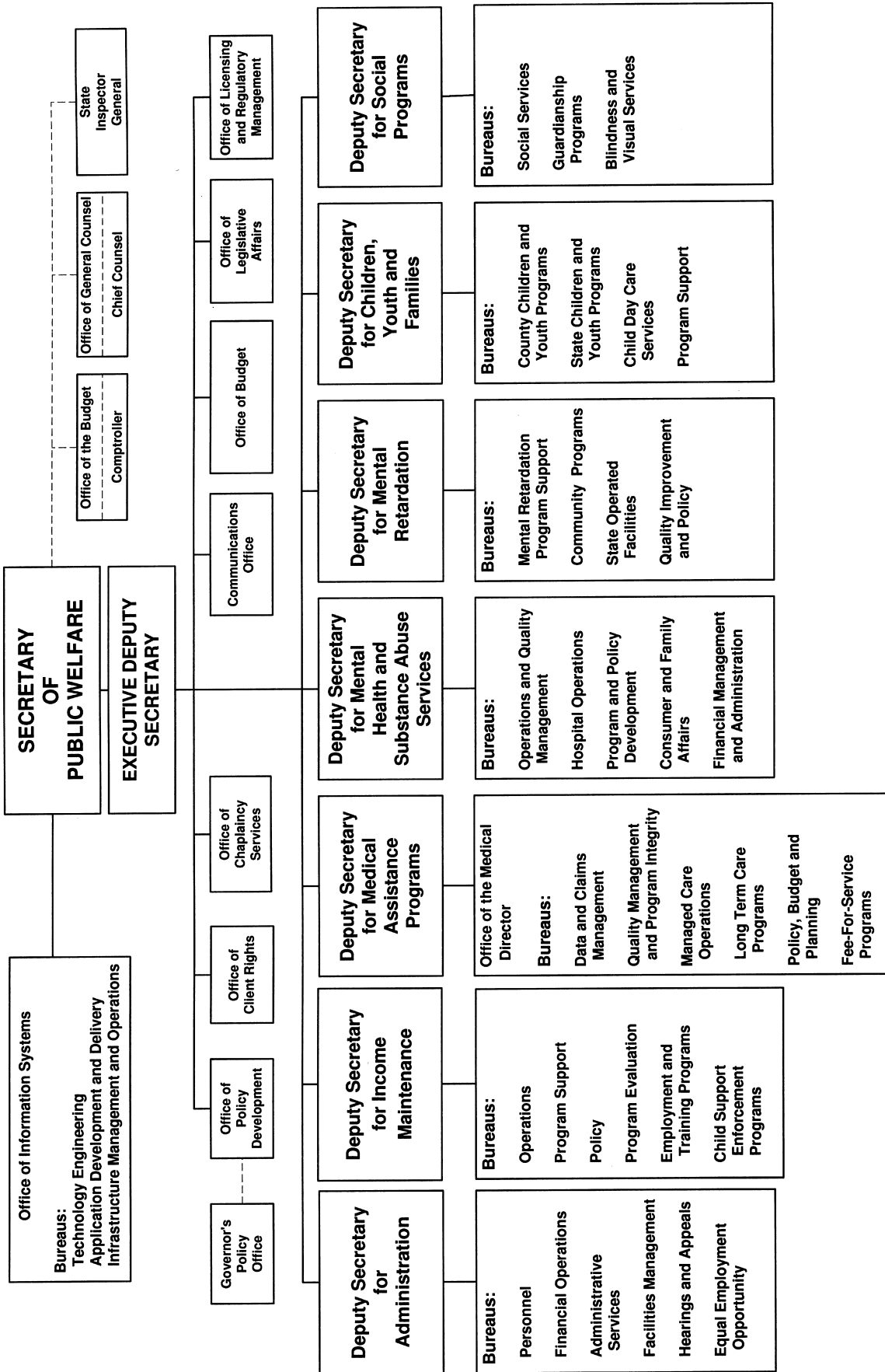
The Executive Board approved a reorganization of the Department of Public Welfare effective March 6, 2000.

The organization chart at 30 Pa.B. 1557 (March 18, 2000) is published at the request of the Joint Committee on Documents under 1 Pa. Code § 3.1(a)(9) (relating to contents of *Code*).

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

[Pa.B. Doc. No. 00-481. Filed for public inspection March 17, 2000, 9:00 a.m.]

DEPARTMENT OF PUBLIC WELFARE



NOTICES

DEPARTMENT OF AGRICULTURE

Order of Quarantine; Plum Pox Virus

Whereas, the Plant Pest Act (3 P. S. §§ 258.1—258.27) empowers the Department of Agriculture (Department) to take various measures to detect, contain and eradicate plant pests in this Commonwealth; and

Whereas, the powers granted the Department under the Plant Pest Act include (at 3 P. S. § 258.21) the power to establish quarantines to prevent the dissemination of plant pests within this Commonwealth; and

Whereas, Plum Pox Virus—a plant pest indigenous to Europe—is a serious plant pest that injures and damages stone fruits such as peaches, nectarines, plums and apricots by drastically reducing the fruit yields from these stone fruit trees and by disfiguring the fruit to the point it is unmarketable; and

Whereas, Plum Pox Virus has the potential to cause serious damage to the stone fruit production industry within this Commonwealth; and

Whereas, Plum Pox Virus is transmitted from infected trees by aphids and by budding or grafting, and can be spread into new areas by movement of infected nursery stock; and

Whereas, the movement of Plum Pox Virus-infected fruit trees poses a danger to stone fruit trees in noninfected areas; and

Whereas, there is no known control for Plum Pox Virus other than destruction of infected trees; and

Whereas, Plum Pox Virus has been detected on stone fruit trees located in Latimore and Huntington Townships, in Adams County; and

Whereas, by Order of October 21, 1999, the Department exercised its statutory authority and established a quarantine with respect to Latimore and Huntington Townships, in Adams County, prohibiting the movement of stone fruit trees and stone fruit budwood within the quarantined area, and prohibiting the movement of stone fruit trees and stone fruit budwood out of the quarantined area; and

Whereas, prior to the imposition of the referenced October 21, 1999 Quarantine Order, budwood originating from the current area of quarantine was used by two fruit tree nurseries—on a total of three separate nursery locations outside of that quarantine area—to propagate stone fruit nursery stock; and

Whereas, the movement of this budwood from commercial orchards where PPV has since been detected risks spreading PPV outside the area of the October 21, 1999 Quarantine Order; and

Whereas, the establishment of a quarantine with respect to the three separate fruit tree nursery locations will facilitate the containment and eradication of PPV in this Commonwealth, and will make the affected fruit tree nursery owners eligible for reimbursement of certain costs related to the destruction of nursery stock, herbicide applications, insect control measures and other PPV eradication activities under the Department's Commercial Orchard and Fruit Tree Nursery Indemnity Program;

Now, therefore, under authority of Section 21 of the Plant Pest Act (act of December 16, 1992, P. L. 1228, No. 162) (3 P. S. § 258.21), the Department hereby establishes a quarantine with respect to the following locations:

A. Two separate fruit tree nursery locations owned and/or operated by Adams County Nursery, Inc. (ACN, Inc.), P. O. Box 108, Nursery Road, Aspers, PA 17304, Nursery Certificate No. 044009, contact persons John Baugher or Phil Baugher:

1. Specific portions of the "Hinkle" Farm, in Tyrone Township, Adams County, which is located between the seed orchard on Upper Bermudian Road (Global Positioning Satellite coordinates 39°59'11" N, 77°10'41" W) and a scion block on Cranberry Road (GPS coordinates 39°58'35" N, 77°10'35" W). This includes at least 5 blocks of *Prunus* nursery stock (peach and nectarine) intended for sale in 2001 and containing trees propagated using budwood cut from the area that is subject to the referenced Quarantine Order of October 21, 1999 and, more particularly, from a commercial orchard where PPV has been detected.

2. Specific portions of the "Ripley" Farm, in Butler Township, Adams County, adjoining Orchard Lane (and formerly the "Slaybaugh" nursery area). This includes the following:

3 blocks of *Prunus* nursery stock (peach and nectarine) intended for sale in 2001 and containing trees propagated using budwood cut from the area that is subject to the referenced Quarantine Order of October 21, 1999 and, more particularly, from a commercial orchard where PPV has been detected.

Two large nursery sites (comprising three blocks) of *Prunus* nursery stock (peach and nectarine) intended for sale in 2000 and containing trees propagated using budwood cut from the area that is subject to the referenced Quarantine Order of October 21, 1999 and, more particularly, from a commercial orchard where PPV has been detected. The GPS coordinates of these 2 nursery sites are 39°57'39" N, 77°13'32" W and 39°57'40" N, 77°13'27" W.

Any other *Prunus* nursery stock (peach and nectarine) on that farm containing trees propagated using budwood cut from the area that is subject to the referenced Quarantine Order of October 21, 1999.

B. Specific portions of the Worley Nursery, owned and/or operated by Melvin Worley, 98 Braggstown Road, York Springs, PA 17372, Nursery Certificate No. 046265, described as follows:

A block of trees (comprising approximately 1 acre) located at the Chester A. Worley Farm in Washington Township, York County, at 841 Franklin Church Road, Dillsburg, PA 17019. The GPS coordinates of this block are 40°01'21" N, 77°02'04" W. The block contains *Prunus* nursery stock (peach and nectarine) that was grown in 1999, budded in September of 1999 and intended for sale in 2001. The block contains trees propagated using budwood cut from the area that is subject to the referenced Quarantine Order of October 21, 1999 and, more particularly, from a commercial orchard where PPV has been detected. The block includes 3 rows of trees with approximately 400 trees in each row.

This quarantine prohibits the movement of stone fruit trees and stone fruit budwood out of each quarantined area.

The Department will consult with the United States Department of Agriculture, European experts and scientific authorities with respect to the most efficacious measures by which to contain and eliminate this serious plant pest. The Department will issue further restrictions under authority of this Quarantine Order, as is required under the Plant Pest Act (3 P. S. § 258.21(a)). These restrictions may address aphid control, elimination or reduction of aphid habitat, destruction of Plum Pox Virus-infected stone fruit trees and budwood, destruction

of endangered or exposed stone fruit trees or budwood and any other measures necessary to the containment and elimination of the Plum Pox Virus in this Commonwealth.

This quarantine is effective as of March 3, 2000, and shall remain in effect until terminated by subsequent order.

SAMUEL E. HAYES, Jr.,
Secretary

[Pa.B. Doc. No. 00-482. Filed for public inspection March 17, 2000, 9:00 a.m.]

DEPARTMENT OF BANKING

Action on Applications

The Department of Banking of the Commonwealth of Pennsylvania, 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 December 14, 1967 (P. L. 746, No. 345), known as the Savings Association Code of 1967; 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 March 7, 2000.

BANKING INSTITUTIONS

Consolidations, Mergers and Absorptions

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
3-3-00	C & G Savings Bank, Altoona, and The Peoples Savings & Loan Association, Nanty Glo Surviving Institution— C & G Savings Bank, Altoona	Altoona	Filed

Branch Applications

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
6-2-99	Elderton State Bank Elderton Armstrong County	Water Street and Route 85 Rural Valley Armstrong County	Opened
2-28-00	The Fidelity Deposit & Discount Bank Dunmore Lackawanna County	1500 Main Street Blakely Lackawanna County	Opened
3-3-00	The Legacy Bank of Harrisburg Harrisburg Dauphin County	Mobile Branch to be Operated Throughout the "Capitol Region"	Filed

Branch Relocations

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
2-22-00	Pittsburgh Home Savings Bank Pittsburgh Allegheny County	<i>To:</i> 4900 Liberty Ave. Pittsburgh Allegheny County <i>From:</i> 4800 Liberty Ave. Pittsburgh Allegheny County	Effective

Branch Discontinuances

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
2-18-00	Pittsburgh Home Savings Bank Pittsburgh Allegheny County	274 N. Craig St. Pittsburgh Allegheny County	Effective

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
3-1-00	First Columbia Bank & Trust Co. Bloomsburg Columbia County	Route 42 North Numidia Columbia County	Filed
3-2-00	First Commonwealth Bank Indiana Indiana County	Festival Foods 1275 York Road Gettysburg Adams County	Effective
3-3-00	The Drovers & Mechanics Bank York York County	Mt. Rose Avenue and Albemarle Street York York County	Filed

SAVINGS INSTITUTIONS

No activity.

CREDIT UNIONS**Branch Applications**

<i>Date</i>	<i>Name of Credit Union</i>	<i>Location</i>	<i>Action</i>
3-6-00	HVHS Credit Union Sewickley Allegheny County	1000 Dutch Ridge Rd. Beaver Beaver County	Filed

DAVID E. ZUERN,
Secretary

[Pa.B. Doc. No. 00-483. Filed for public inspection March 17, 2000, 9:00 a.m.]

DEPARTMENT OF CONSERVATION AND NATURAL RESOURCES

Retention of an Engineering Firm or Firms

Project Reference No. FDC-500-792

The Department of Conservation and Natural Resources (Department) will retain an engineering firm or firms to perform periodic NBIS inspections on Department owned bridges throughout the Commonwealth. The contract or contracts will be for a 5-year period. Inspections will be assigned on an as-needed basis.

Letters of Interest for these projects will only be accepted from individuals, firms or corporations duly authorized to engage in the practice of engineering. If an individual, firm or corporation not authorized to engage in the practice of engineering desires to submit a letter of interest, the individual, firm or corporation may do so as part of a joint venture with an individual, firm or corporation which is permitted under state law to engage in the practice of engineering.

Bridges of various structure type and material could be involved; that is, reinforced concrete, prestressed concrete, steel beam, steel truss, timber and others. Once signed contracts are in place, a detailed listing of the bridge categories will be distributed during the scope of work meeting.

Approximately 150 vehicle bridges, several railroad structures and numerous culverts will be required to be inspected.

Inspection types shall consist of the following:

- a. *Periodic (Routine) NBIS Inspection (24 month cycle)*

An NBIS Inspection has been previously completed within the last 2 years and that inspection report and/or documentation is available.

b. *Partial (Interim) Inspection (12 month cycle)*

An NBIS Inspection has been previously completed. The structure is included in the BMS and the previous inspection report is available. Perform an inspection that is usually limited to portions of the structure, which require increased frequency of inspections.

c. *Supplemental Inspection*

Perform work beyond the scope of periodic inspections, focusing on the entire structure or specific components as authorized by the Department. In-depth tasks may include the following: Non-Destructive Testing (except dye penetrant), Laboratory Analysis, Geotechnical sampling and testing, structure instrumentation and underwater inspection.

d. *Flood Inspection*

Perform work beyond the scope of periodic inspections assessing the entire structure, focusing on the substructure and its foundation or specific components as authorized by the Department. This could include an underwater inspection.

e. *Bridge Load Rating*

Perform a structural analysis and load rating of the structure to determine its ability to carry this Commonwealth's legal loads.

f. *High Hazard Inspection*

Perform NBIS inspection on bridges considered "high hazard." Consultant is responsible for supplying all equipment necessary for a "high hazard" inspection, that is, rigging, crane.

Inspection requirements shall consist of the following:

1. All bridges, except closed structures.

a. Conduct a complete field inspection utilizing Forms D-450.

b. Update/supplement the evaluation for posting needs for the structure's current condition. Determine if comparing new vs. existing section loss measurements warrants rerating. If structure is to be rerated, use the existing load rating analysis for updating the revised load-rating summary.

c. Update/amend the Inspection File providing new photographic documentation or sketches as needed.

d. Update and/or complete the required minimum BMS inventory and inspection items on the printout of the BMS records, utilizing Forms D-491.

e. Incorporate the results of previous or new load ratings into the report.

f. Prepare an Inspection Report to document all work and findings with repair costs.

2. Other types of inspection requirements may be discussed at the Scope of Work meeting.

Personnel assigned to the Inspection Project by consultant shall meet the requirements set forth in the National Bridge Inspection Standards for all work levels. Inspection personnel must hold a valid certification as "Bridge Safety Inspector" issued by PennDOT.

The services shall also include, but not be limited to: a preliminary meeting in the Bureau of Facility Design and Construction, 8th floor, Rachel Carson State Office Building, 400 Market Street, Harrisburg, for each project. Payment for services and expenses shall not exceed the contract amount. The inspection reports will be reviewed by the engineering staff of the Bureau of Facility Design and Construction, and when acceptable, approved by the same staff.

The number of Contracts shall be at the discretion of the Department and the dollar amount of each contract shall be approximately \$100,000 for the first year. The extent of the work for the subsequent 4 years of the contract will be dependent on the number of bridge assignments being completed by in-house personnel.

Commitment to Enhance Socially/Economically Restricted Businesses (SERB)

The Commonwealth of Pennsylvania strongly encourages the submission of proposals by Socially/Economically Restricted Business (SERB).

To achieve the objective of enhancing SERB participation, the Commonwealth has established SERB utilization as selection criteria in the evaluation process.

The Bureau of Contract Administration and Business Development (BCABD), Department of General Services, will evaluate the aforementioned criteria and will design a point value to be considered within the overall RFP total point tabulation.

Proposals submitted by individuals claiming SERB status or proposals submitted by individuals reflecting joint venture and subcontracting opportunities with SERBs must submit documentation verifying their claim.

SERBs are businesses whose economic growth and development has been restricted based on social and economic bias. These businesses are BCABD certified minority and women owned businesses and certain restricted businesses whose development has been impeded because their primary or headquarter facility is physically located in an area designated by the Commonwealth as

being an enterprise zone. Businesses will not be considered socially/economically restricted if one of the conditions listed below exists:

1. The business has gross revenues exceeding \$4,000,000 annually.

2. The concentration of an industry is such that more than 50% of the market is controlled by the same type of SERB [Minority Business Enterprise (MBE) Women Business Enterprise (WBE)] or businesses within designated enterprise zones.

Proposers not considered being socially/economically restricted businesses seeking to identify these businesses for joint venture and subcontracting opportunities are encouraged to contact the:

Department of General Services
Bureau of Contract Administration &
Business Development
Room 502 North Office Building
Harrisburg, PA 17125
Phone: (717) 787-7380
FAX: (717) 787-7052

SERB Information

SERBs are encouraged to participate as prime proposers. SERBs qualifying as an MBE/WBE must provide their BCABD certification number. SERBs qualifying as a result of being located in a designated enterprise zone must provide proof of this status. Proposers not considered being SERBs must describe, in narrative form, their company's approach to enhance SERB utilization on a professional level in the implementation of this proposal. The following options will be considered as part of the final criteria for selection:

Priority Rank 1. Proposals submitted by SERBs.

Priority Rank 2. Proposals submitted from a joint venture with a Commonwealth approved SERB as a joint venture partner.

Priority Rank 3. Proposals submitted with subcontracting commitments to SERBs.

Each proposal will be rated for its approach to enhancing the utilization of SERBs. The optional approach used will be evaluated with option number 1 receiving the greatest value and the succeeding options receiving a value in accordance with the above-listed priority ranking. The selected contractor's SERB Commitment amount will be included as a contractual obligation when a contract is entered into. One copy of the SERB information with the percent designated for SERB Commitment shall be submitted in a separate sealed envelope, clearly marked. The information will be evaluated by the Department of General Services.

General Requirements and Information

Firms interested in performing the required services are invited to submit Letters of Interest to Eugene J. Comoss, P.E., Director, Bureau of Facility Design and Construction, Rachel Carson State Office Building, 8th floor, 400 Market Street, P. O. Box 8451, Harrisburg, PA 17105-8451. Contact James Eppley at (717) 783-3333 for general information concerning the inspections.

Each Letter of Interest must include the firm's Federal identification number and the project reference number. The Letter of Interest shall also include a description of the firm's most recently completed bridge inspection assignments. The description shall include the client, contact person and phone number, the estimated or actual cost of the periodic inspection report, or "bridge inspection

assignments," the project manager and the names of all personnel who made major contributions to the inspection. The Letter of Interest shall indicate the firm's capability of working on multiple inspections at the same time throughout the state and understanding of the Department's needs. A standard DGS Form 150-ASP must accompany the Letter of Interest and shall indicate the individual in charge. The Form 150-ASP is available by downloading from DGS Home Page on the Internet at <http://www.dgs.state.pa.us/cnprs.htm>. Form 150-ASP may also be obtained in hard copy or on disk (in Word '97 format only). Written request for hard copy or disk should be addressed to the Selections Committee, Department of General Services, Room 104, 18th and Herr Streets, Harrisburg, PA 17125. In addition, the Form 150-ASP can be obtained by E-mail by addressing the request to: pbianchi@exec.gsinc.state.pa.us. Additional information pertinent to the firm's qualifications to do the work of this contract may be included. Direct costs other than payroll, such as travel and subsistence, shall be based on the current state rates. The Department shall reimburse miscellaneous expenses such as copies, prints, sepias, postage and film at cost upon approval.

The following factors will be considered during the evaluation of the firm's Letter of Interest:

Criteria evaluated by the Technical review will include:

Professional's understanding of the problem as demonstrated in Letter of Interest, and as stated in their own interpretation of the tasks to be performed.

Qualifications of firm.

Professional personnel in firm.

Soundness of approach as demonstrated in Letter of Interest, including the firm's description of prompt responsiveness to design questions, shop drawings, and construction questions.

Geographic proximity of the professional to the facility or study area.

Available manpower to perform the services required. All inspectors must hold valid "Bridge Safety Inspector" certification issued by PennDOT.

SERB participation. (Evaluated by DGS)

Equitable distribution of the contracts.

Each proposer shall relate their proposal to the above criteria.

Six copies of the Letter of Interest; six copies of the required forms and one copy of the SERB information in a separate sealed envelope clearly marked, must be received no later than 2 p.m. on April 18, 2000. The six copies shall be submitted in six complete sets that shall be spiral bound or in folders or secured by binder clips. The assignment and services will be made to one or more of the firms responding to this notice. However, the Department reserves the right to reject all Letters of Interest submitted, cancel the solicitation requested under this notice, and/or re-advertise solicitation for this service.

The Department will not offer a debriefing session to the unsuccessful firms. The Department disclaims any liability whatsoever to its review of the proposal submitted and in formulating a recommendation for selections. Recommendations made by the Department shall be final.

JOHN C. OLIVER,
Secretary

[Pa.B. Doc. No. 00-484. Filed for public inspection March 17, 2000, 9:00 a.m.]

DEPARTMENT OF ENVIRONMENTAL PROTECTION

Applications, Actions and Special Notices

APPLICATIONS

APPLICATIONS RECEIVED UNDER THE PENNSYLVANIA CLEAN STREAMS LAW AND THE FEDERAL CLEAN WATER ACT

[National Pollution Discharge Elimination System Program (NPDES)]

DISCHARGE OF CONTROLLED INDUSTRIAL WASTE AND SEWERAGE WASTEWATER

(Part I Permits)

The following parties have applied for an NPDES permit to discharge controlled wastewaters into the surface waters of this Commonwealth. Unless otherwise indicated on the basis of preliminary review and application of lawful standards and regulations, the Department of Environmental Protection (Department) proposes to issue a permit to discharge, subject to certain effluent limitations and special conditions. These proposed determinations are tentative.

Where indicated, the EPA Region III, Administrator has waived the right to review or object to this proposed permit action under the waiver provision to 40 CFR 123.6E.

Persons wishing to comment on the proposed permit are invited to submit a statement to the office noted above the application within 30 days from the date of this public notice. Comments received within this 30-day comment period will be considered in the formulation of the final determinations regarding this application. Responses should include the name, address and telephone number of the writer and a concise statement to inform the Department of the exact basis of a comment and the relevant facts upon which it is based. A public hearing may be held if the responsible office considers the public response significant.

Following the 30-day comment period, the Water Management Program Manager will make a final determination regarding the proposed permit. Notice of this determination will be published in the *Pennsylvania Bulletin* at which time this determination may be appealed to the Environmental Hearing Board.

The application and related documents, proposed effluent limitations and special conditions, comments received and other information are on file and may be inspected and arrangements made for copying at the office indicated above the application.

Persons with a disability who wish to attend the hearing and require an auxiliary aid, service or other accommodations to participate in the proceeding should contact the Secretary to the Board at (717) 787-3483. TDD users may contact the Department through the Pennsylvania AT&T Relay Service at (800) 654-5984.

Applications for National Pollutant Discharge Elimination System (NPDES) permit to discharge to State waters.

Southeast Regional Office: Regional Manager, Water Management, Lee Park, Suite 6010, 555 North Lane, Conshohocken, PA 19428, (610) 832-6130.

PA 0031771. Sewage, **Westtown Township**, 1081 Wilmington Pike, West Chester, PA 19382.

This application is for amendment of an NPDES permit to discharge treated sewage from a sewage treatment plant in Westtown Township, **Chester County**. This is an existing discharge to the East Branch of Chester Creek.

The receiving stream is classified for the following uses: trout stocking fishery, aquatic life, water supply and recreation.

The proposed effluent limits for Outfall 001, based on an average flow of 0.495 mgd are as follows:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
CBOD ₅		
(5-1 to 10-31)	15	30
(11-1 to 4-30)	25	50
Suspended Solids	30	60
Ammonia (as N)		
(5-1 to 10-31)	2.5	5.0
(11-1 to 4-30)	7.5	15.0
Total Residual Chlorine		
(0-2 years)	1.2	2.0
(3-5 years)	0.2	0.53
Fecal Coliform	200 colonies/100 ml as a geometric average	
Dissolved Oxygen	minimum of 3.0 mg/l at all times	
pH	within limits of 6.0—9.0 standard units at all times	
Copper		
(0-3 years)	monitor/report	monitor/report
(4-5 years)	0.022	0.044
Dichlorobromomethane		
(0-3 years)	monitor/report	monitor/report
(4-5 years)	0.004	0.008

Other Conditions.

The EPA waiver is in effect.

PA 0020460, Amendment No. 2, Sewage, **Pennridge Wastewater Treatment Authority**, 180 Maple Avenue, P. O. Box 31, Sellersville, PA 18960.

This application is for amendment of an NPDES permit to discharge treated sewage from Pennridge Wastewater Treatment Plant in West Rockhill Township, **Bucks County**. This is an existing discharge to East Branch Perkiomen Creek.

The receiving stream is classified for the following uses: trout stocking fishery.

Based on the site-specific discharge mixing characteristics and stream chlorine demand the proposed effluent limits for total residual chlorine for a flow of 4 mgd at Outfall 001 are revised. Based on dissolved water effect ratio of 3.9 the monitoring requirement for copper is retained as follows:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
Total Residual Chlorine	monitor	monitor
(1st—3rd year)		
Total Residual Chlorine	0.5	1.6
(4th—5th year)		
Total Copper	monitor	monitor

The EPA waiver is not in effect.

PA 0055239. Sewage, **Ronald and Marie Floria**, 1492 Sugar Bottom Road, Furlong, PA 18925.

This application is for renewal of an NPDES permit to discharge treated sewage from Flora's single residential sewage treatment plant in Buckingham Township, **Bucks County**. This is an existing discharge to unnamed tributary to Neshaminy Creek.

The receiving stream is classified for the following uses: warm water fishes, trout stocking fishery, high quality trout stocking fishery, aquatic life, water supply and recreation.

The proposed effluent limits for Outfall 001, based on an average flow of 500 gpd are as follows:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
CBOD ₅ (5-1 to 10-31)	10	20
(11-1 to 4-30)	20	40
Suspended Solids	10	20
Ammonia (as N) (5-1 to 10-31)	3.0	6.0
(11-1 to 4-30)	9.0	18.0
Total Residual Chlorine		monitor/report
Fecal Coliform	200 colonies/100 ml as a geometric average	
Dissolved Oxygen	minimum of 3.0 mg/l at all times	
pH	within limits of 6.0—9.0 standard units at all times	

Other Conditions:

The EPA waiver is in effect.

Southcentral Regional Office: Regional Water Management Program Manager, 909 Elmerton Avenue, Harrisburg, PA 17110-8200, (717) 705-4707.

PA 0032557. SIC: 4952, Sewage, **Board of Supervisors of the Township of Logan**, 800 39th Street, Altoona, PA 16602-1799.

This application is for issuance of an NPDES permit for an increased discharge of treated sewage to Little Juniata River, in Antis Township, **Blair County**.

The receiving stream is classified for trout stocking fishes, recreation, water supply, and aquatic life. For the purpose of evaluating effluent requirements for TDS, NO₂-NO₃, fluoride and phenolics, the existing downstream potable water supply intake considered during the evaluation was United Water Company located in Dauphin County near Harrisburg. The discharge is not expected to impact any potable water supply.

The proposed interim effluent limits for Outfall 001 for a design flow of 0.60 mgd are:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Average Weekly (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
CBOD ₅ (5-1 to 10-31)	20	30	40
(11-1 to 4-30)	25	40	50
Total Suspended Solids	30	45	60
NH ₃ -N (5-1 to 10-31)	15	XXX	XXX
Total Phosphorus	monitor	XXX	XXX
Total Nitrogen	monitor	XXX	XXX
Total Cadmium	monitor	XXX	XXX
Total Lead	monitor	XXX	XXX
Total Residual Chlorine	1.0	XXX	2.0
Dissolved Oxygen	minimum of 5.0 at all times		
pH	from 6.0 to 9.0 inclusive		
Fecal Coliform (5-1 to 9-30)	200/100 ml as a geometric average		
(10-1 to 4-30)	7,900/100 ml as a geometric average		

The proposed final effluent limits for Outfall 001 for a design flow of 0.70 mgd are:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Average Weekly (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
CBOD ₅	25	40	50
Total Suspended Solids	30	45	60
NH ₃ -N (5-1 to 10-31)	10	XXX	20
(11-1 to 4-30)	21	XXX	42
Total Phosphorus	monitor	XXX	XXX
Total Nitrogen	monitor	XXX	XXX
Total Cadmium	monitor	XXX	XXX
Total Lead	monitor	XXX	XXX
Dissolved Oxygen	minimum of 5.0 at all times		
pH	from 6.0 to 9.0 inclusive		

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Average Weekly (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
Fecal Coliform (5-1 to 9-30) (10-1 to 4-30)		200/100 ml as a geometric average 7,000/100 ml as a geometric average	

Persons may make an appointment to review the Department files on this case by calling Mary DiSanto, File Review Coordinator, at (717) 705-4732.

The EPA waiver is in effect.

PA 0083453. SIC: 5171, Industrial waste, **Montour Oil Service Company**, 112 Broad Street, Montoursville, PA 17754.

This application is for renewal of an NPDES permit for an existing discharge of treated industrial waste to Spring Creek (by storm sewer), in Swatara Township, **Dauphin County**.

The receiving stream is classified for warm water fishery, recreation, water supply and aquatic life. For the purpose of evaluating effluent requirements for TDS, NO₂-NO₃, fluoride and phenolics, the existing downstream potable water supply intake considered during the evaluation was Steelton Municipal Water Works 5 located in Steelton Borough, Dauphin County. The discharge is not expected to impact any potable water supply.

The proposed effluent limits for Outfall 001 for a design flow of variable mgd are:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Maximum Daily (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
Total Recoverable Petroleum Hydrocarbons	XXX	monitor and report	XXX

Persons may make an appointment to review the Department files on this case by calling Mary DiSanto, File Review Coordinator, at (717) 705-4732.

The EPA waiver is in effect.

PA 0014656. SIC: 3691, Industrial waste, **Exide Corporation**, P. O. Box 14205, Reading, PA 19612-4205.

This application is for renewal of an NPDES permit for an existing discharge of stormwater to Kaercher Creek, in Hamburg Borough, **Berks County**.

The receiving stream is classified for warm water fishes, recreation, water supply and aquatic life. For the purpose of evaluating effluent requirements for TDS, NO₂-NO₃, fluoride and phenolics, the existing downstream potable water supply intake considered during the evaluation was Pottstown Borough located on the Schuylkill River. The discharge is not expected to impact any potable water supply.

The proposed effluent limits for Outfall 001, 002 and 003 are:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Maximum Daily (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
Oil and Grease		monitor and report	
COD		monitor and report	
pH		monitor and report	
TSS		monitor and report	
Total Antimony		monitor and report	
Total Lead		monitor and report	
Total Copper		monitor and report	
Total Iron		monitor and report	
Total Zinc		monitor and report	
Total Arsenic		monitor and report	

Persons may make an appointment to review the Department files on this case by calling Mary DiSanto, File Review Coordinator, at (717) 705-4732.

The EPA waiver is in effect.

Northcentral Region: Environmental Program Manager, Water Management Program, 208 West Third Street, Suite 101, Williamsport, PA 17701-6448, (570) 327-3666.

PA 0043681. Sewerage, SIC: 4952, **Valley Joint Sewer Authority**, One South River Street, Athens, PA 18810-1701.

This proposed action is for renewal of an NPDES permit for an existing discharge of treated sewage to Susquehanna River in Athens Borough, **Bradford County**.

The receiving stream is classified for the following uses: warm water fishery and aquatic life, water supply and recreation. For the purpose of evaluating effluent requirements for TDS, NO₂-NO₃, fluoride and phenolics, the existing downstream potable water supply (PWS) considered during the evaluation is Danville Municipal Authority located at Danville.

The proposed effluent limits for Outfall 001 based on a design flow of 2.25 mgd are:

Parameter	Average	Average	Instantaneous
	Monthly (mg/l)	Weekly (mg/l)	Maximum (mg/l)
CBOD ₅	25.0	40.0	50.0
TSS	30.0	45.0	60.0
Fecal Coliforms (5-1 to 9-30)	200/100 ml as a geometric mean		
(10-1 to 4-30)	2,000/100 ml as a geometric mean		
pH	6.0 to 9.0 at all times		

Other Conditions: Monitor UV Intensity

The EPA waiver is not in effect.

Southwest Regional Office: Water Management Program Manager, 400 Waterfront Drive, Pittsburgh, PA 15222-4745, (412) 442-4000.

PA 0218341. Industrial waste, SIC: 8999, **BWX Technologies, Inc.**, R. D. 1, P. O. Box 355, Vandergrift, PA 15690.

This application is for issuance of an NPDES permit to discharge stormwater and groundwater from the B&W Parks facility in Parks Township, **Armstrong County**.

The following effluent limitations are proposed for discharge to the receiving waters, Kiskiminetas River, classified as a warm water fishery with existing and/or potential uses for aquatic life, water supply, and recreation. The first existing/proposed downstream potable water supply (PWS) is the Buffalo Township Municipal Authority, located at Freeport Borough, 19 miles below the discharge point.

Outfalls 001—004: existing discharge

Parameter	Mass (lb/day)		Concentration (mg/l)		
	Average Monthly	Maximum Daily	Average Monthly	Maximum Daily	Instantaneous Maximum
Total Suspended Solids					monitor and report
Oil and Grease					monitor and report
Total Dissolved Solids					monitor and report
Trichloroethylene					monitor and report
PCBs					monitor and report
1,1,1 Trichloroethene					monitor and report
Cis 1,2 Dichloroethene					monitor and report
Trans 1,2 Dichloroethene					monitor and report
Dichloroethene					monitor and report

Other Conditions: Conditions pertaining to the Erosion and Sedimentation Control Plan and Best Management Practices.

The EPA waiver is in effect.

Parameter	Mass (lb/day)		Concentration (mg/l)		
	Average Monthly	Maximum Daily	Average Monthly	Maximum Daily	Instantaneous Maximum
Bis (2, Ethylhexyl) Phthalate					monitor and report
Di-N-Octyl Phthalate					monitor and report
Acetone					monitor and report
Chloroform					monitor and report
1,1 Dichloroethene					monitor and report
Benzene					monitor and report
Toluene					monitor and report
Tetrachloroethene					monitor and report
pH	monitor and report				

PA 0033871. Sewage, **Frank T. Perano, GSP Management Company**, Box 278, King of Prussia, PA 19406.

This application is for renewal of an NPDES permit to discharge treated sewage from the Northview Estates Mobile Home Park STP in White Township, **Indiana County**.

The following effluent limitations are proposed for discharge to the receiving waters, known as an Unnamed Tributary of McKee Run, which are classified as a cold water fishery with existing and/or potential uses for aquatic life, water supply and recreation. The first downstream potable water supply intake from this facility is the Ernest Borough Water System.

Outfall 001: existing discharge, design flow of .0575 mgd.

Parameter	Concentration (mg/l)			
	Average Monthly	Average Weekly	Maximum Daily	Instantaneous Maximum
CBOD ₅	25			50
Suspended Solids	30			60
Ammonia Nitrogen				
(5-1 to 10-31)	2.5			5.0
(11-1 to 4-30)	4.0			8.0
Fecal Coliform				
(5-1 to 9-30)	200/100 ml as a geometric mean			
(10-1 to 4-30)	2,000/100 ml as a geometric mean			
Total Residual Chlorine	1.4			3.3
Dissolved Oxygen	not less than 5.0 mg/l			
pH	not less than 6.0 nor greater than 9.0			

The EPA waiver is in effect.

PA 0095303. Sewage, **Purchase Line School District**, 16559 Route 286 Highway E, P. O. Box 374, Commodore, PA 15729-0374.

This application is for renewal of an NPDES permit to discharge treated sewage from the Purchase Line School District Sewage Treatment Plant in Green Township, **Indiana County**.

The following effluent limitations are proposed for discharge to the receiving waters, known as an unnamed tributary of East Run, which are classified as a high quality-cold water fishery with existing and/or potential uses for aquatic life, water supply and recreation. The first downstream potable water supply intake from this facility is the Armstrong Power Station at Allegheny River Mile 55.3.

Outfall 001: existing discharge, design flow of 0.022 mgd.

Parameter	Concentration (mg/l)			
	Average Monthly	Average Weekly	Maximum Daily	Instantaneous Maximum
CBOD ₅	20			40
Suspended Solids	25			50
Ammonia Nitrogen				
(5-1 to 10-31)	2.0			4.0
(11-1 to 4-30)	2.9			5.8
Fecal Coliform				
(5-1 to 9-30)	200/100 ml as a geometric mean			
(10-1 to 4-30)	2,000/100 ml as a geometric mean			
Total Residual Chlorine				
(1st month—36th month)	monitor and report			
(37th month—expiration)	1.4			3.3
Dissolved Oxygen	not less than 7.0 mg/l			
pH	not less than 6.0 nor greater than 9.0			

The EPA waiver is in effect.

Northwest Regional Office: Regional Manager; Water Management, 230 Chestnut Street, Meadville, PA 16335, (814) 332-6942.

PA 0101923. Amendment No. 1. Sewage, **Saegertown Area Sewer Authority**, P. O. Box 334, Park Avenue Ext., Saegertown, PA 16433.

This application is for an amendment of an NPDES Permit to discharge treated sewage to the French Creek in Saegertown Borough, **Crawford County**. This is an existing discharge.

The receiving water is classified for the following uses: warm water fishes, aquatic life, water supply and recreation. For the purpose of evaluating effluent requirements for TDS, NO₂-NO₃, fluoride and phenolics, the existing/proposed downstream potable water supply considered during the evaluation is the Franklin General Authority on French Creek located at Franklin, approximately 31 miles below point of discharge.

The proposed effluent limits for Outfall No. 001, based on a design flow of 0.49 mgd, are:

Parameter	Interim Limits		
	Average Monthly(mg/l)	Maximum Daily(mg/l)	Instantaneous Maximum(mg/l)
CBOD ₅	25	40	50
TSS	30	45	60

<i>Parameter</i>	<i>Interim Limits</i>		<i>Instantaneous Maximum (mg/l)</i>
	<i>Average Monthly(mg/l)</i>	<i>Maximum Daily(mg/l)</i>	
Phosphorus (as P) (4-1 to 10-31)	2		4
Fecal Coliform (5-1 to 9-30) (10-1 to 4-30)		200/100 ml as a geometric average 84,500/100 ml as a geometric average	
Total Residual Chlorine	0.65		2.1
pH		6.0—9.0 at all times	

The proposed effluent limits for Outfall No. 001, based on a design flow of .788 mgd, are:

<i>Parameter</i>	<i>Final Limits</i>		<i>Instantaneous Maximum (mg/l)</i>
	<i>Average Monthly(mg/l)</i>	<i>Maximum Daily(mg/l)</i>	
CBOD ₅	25	40	50
TSS	30	45	60
NH ₃ -N (5-1 to 10-31)	15		30
Phosphorus (as P) (4-1 to 10-31)	2		4
Fecal Coliform (5-1 to 9-30) (10-1 to 4-30)		200/100 ml as a geometric average 100,000/100 ml as a geometric average	
Total Residual Chlorine	0.5		1.2
pH		6.0—9.0 at all times	

The EPA waiver is in effect.

PA 0103543. Sewage. **Pennsylvania Historical and Museum Commission**, Pithole Museum, R. D. 1, Pleasantville, PA 16341.

This application is for renewal of an NPDES Permit, to discharge treated sewage to Pithole Creek in Cornplanter Township, **Venango County**. This is an existing discharge.

The receiving water is classified for the following uses: cold water fishes, aquatic life, water supply and recreation. For the purpose of evaluating effluent requirements for TDS, NO₂-NO₃, fluoride and phenolics, the existing/proposed downstream potable water supply considered during the evaluation is Emlenton Water Company on Allegheny River located at River Mile 90.0, approximately 53.0 miles below point of discharge.

The proposed discharge limits for Outfall No. 001 based on a design flow of 0.00165 mgd are:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
Flow	XX	
CBOD ₅	25	50
TSS	30	60
TRC	0.5	1.2
Fecal Coliform (5-1 to 9-30) (10-1 to 4-30)		200/100 ml as a geometric average 1,000,000/100 ml as a geometric average
pH		6.0—9.0 at all times

The EPA waiver is in effect.

Proposed NPDES Permit Renewal Actions for Minor Sewage Discharges

The following parties have applied to renew their current NPDES permits to allow the continued discharge of controlled wastewater into the surface waters of this Commonwealth. The Department of Environmental Protection (Department) has made a tentative determination to renew these permits and proposes to issue them, subject to their current permit effluent limitations, and monitoring and reporting requirements, with appropriate and necessary updated requirements to reflect new or changed regulations and other requirements. The updates may include, but will not be limited to, applicable permit conditions and/or requirements addressing combined sewer overflows (CSOs), municipal sewage sludge management and total residual chlorine control (TRC). Major changes to or deviations from the terms of the existing permit will be documented and published with the final Department actions.

The EPA Region III Regional Administrator has waived the right to review or object to these proposed permit actions under the waiver provisions 40 CFR 123.6E.

Persons wishing to comment on the proposed permits are invited to submit a statement to the Field Office indicated as the office responsible, within 30 days from the date of this public notice. Comments received within this 30-day period will be considered in the formulation of the final determinations regarding these applications and proposed permit

actions. Comments should include the name, address, telephone number of the writer and a brief statement to inform the Field Office of the basis of the comment and the relevant facts upon which it is based. A public hearing may be held if the Field Office considers the public response significant.

Following the 30-day comment period, the Water Management Program Managers will make a final determination regarding the proposed permit action. Notice of this determination will be published in the *Pennsylvania Bulletin* at which time this determination may be appealed to the Environmental Hearing Board.

The permit renewal application and related documents, proposed effluent limitations and special conditions, comments received and other information are on Department's file. The documents may be inspected at, or a copy requested from, the Field Office that has been indicated above the application notice.

Southcentral Regional Office: Water Management Program, 909 Elmerton Avenue, 2nd Floor, Harrisburg, PA 17110, (717) 705-4707.

<i>NPDES No.</i>	<i>Facility Name and Address</i>	<i>County and Municipality</i>	<i>Tributary Stream</i>	<i>New Permit Requirements</i>
PA0083160	Anchor Mobile Estates Peifer & Gross, Inc. P. O. Box 506 Elizabethtown, PA 17022	Adams County Butler Township	Willoughby Run	TRC
PA0081213	Clay Township 870 Durlach Road Stevens, PA 17578	Lancaster County Clay Township	Middle Creek	TRC

DISCHARGE OF CONTROLLED INDUSTRIAL WASTE AND SEWERAGE WASTEWATER

Applications under the Pennsylvania Clean Streams Law

(Part II Permits)

Industrial waste and sewerage applications under The Clean Streams Law (35 P. S. §§ 691.1—691.1001).

Southeast Regional Office: Regional Water Management Program Manager, Lee Park, Suite 6010, 555 North Lane, Conshohocken, PA 19428, (610) 832-6130.

WQM Permit No. 1500405. Sewerage. **Uwchlan Township**, P. O. Box 255, Lionville, PA 19353-0255. Applicant is requesting approval for the construction and operation to expand the Eagleview Wastewater Treatment Plant located in Uwchlan Township, **Chester County**.

WQM Permit No. 2300403. Sewerage. **State Farm Mutual Automobile Insurance Company**, One State Farm Drive, Concordville, PA 19339. Application is requesting approval for the construction and operation to modify the STP to serve State Farm Insurance Company located in Concord Township, **Delaware County**.

WQM Permit No. 4600409. Sewerage. **Lower Moreland Township**, 640 Red Lion Road, Huntingdon Valley, PA 19006-6234. Applicant is requesting approval to modify the Chapel Hill Wastewater treatment plant to install a new ultraviolet (UV) disinfection system located in Lower Moreland Township, **Montgomery County**.

Southcentral Regional Office: Water Management Program Manager, 909 Elmerton Avenue, 2nd Floor, Harrisburg, PA 17110-8200, (717) 705-4707. Persons who wish to review any of these applications should contact Mary DiSanto at (717) 705-4732.

A. 0100401. Sewerage, submitted by **Berwick Township Supervisors**, 85 Municipal Road, Hanover, PA 17331, Berwick Township, **Adams County** to construct a wastewater treatment facility and a sewage collection system was received in the Southcentral Region on February 22, 2000.

A. 0500403. Sewerage, submitted by **Municipal Authority of the Borough of Bedford**, 244 West Penn Street, Bedford, PA 15522, Bedford Township, **Bedford County** to construct a new interceptor and inverted siphon stream crossing was received in the Southcentral Region on February 23, 2000.

A. 3800402. Sewerage, submitted by **Northern Lebanon County Authority**, P. O. Box 434, Jonestown, PA 17038 in Swatara Township, **Lebanon County** to construct the North Mill Street Pump Station to serve the Lighthouse Harbor Subdivision was received in the Southcentral Region on February 28, 2000.

A. 3600401. Sewerage, submitted by **Jim and Debra Halbleib**, 2512 River Road, Bainbridge, PA 17502 to Conoy Township, **Lancaster County** to construct a small flow sewage treatment system to serve their single family residence was received in the Southcentral Region on February 28, 2000.

A. 6700402. Sewerage, submitted by **Northeastern York County Sewer Authority**, P. O. Box 516 in Mt. Wolf, PA 17347 in East Manchester Township/Mt. Wolf Borough, **York County** to construct a replacement interceptor at Maple, Front and Chestnut Streets was received in the Southcentral Region on February 28, 2000.

A. 3600402. Sewerage, submitted by **Lancaster Area Sewer Authority**, 230 Centerville Road, Lancaster, PA 17603 in Lancaster Township, **Lancaster County** to construct the Honeysuckle Lane Pump Station and Force Main was received in the Southcentral Region on February 29, 2000.

Southwest Regional Office: Water Management Program Manager, 400 Waterfront Drive, Pittsburgh, PA 15222-4745, (412) 442-4000.

A. 0200403. Sewerage, **USX Corporation**, USS Division, P. O. Box 878, MS 160, Dravosburg, PA 15034. Application for the installation and operation of a chlorine contact tank to serve the Irvin Plant STP located in West Mifflin Borough, **Allegheny County**.

Northwest Regional Office: Regional Water Management Program Manager, 230 Chestnut Street, Meadville, PA 16335-3481, (814) 332-6942.

WQM Permit No. 200403. Sewerage, **Carolyn L. Bosco**, 1148 East Scotland Avenue, North East, PA

44106-2843. This project is for the construction of a Single Residence Sewage Treatment Plant in North East Township, **Erie County**.

**INDIVIDUAL PERMITS
(PAS)**

NPDES Individual

The following parties have applied for an NPDES permit to discharge stormwater from a proposed construction activity into the surface waters of the Commonwealth. Unless otherwise indicated, on the basis of preliminary review and application of lawful standards and regulations, the Department of Environmental Protection (Department) proposes to issue a permit to discharge, subject to certain limitations set forth in the permit and special conditions. The proposed determinations are tentative. Limitations are provided in the permit as erosion and sedimentation control measures and facilities which restrict the rate and quantity of sediment discharged.

Where indicated, the EPA Region III Regional Administrator has waived the right to review or object to this proposed permit action under the waiver provision of 40 CFR 123.24(d).

Persons wishing to comment on the proposed permit are invited to submit a statement to the office noted above the application within 30 days from the date of this public notice. Comments reviewed within this 30-day permit will be considered in the formulation of the final determinations regarding this application. Responses should include the name, address and telephone number of the writer and a concise statement to inform the Department the exact basis of a comment and the relevant facts upon which it is based. A public hearing may be held if the responsible office considers the public response significant.

Following the 30-day comment period, the Water Management Program Manager will make a final determination regarding the proposed permit. Notice of this determination will be published in the *Pennsylvania Bulletin* at which time this determination may be appealed to the Environmental Hearing Board.

The application and related documents, including the erosion and sedimentation control plan for the construction activity, are on file and may be inspected at the office noted above 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.

Southeast Regional Office: Regional Water Management Program Manager, Lee Park, Suite 6010, 555 North Lane, Conshohocken, PA 19428-2233, (610) 832-6130.

NPDES Permit PAS10-G409. Stormwater. **Applebrook Associates**, 200 Eagle Road, Wayne, PA 19087, has applied to discharge stormwater from a construction activity located in East Goshen Township, **Chester County**, to East Branch Ridley Creek (HQ).

NPDES Permit PAS10-J047. Stormwater. **MAR-J Builders, Inc.**, 114 Yearsley Mill Road, Media, PA 19063, has applied to discharge stormwater from a construction activity located in Middletown Township, **Delaware County**, to Unnamed Tributary to Ridley Creek (HQ).

Northeast Regional Office: Regional Water Management Program Manager, 2 Public Square, Wilkes-Barre, PA 18711-0790, (570) 826-2511.

Monroe County Conservation District, District Manager, 8050 Running Valley Road, Stroudsburg, PA 18360, (570) 629-3060.

NPDES Permit PAS10S086. Stormwater. **Kettle Ridge, Hannig Enterprises, Inc.**, 20 Plaza Court, Suite A, East Stroudsburg, PA 18301, has applied to discharge stormwater from a construction activity located in Hamilton Township, **Monroe County**, to a tributary to Kettle Creek, HQ-CWF.

Northcentral Regional Office: Regional Water Management Program Manager, 208 W. 3rd St., Suite 101, Williamsport, PA 17701, (717) 327-3574.

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

NPDES Permit PAS10F08. Stormwater. **Putnam L. McCord**, R. R. 1, Box 184, Philipsburg, PA 16866 has applied to discharge stormwater from a construction activity located in Rush Township, **Centre County** to Unt. Six Mile Run.

NPDES Permit PAS10F08. Stormwater. **Putnam L. McCord**, R. R. 1, Box 184, Philipsburg, PA 16866 has applied to discharge stormwater from a construction activity located in Rush Township, **Centre County** to Black Moshannon Creek.

SAFE DRINKING WATER

Applications received under the Pennsylvania Safe Drinking Water Act (35 P. S. §§ 721.1—721.17).

Southcentral Regional Office: Sanitarian Regional Manager, 909 Elmerton Avenue, Harrisburg, PA 17110-8200, (717) 705-4708.

Permit No., 6700501. Public water supply. **Rutter's Dairy, Inc.**, Manchester Twp., York Co., *Responsible Official:* Todd Rutter, Vice-President, 2100 North George St., York, PA 17401. *Type of Facility:* Applicant seeks a Construction Permit for installation of bottling facilities. York Water Company finished water will be used as the source of supply. Facilities will granular activated carbon filtration, ozonation and dispensing equipment. *Consulting Engineer:* Patrick A. Kinsley, P.E., LSC Design, Inc., 1110 E. Princess St., York 17403. Application received February 7, 2000.

Regional Office: Northcentral Field Operations, Environmental Program Manager, 208 West Third Street, Suite 101, Williamsport, PA 17701.

Application No. Minor Amendment. The Department has received a permit application from **Hughesville Borough Water Company**, 147 South Fifth Street, Hughesville, PA 17737-0020, Wolf Township, **Lycoming County**. The application is for rehabilitation of well pumps for both of Hughesville's municipal wells to restore the original permitted capacities. The work includes removal and replacement of well pump and motor, and inspection and replacement of column piping as needed in both wells. A soft-start electrical panel and starter will be provided in Well 102 as part of the repairs.

Application No. Minor Amendment. The Department has received a permit application from **Borough of Troy**, 110 Elmira Street, Troy, PA 16947, **Bradford County** to replace the existing vertical turbine well pump with a submersible well pump.

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—6026.908).

Sections 302—304 and 305 of the Land Recycling and Environmental Remediation Standards Act (act) require the Department of Environmental Protection (Department) to publish in the *Pennsylvania Bulletin* an acknowledgment noting receipt of any 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. Persons intending to use the background standard, statewide health standard, the site-specific standard, or who intend to remediate a site as a special industrial area, must file a 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 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 the cleanup standards, or who receives approval of a special industrial area remediation identified under the act, will be relieved of further liability for the remediation of the site for any contamination identified in reports submitted to and approved by 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)(l)(iii) 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 sites identified, 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. 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's Regional Office under which the notice appears. If information concerning this acknowledgment is required in an alternative form, contact the Community Relations Coordinator at the appropriate Regional Office listed. 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:

Southeast Regional Office: Environmental Cleanup Program Manager; Lee Park, Suite 6010, 555 North Lane, Conshohocken, PA 19428, (610) 832-5950.

Charles and Jan Villare Residence, Quakertown Borough, **Bucks County**. Matthew E. Grubb, Hydrocon Services, Inc., 2945 South Pike Avenue, Allentown, PA 18103, has submitted a Notice of Intent to Remediate site soil contaminated with BTEX and polycyclic aromatic hydrocarbons. The applicant proposes to remediate the site to meet the Statewide health standard. A summary of the Notice of Intent to Remediate was reported to have been published in *The Morning Call* on January 27, 2000. A Final Report was simultaneously submitted.

Northeast Regional Field Office: Joseph Brogna, Regional Environmental Cleanup Program Manager, 2 Public Square, Wilkes-Barre, PA 18711-0790, (570) 826-2511.

Dorothy Logan Residence, Plains Township, **Luzerne County**. Brian Evans, Environmental Scientist, Hydrocon Services, Inc., 2945 South Pike Avenue, Allentown, PA 18103 has submitted a Notice of Intent to Remediate (on behalf of his client, Dorothy Logan, Mill Street, Plains, PA 18705) concerning the remediation of site soils suspected to be contaminated with no. 2 home heating oil compounds. The applicant proposes to remediate the site to meet the Statewide health standard.

SOLID AND HAZARDOUS WASTE

OPERATE WASTE PROCESSING OR DISPOSAL AREA OR SITE

Applications submitted under the Solid Waste Management Act (35 P. S. §§ 6018.101—6018.1003) and regulations to operate a solid waste processing or disposal area or site.

Northcentral Regional Office: Regional Solid Waste Manager, 208 West Third Street, Suite 101, Williamsport, PA 17701, (570) 327-3653.

A. 100963. Lycoming County Resource Management Services, Lycoming County Landfill, P. O. Box 187, Montgomery, PA 17752. Application for renewal of permit for municipal waste landfill located in Brady Township, **Lycoming County**, deemed administratively complete in the Regional Office on March 1, 2000.

AIR QUALITY

Notice of Plan Approval and Operating Permit Applications

Nonmajor Sources and Modifications

The Department of Environmental Protection (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 public. This approach allows the owner or operator of a facility to complete and submit all the permitting documents relevant to its application one time, affords an opportunity for public input and provides for sequential issuance of the necessary permits.

The Department has received applications for plan approvals and/or operating permits from the following facilities. Although the sources covered by these applications may be located at a major facility, the sources being installed or modified do not trigger major new source review or prevention of significant deterioration requirements.

Copies of these applications, subsequently prepared draft permits, review summaries and other support materials are available for review in the Regional Offices identified in this notice. Persons interested in reviewing the application files should contact the appropriate regional office to schedule an appointment.

Persons wishing to file protests or comments on the proposed plan approval and/or operating permits must submit the protest or comment within 30 days from the date of this notice. Interested persons may also request that a hearing be held concerning the proposed plan approval and operating permit. Any comments or protests filed with the Department Regional Offices must include a concise statement of the objections to the issuance of the plan approval or operating permit and relevant facts which serve as the basis for the objections. If the Department schedules a hearing, a notice will be published in the *Pennsylvania Bulletin* at least 30 days prior the date of the hearing.

Final plan approvals and operating permits will contain terms and conditions to ensure that the source is constructed and operating in compliance with applicable requirements in 25 Pa. Code Chapters 121–143, the Federal Clean Air Act and regulations adopted under the act.

OPERATING PERMITS

Applications received and intent to issue Operating Permits under the Air Pollution Control Act (35 P. S. §§ 4001–4015).

Northeast Regional Office: Air Quality Program, Two Public Square, Wilkes-Barre, PA 17811-0790, (570) 826-2531.

45-318-029: Tobyhanna Army Depot (11 Hap Arnold Boulevard, Tobyhanna, PA 18466) for operation of a chemical metal finishing system in Coolbaugh Township, **Monroe County**.

Southcentral Regional Office: Air Quality Program, 909 Elmerton Avenue, Harrisburg, PA 17110, (717) 705-4702.

36-05001A: Armstrong World Industries, Inc. (P. O. Box 169, Marietta, PA 17547) for a paperboard dryer controlled by two wet scrubber systems at the Ceiling Plant in East Donegal Township, **Lancaster County**.

67-03055A: PP&L, Inc. (Two North Ninth Street, Allentown, PA 18101) for the Unit 2 boiler at the Brunner Island Steam Electric Station in East Manchester Township, **York County**.

67-05003A: Mastercraft Specialties, Inc. (800 Maple Street, Red Lion, PA 17356) for a UV Coating Line at the furniture manufacturing facility in Red Lion Borough, **York County**.

Northcentral Regional Office: Air Quality Program, 208 West Third Street, Suite 101, Williamsport, PA 17701, (570) 327-3637.

41-399-025: Plastic Development Co., Inc. (P. O. Box 4007, Williamsport, PA 17701-0607) for operation of a fiberglass reinforced plastics manufacturing facility in Woodward Township, **Lycoming County**.

Notice of Intent to Issue Title V Operating Permits

Under 25 Pa. Code § 127.521, notice is given that the Department of Environmental Protection (Department) intends to issue a Title V Operating Permit to the following facilities. These facilities are major facilities

subject to the operating permit requirements under Title V of the Federal Clean Air Act and 25 Pa. Code Chapter 127, Subchapters F and G (relating to operating permit requirements; and Title V operating permits).

Appointments to review copies of the Title V application, proposed permit and other relevant information must be made by contacting Records Management at the regional office telephone number noted. For additional information, contact the regional office noted.

Interested persons may submit written comments, suggestions or objections concerning the proposed Title V permit to the regional office within 30 days of publication of this notice. Written comments submitted to the Department during the 30-day public comment period shall include the name, address and telephone number of the person submitting the comments, along with the reference number of the proposed permit. The commentator should also include a concise statement of any objections to the permit issuance and the relevant facts upon which the objections are based.

The Department reserves the right to hold a public hearing on the proposed action based upon the information received during the public comment period and will provide notice of any scheduled public hearing at least thirty days in advance of the hearing. The hearing notice will be published in the *Pennsylvania Bulletin* and a newspaper of general circulation where the facility is located.

Southcentral Regional Office: Air Quality Program, 909 Elmerton Avenue, Harrisburg, PA 17110, (717) 705-4702.

36-05015A: Dart Container (60 East Main Street, Leola, PA 17540) for conversion of some of the facility's production over to a new blowing agent to develop production techniques and product formulation. This modification will effectively increase the facility's potential Volatile Organic Compound (VOC) emissions by approximately 39 tons per year. Conditions in the permit will limit the yearly extruder throughput to 3,070,200 pounds, with VOC emission limited to less than 40 tons per year based on a 12-month rolling total. 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.

Proposed Revisions to Title V/State Only Operating Permits to include conditions relating to NOx allowance requirements in 25 Pa. Code §§ 123.101–123.120.

The Department of Environmental Protection (Department) intends to issue new Operating Permits to include revised allocations under the provisions of 25 Pa. Code §§ 123.101–123.120 (relating to NOx allowance requirements). These regulations establish a NOx budget and a NOx allowance trading program for NOx affected sources for the purpose of achieving the health-based ozone ambient air quality standard. A NOx affected source is defined as a fossil fuel fired indirect heat exchange combustion unit with a maximum rated heat input capacity of 250 MMBtu/hour or more and all fossil fuel fired electric generating facilities rated at 15 megawatts or greater or any other source that voluntarily opts to become a NOx affected source.

The operating permits require the owner or operator of each NOx affected source to hold a quantity of NOx allowances meeting the requirements of 25 Pa. Code § 123.110(a) by December 31 of each calendar year. One

NOx Allowance is the limited authorization to emit 1 ton of NOx during the NOx Allowance Control Period, which begins May 1 of each year and ends September 30 of the same year. The NOx allowances held in the source's current year NOx Allowance Tracking System (NATS) account must be equal to or greater than the total NOx emitted from the source during the year's NOx allowance control period. The initial NOx allowance control period began on May 1, 1999.

The operating permits also include emission monitoring, reporting and recordkeeping requirements for each NOx affected source. NOx emissions from each NOx affected source shall be monitored in accordance with 25 Pa. Code § 123.108 and the procedures contained in the document titled "Guidance for Implementation of Emission Monitoring Requirements for the NOx Budget Program."

Persons wishing to file protests or comments on the proposed revised operating permits must submit the protest or comment within 30 days from the date of this notice. Interested persons may also request that a hearing be held concerning the proposed permits. Comments or protests filed at the address listed must include a concise statement of the objections to the issuance of the permit and relevant facts which serve as the basis for the objections. If the Department schedules a hearing, a notice will be published in the *Pennsylvania Bulletin* and a newspaper of general circulation, where the facility is located, at least 30 days prior to the date of the hearing.

Copies of the proposed permits and other relevant information are available for review at the address given:

Bureau of Air Quality: Division of Permits, Rachel Carson State Office Building, P. O. Box 8468, Harrisburg, PA 17105-8468, (717) 787-4325.

02-0055: Allegheny Energy (800 Cabin Hill Drive, Greensburg, PA 15601) located in Springdale Township, **Allegheny County**.

NOx affected Source(s):

Unit 1	Point ID: 1	Allowance: 0
Unit 2	Point ID: 2	Allowance: 0

PLAN APPROVALS

Applications received and intent to issue Plan Approvals under the Air Pollution Control Act (35 P. S. §§ 4001—4015).

Northeast Regional Office: Air Quality Program, Two Public Square, Wilkes-Barre, PA 17811-0790, (570) 826-2531.

48-315-004: Northampton Pulp LLC (6 Horwith Drive, Northampton, PA 18067) for installation of an air cleaning device for the pulping process in Northampton Borough, **Northampton County**.

39-318-104: Acme Cryogenics, Inc. (P. O. Box 445, Allentown, PA 18105) for construction of two paint spray booths at 1 West Allen Street in Allentown, **Lehigh County**.

39-399-048: Acme Cryogenics, Inc. (P. O. Box 445, Allentown, PA 18105) for construction of a steel shot blast booth at 1 West Allen Street in Allentown, **Lehigh County**.

Southcentral Regional Office: Air Quality Program, 909 Elmerton Avenue, Harrisburg, PA 17110, (717) 705-4702.

44-05001A: Standard Steel, Division of Freedom Forge Corp. (500 North Walnut Street, Burnham, PA

17009) for construction of a Ladle Metallurgical Furnace, four 200HP boilers natural gas or No. 2 Oil fired and modification to No. 2 EAF at the Burnham facility in Burnham Borough, **Mifflin County**.

67-05076: Fypon, Ltd. (22 West Pennsylvania Avenue, Stewartstown, PA 17363) for construction of a molded millwork production line in North Codorus Township, **York County**.

Northcentral Regional Office: Air Quality Program, 208 West Third Street, Suite 101, Williamsport, PA 17701, (570) 327-3637.

41-310-001G: Hanson Aggregates Pennsylvania, Inc. (P. O. Box 231, Easton, PA 18044-0231) for installation of a replacement air cleaning device (a fabric collector) on various pieces of stone crushing, screening, conveying, etc. equipment at the Pine Creek Quarry in Limestone Township, **Lycoming County**.

Southwest Regional Office: Air Quality Program, 400 Waterfront Drive, Pittsburgh, PA 15222-4745, (412) 442-4174.

PA-03-026A: Eljer Plumbingware, Inc. (1301 Eljer Way, Ford City, PA 16226) for reactivation of Ceramic Kiln No. 1 at Ford City Plant in Ford City Borough, **Armstrong County**.

PA-04-681A: Joseph J. Brunner, Inc. (211 Brunner Road, Zelienople, PA 16063) for operation of evaporator unit at Brunner Landfill in New Sewickley Township, **Beaver County**.

PA-26-497A: Amerikohl Mining, Inc. (P. O. Box 427, Acme, PA 16001) for operation of portable coal crusher at Prinkey II Surface Mine in Springfield Township, **Fayette County**.

PA-56-025C: New Enterprise Stone & Lime Co., Inc. (P. O. Box 77, New Enterprise, PA 16664) for operation of aggregate crushing plant in Jefferson Township, **Somerset County**.

PA-63-904A: Twilight Industries (212 State Street, Belle Vernon, PA 15012) for operation of coal staging/processing at Stiteler Mine in Somerset Township, **Somerset County**.

PA-65-844B: Sterling Lebanon Packaging Corp. (1000 Thomas Avenue, Jeannette, PA 15644) for operation of No. 104 and No. 105 sheetfed presses at Jeannette Plant in Jeannette, **Westmoreland County**.

Northwest Regional Office: Air Quality Program, 230 Chestnut Street, Meadville, PA 16335-3481, (814) 332-6940.

PA-16-002A: RFI Energy, Inc., Shannon Tipple (State Route, Clarion, PA 16214) for post-construction of a coal crusher (120 tons/hour in Piney and Toby Townships, **Clarion County**. This construction is subject to Federal NSPS, 40 CFR Part 60, Subpart Y.

Public Hearing

Watsonstown Brick Co. (P. O. Box 68, Watsonstown, PA 17777) has submitted an application to the Department of Environmental Protection (Department) for approval to construct a brick making operation in Delaware Township, **Northumberland County**. The information provided by the applicant and the Department's own analysis indicates that this operation may potentially result in the emission of up to 94.9 tons per year (tpy) of sulfur oxides, 50.4 tpy of carbon monoxide, 29.6 tpy of particulate matter, 14.7 tpy of nitrogen oxides, 2.26 tpy of volatile organic compounds, 2.15 tpy of hydrogen fluoride and

0.77 tpy of hydrogen chloride. Hydrogen fluoride and hydrogen chloride have both been identified as hazardous air pollutants by the United States Environmental Protection Agency. A preliminary review of the information submitted by Watsontown Brick indicates that the proposed construction will meet all applicable air quality requirements. Based on this finding, the Department proposes to approve the application and issue a plan approval to construct the respective brick making operation which will be comprised of a 23 million Btu per hour natural gas-fired kiln, as well as numerous conveyors, crushers, screens and storage bins.

To ensure compliance with all applicable standards, the Department proposes to place the following requirements in the respective plan approval.

1. The brick making operation is to be constructed in accordance with the plans submitted with the application (as approved herein).

2. This plan approval is issued for the construction of a brick making operation consisting of a "mixing operation" comprised of a feed hopper, a 30" × 48' Artech belt conveyor, a 30" × 70' Artech belt conveyor and a 30" × 58' Artech belt conveyor.

The sources associated with the mixing operation and identified in Conditions (2a)—(2d) herein will operate in conjunction with a McLanahan roll crusher, the construction of which was approved by Plan Approval No. 49-309-008D. The "grinding operation" is comprised of a feed hopper; a Simplicity double deck scalper screen (Model No. 95110BX); a 200 ton per hour Stedman hammermill crusher (Model No. 4260); four 5' × 8' Deister single deck screens; two 100 ton shale storage silos; a 100 ton soda ash storage silo; a 30" × 50' Artech belt conveyor; a 30" × 47' Artech belt conveyor; a 30" × 67' Artech belt conveyor; a 30" × 41' Artech belt conveyor; a 30" × 62' Artech belt conveyor; a 30" × 51' Artech belt conveyor; a 30" × 36' Artech belt conveyor; a 30" × 125' Artech belt conveyor; a 30" × 18' Artech belt conveyor; a 30" × 20' Artech belt conveyor; a 30" × 92' Artech belt conveyor; and a 30" × 105' Artech belt conveyor.

The particulate matter emissions from the grinding operation, with the exception of the 30" × 105' Artech belt conveyor, shall be controlled by a Model No. 4RL64 American Air Filter cartridge collector. The "making operation" is comprised of a pug mill; an extruder; a Raymond Machine surface coater and four Artech belt conveyors.

The particulate matter emissions from the Raymond Machine surface coater, as well as those from the 30" × 105' Artech belt conveyor associated with the grinding operation, shall be controlled by a Model No. 3RL12 American Air Filter cartridge collector. The "firing operation" is comprised of a Hans Lingl GmbH dryer and a 23 million Btu per hour natural gas fired Hans Lingl GmbH kiln.

The air contaminant emissions from the kiln shall be controlled by a dry scrubber system comprised of a two-stage (lime and sodium bicarbonate) Ohlmann injection/reactor system and a Model 3630-14-40 Dustex fabric collector connected in series.

This plan approval is also issued for the construction of a feed hopper; a 30" × 145' Artech belt conveyor and a 30" × 92' Artech belt conveyor.

The sources identified in Conditions (2cc)—(2ee) herein will feed material from the aforementioned mixing operation to an existing brick making operation.

3. The total combined emission of sulfur oxides from all air contamination sources existing in the respective facility as of the date of issuance of this plan approval shall not equal or exceed 250 tons during any 12 consecutive month period. This does not include the emissions from any source the construction of which is authorized herein.

4. Under the best available technology provisions of 25 Pa. Code §§ 127.1 and 127.12, the particulate matter concentration contained in the exhausts of the two American Air Filter cartridge collectors and the Dustex fabric collector identified herein shall not exceed 0.01 grain per dry standard cubic foot.

5. Under the best available technology provisions of §§ 127.1 and 127.12, the emission of air contaminants from the kiln shall not exceed the following hourly and annual limits:

	<i>Hourly emissions (pounds per hour)</i>	<i>Annual emissions (tons during any 12 consecutive month period)</i>
Particulate matter	1.40	6.14
Volatile organic compounds	.023	1.00
Hydrogen fluoride	0.49	2.15
Hydrogen chloride	0.18	0.77
Hazardous air pollutants (total combined)	0.72	3.15
Sulfur oxides	21.7	94.9
Nitrogen oxides (expressed as NO ₂)	3.35	14.7
Carbon monoxide	11.5	50.4

6. Under the best available technology provisions of §§ 127.1 and 127.12, the emission of volatile organic compounds from the dryer shall not exceed 0.29 pounds per hour and 1.26 tons during any 12 consecutive month period.

7. Under the best available technology provisions of §§ 127.1 and 127.12, the dry scrubber system shall achieve a minimum removal efficiency of 95% for hydrogen fluoride, 95% for hydrogen chloride and 75% for sulfur oxides.

8. Under the best available technology provisions of §§ 127.1 and 127.12, the feed rate of lime and sodium bicarbonate when the dry scrubber system is operating shall not be less than 102 pounds per hour and 17 pounds per hour, respectively, unless the company can demonstrate, to the satisfaction of the Department, that the dry scrubber system can control the kiln's air contaminant emissions such that the emissions will not exceed the limitations specified in Condition 5 herein and that the dry scrubber system's removal efficiency of hydrogen fluoride, hydrogen chloride and sulfur oxides will be equal to or better than that specified in Condition 7 herein, while using lower feed rates.

9. Under the best available technology provisions of §§ 127.1 and 127.12, all conveyors identified in Condition 2 herein shall be completely covered, unless otherwise completely enclosed in a building.

10. Under the best available technology provisions of §§ 127.1 and 127.12, none of the particulate matter collected by the Dustex fabric collector identified herein shall be used as a raw material for the production of bricks.

11. Under the best available technology provisions of §§ 127.1 and 127.12, the fabric and cartridge collectors

identified herein shall all be equipped with instrumentation to continuously monitor the differential pressure across the collector.

12. Under the best available technology provisions of §§ 127.1 and 127.12, the air compressors associated with the fabric and cartridge collectors identified herein shall be equipped with an air dryer and an oil trap.

13. Under the best available technology provisions of §§ 127.1 and 127.12, the company shall keep on hand a sufficient quantity of spare bags and cartridges for the fabric and cartridge collectors associated with the aforementioned sources in order to be able to immediately replace any bags or cartridges requiring replacement due to deterioration resulting from routine operation of the sources and collectors.

14. Within 180 days of startup of the kiln, the company shall perform hydrogen fluoride, hydrogen chloride and sulfur oxides testing at the inlet of the dry scrubber system's injection/reactor system and the outlet of the dry scrubber system's fabric collector, to determine both the removal efficiencies and outlet mass emission rate (pounds per hour) of the respective air contaminants, as well as particulate matter and nitrogen oxides testing at the outlet of the dry scrubber system's fabric collector, to determine the mass emission rate (pounds per hour) of the respective air contaminants. This testing shall be performed while the kiln is operating at maximum production rate and while using raw materials that contain the highest concentrations of fluorine, chlorine and sulfur that will be used in the kiln. This testing shall be performed using test methods and procedures deemed acceptable by the Department.

15. At least 60 days prior to the performance of the testing required by Condition 14 herein, the company shall submit two copies of a pretest protocol to the Department for review. The protocol shall include dimensioned drawings showing the location of the proposed sample ports, descriptions of the test methods and procedures to be used in the performance of testing and a description of the process information to be recorded during the testing.

16. At least 10 days prior to the performance of the testing required by Condition 14 herein, the company shall notify the Department of actual dates and times that testing will occur so that Department personnel can arrange to be present during the testing. The Department is under no obligation to accept the results of the testing without having been given proper notification.

17. Within 60 days following the performance of the testing required by Condition 14 herein, two copies of a test report shall be submitted to the Department. This report shall contain the results of the testing, descriptions of the test methods and procedures actually used in the performance of testing, copies of all raw data and calculations, and copies of all process information recorded during the testing.

18. The company shall maintain accurate and comprehensive records of the following:

- Monthly amount of bricks (expressed in tons) produced by the kiln approved herein.
- Monthly amount of bricks (expressed in tons) produced by the facility's existing kiln.
- Monthly amount (expressed in tons) of clay and/or shale (from each separate source of clay and/or shale) processed through the kiln approved herein.

- Monthly amount (expressed in tons) of clay and/or shale (from each separate source of clay and/or shale) processed through the facility's existing kiln.

- Representative quarterly material composition analyses identifying the percentage (by weight) of fluorine, chlorine and sulfur contained in the clay and/or shale used by the brick making facility for each separate source of clay and/or shale.

- Monthly amount of No. 2 fuel oil consumed by the existing kiln.

- Monthly number of hours the existing emergency diesel generator and the diesel generator associated with the existing Eagle/Grizzly crushing and screening operation are operated.

These records shall be used to determine the monthly emission of hydrogen fluoride, hydrogen chloride and sulfur oxides from the new kiln, as well as the monthly emission of sulfur oxides from all other sources existing at this facility. These records shall be retained for at least 5 years and be made available to the Department upon request. Additionally, all monthly records generated for each calendar quarter shall be submitted to the Department by no later than the 30th day following the respective calendar quarter (reports due on January 30, April 30, July 30 and October 30).

19. Issuance of an operating permit for the aforementioned sources is contingent upon the sources being constructed, and the sources and associated air cleaning devices being maintained and operated, as described in the application and supplemental materials submitted for plan approval, as well as in accordance with all conditions contained herein, and upon satisfactory demonstration that any air contaminants emitted from the sources are in compliance with the requirements specified in all conditions contained herein and the applicable requirements specified in 25 Pa. Code §§ 123.1, 123.21, 123.31 and 123.41 as well as in compliance with the requirements specified in, or established under any other applicable rule or regulation contained in Article III.

20. The sources incorporated with the mixing and grinding operations and identified in Conditions (2a)—(2v), as well as the new sources associated with the existing brick making facility and identified in Conditions (2cc)—(2ee) are subject to Subpart 000 of the Federal Standards of Performance for New Stationary Sources, 40 CFR 60.670—60.676. The company shall comply with all applicable requirements of this Subpart as well as any other applicable Subpart of the Standards of Performance, including any recordkeeping and reporting requirements. Under 40 CFR 60.4 of the Standards of Performance, the Submission of all requests, reports, applications, submittals and other communications required by the Standards of Performance must be made to both the Department of Environmental Protection and the Environmental Protection Agency. The Environmental Protection Agency copies may be sent to Director, Air, Toxins and Radiation Division, United States EPA, Region III, 1650 Arch Street, Philadelphia, PA 19103-2029.

21. The company shall immediately notify the Department of any malfunction of the sources or associated air cleaning devices which results in, or may possibly be resulting in, the emission of air contaminants in excess of the limitations specified in, or established under, any applicable rule or regulation contained in Article III of the Rules and Regulations of the Department of Environmental Protection or in excess of the limitations specified in any condition contained herein or which otherwise

results in, or may possibly be resulting in, noncompliance with the requirements specified in any condition contained herein.

22. This plan approval authorizes temporary operation of the sources covered by this plan approval for a period of up to 180 days from the date upon which operation commences.

23. Any notification required as a result of any condition herein should be directed to Joseph J. Dwyer, Air Pollution Control Engineer, 208 West Third Street, Suite 101, Williamsport, PA 17701-6510, (570) 327-3642.

In accordance with 25 Pa. Code § 127.45, the conditions listed in this plan approval do one or more of the following: identify the sources and location; establish allowable emission rates; establish monitoring, record-keeping, testing and reporting requirements or ensure proper operation and adequate maintenance.

Copies of the application, the Department's analysis and other documents used in the evaluation of the application are available for public inspection during normal business hours at the address listed.

Persons wishing to protest the issuance of plan approval or provide the Department with additional information which he/she believes should be considered prior to the issuance of the plan approval may submit the protest or information to the Department at the address listed. A 30-day comment period, from the last date of publication, will exist for the submission of protests or comments. Each written protest or comment shall include the following: name, address and telephone number of the person submitting the comments; identification of the proposed Plan Approval No. 49-309-002A; and a concise statement regarding the relevancy of the information or any objections to issuance of the plan approval.

A public hearing may be held if the Department, in their discretion, decides that such a hearing is warranted based on the information received. All persons protesting the issuance of plan approval, submitting comments or requesting a hearing will be notified of the decision to hold a hearing by publication in a newspaper of general circulation in the county in which the source is to be located or by the *Pennsylvania Bulletin*, or by telephone, where the Department determines such notification by telephone is sufficient. All protests, comments and requests must be received by the Department no later than 30 days after final publication of this notice.

Written protests, comments or requests for a public hearing should be directed to David W. Aldenderfer, Regional Air Quality Program Manager, Department of Environmental Protection, Northcentral Regional Office, 208 West Third Street, Suite 101, Williamsport, PA 17701-6510, (570) 327-3648.

For additional information regarding the Department's analysis of the application contact Joseph J. Dwyer, Air Pollution Control Engineer, Air Quality Program, 208 West Third Street, Suite 101, Williamsport, PA 17701-6510, (570) 327-3642.

REASONABLY AVAILABLE CONTROL TECHNOLOGY (RACT)

Proposed Revision to the State Implementation Plan for Volatile Organic Compounds (VOC) Approval of a Reasonably Available Control Technology Plan and Operating Permit

York County

The Department of Environmental Protection (Department) has made a preliminary determination to approve a

Reasonably Available Control Technology (RACT) Plan and an amendment to the State Implementation Plan (SIP) for the Spherical Roller Bearing Production Plant owned and operated by SKF USA, Inc. at 525 Fame Avenue, Penn Township, York County.

The proposed SIP revision does not adopt any new regulations. It incorporates the provisions and requirements contained in (RACT) Operating Permit No. 67-02010A for the existing facility to comply with current regulations. Upon final approval, the operating permit will include material substitution, recordkeeping and reporting requirements.

An appointment to review the pertinent documents at the Southcentral Regional Office may be scheduled by contacting Mary DiSanto at (717) 705-4732 between 8 a.m. and 3:30 p.m., Monday through Friday, except holidays.

A public hearing will be held for the purpose of receiving comments on the proposed operating permit and SIP revisions. The hearing will be held on April 26, 2000, at the Department's York District Office, 150 Roosevelt Avenue, York, PA 17404 from 1 p.m. until all scheduled comments on the proposed action are received.

Those wishing to comment are requested to contact Sandra Roderick at (717) 705-4931 at least 1 week in advance of the hearing to schedule their testimony. Commentators are requested to provide two written copies of their remarks at the time of the hearing. Oral testimony will be limited to a maximum of 10 minutes per individual. Organizations are requested to designate an individual to present testimony on behalf of the organization. Written comments may be submitted to Yasmin Neidlinger, Air Pollution Control Engineer, Department of Environmental Protection, 909 Elmerton Avenue, Harrisburg, PA 17110 during the 30-day period following publication of this notice.

Persons with a disability who wish to attend the hearing scheduled for April 26, 2000, at the Department's York District Office and who require an auxiliary aid, service or other accommodation to participate in the proceedings, should contact Sandra Roderick directly at (717) 705-4931 or through the AT&T Relay Service at (800) 654-5984 (TDD) to discuss how the Department may accommodate their needs.

MINING

APPLICATIONS TO CONDUCT COAL AND NONCOAL ACTIVITIES

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); The Bituminous Mine Subsidence and Land Conservation Act (52 P. S. §§ 1406.1—1406.21). 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 of Environmental Protection (Department). A copy of the application is available for inspection at the District mining office indicated above each application. Where a 401

water quality certification is needed for any aspect of a particular proposed mining activity, the submittal of the permit application will serve as the request for such certification.

Written comments or objections, or requests for informal conferences on applications, 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 same address within 30 days of this publication, or within 30 days after the last publication of the applicant's newspaper advertisement, as provided by 25 Pa. Code §§ 77.121—77.123 and 86.31—86.34 (relating to public notices of filing of permit applications, opportunity for comment, and informal conferences).

Where any of the mining activities listed will have discharges of wastewater to streams, the Department will incorporate NPDES permits into the mining activity permits issued in response to these applications. The NPDES permits will contain, at a minimum, technology-based effluent limitations (as described in the Department's regulations—25 Pa. Code §§ 77.522, 87.102, 88.92, 88.187, 88.242, 89.52 and 90.102) for iron, manganese, suspended solids, settleable solids, alkalinity and pH. In addition, more restrictive effluent limitations, restrictions on discharge volume or restrictions on the extent of mining which may occur will be incorporated into a mining activity permit when necessary for compliance with water quality standards (in accordance with 25 Pa. Code Chapter 93 and 95). Persons or agencies which have requested review of the NPDES permit requirements for a particular mining activity within the mentioned public comment period will be provided with a 30-day period to review and submit comments on those requirements.

Written comments or objections 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. Requests for an informal conference must contain the name, address and telephone number of requestor; 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.

Pottsville District Office, 5 West Laurel Boulevard, Pottsville, PA 17901-2454.

Coal Applications Received

54890105R2. Porter Associates, Inc. (P. O. Box 478, Wilkes-Barre, PA 18703-0478), renewal of an existing anthracite surface mine operation in Porter Township, **Schuylkill County**, affecting 115.0 acres, receiving streams—Pine Creek and Rausch Creek. Application received February 22, 2000.

54773214R3. B-D Mining Co. (P. O. Box 423, Gilberton, PA 17934), renewal of an existing coal refuse reprocessing operation in Mahanoy Township, **Schuylkill County** affecting 50.0 acres, receiving stream—none. Application received February 23, 2000.

54663010R3. Reading Anthracite Company (200 Mahantongo Street, Pottsville, PA 17901), renewal of an existing anthracite surface mine operation in Mahanoy Township, **Schuylkill County** affecting 173.0 acres, receiving stream—Mahanoy Creek. Application received February 29, 2000.

54713002R3. Reading Anthracite Company (200 Mahantongo Street, Pottsville, PA 17901), renewal of an existing anthracite surface mine operation in New Castle Township, **Schuylkill County** affecting 218.0 acres, receiving stream—Mill Creek. Application received February 29, 2000.

54643034R3. Reading Anthracite Company (200 Mahantongo Street, Pottsville, PA 17901), renewal of an existing anthracite surface mine operation in Cass Township, **Schuylkill County** affecting 42.0 acres, receiving stream—none. Application received February 29, 2000.

54783702R3. Reading Anthracite Company (200 Mahantongo Street, Pottsville, PA 17901), renewal of an existing coal refuse reprocessing and disposal operation in New Castle Township, **Schuylkill County** affecting 512.0 acres, receiving stream—West Branch Schuylkill River. Application received February 29, 2000.

49783007C8. Blaschak Coal Corp. (P. O. Box 12, Mahanoy City, PA 17948), incidental boundary correction to an existing anthracite surface mine operation in Coal Township, **Northumberland County**, 323.0 acres to 337.39 acres, receiving stream—none. Application received February 29, 2000.

Ebensburg District Office, 437 South Center Street, P. O. Box 625, Ebensburg, PA 15931-0625.

11673041. Permit Renewal for reclamation only, **Cooney Brothers Coal Company** (P. O. Box 246, Cresson, PA 16630), for continued restoration of a bituminous surface mine in Summerhill Township, **Cambria County**, affecting 102.3 acres, receiving stream to South Fork Little Conemaugh River, application received February 24, 2000.

11693042. Permit Renewal for reclamation only, **Cooney Brothers Coal Company** (P. O. Box 246, Cresson, PA 16630), for continued restoration of a bituminous surface mine in Summerhill and Portage Townships, **Cambria County**, affecting 289.7 acres, receiving stream unnamed tributaries to Laurel Run and to Beaverdam Reservoir/Beaverdam Run (previously unnamed tributary to Big Cedar Run), application received February 24, 2000.

11743043. Permit Renewal for reclamation only, **Cooney Brothers Coal Company** (P. O. Box 246, Cresson, PA 16630), for continued restoration of a bituminous surface mine in Portage Township, **Cambria County**, affecting 50.4 acres, receiving stream unnamed tributary to Bens Creek and to Bens Creek, application received February 24, 2000.

11773037. Permit Renewal for reclamation only, **Cooney Brothers Coal Company** (P. O. Box 246, Cresson, PA 16630), for continued restoration of a bituminous surface and auger mine in Conemaugh Township, **Cambria County** affecting 358.7 acres, receiving stream unnamed tributaries to the Little Conemaugh River and to the Little Conemaugh River, application received February 24, 2000.

11813040. Permit Renewal, **Cooney Brothers Coal Company** (Box 246, Cresson, PA 16630), for continued operation of a bituminous surface and auger mine in Adams Township, **Cambria County**, affecting 750.0 acres, receiving stream unnamed tributaries to South Fork Little Conemaugh River; to South Fork Little Conemaugh River; to unnamed tributaries to Sulphur Creek; and to Sulphur Creek, application received February 24, 2000.

07850103. Permit Renewal, **Cooney Brothers Coal Company** (Box 246, Cresson, PA 16630), for continued operation of a bituminous surface mine in Logan Township, **Blair County**, affecting 114.0 acres, receiving stream unnamed tributary to Kittanning Run and Kittanning Run, application received February 24, 2000.

11803038. Permit Renewal, **Cooney Brothers Coal Company** (Box 246, Cresson, PA 16630), for continued operation of a bituminous surface and auger mine in Adams and Ogle Townships, **Cambria and Somerset Counties**, affecting 1,498.2 acres, receiving stream to Paint Creek; to unnamed tributary to Babcock Creek; and to Babcock Creek, application received February 24, 2000.

56743138. Permit Renewal, **Cooney Brothers Coal Company** (Box 246, Cresson, PA 16630), for continued operation of a bituminous surface and auger mine in Ogle and Adams Townships, **Somerset and Cambria Counties**, affecting 739.51 acres, receiving stream unnamed tributary to Babcock Creek; to Babcock Creek; and to Paint Creek, application received February 24, 2000.

11813039. Permit Renewal, **Cooney Brothers Coal Company** (Box 246, Cresson, PA 16630), for continued operation of a bituminous surface and auger mine in Adams Township, **Cambria County**, affecting 1,353.0 acres, receiving stream unnamed tributary to Paint Creek; to Paint Creek; to unnamed tributary to Sulphur Creek; and to Sulphur Creek, application received February 24, 2000.

56890115. Permit Renewal, **PBS Coals, Inc.** (P. O. Box 260, Friedens, PA 15541), for continued operation of a bituminous surface, auger mining and limestone/sandstone removal mine in Brothersvalley Township, **Somerset County**, affecting 346.0 acres, receiving stream unnamed tributaries to and Blue Lick Creek, application received February 29, 2000.

56823123. Permit Renewal, **Croner, Inc.** (629 Main Street, Suite 1, Berlin, PA 15530), for continued operation of a bituminous surface mine in Brothersvalley Township, **Somerset County**, affecting 222.0 acres, receiving stream an unnamed tributary to Buffalo Creek; and an unnamed tributary to Swamp Creek, application received February 29, 2000.

Greensburg District Office, R. R. 2, Box 603-C, Greensburg, PA 15601.

03000101. **Amerikohl Mining, Inc.** (202 Sunset Drive, Butler, PA 16001). Application received for commencement, operation and reclamation of a bituminous surface auger mine located in Plumcreek Township, **Armstrong County** proposed to affect 233.0 acres. Receiving streams: unnamed tributaries to Cherry Run to Cherry Run to Crooked Creek to the Allegheny River. Application received February 24, 2000.

30850104. **Meadow Run Mining Co., Inc.** (P. O. Box 298, Point Marion, PA 15474). Renewal application received for continued reclamation of a bituminous surface auger mine located in Dunkard Township, **Green County**, affecting 39.4 acres. Receiving streams: unnamed tributary to Dunkard Creek. Renewal application received March 2, 2000.

30950101. **Taylorstown Mining, Inc.** (P. O. Box 298, Point Marion, PA 15474). Renewal application received for continued reclamation of a bituminous surface mine located in Greene Township, **Greene County**, affecting 53.5 acres. Receiving streams: unnamed tributaries to Whiteley Creek. Renewal application received March 2, 2000.

26950103. **Amerikohl Mining, Inc.** (202 Sunset Drive, Butler, PA 16001). Renewal application received for continued reclamation of a bituminous surface auger mine located in Redstone Township, **Fayette County**, affecting 5.6 acres. Receiving stream: Redstone Creek. Renewal application received March 3, 2000.

Hawk Run District Office, P. O. Box 209, Off Empire Road, Hawk Run, PA 16840.

Large Industrial Minerals Applications Received

14000301. **Glenn O. Hawbaker, Inc.** (P. O. Box 135, 325 West Aaron Drive, State College, PA 16804), commencement, operation and restoration of a large industrial minerals (sandstone) permit located in Half Moon and Worth Townships, **Centre County** affecting 169.58 acres. Receiving streams: No discharge to Half Moon Creek watershed; discharge to Bald Eagle Creek watershed. Application received February 25, 2000.

Pottsville District Office, 5 West Laurel Boulevard, Pottsville, PA 17901-2454.

Noncoal Applications Received

5575SM1A3C3. **State Aggregates, Inc.** (4401 Camp Meeting Road, Center Valley, PA 18034), renewal of NPDES Permit PA0119555 in Clifford Township, **Susquehanna County**, receiving stream—East Branch of Tunkhannock Creek. Application received February 28, 2000.

Greensburg District Office, R. R. 2, Box 603-C, Greensburg, PA 15601.

04000301. **Beaver Valley Slag, Inc.** (1150 Brodhead Road, Monaca, PA 15061). Application received for commencement, operation and reclamation of a large noncoal surface mine located in Center and Hopewell Townships, **Beaver County**, affecting 299.5 acres. Receiving streams: Blaks Run and Ohio River. Application received February 24, 2000.

Bureau of Deep Mine Safety

The Bureau of Deep Mine Safety has received a request for variance from Maple Creek Mining, Inc. The following notification contains a summary of this request. A complete copy of the variance request may be obtained from Allison Gaida by calling (724) 439-7469 or from the BDMS web site at <http://www.dep.state.pa.us/dep/deputate/minres/dms/dms.htm>.

The Department is publishing a summary of the request to solicit comments from affected parties on the proposed variance request. Comments may be used by the Bureau to assist in its investigation of the variance request. Comments will be accepted for 30 days following the publication of this notice. All comments should be addressed to Richard E. Stickler, Director, Bureau of Deep Mine Safety, Fayette County Health Center, 100 New Salem Road, Room 167, Uniontown, PA 15401.

Section 702 of the Bituminous Coal Mine Act (52 P. S. §§ 701 and 702) (act) provides a mechanism for operators to obtain variances from specific requirements of the act to accommodate the adoption of new machinery, equipment, tools, supplies, methods or processes.

Section 224 states that whenever any working place approaches within 200 feet of any workings of an adjacent mine, boreholes shall be drilled at least 20 feet in advance of the face of such working place and sufficiently close to each other to insure that the advancing face will not accidentally hole through into such workings. Boreholes shall also be drilled not more than 8 feet apart in the rib of such working place to a distance of at least

20 feet and at an angle of 45 degrees. Such rib holes shall be drilled in one or both ribs of such working place as may be necessary for adequate protection of persons working in such place.

Summary of the request: Maple Creek Mining, Inc. requests a variance to drill two test holes at least 50 feet from the rib of the entry to be mined closest to the abandoned Dunkirk Mine. The test holes will show that the entries of Dunkirk Mine are not within 50 feet of the planned entries of the Maple Creek Mine, New Eagle Section.

APPLICATIONS RECEIVED UNDER SECTION 401: FEDERAL WATER POLLUTION CONTROL ACT

ENCROACHMENTS

The following permit applications and requests for Environmental Assessment approval and requests for water quality certification have been received by the Department of Environmental Protection. Section 401 of the Federal Water Pollution Control Act (33 U.S.C.A. § 1341(a)), requires the state to certify that the involved projects will not violate the applicable provisions of 33 U.S.C.A. §§ 1311—1313, 1316 and 1317 as well as relevant state requirements. Initial requests for 401 certification will be published concurrently with the permit application. Persons objecting to approval of a request for certification under Section 401 or to the issuance of a Dam Safety or Encroachment Permit, or the approval of Environmental Assessments must submit any comments, suggestions or objections within 30 days of the date of this notice as well as any questions to the office noted above the application.

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 of the Federal Water Pollution Control Act.

Southeast Regional Office: Program Manager, Water Management Program, Lee Park, Suite 6010, 555 North Lane, Conshohocken, PA 19428.

E46-859. Encroachment. **New Hanover Township**, 2943 North Charlotte Street, Gilbertsville, PA 19525. To construct and maintain a 0.825 mgd Wastewater Treatment Facility within the 100 year floodplain of Swamp Creek (TSF) and West Branch of Swamp Creek. This site is located approximately 1000 feet southeast from the intersection of Fagleysville Road and Evans Road, near the confluence of Swamp Creek and West Branch of Swamp Creek (Sassamansville, PA USGS Quadrangle N: 5.5 inches; W: 7.4 inches) in New Hanover Township, **Montgomery County**.

Northeast Regional Office: Soils and Waterways Section, 2 Public Square, Wilkes-Barre, PA 18711-0790, (570) 826-2511.

E40-539. Encroachment. **Eagle Rock Resort Company, Inc.**, 1031 Valley of Lake, Hazleton, PA 18201-9717. To authorize fill previously placed in 0.46 acre of

(PEM) wetlands and to place additional fill in 0.21 acre of (PEM) wetlands associated with the development of Eagle Rock Resort. The project is located at Eagle Rock Resort, north of S. R. 0924 and east of the Schuylkill/Luzerne County boundary line (Conyngham, PA Quadrangle N: 9.0 inches; W: 13.0 inches), Hazle Township, **Luzerne County** (Baltimore District, U. S. Army Corps of Engineers).

E13-123. Encroachment. **James C. Mikovich**, 353 West Abbott Street, Lansford, PA 18232-1804. To construct and maintain a 553 square foot floating dock, 50 linear feet of retaining wall and to dredge a 3,840 square foot area to depths ranging from 2 feet to 12 feet within and along the shoreline of Lake Hauto (HQ-CWF). The project is for the construction of a private beach area and is located at Lot No. 8, Oakwood Court (Block No. 1-Oakwood Section) along the northern shoreline of Lake Hauto east of the Carbon/Schuylkill County boundary line (Tamaqua, PA Quadrangle N: 16.75 inches; W: 5.5 inches), Nesquehoning Borough, **Carbon County** (Philadelphia District, U. S. Army Corps of Engineers).

E35-321. Encroachment. **Scranton Craftsman Inc.**, 930 Dunmore Street, Throop, PA 18512. To place fill in multiple wetland acres totaling 0.97 acre to facilitate development of a residential and commercial complex known as school side estates. The project is located on the north western side of Underwood Road approximately 1.0 mile northeast of S. R. 2008 (Olyphant, PA Quadrangle N: 13.5 inches; W: 13.1 inches), Throop Borough, **Lackawanna County** (Baltimore District, U. S. Army Corps of Engineers).

E39-352. Encroachment. **Lower Macungie Township**, 3400 Brookside Road, Macungie, PA 18062. To construct and maintain three stormwater outfall structures as follows: 66-inch diameter R.C.P. (HS); 36-inch diameter R.C.P. (A30); and a 21-inch diameter R.C.P. (C9) within the floodway of Little Lehigh Creek (HQ-CWF). The project is associated with the Rolling Meadows Estates Development and is located south of the intersection of S. R. 2012 (Lower Macungie Road) and S. R. 3001 (Spring Creek Road) (Allentown West, PA Quadrangle N: 7.7 inches; W: 9.5 inches), Lower Macungie Township, **Lehigh County** (Philadelphia District, U. S. Army Corps of Engineers).

E39-381. Encroachment. **Jaindl Land Company**, 3150 Coffeetown Road, Orefield, PA 18069. To construct and maintain the following structures/activities in, along and across Swabia Creek (HQ-CWF) and tributaries thereto; 3 concrete box culverts, 1 stream enclosure, 15 utility line crossings, 6 stormwater outfall structures, fill in the floodway, fill in 0.29 acre of PEM SS wetlands and to relocate approximately 1,650 feet of stream channel. The project is associated with the hills at Lock Ridge, a residential subdivision, consisting of 700 homes. The project is located on a 272 acre tract of land on the south side of the Conrail Railroad adjacent to T-480, T-482, T-484 and Lock Ridge Park and Furnace Museum (Allentown West, PA Quadrangle N: 2.0 inches; W: 11.0 inches), Lower Macungie Township, **Lehigh County** (Philadelphia District, U. S. Army Corps of Engineers).

E13-119. Encroachment. **Vacation Charters, LTD**, P. O. Box 592, One Lake Drive, Lake Harmony, PA 18624-0592. To authorize multiple activities associated with the development of the Split Rock Golf Community, as follows: to authorize previously placed fill in wetlands, and to construct and maintain five cart path crossings, one road crossing and a water irrigation line in wetlands and at various locations along Shingle Mill Run (HQ-

CWF) associated with the Split Rock phase; and, to place fill in wetlands, and to construct and maintain two road crossings and eight cart path crossings over and to excavate within the floodway of a tributary to Shingle Mill Run (HQ-CWF) associated with the Willowbrook phase. The project will have a total impact of 0.41 acre of (PFO) wetlands. The project is for a planned residential development and associated golf course community. The project is located adjacent to the existing Split Rock Country Club and immediately south of S. R. 0080 (Hickory Run, PA Quadrangle N: 14.5 inches; W: 0 inches) in Kidder Township, **Carbon County** (Philadelphia District, Army Corps of Engineers).

E39-379. Encroachment. **Lucent Technologies Inc.**, 1725 North Dauphin Street, Allentown, PA 18106. To construct and maintain a 140-foot long, 42-foot by 17.3-foot concrete arch stream enclosure; a bank of concrete encased, utilities consisting of telephone lines, electrical lines, a 12-inch diameter gas line and a 12-inch diameter DIP water line; and an 8-inch diameter, concrete encased sanitary sewer line across a tributary to the Lehigh River (CWF) and to construct and maintain a 42-inch diameter R.C.P. stormwater outfall structure to the Lehigh River (WWF). The project includes the installation of a temporary stream crossing, consisting of (4) 24-inch diameter C.M.P. culverts and clean rock fill for use during construction. The project is part of the Lucent Microelectronics Campus expansion and is located immediately southwest of the intersection of S. R. 0022 and North Irving Street (Catasauqua, PA Quadrangle N: 1.2 inches; W: 10.4), City of Allentown, **Lehigh County** (Philadelphia District, U. S. Army Corps of Engineers).

E40-541. Encroachment. **Pennsylvania Department of Transportation, District 4-0**, P. O. Box 111, Scranton, PA 18501. To remove the existing structure and to construct and maintain a 20-foot × 11.5-foot concrete box culvert, depressed 1.0 feet below streambed elevation; to construct and maintain a 24-inch and 36-inch diameter stormwater outfall structure; to regrade the channel of Laurel Run Creek (CWF) for a distance of 50 feet upstream and 75 feet downstream. The project is located at S. R. 0315, Section 370, Segment 0050, Offset 0000 and Laurel Run Creek (Pittston, PA Quadrangle N: 0.7 inch; W: 10.5 inches), Plains Township, **Luzerne County** (Baltimore District, U. S. Army Corps of Engineers).

E40-544. Encroachment. **Pennsylvania Department of Transportation Engineering District 4-0**, P. O. Box 111, Scranton, PA 18501. To construct and maintain a 20-foot long, 6-foot by 6-foot pre-cast concrete box extension on the upstream end of the existing 60-foot long, 6-foot by 6-foot concrete box culvert in a tributary to Warrior Creek (CWF). The project is associated with the S. R. 2008 (Middle Road) extension and is located approximately 0.5 mile northeast of the intersection of S. R. 0029 and S. R. 2008 (Wilkes-Barre West, PA Quadrangle N: 14.9 inches; W: 9.0 inches), Hanover Township, **Luzerne County** (Baltimore District, U. S. Army Corps of Engineers).

EA48-002NE. Encroachment. **Wind Gap Borough**, 29 Mechanic Street, Wind Gap, PA 18091-1320. To remove the following water obstructions and encroachments from tributaries to Little Bushkill Creek (HQ-CWF) which are associated with the Wind Gap Borough Storm Drainage Improvement and Stream Restoration project: (1) the remains of a bridge and fill material that were once part of the extension of Second Street (Wind Gap, PA Quadrangle N: 16.6 inches; W: 6.8 inches); (2) a building, bridge and a 115 L. F. section of structurally unstable

4-foot × 8-foot concrete box culvert (Wind Gap, PA Quadrangle N: 17.1 inches; W: 6.0 inches); and (3) approximately 340 L. F. of 18-inch diameter C.I.P. (Wind Gap, PA Quadrangle N: 16.2 inches; W: 5.7 inches) in Wind Gap Borough, **Northampton County** (Philadelphia District, Army Corps of Engineers).

Southcentral Region: Section Chief, Water Management Program, Soils and Waterways Section, 909 Elmerton Avenue, 2nd Floor, Harrisburg, PA 17110, (717) 705-4707.

E01-211. Encroachment. **Russell Ryan**, 3901 Fairfield Road, Fairfield, PA 17320. To remove an existing structure and to construct and maintain a 16-foot single span wooden bridge having a width of 6 feet and an underclearance of 4-feet across Muddy Run (CWF) for the purpose of pedestrian and lawn mower access on private property located north of SR 0110 and east of Bullfrog Road (Fairfield, PA Quadrangle N: 9.0 inches; W: 14.2 inches) in Hamiltonban Township, **Adams County**.

E06-535. Encroachment. **Joseph Piccone, Inc.**, 501 Rt. 113, Chester Springs, PA 19452. To relocate the stream channel of a tributary to the East Branch Conestoga River (WWF) and to construct two crossings and impact 0.86 acre of a wetland that is a tributary to the East Branch Conestoga River (WWF) at a point upstream of the PA Turnpike for the purpose of constructing a shopping mall (Morgantown, PA Quadrangle N: 6.8 inches; W: 1.8 inches) in Caernorvon Township, **Berks County**. The permittee is required to provide a minimum of 0.91 acre of replacement wetlands.

E67-683. Encroachment. **York County Commissioners**, One W. Marketway, 4th Fl., York, PA 17401. To remove the existing structure and to construct and maintain County Bridge No. 64 having twin spans of 51 feet and 52.5 feet each with an average underclearance of 9 feet. The bridge will have reinforced concrete abutments, a 3 foot wide center pier and wingwalls with a prestressed concrete superstructure over Kreutz Creek (WWF) on Bair's Mill Road (T-773) (Columbia West, PA Quadrangle N: 2.5 inches; W: 6.75) in Hellam Township, **York County**.

Northcentral Region: Water Management, Soils and Waterways Section, F. Alan Sever, Chief, 208 West Third St., Suite 101, Williamsport, PA 17701.

E14-372. Encroachment. **Ray and Carol Fisher**, 160 East Fifth Avenue, Bellefonte, PA 16823-2651. To maintain a steel grate bridge across Wallace Run with a 47-foot clear span, a 5-foot underclearance and concrete abutments buried in the approach roads 3-feet back from the top of the stream bank located 0.5 mile west of Gum Stump (Bellefonte, PA Quadrangle N: 18.91 inches; W: 15.09 inches) in Union Township, **Centre County**. This project has indirectly impacted 10 linear feet of Wallace Run, which is classified as Exceptional Value—Wild Trout Fishery.

Southwest Regional Office: Soils and Waterways Section, 400 Waterfront Drive, Pittsburgh, PA 15222-4745.

E63-339-A1. Encroachment. **David J. Wylie**, 228 King Richard Drive, McMurray, PA 15317-2535. To amend permit E63-339 which authorized the construction and maintenance of two bridges both having a span of 60 feet and underclearance of 8 feet across Little Chartiers Creek (HQ-WWF) to provide pedestrian and golf cart crossing to an existing golf course located 0.4 mile north of the intersection of Linden Road and Walker Road. The permit will be amended to include two new bridges both having a span of 60 feet and an underclearance of 8 feet across Little Chartiers Creek at two locations to provide pedes-

trian and golf cart crossings in the existing golf course and perform bank rehabilitation on both sides of the stream channel located between the two proposed bridges for a distance of 570 feet (Washington East Quadrangle N: 21.5 inches; W: 1.9 inches) in North Strabane Township, **Washington County**.

E03-387. Encroachment. **C. H. Snyder Company**, P. O. Box 1022, Kittanning, PA 16201. To construct and maintain an 80-foot long, 50-foot wide ford crossing Buffalo Creek (HQ-TSF) for the purpose of moving large earthmoving equipment. The project is located approximately 220 feet downstream of S. R. 3013 bridge (Worthington, PA Quadrangle N: 20.45 inches; W: 6.95 inches) in West Franklin Township, **Armstrong County**.

Northwest Regional Office: Soils and Waterways Section, 230 Chestnut Street, Meadville, PA 16335-3481, (814) 332-6942.

E20-487. Encroachment. **City of Titusville**, 107 North Franklin Street, Titusville, PA 16354. To install and maintain the following outfalls and utility crossings as part of the City of Titusville Phase 1 inflow and infiltration reductions project in the City of Titusville, **Crawford County**:

1. A 30-inch-diameter stormwater outfall and headwall structure (Outfall 007) to Oil Creek (CWF), (Titusville North, PA Quadrangle, Latitude 41° 37' 41"; Longitude 79° 41' 15').

2. A 48-inch-diameter stormwater outfall and headwall structure (Outfall 008) to Oil Creek, (Titusville South, PA Quadrangle, Latitude 41° 37' 22"; Longitude 79° 40' 39').

3. A 15-inch-diameter stormwater outfall and headwall structure (Outfall 009) to Church Run (CWF), (Titusville North, PA Quadrangle, Latitude 41° 38' 01"; Longitude 79° 40' 32').

4. A 15-inch-diameter stormwater outfall and headwall structure (Outfall 010) to Church Run, (Titusville North, PA Quadrangle, Latitude 41° 37' 47"; Longitude 79° 40' 19').

5. A 15-inch-diameter stormwater outfall and headwall structure (Outfall 011) to Oil Creek, (Titusville South, PA Quadrangle, Latitude 41° 37' 26"; Longitude 79° 40' 11').

6. A 36-inch-diameter stormwater outfall and headwall structure (Outfall 012) to Church Run, (Titusville North, PA Quadrangle, Latitude 41° 37' 45"; Longitude 79° 40' 11').

7. A 24-inch-diameter stormwater outfall and headwall structure (Outfall 013) to Church Run, (Titusville North, PA Quadrangle, Latitude 41° 37' 45"; Longitude 79° 40' 11').

8. A 15-inch diameter stormwater outfall and headwall structure (Outfall 014) to Oil Creek, (Titusville South, PA Quadrangle, Latitude 41° 37' 23"; Longitude 79° 39' 57').

9. A 18-inch-diameter stormwater outfall and headwall structure (Outfall 015) to Church Run, (Titusville North, PA Quadrangle, Latitude 41° 37' 35"; Longitude 79° 39' 56').

10. A 24-inch-diameter outfall and headwall structure (Outfall 016) to Oil Creek, (Titusville South, PA Quadrangle, Latitude 41° 37' 24"; Longitude 79° 39' 49').

11. A 24-inch-diameter stormwater outfall and headwall structure (Outfall 017) to a tributary to Oil Creek (CWF), (Titusville North, PA Quadrangle, Latitude 41° 37' 44"; Longitude 79° 39' 34').

12. A 18-inch-diameter stormwater outfall and headwall structure (Outfall 018) to a tributary to Oil Creek, (Titusville North, PA Quadrangle, Latitude 41° 37' 43"; Longitude 79° 39' 31').

13. A 15-inch-diameter stormwater outfall and headwall structure (Outfall 019) to a tributary to Oil Creek, (Titusville North, PA Quadrangle, Latitude 41° 37' 50"; Longitude 79° 39' 36').

14. A 36-inch-diameter PVC sanitary sewer utility crossing (Crossing No. 1) under Church Run, (Titusville North, PA Quadrangle, Latitude 41° 37' 31"; Longitude 79° 39' 52').

15. A 36-inch-ductile iron pipe sanitary sewer utility crossing (Crossing No. 2) under Church Run, (Titusville North, PA Quadrangle, Latitude 41° 37' 30"; Longitude 79° 39' 52').

E20-488. Encroachment. **Charles and Leah Lipchik Canadohta Lake Park**, 35765 Circuit Drive, Union City, PA 16438. To dredge the beach area of Canadohta Lake Park to a depth of 1 to 1.5 feet (removal of approximately 150 cubic yards of material) and to dredge two separate areas adjacent to the Canadohta Lake Park boat docks (removal of approximately 50 cubic yards of material). The project is located at Canadohta Lake Park on the east side of Canadohta Lake approximately 2,800 feet northwest of the intersection of S. R. 1024 and S. R. 1026 (Lake Canadohta, PA Quadrangle N: 11.0 inches; W: 12.1 inches) located in Bloomfield Township, **Crawford County**.

ENVIRONMENTAL ASSESSMENT

Requests for Environmental Assessment approval under 25 Pa. Code § 105.15 and requests for certification under section 401 of the Federal Water Pollution Control Act.

Central Office: Bureau of Waterways Engineering, 400 Market Street, 3rd Floor, P. O. Box 8554, Harrisburg, PA 17105-8554, (717) 787-8568.

D38-001EA. Environmental Assessment. **PA Game Commission**, (2001 Elmerton Ave., Harrisburg, PA 17110). To breach and remove the Rexamont Dam No. 1 across Hammer Creek (HQ-CWF) for the purpose of restoring the stream to a free flowing condition. The dam is located approximately 3,500 feet southwest of the intersection of Schaeffer Road (S. R. 419) and Rexamont Road (Richmond, PA Quadrangle, N: 5.30 inches; W: 15.05 inches), in South Lebanon Township, **Lebanon County**.

D59-013CO. Environmental Assessment. **Ed Signor**, (Box 89, Arnot, PA 16911). To construct a non-jurisdictional dam across a tributary to Long Run (CWF) impacting a de minimis area of wetlands (PEM) equal to 0.02 acre. The proposed dam will be located approximately 2.6 miles east of the intersection of S. R. 15 and S. R. 2023 (Blossburg, PA Quadrangle, N: 0.75 inch; W: 9.15 inches), in Liberty Township, **Tioga County**.

The following Environmental Assessment and request for Water Quality Certification are being processed under §§ 105.12(a)(16) and 105.15(b), restoration activities undertaken and conducted under a restoration plan approved by the Department.

Northwest Regional Office: Soils and Waterways Section, 230 Chestnut Street, Meadville, PA 16335-3481, (814) 332-6942.

EA33-005NW. Environmental Assessment. **Hedin Environmental**, 195 Castle Shannon Blvd., Pittsburgh, PA 15228. To impact approximately 0.4 acre of wetlands and to place an earthen embankment within the floodway of Beaver Run (CWF) to construct a 0.81 acre passive treatment wetland and a 750 ton oxic line stone bed to treat three separate acid mine discharges to Beaver Run. This site is known as the Conifer East side and is located along the east side of Beaver Run approximately 1,200 feet southeast of the intersection of SR 3007 and Conifer Road in the village of Conifer (Summerville, PA Quadrangle N: 15.0 inches; W: 1.8 inches) located in Beaver Township, **Jefferson County**.

ACTIONS

FINAL ACTIONS TAKEN UNDER THE PENNSYLVANIA CLEAN STREAMS LAW AND THE FEDERAL CLEAN WATER ACT

[National Pollution Discharge Elimination System Program (NPDES)]

DISCHARGE OF CONTROLLED INDUSTRIAL WASTE AND SEWERAGE WASTEWATER

(Part I Permits)

The Department of Environmental Protection (Department) has taken the following actions on previously received permit applications and requests for plan approval and has issued the following significant orders.

Persons aggrieved by this action may appeal, 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 the Administrative Agency Law), to the Environmental Hearing Board, Second Floor, Rachel Carson State Office Building, 400 Market Street, P. O. Box 8457, Harrisburg, PA 17105-8457, (717) 787-3483. TDD users may contact the Board through the Pennsylvania Relay Service, (800) 654-5984. Appeals must be filed with the Environmental Hearing Board within 30 days of receipt of written notice of this action unless the appropriate statute provides a different time period. Copies of the appeal form and the Board's rules of practice and procedure may be obtained from the Board. The appeal form and the Board's rules of practice and procedure are also available in braille or on audiotape from the Secretary to the Board at (717) 787-3483. This paragraph does not, in and of itself, create any right of appeal beyond that permitted by applicable statutes and decisional law.

Actions under The Clean Streams Law (35 P.S. §§ 691.1—691.1001).

Northeast Regional Office: Water Management Program Manager, 2 Public Square, Wilkes-Barre, PA 18711-0790, (570) 826-2511.

Permit No. 1300401. Lehigh Sewerage Authority, P. O. Box 29, Lehigh, PA 18235. Permit to install new sewer main along the east side of Lehigh Borough, **Carbon County**.

Permit No. 4099405. Mountaintop Area Joint Sewer Authority, 290 Morio Drive, Mountaintop, PA 18707. Permit for wastewater treatment plant expansion, located in Dorrance Township, **Luzerne County**.

Southeast Regional Office, Regional Manager, Water Management, Lee Park, Suite 6010, 555 North Lane, Conshohocken, PA 19428-2233, (610) 832-6130.

NPDES Permit No. PA0026131. Amendment No. 2. Sewage, **Upper Merion Municipal Utility**, 175 West Valley Forge Road, Upper Merion Township, **Montgomery County**. The following notice reflects changes to the notice published in the December 21, 1996, *Pennsylvania Bulletin*:

1. Effluent limit for Ammonia has been revised to 1.26 mg/l from 20 mg/l and new limit of 4.4 mg/l for Ammonia (11-1 to 4-30) is included in this Amendment, for discharge into Trout Run.

2. Effluent limit for Total Residual Chlorine has been revised to 0.5 mg/l (from issuance to August 30, 2001) and 0.095 mg/l (from August 30, 2001 to permit expiration).

NPDES Permit No. PA00133323. Amendment No. 3. **IW, Boeing Helicopters**, P. O. Box 16858, Philadelphia, PA, Philadelphia Township, **Philadelphia County**. The following notice reflects changes to the notice published in the September 20, 1997, *Pennsylvania Bulletin*: Effluent limits for cadmium, chromium, copper, lead and zinc have been replaced with monitoring requirements.

Southcentral Regional Office: Regional Water Management Program Manager, 909 Elmerton Avenue, Harrisburg, PA 17110-8200, (717) 705-4707.

Permit No. PA0081931. Sewerage. **Shawnee Valley Ambulance Service, Inc.**, 166 Valley Road, P. O. Box 8, Schellsburg, PA 15559, is authorized to discharge from a facility located in Napier Township, **Bedford County** to the receiving waters named Shawnee Branch.

Permit No. PA0083585. Sewerage. **Todd Township Supervisors**, (Knobsville Plant), HCR 75, McConnellsburg, PA 17233, is authorized to discharge from a facility located in Todd Township, **Fulton County** to the receiving waters named Licking Creek.

Permit No. PA0029041. Sewerage. **Penn West Conference of United Church of Christ** (Camp Living Waters), 320 South Maple Avenue, Greensburg, PA 15601, is authorized to discharge from a facility located in Napier Township, **Bedford County** to the receiving waters named Shawnee Branch.

Permit No. PA0086266. Sewerage. **Northern Lancaster County Authority**, (Kramer Mill Road), 983 Beam Road, Denver, PA 17517, is authorized to discharge from a facility located in Brecknock Township, **Lancaster County**, to the receiving waters named Little Muddy Creek.

Permit No. PA0013129—Amendment 2. Industrial Waste. **Carpenter Technology Corporation**, 101 West Bern Street, Reading, PA 19612, is authorized to discharge from a facility located in Reading City, **Berks County** to the receiving waters named Schuylkill River.

Permit No. PA0044628. Industrial Waste. **York Haven Power Company**, (York Haven Hydro Station), P. O. Box 67, York Haven, PA 17370, is authorized to discharge from a facility located in York Haven Borough, **York County** to the receiving waters named Susquehanna River.

Permit No. 0195411-99-2. Sewage. **Carroll Valley Borough**, 5685 Fairfield Road, Carroll Valley, PA 17320. This permit approves the construction of sewage treatment facilities and discharge to groundwater by French Drain in Carroll Valley Borough, **Adams County**.

Permit No. 6799412. Sewage. **Fairview Township Sewer Authority**, 599 Lewisberry Road, New Cumber-

land, PA 17070. This permit approves the construction of Sewers and Appurtenances and Pump Station in Fairview Township, **York County**.

Permit No. 2199407. Sewage. **Jack and Velman Callaghan**, 1002 Armstrong Road, Carlisle, PA 17013. This permit approves the construction of sewage treatment facility in North Newton Township, **Cumberland County**.

Northwest Regional Office: Regional Water Management Program Manager, 230 Chestnut Street, Meadville, PA 16335, (814) 332-6942.

NPDES Permit No. PA0003514. Industrial Waste. **Bradford Electronics, Inc.**, 550 High Street, Bradford, PA 16701 is authorized to discharge from a facility located in Bradford, **McKean County** to East Branch Tunungwant Creek.

NPDES Permit No. PA0029238. Sewage. **Mohawk Area School District**, Mohawk School Road, Bessemer,

PA 16112 is authorized to discharge from a facility located in North Beaver Township, **Lawrence County** to an unnamed tributary to Hickory Run.

NPDES Permit No. PA0038156. Sewage. **Rimersburg Borough Municipal Authority**, 104 Acme Street, P. O. Box 413, Rimersburg, PA 16248 is authorized to discharge from a facility located in Madison Township, **Clarion County** to Wildcat Run.

INDIVIDUAL PERMITS

(PAS)

The following NPDES Individual Permits for discharges of stormwater from construction activities have been issued.

Southeast Regional Office: Regional Water Management Program Manager, Lee Park, Suite 6010, 555 North Lane, Conshohocken, PA 19428-2233, (610) 832-6130.

<i>NPDES Permit No.</i>	<i>Applicant's Name and Address</i>	<i>County and Municipality</i>	<i>Receiving Stream or Body of Water</i>
PAS10-G385	CK III Property Development, Inc. and King Enterprises 960 Pottstown Pike Chester Springs, PA 19425	West Caln Township Chester County	Birch Run
PA10-G399	Smokehouse Farms, Inc. 119 John Robert Thomas Drive Exton, PA 19341	East Brandywine Township Chester County	Unnamed Tributary to East Branch Brandywine Creek

Northeast Regional Office: Regional Water Management Program Manager, 2 Public Square, Wilkes-Barre, PA 18711-0790, (570) 826-2511.

<i>NPDES Permit No.</i>	<i>Applicant Name and Address</i>	<i>County and Municipality</i>	<i>Receiving Stream or Body of Water</i>
PAS10Q187	Lower Macungie Twp. Community Center 3400 Brookside Rd. Macungie, PA 18062	Lehigh County Lower Macungie Twp.	Little Lehigh Creek
PAS10S079	Jeffery Dean Hahn R. R. 4, Box 4292 Stroudsburg, PA 18360-9056	Monroe County Hamilton Twp.	Cherry Creek
PAS142202	Packaging Corporation of America P. O. Box 58 Trexlerstown, PA 18087	Lehigh County Upper Macungie Twp.	Iron Run

INDIVIDUAL PERMITS

(PAR)

Approvals to Use NPDES and Other General Permits

The following parties have submitted (1) Notices of Intent (NOIs) for Coverage under General NPDES Permit(s) to discharge wastewater into the surface waters of this Commonwealth; (2) NOIs for coverage under General Permit(s) for Beneficial Use of Sewage Sludge or Residential Septage by Land Application in Pennsylvania; or (3) Notifications for First Land Application of Sewage Sludge.

The approval of coverage under these General Permits may be subject to one or more of the following: pollutant or effluent discharge limitations, monitoring and reporting, pathogen and vector attraction reduction requirements, operational standards, general requirements, management practices and other conditions set forth in the respective general permit. The Department of Environmental Protection (Department) has reviewed the NOIs and determined that they comply with administrative requirements of the respective permit application. Also, the Department has evaluated the First Land Application of Sewage Sludge for the sites applying for coverage under PAG-7, PAG-8 and PAG-9 and determined that the sites are suitable for land application of sewage sludge.

The EPA Region III Regional Administrator has waived the right to review or object to this permit action under the waiver provision: 40 CFR 123.24.

The application and related documents, effluent limitations, permitting requirements and other information are on file and may be inspected and arrangement made for copying at the contact office noted.

The Department has acted on the following requests for coverage under the specified General Permit as follows:

List of

General Permit Type

PAG-1	General Permit For Discharges From Stripper Oil Well Facilities
PAG-2	General Permit For Discharges of Stormwater From Construction Activities
PAG-3	General Permit For Discharges of Stormwater From Industrial Activities
PAG-4	General Permit For Discharges From Single Residence Sewage Treatment Plant
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
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-9	General Permit For Beneficial Use of Residential Septage By Land Application to Agricultural Land, Forest or a Land Reclamation Site
PAG-10	General Permit For Discharges Resulting From Hydrostatic Testing of Tanks and Pipelines

General Permit Type—PAG-2

<i>Facility Location County and Municipality</i>	<i>Permit No.</i>	<i>Applicant Name and Address</i>	<i>Receiving Stream, Body of Water or Site Name and Address</i>	<i>Contact Office and Telephone No.</i>
Worcester Township Montgomery County	PAR10-T613	J. Wilson Smith, Jr. c/o Vesterra Corporation	Tributary to Zacharias Creek	Department of Environmental Protection Suite 6010, Lee Park, 555 North Lane Conshohocken, PA 19428 (610) 832-6130
Centre County Rush Township	PAR10F110	Brenda Gale No. Wetland Treatment System A1 Hamilton Contracting Co. RR 1, Box 87 Woodland, PA 16881	Mountain Branch	Centre County CD 414 Holmes Ave. Suite 4 Bellefonte, PA 16823 (814) 355-6817
Centre County Walker Township	PAR10F109	Robinwood Subdivision Robert Kerstetter and Emma Lou Fetter 1536 Zion Rd. Bellefonte, PA 16823	UNT to Nittany Creek	Centre County CD 414 Holmes Ave. Suite 4 Bellefonte, PA 16823 (814) 355-6817
Clearfield County Gulich Township	PAR101756	PA DEP Bureau of Abandoned Mine Reclamation P. O. Box 149 Ebensburg, PA 15931	UNT to Moshannon Creek	Dept. of Environmental Protection Water Management Soils and Waterways Section 208 W. 3rd St. Suite 101 Williamsport, PA 17701 (570) 327-3574
Caernarvon Township Berks County	PAR-10-C313	Tri-County Mall Joseph A. Piccone, Inc. 501 Rt. 113 Chester Springs, PA 19425	UNT E. Branch Conestoga River	Berks County CD P. O. Box 520 1238 County Welfare Road Leesport, PA 19533 (610) 372-4657
Lower Paxton Township Dauphin County	PAR-10-I213	PA Dept. of Transportation Dist. 8-0 2140 Herr Street Harrisburg, PA 17103-1699	Paxton Creek	Dauphin County CD 1451 Peters Mountain Road Dauphin, PA 17018 (717) 921-8100

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<i>Facility Location County and Municipality</i>	<i>Permit No.</i>	<i>Applicant Name and Address</i>	<i>Receiving Stream, Body of Water or Site Name and Address</i>	<i>Contact Office and Telephone No.</i>
Lower Swatara Township Middletown Borough	PAR-10-I223	Penn State University Capital Campus 77 W. Harrisburg Pike Middletown, PA 17057	Susquehanna River	Dauphin County CD 1451 Peters Mountain Road Dauphin, PA 17018 (717) 921-8100
Halifax Township Dauphin County	PAR-10-I225	GSP Management Company 570 DeKalb Pike King of Prussia, PA 18406	Gurdy Run	Dauphin County CD 1451 Peters Mountain Road Dauphin, PA 17018 (717) 921-8100
West Hanover Township Dauphin County	PAR-10-I226	Harrisburg City School District 1201 N. Sixth Street Harrisburg, PA 17101	Susquehanna River	Dauphin County CD 1451 Peters Mountain Road Dauphin, PA 17018 (717) 921-8100
Lower Paxton Township Dauphin County	PAR-10-I227	PA Dept. of Transportation Dist. 8-0 2140 Herr Street Harrisburg, PA 17103-1699	Paxton Creek	Dauphin County CD 1451 Peters Mountain Road Dauphin, PA 17018 (717) 921-8100
Guilford Township Franklin County	PAR-10-M195	Breckbill & Helman Const. Co. 1115 Sheller Avenue Chambersburg, PA 17201	East Branch Conococheague Creek	Franklin County CD 550 Cleveland Avenue Chambersburg, PA 17201 (717) 264-8074
Antrim Township Franklin County	PAR-10-M196	Matthew S. Hurley Legacy Center 7756 Anthony Highway Waynesboro, PA 17268	Marsh Run	Franklin County CD 550 Cleveland Avenue Chambersburg, PA 17201 (717) 264-8074
Montgomery Township Franklin County	PAR-10-M197	Snow Time, Inc. 13805 Blairs Valley Road Mercersburg, PA 17236	Licking Creek	Franklin County CD 550 Cleveland Avenue Chambersburg, PA 17201 (717) 264-8074
Montgomery Township Franklin County	PAR-10-M198	Hummelstown General Authority 136 South Hanover Street P. O. Box 307 Hummelstown, PA 17036	Licking Creek	Franklin County CD 550 Cleveland Avenue Chambersburg, PA 17201 (717) 264-8074
Penn Township Lancaster County	PAR-10-O-426	Doe Run Partners 1891 Santa Barbara Drive Ste. Lancaster, PA 17601	Chickies Creek	Lancaster County CD 1383 Arcadia Road, Rm. 6 Lancaster, PA 17601 (717) 299-5361
Manheim Township Lancaster County	PAR-10-O-428	Neffsville Associates 1525 Oregon Pike, Ste. 1202 Lancaster, PA 17601	Landis Run	Lancaster County CD 1383 Arcadia Road, Rm. 6 Lancaster, PA 17601 (717) 299-5361
East Hempfield Township Lancaster County	PAR-10-O-429	Lowe's Companies, Inc. P. O. Box 1111 North Wilkesboro, NC 26656	Brubaker Run WWF	Lancaster County CD 1383 Arcadia Road, Rm. 6 Lancaster, PA 17601 (717) 299-5361

<i>Facility Location County and Municipality</i>	<i>Permit No.</i>	<i>Applicant Name and Address</i>	<i>Receiving Stream, Body of Water or Site Name and Address</i>	<i>Contact Office and Telephone No.</i>
Shrewsbury Borough York County	PAR-10-Y451	Brookview Meadows Phase III Mt. Airy Rd. Limited Partnership 1922 Greenspring Drive Timonium, MD 21093	Deer Creek	York County CD 118 Pleasant Acres Rd. York, PA 17402 (717) 840-7430
E. Prospect Borough Lower Windsor Township York County	PAR-10-Y455	Riverview Estates Garland Construction 336 West King Street Lancaster, PA 17603	Canadochly Creek	York County CD 118 Pleasant Acres Rd. York, PA 17402 (717) 840-7430
Newberry Township York County	PAR-10-Y453	Newberry Township Mun. Auth. Anne Baucum 1915 Old Trail Road Etters, PA 17319	Fishing Creek	York County CD 118 Pleasant Acres Rd. York, PA 17402 (717) 840-7430
West Manchester Township York County	PAR-10-Y439	Little Creek Assoc. Ltd. Frederick & Martine Barton 150 Farm Lane Drive York, PA 17402	Little Conewago Creek	York County CD 118 Pleasant Acres Rd. York, PA 17402 (717) 840-7430
West Manchester Township York County	PAR-10-Y428	PA Dept. of Transportation Michael Lapano 2140 Herr Street Harrisburg, PA 17103	Codorus Creek Little Conewago Creek	York County CD 118 Pleasant Acres Rd. York, PA 17402 (717) 840-7430
East Manchester Township York County	PAR-10-Y447	John Rudy Park—1999 Development York County Park & Recreation 400 Mundis Race Road York, PA 17402	Codorus Creek	York County CD 118 Pleasant Acres Rd. York, PA 17402 (717) 840-7430
Carroll Township York County	PAR-10-Y391	Radford Court Harry Fox Jr. 15 Montego Court Dillsburg, PA 17019	UNT to Stony Run	York County CD 118 Pleasant Acres Rd. York, PA 17402 (717) 840-7430
Clarion County Beaver Township	PAR101525	DEP— Bureau of Abandoned Mine Reclamation 1222 South Center Street Ebensburg, PA 15931	Boyd Run	DEP—Northwest Region Water Mgt. Program Manager 230 Chestnut St. Meadville, PA 16335-3481 (814) 332-6942
Mercer County Borough of Greenville	PAR104346	Borough of Greenville 125 Main Street Greenville, PA 16125	Shenango River Tributary	Mercer Conservation District 747 Greenville Road Mercer, PA 16137 (724) 662-2242

General Permit Type—PAG-3

<i>Facility Location County and Municipality</i>	<i>Permit No.</i>	<i>Applicant Name and Address</i>	<i>Receiving Stream, Body of Water or Site Name and Address</i>	<i>Contact Office and Telephone No.</i>
Luzerne County Dorrance Township	PAR322206	Edward Lukashewski R. R. 2, Box 177 Wapwallopen, PA 18660	Tributary to Wapwallopen Creek	Northeast Office 2 Public Sq. Wilkes-Barre, PA 18711-0790 (570) 826-2511
Northampton County Lehigh Township	PAR602228	M & R Motors 4516 W. Mountainview Dr. Walnutport, PA 18088	Unnamed feeder to Bertsch Creek	Northeast Office 2 Public Sq. Wilkes-Barre, PA 18711-0790 (570) 826-2511

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<i>Facility Location County and Municipality</i>	<i>Permit No.</i>	<i>Applicant Name and Address</i>	<i>Receiving Stream, Body of Water or Site Name and Address</i>	<i>Contact Office and Telephone No.</i>
Northampton County Northampton Borough	PAR602229	Todd Heller, Inc. P. O. Box 95 Northampton, PA 18067	Hokendauqua Creek	Northeast Office 2 Public Sq. Wilkes-Barre, PA 18711-0790 (570) 826-2511
Northampton County City of Bethlehem	PAR212222	Casco Enterprises P. O. Box 1036 Bethlehem, PA 18016-1036	Saucon Creek	Northeast Office 2 Public Sq. Wilkes-Barre, PA 18711-0790 (570) 826-2511
York County Springettsbury Township	PAR203547	Campbell/Cooper Tools 3990 East Market Street York, PA 17402-2769	Kreutz Creek	DEP—Southcentral Region 909 Elmerton Avenue Harrisburg, PA 17110 (717) 705-4707
Franklin County Shippensburg Borough	PAR113510	Ingersoll Rand Company 312 Ingersoll Drive Shippensburg, PA 17257-9215	Rowe Run	DEP—Southcentral Region 909 Elmerton Avenue Harrisburg, PA 17110 (717) 705-4707
Adams County Conewago Township	PAR233501	Miller Chemical & Fertilizer Corporation P. O. Box 333, 120 Radio Road Hanover, PA 17331-0333	UNT to South Branch Conewago Creek	DEP—Southcentral Region 909 Elmerton Avenue Harrisburg, PA 17110 (717) 705-4707
Franklin County Waynesboro Borough	PAR113513	Allegheny Technologies 1000 Six PPG Place Pittsburgh, PA 15222-5479	UNT to East Branch Antietam Creek	DEP—Southcentral Region 909 Elmerton Avenue Harrisburg, PA 17110 (717) 705-4707
Bedford County Saxton Borough	PAR133507	Seton Company Horton Drive Saxton, PA 16678	Raystown Branch of the Juniata River	DEP—Southcentral Region 909 Elmerton Avenue Harrisburg, PA 17110 (717) 705-4707
Allegheny County Robinson Township	PAR216146	Universal Specialties, Inc. 500 Beaver Grade Road Coraopolis, PA 15108	Montour Run Creek	Southwest Regional Office: Water Management Program Manager 400 Waterfront Drive Pittsburgh, PA 15222-4745 (412) 442-4000
Somerset County Somerset Borough	PAR236155	Gilmour Manufacturing Co. P. O. Box 838 Somerset, PA 15501	UNT of E. Branch of Coxes Creek	Southwest Regional Office Water Management Program Manager 400 Waterfront Drive Pittsburgh, PA 15222-4745 (412) 442-4000

**SEWAGE FACILITIES ACT
PLAN APPROVAL**

Plan approval granted under the Pennsylvania Sewage Facilities Act (35 P. S. §§ 750.1—750.20).

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

Location: James R. Latshaw II Single Residence STP, East side of T-501, approximately 1800 ft E. of T-501 and SR 3015 intersection Black Township, Somerset County. Approval of a revision to the Official Sewage Plan of Black Township, Somerset County. Project involves construction of a small flow sewage treatment facility to serve a proposed dwelling located off of T-501. Treated effluent is to be discharged to an unnamed tributary of Coxes Creek.

SAFE DRINKING WATER

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

Regional Office: Northcentral Field Operations, Environmental Program Manager, 208 West Third Street, Suite 101, Williamsport, PA 17701.

Permit No. Minor Amendment. The Department issued a construction permit to **Consumers Pennsylvania Water Company**, Roaring Creek Division, 204 East Sunbury Street, Shamokin, PA 17872, Coal Township, **Northumberland County**. This permit amendment authorizes replacement of the Ferndale finished water storage tank and structural modification of the Ferndale booster pump station.

Southwest Regional Office: Regional Manager, Water Supply Management, 400 Waterfront Drive, Pittsburgh, PA 15222-4745, (412) 442-4000.

Permit No. 1100501. Public water supply. **Jackson Township Water Authority**, 2949 William Penn Avenue, Johnstown, PA 15909. *Type of Facility:* 3.5 miles of water mains and appurtenances, two finished storage tanks, upgrading an existing package booster station and two pressure reduction stations. *Permit issued for Construction:* February 14, 2000.

Permit No. 1187507-A1. Public water supply. **Municipal Authority of the Borough of Portage**, 606 Cambria Street, Portage, PA 16602. *Type of Facility:* Benscreek-Cassandra Water System Improvements Phase I. *Permit issued for Construction:* February 28, 2000.

Permit No. 0299509. Public water supply. **Wilkinsburg-Penn Joint Water Authority**, 2200 Robinson Boulevard, Pittsburgh, PA 15221-1193. *Type of Facility:* Cleaning and painting the sludge system clear span aluminum dome interior. *Permit issued for Construction:* February 28, 2000.

Permit No. 5697503-A1. Public water supply. **Meyersdale Municipal Authority**, 226 Center Street, Meyersdale, PA 15552. *Type of Facility:* Meyersdale Municipal Authority's Well No. 96-1. *Permit issued for Operation:* February 23, 2000.

Permit No. 3299501. Public water supply. **Blairsville Municipal Authority**, 203 East Market Street, Blairsville, PA 15717. *Type of Facility:* Well No. 3. *Permit issued for Construction:* February 28, 2000.

**LAND RECYCLING AND
ENVIRONMENTAL REMEDIATION**

Under Act 2, 1995

Preamble 2

The following final reports were submitted under the Land Recycling and Environmental Remediation Standards Act (35 P. S. §§ 6026.101—6026.908).

Provisions of Chapter 3 of the Land Recycling and Environmental Remediation Standards Act (act) require the Department of Environmental Protection (Department) to publish in the *Pennsylvania Bulletin* a notice of submission of final 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 non-residential exposure factors, a description of the remediation performed, and summaries of sampling methodology and analytical results which demonstrate that the remediation has attained the cleanup standard selected.

For further information concerning the final report contact the Environmental Cleanup Program Manager in the Department—Regional Office under which the notice of receipt of a final report appears. If information concerning a final report is required in an alternative form, contact the community relations coordinator at the appropriate Regional Office listed. TDD users may telephone the Department through the AT&T Relay Service at (800) 654-5984.

The Department has received the following final reports:

Southeast Regional Office: Environmental Cleanup Program Manager; Lee Park, Suite 6010, 555 North Lane, Conshohocken, PA 19428, (610) 832-5950.

Charles and Jan Villare Residence, Quakertown Borough, **Bucks County**. Matthew E. Grubb, Hydrocon Services, Inc., 2945 South Pike Avenue, Allentown, PA 18103, has submitted a Final Report concerning remediation of site soil contaminated with BTEX and polycyclic aromatic hydrocarbons. The report is intended to document remediation of the site to meet the Statewide health standard.

VICAM Corp., Upper Providence Township, **Montgomery County**. Grover H. Emrich, Emrich & Associates, 1488 Hancock Lane, Wayne, PA 19087, has submitted a Final Report concerning remediation of site soil contaminated with lead and groundwater contaminated with BTEX. The report is intended to document remediation of the site to meet the Statewide health standard.

Christopher Baxter Residence, City of Philadelphia, **Philadelphia County**. Brian R. Evans, Hydrocon Services, Inc., 2945 South Pike Avenue, Allentown, PA 18103, has submitted a Final Report concerning remediation of site soil contaminated with polycyclic aromatic hydrocarbons. The report was submitted within 90 days of the contaminant release and is intended to document remediation of the site to meet the Statewide health standard.

Northwest Regional Office: Craig Lobins, Environmental Cleanup Program Manager, 230 Chestnut Street, Meadville, PA 16335, (814) 332-6648.

National Fuel Gas Distribution Corporation, Wayne Street Facility, 225 Wayne Street, City of Erie, **Erie County**, has submitted a Final Report concerning remediation of site soils and groundwater contaminated with PCBs, Heavy Metals, PAHs and Cyanide. The report is intended to document remediation of the site to meet the Site Specific 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—6026.908) and Chapter 250 Administration of Land Recycling Program.

Provisions of 25 Pa. Code § 250.8 Administration of Land Recycling Program requires the Department of Environmental Protection (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 Land Recycling and Environmental Remediations Standards Act (act). Plans and reports required by provisions of 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. A cleanup plan evaluates the abilities of potential remedies to achieve remedy requirements. 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 methodology and analytical results which demonstrate that the remediation has attained the cleanup standard selected. 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's 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 listed. TDD users may telephone the Department through the AT&T Relay Service at (800) 654-5984.

The Department has acted upon the following plans and reports:

Southeast Regional Office: Environmental Cleanup Program Manager, Lee Park, Suite 6010, 555 North Lane, Conshohocken, PA 19428, (610) 832-5950.

F. P. Woll & Co., City of Philadelphia, **Philadelphia County**. Craig M. Hopkins, RT Environmental Services, Inc., Suite 306, Pureland Complex, 510 Heron Drive, P. O.

Box 521, Bridgeport, NJ 08014, has submitted an addendum to a previously submitted Final Report concerning remediation of site groundwater contaminated with solvents, BTEX and polycyclic aromatic hydrocarbons. The report demonstrated attainment of the Statewide health standard and was approved by the Department on February 17, 2000.

Devitts Hardware Store (Former), City of Coatesville, **Chester County**. Ana Maria Caram, Senior Environmental Engineer, Bethlehem Steel Corp., 1170 Eighth Avenue, Bethlehem, PA 18016-7699, has submitted a Baseline Environmental Report concerning remediation of site soil and groundwater contaminated with BTEX, petroleum hydrocarbons and polycyclic aromatic hydrocarbons. The report was approved by the Department on February 22, 2000.

The Former Heintz Corp., Property, Parcel B, City of Philadelphia, **Philadelphia County**. Edwin Hicks, Roy F. Weston, Inc., 1515 Market St., Suite 151, Philadelphia, PA 19102-1956, has submitted a combined Remedial Investigation and Risk Assessment Report concerning remediation of site soil contaminated with lead, heavy metals, solvents, BTEX and polycyclic aromatic hydrocarbons; and groundwater contaminated with solvents and BTEX. The report was approved by the Department on February 22, 2000.

Northcentral Regional Office: Michael C. Welch, Environmental Cleanup Program Manager, 208 West Third Street, Suite 101, Williamsport, PA 17701-6448, (570) 321-6525.

PP&L Distribution Pole #24746N31294. Milton Borough, **Northumberland County**. PP&L, Inc., Two North Ninth Street, Allentown, PA 18101 has submitted a Final Report concerning the remediation of site soil contaminated with PCBs. The final report demonstrated attainment of the Statewide health standard and was approved by the Department on February 23, 2000.

Northeast Fish Hatchery, Porter Township, **Clinton County**. Jeffrey L. Case, P.E., on behalf of the United States Fish and Wildlife Service, P. O. Box 75, Tylersville Road, Lamar, PA 16848 has submitted a Final Report concerning the remediation of site soil contaminated with asbestos. The final report demonstrated attainment of the Background Standard and was approved by the Department on February 10, 2000.

SOLID AND HAZARDOUS WASTE

LICENSE TO TRANSPORT HAZARDOUS WASTE

License issued under the Solid Waste Management Act (35 P. S. §§ 6018.101—6018.1003) and regulations for license to transport hazardous waste.

Bureau of Land Recycling and Waste Management: Division of Hazardous Waste Management, P. O. Box 8471, Harrisburg, PA 17105-8471.

Action Resources, Inc., 355 Country Road, Hanceville, AL 35077; License No. **PA-AH 0650**; license issued February 29, 2000.

JMT Environmental, Technologies, Inc., P. O. Box 22044, Lehigh Valley, PA 18002; License No. **PA-AH 0648**; license issued February 9, 2000.

John Pfrommer, LLC, P. O. Box 1290, Weedsport, NY 13166; License No. **PA-AH 0649**; license issued February 28, 2000.

US Liquids of Pennsylvania, Inc., dba US Liquids, 199 Clyde Street, Ellwood City, PA 16117; License No. **PA-AH 0651**; license issued March 2, 2000.

Renewal licenses issued under the Solid Waste Management Act (35 P. S. §§ 6018.101—6018.1003) and regulations for license to transport hazardous waste.

Bureau of Land Recycling and Waste Management, Division of Hazardous Waste Management, P. O. Box 8471, Harrisburg, PA 17105-8471.

Carlucci Construction Company, Inc., 401 Meadow Street, Cheswick, PA 15024; License No. **PA-AH 0297**; renewal license issued February 8, 2000.

Detrex Corporation, P. O. Box 5111, Southfield, MI 48086-5111; License No. **PA-AH 0417**; renewal license issued February 9, 2000.

Elk Transportation, Inc., 225 Warren Street, Reading, PA 19061; License No. **PA-AH 0413**; renewal license issued February 29, 2000.

Environmental Specialists, Inc., 243 Marshall Road, McDonald, OH 44437; License No. **PA-AH 0587**; renewal license issued March 2, 2000.

G. Tresch Transportation, Inc., 630 South Evergreen Avenue, Woodbury, NJ 08097; License No. **PA-AH 0380**; renewal license issued March 2, 2000.

Lewis Environmental, Inc., P. O. Box 639, Royersford, PA 19468; License No. **PA-AH 0591**; renewal license issued March 1, 2000.

Salesco Systems USA Inc.,—AZ, 5736 West Jefferson Street, Phoenix, AZ 85043; License No. **PA-AH 0508**; renewal license issued March 2, 2000.

Hazardous waste transporter license voluntarily terminated under the Solid Waste Management Act (35 P. S. §§ 6018.101—6018.1003) and the Infectious and Chemotherapeutic Waste Law (35 P. S. §§ 6019.1—6019.6) and regulations for license to transport hazardous waste.

Bureau of Land Recycling and Waste Management, Division of Hazardous Waste Management, P. O. Box 8471, Harrisburg, PA 17105-8471.

A&A Environmental Services, Inc., 5200 Raynor Avenue, Linthicum Heights, MD 21090; License No. **PA-AH 0085**; license terminated February 11, 2000.

Karlan Service, Inc., 187-201 East 7th Street, Paterson, NJ 07524; License No. **PA-AH 0519**; license terminated February 22, 2000.

Snow Environmental Services, Inc., 227 Pennell Road, Aston, PA 19014; License No. **PA-AH 0192**; license terminated February 14, 2000.

License expired under the Solid Waste Management Act (35 P. S. §§ 6018.1001—6018.1003) and regulations for license to transport hazardous waste.

Bureau of Land Recycling and Waste Management, Division of Hazardous Waste Management, P. O. Box 8471, Harrisburg, PA 17105-8471.

Dahlen Transport, Inc., 1680 Fourth Avenue, Newport, MN 55055; License No. **PA-AH 0511**; license expired on February 28, 2000.

Salesco Systems USA, Inc.,—AZ, 5736 West Jefferson Street, Phoenix, AZ 85043; License No. **PA-AH 0508**; license expired on February 28, 2000.

RESIDUAL WASTE PROCESSING FACILITIES

Permits issued under the Solid Waste Management Act (35 P. S. §§ 6018.101—6018.1003) and regulation to operate solid waste processing or disposal area or site.

Southwest Regional Office: Regional Solid Waste Manager, 400 Waterfront Drive, Pittsburgh, PA 15222-4745, (412) 442-4000.

Permit ID No. 300491, Homer City Station Ash Disposal Site, EME Homer City Generation, L. P., 18101 Von Karman Avenue, Suite 1700, Irvine, CA 92612-1046. Operation of a captive residual waste landfill in Center and Black Lick Townships, **Indiana County**. Major Permit Modification for disposal of flue gas desulfurization residues and related waste streams issued in the Regional Office on February 28, 2000.

Registration under the Solid Waste Management Act (35 P. S. §§ 6018.101—6018.1003); the Municipal Waste Planning, Recycling and Waste Reduction Act (53 P. S. §§ 4000.101—4000.1904); and the 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, 14th Floor, Rachel Carson State Office Building, 400 Market Street, Harrisburg, PA 17101-2301.

Registration reissuance under **General Permit No. WMGR011R001, Kellcorp, Inc.**, dba Environmental Compliance Services, 5 Little Boston Road, P. O. Box 5, Duncannon, PA 17020-0005. General Permit Number WMGR011 for the processing of spent ethylene glycol base antifreeze, generated in heating and cooling systems, in mobile processing units prior to beneficial use as reconditioned antifreeze. The name of the registrant changed from Kellcorp, Inc., dba Planet Earth Recycling to Kellcorp, Inc., dba Environmental Compliance Services. The Department reissued the registration on March 7, 2000.

PREVIOUSLY UNPERMITTED CLASS OF SPECIAL HANDLING WASTE

INFECTIOUS OR CHEMOTHERAPEUTIC WASTE

Renewal licenses issued under the Solid Waste Management Act (35 P. S. §§ 6018.101—6018.1003) and the Infectious and Chemotherapeutic Waste Law (35 P. S. §§ 6019.1—6019.6) and regulations for license to transport infectious and chemotherapeutic waste.

Bureau of Land Recycling and Waste Management, Division of Hazardous Waste Management, P. O. Box 8471, Harrisburg, PA 17105-8471.

ARL, Inc. d/b/a American Road Line, 238 Moon Clinton Road, Coraopolis, PA 15108; License No. **PA-HC 0205**; renewal license issued February 14, 2000.

Orchard Hill Memorial Park, Inc., 187 Route 94 South, Lafayette, NJ 07848; License No. **PA-HC 0163**; renewal license issued March 3, 2000.

AIR QUALITY OPERATING PERMITS

General Plan Approval and Operating Permit issued under the Air Pollution Control Act (35 P. S. §§ 4001—4015) and regulations to construct, modify, reactivate or operate air contamination sources and associated air cleaning devices.

Northcentral Regional Office: Air Quality Program, 208 West Third Street, Suite 101, Williamsport, PA 17701, (570) 327-3637.

GP5-17-16: Somerset Oil and Gas Co., LLC (2039 South Sixth Street, Indiana, PA 15701) on February 10, 2000, for construction and operation of a 415 horsepower natural gas-fired reciprocating internal combustion engine and associated air cleaning device (a catalytic converter) and construction and operation of a 500 horsepower natural gas-fired reciprocating internal combustion engine and associated air cleaning device (a catalytic converter) under the General Plan Approval and General Operating Permit for Natural Gas Production Facilities (BAQ-GPA/GP5) at the Woytek Station in Bell Township, Clearfield County.

Administrative Amendment of Operating Permits issued under the Air Pollution Control Act (35 P. S. §§ 4001—4015) and regulations to construct, modify, reactivate or operate air contamination sources and associated air cleaning devices.

Northwest Regional Office: Air Quality Program, 230 Chestnut Street, Meadville, PA 16335-3481, (814) 332-6940.

10-00266: Resolite, A United Dominion Co. (100 Perry Highway, Zelenople, PA 16063) in Jackson Township, **Butler County**. The Title V permit was administratively amended to correct a typographical error that was originally included in the RACT operating permit for the facility.

Operating Permits issued under the Air Pollution Control Act (35 P. S. §§ 4001—4015) and regulations to construct, modify, reactivate or operate air contamination sources and associated air cleaning devices.

Southcentral Regional Office: Air Quality Program, 909 Elmerton Avenue, Harrisburg, PA 17110, (717) 705-4702.

36-03096: Carvell & Rick, Inc. (4437 Oregon Pike, Ephrata, PA 17522) on March 2, 2000, for operation of a paint shop controlled by polyester filter media in West Earl Township, **Lancaster County**.

Southwest Regional Office: Air Quality Program, 400 Waterfront Drive, Pittsburgh, PA 15222-4745, (412) 442-4174.

TV-56-00167: Firstmiss Steel Inc. (P. O. Box 509, Hollsopple, PA 15935) for operation of steel manufacturing at Stony Creek Plant in Quemahoning Township, **Somerset County**.

Northwest Regional Office: Air Quality Program, 230 Chestnut Street, Meadville, PA 16335-3481, (814) 332-6940.

PA-10-028F: Armstrong Cement & Supply Co. (100 Clearfield Road, Cabot, PA 16023) on November 30, 1999, for operation of cement kilns in West Winfield, **Butler County**.

PA-10-028G: Armstrong Cement & Supply Co. (100 Clearfield Road, Cabot, PA 16023) on January 31, 2000, for operation of a stone elevator in West Winfield, **Butler County**.

PA-10-277A: Wiest Asphalt Products (310 Mitchell Hill, Butler, PA 16001) on November 30, 1999, for operation of a batch asphalt plant in Summit Township, **Butler County**.

25-315-006A: International Paper Co. (1540 East Lake Road, Erie, PA 16533) on December 30, 1999, for operation of a bleach plant in Erie, **Erie County**.

Philadelphia Department of Public Health: Air Management Services, 321 University Ave., Philadelphia, PA 19104, (215) 685-7584.

V95-078: Nabisco Biscuit Co. (12000 East Roosevelt Blvd., Philadelphia, PA 19116) on March 3, 2000, for operation of two 38 MMBTU/hr boilers, six nonyeast baking ovens and two yeast baking ovens which are controlled by a catalytic oxidizer in the City of Philadelphia, **Philadelphia County**.

PLAN APPROVALS

Minor Modification of Plan Approvals issued under the Air Pollution Control Act (35 P. S. §§ 4001—4015) and regulations to construct, modify, reactivate or operate air contamination sources and associated air cleaning devices.

Northcentral Regional Office: Air Quality Program, 208 West Third Street, Suite 101, Williamsport, PA 17701, (570) 327-3637.

19-317-007E: Wise Foods, Inc. (228 Raseley Street, Berwick, PA 18603) on February 15, 2000, to extend the deadline for the performance of stack testing on a potato chip fryer and associated air cleaning devices, two mist eliminators, until May 31, 2000, in Berwick Borough, **Columbia County**.

Plan Approvals issued under the Air Pollution Control Act (35 P. S. §§ 4001—4015) and regulations to construct, modify, reactivate or operate air contamination sources and associated air cleaning devices.

Northeast Regional Office: Air Quality Program, Two Public Square, Wilkes-Barre, PA 17811-0790, (570) 826-2531.

13-313-026A: AMETEK/Westchester Plastics (Box 9, Green Acres Industrial Park, Nesquehoning, PA 18240) on February 24, 2000, for modification of the ZSK-90 extrusion line in Nesquehoning Borough, **Carbon County**.

40-317-022: Hershey Foods Corp (Hazleton Plant, Humboldt Industrial Park, P. O. Box 340, Hazleton, PA 18201) on February 24, 2000, for construction of a panning operation in Hazle Township, **Luzerne County**.

Southcentral Regional Office: Air Quality Program, 909 Elmerton Avenue, Harrisburg, PA 17110, (717) 705-4702.

07-310-020F: New Enterprise Stone & Lime Co., Inc. (P. O. Box 77, New Enterprise, PA 16664) on March 2, 2000, for construction of the Roaring Spring Crushing Plant controlled by water sprays and three fabric filters located in Taylor Township, **Blair County**. This source is subject to 40 CFR Part 60, Subpart OOO—Standards of Performance for New Stationary Sources for Nonmetallic Mineral Processing Plants.

Northcentral Regional Office: Air Quality Program, 208 West Third Street, Suite 101, Williamsport, PA 17701, (570) 327-3637.

OP-47-0001C: PP&L, Inc. (2 North Ninth Street, Allentown, PA 18101-1179) on February 2, 2000, for installation of an air cleaning device (a selective catalytic reduction system) on a bituminous coal fired electric utility boiler (Unit 2) and the modification of the respective boiler (emission of ammonia resulting from the operation of the selective catalytic reduction system) at the Montour SES in Derry Township, **Montour County**.

08-399-047A: OSRAM SYLVANIA Products, Inc. (Hawes Street, Towanda, PA 18848-0504) on February 29, 2000, for construction of two phosphor coaters to be controlled by an existing air cleaning device (a catalytic oxidizer) in North Towanda Township, **Bradford County**.

59-304-008E: ACP Manufacturing Co., LLC (P. O. Box 9, Blossburg, PA 16912-0068) on February 29, 2000, for construction of three downdraft casting grinding benches to be controlled by an existing air cleaning device (a fabric collector) in Lawrence Township, **Tioga County**.

Northwest Regional Office: Air Quality Program, 230 Chestnut Street, Meadville, PA 16335-3481, (814) 332-6940.

PA-43-280A: Chevron, Inc. (7320 Market Street, Mercer, PA 16137) on March 7, 2000, for VOC emission increases from the surface coating operation in Lackawack Township, **Mercer County**.

PA-43-317A: Lindy Paving Co. (East Gilmore Road and Route 173, Mercer, PA 16137) on February 29, 2000, for construction of a drum mix asphalt plant at the Mercer Plant in Wolfcreek Township, **Mercer County**.

PA-37-279A: Lindy Paving Co. (Route 168, East Brook, PA 16137) on February 29, 2000, for construction of a drum mix asphalt plant at the East Brook Plant in Hickory Township, **Lawrence County**.

Plan Approvals extensions issued under the Air Pollution Control Act (35 P. S. §§ 4001—4015) and regulations to construct, modify, reactivate or operate air contamination sources and associated air cleaning devices.

Southcentral Regional Office: Air Quality Program, 909 Elmerton Avenue, Harrisburg, PA 17110, (717) 705-4702.

06-03102: City of Reading (815 Washington Street, Reading, PA 19601) on March 1, 2000, for a wastewater treatment plant and installation of three packed bed scrubbers, covered under this Plan Approval until March 31, 2001, at the Reading Sewage Treatment Plant in Reading City, **Berks County**.

22-310-005D: Pennsy Supply, Inc. (P. O. Box 3331, Harrisburg, PA 17105) on February 29, 2000, for temporary operation of a stone crushing plant controlled by two fabric filters and a wet suppression system, covered under this Plan Approval until June 27, 2000, at the Hummels-town Quarry in South Hanover Township, **Dauphin County**. This source is subject to 40 CFR Part 60, Subpart OOO—Standards of Performance for Nonmetallic Mineral Processing Plants.

34-03001: Green Source Power, LLC (327 Winding Way, King of Prussia, PA 19406) on March 1, 2000, for one wood fired turbine-generator, covered under this Plan Approval until February 28, 2001, on Routes T384 and LR34047 in Feranagh Township, **Juniata County**.

Northwest Regional Office: Air Quality Program, 230 Chestnut Street, Meadville, PA 16335-3481, (814) 332-6940.

PA-10-079A: BNZ Materials, Inc. (191 Front Street, Zelienople, PA 16063) on March 31, 2000, for insulating fire brick process kiln in Zelienople, **Butler County**.

PA-24-131B: SGL Carbon Corp. (900 Theresia Street, Box 1030, St. Marys, PA 15857) on February 28, 2000, for graphite purification furnaces in St. Marys, **Elk County**.

PA-33-160A: Reynoldsville Casket Co. (5th Street Extension, P. O. Box 68, Reynoldsville, PA 15851) on January 31, 2000, for color and clearcoat paint booths in Reynoldsville, **Jefferson County**.

MINING

APPROVALS TO CONDUCT COAL AND NONCOAL ACTIVITIES

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 (35 P. S. §§ 691.1—691.1001); the Coal Refuse Disposal Control Act (52 P. S. §§ 30.51—30.66); The Bituminous Mine Subsidence and Land Conservation Act (52 P. S. §§ 1406.1—1406.21). The final action on each application also constitutes action on the request for 401 water quality certification. Mining activity permits issued in response to such applications will also address the applicable permitting requirements of the following statutes: the Air Quality Control Act (35 P. S. §§ 4001—4015); the Dam Safety and Encroachments Act (32 P. S. §§ 693.1—693.27); and the Solid Waste Management Act (35 P. S. §§ 6018.101—6018.1003).

*Knox District Office, P. O. Box 669, Knox, PA 16232.
Coal Permits Issued*

24673003. Tamburlin Brothers Coal Co., Inc. (P. O. Box 1419, Clearfield, PA 16830). Renewal of an existing bituminous strip, auger and use of a co-product operation in Fox Township, **Elk County** affecting 56.2 acres. Receiving streams: Limestone Run. Application received: January 4, 2000. Permit Issued: February 28, 2000.

37990103. Amerikohl Mining, Inc. (202 Sunset Drive, Butler, PA 16001). Commencement, operation and restoration of a bituminous strip operation in Washington Township, **Lawrence County** affecting 89.7 acres. Receiving streams: Potter Run. Application received: October 6, 1999. Permit Issued: February 28, 2000.

Ebensburg District Office, 437 South Center Street, P. O. Box 625, Ebensburg, PA 15931-0625.

56980106. Marquise Mining Corporation (3889 Menoher Boulevard, Johnstown, PA 15905), commencement, operation and restoration of a bituminous surface mine in Quemahoning and Jenner Townships, **Somerset County**, affecting 139.0 acres, receiving stream unnamed tributaries to Twomile Run, unnamed tributaries to Higgins Run, application received August 25, 1998, permit issued February 22, 2000.

11960101. Permit Revision, Cloe Mining Company, Inc. (P. O. Box 1, Grampian, PA 16838), to add augering on the Upper and Middle Kittanning seams in Reade Township, **Cambria County**, affecting 107.9 acres, receiving stream unnamed tributaries to Muddy Run and Muddy Run, application received January 6, 2000, issued February 29, 2000.

Greensburg District Office, R. R. 2, Box 603-C, Greensburg, PA 15601.

03980107. State Industries, Inc. (P. O. Box 1022, Kittanning, PA 16201). Permit issued for commencement, operation, and reclamation of a bituminous surface/auger mine located in Washington Township, **Armstrong County**, affecting 341.5 acres. Receiving streams: unnamed tributary to Allegheny River to Allegheny River. Application received: September 1, 1999. Permit issued: February 28, 2000.

65920106R. M. B. Energy, Inc. (P. O. Box 1319, Indiana, PA 15701). Permit renewed for continued reclamation only of a bituminous surface mine located in Derry Township, **Westmoreland County**, affecting 61.9 acres. Receiving streams: Stony Run and an unnamed tributary to Stony Run. Application received: November 10, 1999. Renewal issued: February 29, 2000.

03940105R. Thomas J. Smith, Inc. (R. D. 1, Box 260D, Shelocta, PA 15774). Permit renewed for continued reclamation only of a bituminous surface/auger mine located in Plumcreek Township, **Armstrong County**, affecting 94.5 acres. Receiving streams: Dutch Run, unnamed tributary to Plum Creek, and to Plum Creek. Application received: November 8, 1999. Renewal issued: February 29, 2000.

Hawk Run District Office, P. O. Box 209, Off Empire Road, Hawk Run, PA 16840.

17940101. E. P. Bender Coal Co., Inc. (P. O. Box 564, Carrolltown, PA 15722), renewal of an existing bituminous surface mine permit in Beccaria Township, **Clearfield County** affecting 53 acres. Receiving streams: unnamed tributary to Muddy Run, Muddy Run, Clearfield Creek, West Branch, Susquehanna River. Application received August 2, 1999. Permit issued February 23, 2000.

17960117. Thunder Coal Company (P. O. Box 283, Grampian, PA 16838), revision to an existing bituminous surface mine permit for a change in permit acreage from 133.1 to 134.8 acres. The permit is located in Pike Township, **Clearfield County**. Receiving streams: Welch Run to West Branch of the Susquehanna River. Application received April 22, 1999. Permit issued February 23, 2000.

17990112. Forcey Coal, Inc. (P. O. Box 225, Madera, PA 16661), commencement, operation and restoration of a bituminous surface mine permit located in Bigler Township, **Clearfield County** affecting 128 acres. Receiving streams: Banian Run to Clearfield Creek to the West Branch of the Susquehanna River. Application received May 26, 1999. Permit issued February 23, 2000.

17930117. Al Hamilton Contracting Company (R. R. 1, Box 87, Woodland, PA 16881), renewal of an existing bituminous surface mine permit in Goshen Township, **Clearfield County** affecting 327 acres. Receiving streams: unnamed tributary to Surveyor Run and Surveyor Run. Application received October 20, 1999. Permit issued March 1, 2000.

17940115. Penn Grampian Coal Company (P. O. Box 249, Clearfield, PA 16830), renewal of an existing bituminous surface mine permit in Beccaria Township, **Clearfield County** affecting 164.4 acres. Receiving streams: unnamed tributaries to Muddy Run and Muddy Run. Application received October 28, 1999. Permit issued March 1, 2000.

17860135. Strishock Coal Company (220 Hillcrest Drive, DuBois, PA 15801), renewal of an existing bitumi-

nous surface mine permit in Union-Sandy-Brady Townships, **Clearfield County** affecting 361.4 acres. Receiving streams: Laborde Branch, Sugarcamp Run to Luthersburg Branch to Laborde Branch, tributaries to Stony Run and Stony Run to Laborde Branch to Sandy Lick Creek to Redbank Creek to the Allegheny River. Application received October 27, 1999. Permit issued March 1, 2000.

17900108. Al Hamilton Contracting Company (R. D. 1, Box 87, Woodland, PA 16881), renewal of an existing bituminous surface mine permit in Penn and Brady Townships, **Clearfield County** affecting 798 acres. Receiving streams: Daily Run and unnamed tributaries of Daily Run to Daily Run; Daily Run to Curry Run, Curry Run to West Branch Susquehanna River. Application received November 15, 1999. Permit issued March 1, 2000.

17880116. Waroquier Coal Company (P. O. Box 128, Clearfield, PA 16830), renewal of an existing bituminous surface mine permit in Lawrence Township, **Clearfield County** affecting 64.4 acres. Receiving streams: unnamed stream to Hogback Run. Application received October 21, 1999. Permit issued March 1, 2000.

17880126. Waroquier Coal Company (P. O. Box 128, Clearfield, PA 16830), renewal of an existing bituminous surface mine permit in Lawrence Township, **Clearfield County** affecting 288.9 acres. Receiving streams: unnamed tributaries to the West Branch of the Susquehanna River. Application received October 6, 1999. Permit issued March 1, 2000.

Ebensburg District Office, 437 South Center Street, P. O. Box 625, Ebensburg, PA 15931-0625.

Small Industrial Minerals Applications Issued

11990801. Donald J. Brawley (375 Stevens Road, Carrolltown, PA 15722), commencement, operation and restoration of a small industrial minerals mine in East Carroll Township, **Cambria County**, affecting 5.0 acres, receiving stream unnamed tributary to Laurel Lick Run, application received June 16, 1999, issued March 2, 2000.

Pottsville District Office, 5 West Laurel Boulevard, Pottsville, PA 17901-2454.

Noncoal Permits Issued

5074SM3A2C3. Valley Quarries, Inc. (P. O. Box J, Chambersburg, PA 17201), renewal of NPDES Permit PA0121126 in Greene Township, **Franklin County**, receiving stream—Conochocheague Creek. Renewal issued February 28, 2000.

7973SM5C3. Eureka Stone Company (Pickerton and Lower State Roads, Chalfont, PA 18914), renewal of NPDES Permit PA0223352 in Wrightstown Township, **Bucks County**, receiving stream—Neshaminy Creek. Renewal issued February 28, 2000.

4880501C2. Sreebs Slate & Stone Company, Inc. (6596 Sullivan Trail, Wind Gap, PA 18091), renewal of NPDES Permit PA0121681 in Plainsfield Township, **Northampton County**, receiving stream—Little Bushkill Creek. Renewal issued March 2, 2000.

Ebensburg District Office, 437 South Center Street, P. O. Box 625, Ebensburg, PA 15931-0625.

Coal Applications Returned

56920111. Permit Revision, **Senate Coal Mines, Inc.** (One Energy Place, Suite 1500, Latrobe, PA 15650), for an amendment to include coal ash for land reclamation in Jenner Township, **Somerset County**, affecting 80.0

acres, receiving stream unnamed tributary to Quemahoning Creek, application received February 11, 2000, application returned February 25, 2000.

Knox District Office, P. O. Box 669, Knox, PA 16232.

102880-10980109-E-1. Ben Hal Mining Company (389 Irishtown Road, Grove City, PA 16127). Application for a stream encroachment to construct and maintain a haul road crossing over Unnamed tributary B to Bear Run in Muddy Creek Township, **Butler County**. Receiving streams: Unnamed tributary to Bear Run. Application received: November 4, 1999. Application Returned: March 2, 2000.

ACTIONS TAKEN UNDER SECTION 401: FEDERAL WATER POLLUTION CONTROL ACT

ENCROACHMENTS

The Department of Environmental Protection (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 (33 U.S.C.A. § 1341(a)).

Persons aggrieved by this action may appeal, 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 the Administrative Agency Law), to the Environmental Hearing Board, Second Floor, Rachel Carson State Office Building, P. O. 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 Environmental Hearing Board within 30 days of receipt of written notice of this action unless the appropriate statute provides a different time period. Copies of the appeal form and the Board's rule of practice and procedure may be obtained from the Board. The appeal form and the Board's rules of practice and procedure are also available in braille or on audiotape from the Secretary to the Board at (717) 787-3483. This paragraph does not, in and of itself, create any right of appeal beyond that permitted by applicable statutes and decisional law.

Actions on applications filed 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 sections 5 and 402 of The Clean Streams Law (35 P.S. §§ 691.5 and 691.402) and notice of final action for certification under Section 401 of the Federal Water Pollution Control Act (33 U.S.C.A. § 1341(a)). (Note: Permits issued for Small Projects do not include 401 Certification, unless specifically stated in the description).

Permits Issued and Actions on 401 Certifications:

Southeast Regional Office: Program Manager, Water Management Program, Lee Park, Suite 6010, 555 North Lane, Conshohocken, PA 19428.

E23-391. Encroachment Permit. **Atlantic Pipeline Corporation**, Fort Mifflin Marine Terminal, Hog Island Road, Philadelphia, PA 19153. To construct and maintain two new Mooring Dolphins 1A and 15A at the existing Berth "A" and Berth "B" facilities connected to the existing dolphins by a catwalk supported by ten 12-inch diameter concrete filled pipe pilings. The Mooring Dolphins will consist of 23-feet by 17-feet reinforced concrete platforms each supported by approximately sixteen, 14-

inch diameter concrete filled pipe pilings. These activities are located at the Fort Mifflin Terminal located on Hog Island Road along the right bank of the Delaware River (Woodbury, NJ-PA Quadrangle N: 21.5 inches; W: 13.3 inches) in Tinticum Township, Delaware County and the City of Philadelphia, **Philadelphia County**. This permit also authorizes the maintenance of all previous mooring and docking facilities authorized under Permit E2378713T-1.

This permit was issued under Section 105.13(e) "Small Projects."

This permit also includes 401 Water Quality Certification.

Northeast Regional Office: Soils and Waterways Section, 2 Public Square, Wilkes-Barre, PA 18711-0790, (570) 826-2511.

E39-368. Encroachment. **Pennsylvania Power and Light Company**, Two North Ninth Street, Allentown, PA 18101-1179. To excavate, place and maintain fill within the floodplain of Iron Run and to construct and maintain an aerial line crossing, approximately 25 feet above and across Iron Run. The project is associated with the construction of a stone pad ranging 1 to 2 feet high, having an area equal to 120-feet × 160-feet along the right (southern) bank of Iron Run, for a 138-12kV electric substation consisting of transformers, fencing and a parking area. The project is located approximately 500 feet north of the intersection of S. R. 3012 (Schantz Road) and T-523 (Fogel Road) (Topton, PA Quadrangle N: 12.7 inches; W: 0.5 inch) in Upper Macungie Township, **Lehigh County**.

E64-198. Encroachment. **W. J. Reining & Sons, Inc.**, P. O. Box 277, Beach Lake, PA 18405. To construct and maintain a private road crossing of Wangum Creek, consisting of an aluminum open-bottom arch culvert with aluminum headwalls, having a span of 19.0 feet and underclearance of 9.3 feet. The purpose of the crossing is to provide access for timber harvesting. The project is located approximately 0.6 mile west of the Lake Township/Paupack Township boundary (Lakeville, PA Quadrangle N: 18.4 inches; W: 8.4 inches) in Lake Township, **Wayne County**.

E40-535. Encroachment. **Plymouth Township**, 925 West Main Street, Plymouth, PA 18651. To place and maintain fill, including a retaining wall having a maximum height of approximately 9.5 feet, in the 100-year floodplain of the Susquehanna River and to construct and maintain approximately 25 L. F. of R-7 riprap bank protection along the eastern streambank of Harveys Creek for the purpose of upgrading and flood-proofing the existing Harveys Creek wastewater pumping station. The project is located on the south side of S. R. 0011, east of Harveys Creek (Nanticoke, PA Quadrangle N: 17.3 inches; W: 2.1 inches) in Plymouth Township, **Luzerne County**.

Southcentral Regional Office: Section Chief, Water Management Program, Soils and Waterways Section, 909 Elmerton Avenue, 2nd Floor, Harrisburg, PA 17110, (717) 705-4707.

E05-279. Encroachment. **Janet Fetter**, 217 Watson Road, Manns Choice, PA 15550. To fill in 0.044 acre of wetland (after-the-fact) to expand the width of the property located about 2,000 feet north of Manns Choice Borough (Bedford, PA Quadrangle N: 2.83 inches; W: 12.55 inches) in Harrison Township, **Bedford County**. The amount of wetland impact is considered de

minimis and wetland mitigation is not required. This permit also includes 401 Water Quality Certification.

E07-274. Encroachment. **Richard Fownes**, R. D. 3, Box 435K, Hollidaysburg, PA 16648. To maintain a single span bridge, constructed under DEP Permit GP-08-07-96-103 for the purpose of replacing an access bridge to private property that was destroyed during the January 1, 1996 flood event, having a single normal clear span of 45 feet and an average underclearance of 7.4 feet across Blair Gap Run (TSF) located on the south side of SR 3012 about 500 feet east of its intersection with Township Road T-384 (Hollidaysburg, PA Quadrangle N: 8.2 inches; W: 9.4 inches) in Allegheny Township, **Blair County**. This permit was issued under section 105.13(e) "Small Projects." This permit also includes 401 Water Quality Certification.

E21-296. Encroachment. **Susquehanna River Basin Commission**, 1721 North Front Street, Harrisburg, PA 17102. To relocate and maintain 830 lineal feet of stream channel using applied fluvial geomorphology techniques. The work activities include the placement of structures in the new stream channel that consist of rock vanes, offset cross rock vanes, cross rock vanes and "J" hook vanes. The design of the new channel is intended to restore the appropriate pattern, profile and dimension in this reach of Mount Rock Spring Creek (WWF). The site is located approximately 5,500 lineal feet downstream of Mount Rock where the stream originates at Mount Rock Spring (Plainfield, PA Quadrangle N: 12.0 inches; W: 8.6 inches) in West Pennsboro Township, **Cumberland County**. This permit also includes 401 Water Quality Certification.

E21-300. Encroachment. **Monroe Township Municipal Authority**, 1220 Boiling Springs Road, Mechanicsburg, PA 17055. To construct and maintain the following: (1) a 12-inch diameter sanitary sewer pipe with 24-inch diameter steel crossing under the streambed of Yellow Breeches Creek; and (2) a 12-inch diameter and an 8-inch diameter sanitary sewer pipe under the streambed of an unnamed tributary to Yellow Breeches. The sewer pipes are located just upstream of the sewage treatment plant, upstream of T-531 and upstream of T-551 respectively (Mechanicsburg, PA Quadrangle N: 4.3 inches; W: 14.0 inches; N: 4.69 inches; W: 14.0 inches; N: 5.1 inches; W: 14.2 inches respectively) in Monroe Township, **Cumberland County**. This permit was issued under section 105.13(e) "Small Projects." This permit also includes 401 Water Quality Certification.

E21-302. Encroachment. **UGI Utilities, Inc.**, 1500 Paxton Street, P. O. Box 3565, Harrisburg, PA 17015. To construct and maintain a 4-inch diameter gas line to be fastened at the downstream side of the Bridge Road bridge across the Conodoguinet Creek to supply gas to customers (Harrisburg West, PA Quadrangle N: 4.9 inches; W: 10.4 inches) in East Pennsboro Township, **Cumberland County**. This permit was issued under section 105.13(e) "Small Projects."

E22-410. Encroachment. **Hershey Trust Co.**, P. O. Box 830, Founders Hall, Hershey, PA 17033. To remove an existing bridge and to construct and maintain a pedestrian bridge having a span of 40 feet and an underclearance of 6 feet across the channel of a tributary to Spring Creek (WWF) at a point immediately upstream of Meadow Lane (Hershey, PA Quadrangle N: 6.0 inches; W: 1.5 inches) in Derry Township, **Dauphin County**. This permit was issued under section 105.13(e) "Small Projects."

E34-094. Encroachment. **Robert and Kathryn Ewing Trust**, 113 E. Roland Rd., Parkside, PA 19015. To con-

struct and maintain a bridge having a span of 22 feet and an underclearance of 2.7 feet across the channel of Doyle Run (CWF) at a point approximately 2.2 miles upstream of its mouth (McCoysville, PA Quadrangle N: 21.6 inches; W: 3.4 inches) for the purpose of providing access to farm fields in Beale Township, **Juniata County**. This permit was issued under section 105.13(e) "Small Projects." This permit also includes 401 Water Quality Certification.

E67-675. Encroachment. **Northeastern York County Sewer Authority**, P. O. Box 516, Mount Wolf, PA 17347. To place fill in 0.3 acre of wetlands for the purpose of constructing an access road associated with a 6,200 linear foot sewer replacement along Hartman Run (WWF) beginning at the intersection of Maple Street and Plane Tree Avenue in Manchester Borough and running south (York Haven, PA Quadrangle N: 10.0 inches; W: 12.65 inches) in East Manchester Township, Manchester Borough and Mount Wolf Borough, **York County**. The permittee is required to provide a minimum of 0.3 acre of replacement wetlands. This permit also includes 401 Water Quality Certification.

E67-680. Encroachment. **85 Associates**, 1885 Whiteford Rd., York, PA 17402. To construct and maintain 490 linear feet of a 3-foot high earthen berm within the southern side of the 100-year floodway of an unnamed tributary to Mill Creek (WWF) for the purpose of constructing the Diehl Motor Company Service Center located northwest of Pleasant Valley and Whiteford Roads (York, PA Quadrangle N: 20.1 inches; W: 8.5 inches) in Springettsbury Township, **York County**.

Northcentral Region: Water Management—Soils and Waterways, F. Alan Sever, Chief, 208 West Third St., Williamsport, PA 17701.

E18-283. Encroachment. **James Eppley, Chief, Bureau of Facility Design**, P. O. Box 8451, Harrisburg, PA 17105-8451. To remove pre-existing culverts and construct and maintain a total of 46 plastic 18-inch and 24-inch 30-foot long culvert pipes with their associated outfalls that comprise the stream crossing and drainage pipes for Abes Road and Hyner Run Road that are in or outfall to the main branches and the tributaries of Abes Run and Left Branch Hyner Run, respectfully. There are 27 pipes on Hyner Run and 19 pipes on Abes Run. The encroachments are located upstream of the confluence of the left and right branch of Hyner Run on the above mentioned roads (Slate Run, PA Quadrangle N: 1.0 inch; W: 15.0 inches) in Chapman Township, **Clinton County**. This permit was issued under section 105.13(e) "Small Projects." This permit also includes 401 Water Quality Certification.

E41-455. Encroachment. **Pennsylvania Department of Transportation, Engineering District 3-0**, P. O. Box 218, Montoursville, PA 17754-0218. To remove the existing structure and to construct and maintain a concrete box culvert with a span of 12 feet and an underclearance of 10 feet in an unnamed tributary to West Branch Susquehanna River located on SR 2012, Section 003 approximately 1.5 miles east of the boundary of South Williamsport Borough (Montoursville South, PA Quadrangle N: 20.3 inches; W: 10.8 inches) in Armstrong Township, **Lycoming County**. This permit was issued under Section 105.13(e) "Small Projects." This permit also includes 401 Water Quality Certification.

E49-233. Encroachment. **Michael and Sue Oliveri**, P. O. Box 268, Elysburg, PA 17824. To modify and maintain an existing private footbridge with a span of 23'6" and 3' in width, across unnamed tributary to Shamokin

Creek (Pocahontus Creek) located behind the second house east of Hickory Street along West Center Street (Shamokin, PA Quadrangle N: 21.1 inches; W: 6.9 inches) in the village of Elysburg in Ralpho Township, **Northumberland County**. The existing bridge will be raised above the 100-year flood elevation. The existing northern abutment will be modified while the existing southern abutment will be replaced. The bridge will contain a new steel channel reinforcing beam on each side and miscellaneous structural steel. This permit was issued under Section 105.13(e) "Small Projects." This permit also includes 401 Water Quality Certification.

E59-395. Encroachment. **Raymond Kaminski**, 242 South Williamson Road, Blossburg, PA 16912. To place fill into a 0.04 acre palustrine emergent wetland for the purpose of constructing a building and parking lot. The amount of wetland impact is considered de minimis and wetland replacement is not required. The project site is located along SR 2017 approximately 0.1 mile northwest of the Blossburg Borough—Hamilton Township boundary (Blossburg, PA Quadrangle N: 6.8 inches; W: 7.7 inches) in the Borough of Blossburg, **Tioga County**.

Southwest Regional Office: Soils and Waterways Section, 400 Waterfront Drive, Pittsburgh, PA 15222-4745.

E02-235. Encroachment. **Robert E. Dalzell**, 14 River Road, Pittsburgh, PA 15238. To amend Permit No. E02-235 which authorized maintenance dredging, to embed a barge in the riverbank and to modify and maintain the existing docking facilities along the right bank of the Allegheny River (WWF) near Mile Point 11.1 (New Kensington West, PA Quadrangle N: 0.7 inch; W: 14.0 inches) in O'Hara Township, **Allegheny County**. The amendment will be for the operation and maintenance of a gazebo in the floodway of the Allegheny River within the existing facility.

E02-1205. Encroachment. **American Bridge Company**, Suite 1100, Three Gateway Center, Pittsburgh, PA 15222-1004. To amend Permit No. E02-1205 to construct and maintain a sheet pile wall approximately 293.0 feet in length along the left bank of the Ohio River located approximately 1,050 feet northwest from the intersection of Watt Street and First Avenue, at the existing mooring area (Ambridge, PA Quadrangle N: 4.5 inches; W: 6.3 inches) in Coraopolis Borough, **Allegheny County**.

E02-1285. Encroachment. **Waterfront Partners, LLC**, 150 E. Brand Street, Columbus, OH 43215. To construct and maintain the Waterfront Marina consisting of floating boat docks approximately 1,362.5 feet in length and 130.0 feet wide (as measured from the normal pool elevation) in the channel of and along the left bank of the Monongahela River (WWF) and to perform maintenance dredging in the channel of and along the left bank of said stream located just downstream from the Homestead Hi-Level Bridge (Pittsburgh East, PA Quadrangle N: 7.0 inches; W: 4.0 inches) in Homestead, West Homestead and Munhall Boroughs, **Allegheny County**.

E04-268. Encroachment. **Bennett P. Crisi**, 4016-B Route 151, Aliquippa, PA 15001. To construct and maintain a 6.0-foot diameter culvert (1.0 foot depressed), a 4.0-foot diameter culvert and a 3.5-foot diameter culvert in the channel of Longs Run (an unnamed tributary to Raccoon Creek) (WWF) to provide access to applicant's property located on the south side of Long Run Road (T-531), approximately 1600 feet east from the intersection of Long Run Road (T-531) and T-494 (Aliquippa, PA

Quadrangle N: 10.1 inches; W: 14.5 inches) in Independence Township, **Beaver County**. This permit was issued under section 105.13(e) "Small Projects." This permit also includes 401 Water Quality Certification.

E02-1293. Encroachment. **Dr. Ronald A. DiCarlo**, 1408 East Carson Street, Pittsburgh, PA 15203. To place and maintain fill in a de minimis area of wetlands (PEM/PSS) adjacent to an unnamed tributary to Little Pine Creek (TSF) for the purpose of stabilizing existing ground on Lot 318 at Hartwood Acres located just east from the intersection of Westchester Drive and Waterford Drive (Glenshaw, PA Quadrangle N: 11.1 inches; W: 4.0 inches) in Indiana Township, **Allegheny County**.

E02-1295. Encroachment. **Pittsburgh Water and Sewer Authority**, 441 Smithfield Street, Pittsburgh, PA 15222. To construct and maintain a 42-inch submerged stormwater outfall on the right bank of the Allegheny River (WWF) near River Mile 0.5 (Pittsburgh West, PA Quadrangle N: 13.0 inches; W: 0.5 inch) in the City of Pittsburgh, **Allegheny County**.

E02-1296. Encroachment. **Urban Redevelopment Authority of Pittsburgh**, 200 Ross Street, Pittsburgh, PA 15219. To reline the existing 96-inch diameter outfall structure with a 48-inch diameter pipe, and to operate and maintain said outfall structure along the left bank of the Monongahela River (WWF) as part of a street reconstruction project located approximately 2,300 feet upstream from the 10th Street Bridge (Pittsburgh East, PA Quadrangle N: 10.4 inches; W: 14.8 inches) in the City of Pittsburgh, **Allegheny County**.

E04-265. Encroachment. **New Brighton Borough**, 610 Third Avenue, New Brighton, PA 15066-1893. To construct and maintain a boat dock in the channel of and along the left bank of the Beaver River; to construct and maintain three outfall channels along the left bank of said stream; to dredge and maintain the channel of said stream and to construct and maintain a gabion wall along the left bank of said stream and the right bank of Blockhouse Run for the purpose of constructing the New Brighton Borough Riverfront Park located at the confluence of the Beaver River and Blockhouse Run (Beaver, PA Quadrangle N: 17.5 inches; W: 7.8 inches) in New Brighton Borough, **Beaver County**.

E32-412. Encroachment. **Conemaugh Valley Conservancy**, P. O. Box 907, Johnstown, PA 15907-0907. To construct and maintain a trail having a width of 10.0 to 12.0 feet and a depth of 4 inches with safety wire fencing on four existing former railroad bridges across Conemaugh River (WWF) as part of the Conemaugh Dam Trail Project. The project is located off of Westinghouse Road (T-966) (Blairsville, PA Quadrangle N: 14.7 inches; W: 10.1 inches) in Derry Township, **Westmoreland County** and Conemaugh and Blacklick Townships, **Indiana County**.

E65-743. Encroachment. **R.A.M. Terminals, Inc.**, One Fifth Street, New Kensington, PA 15068. To construct and maintain a barge docking facility having a length of 700.0 feet and a width of 50.0 feet in and along the Allegheny River (WWF) and to dredge and maintain approximately 1.7 acre of the Allegheny River (WWF) for the purpose of providing efficient facilities of mooring barges and handling cargo. This permit also authorizes the placement

and maintenance of rock rip rap at the upstream and downstream faces of the dock along the left bank of the Allegheny River (WWF). The project is located at approximately Mile Point 18.7 (New Kensington West, PA Quadrangle N: 10.8 inches; W: 2.55 inches) in the City of New Kensington, **Westmoreland County**.

Northwest Regional Office: Soils and Waterways Section, 230 Chestnut Street, Meadville, PA 16335-3481, (814) 332-6942.

E10-309. Encroachment. Saxonburg District Sportsman's Association, 322 Bear Creek Road, Sarver, PA 16055. To remove the existing structure and to construct and maintain a steel I-beam bridge having a clear span of 21.5 feet and an underclearance of 4.5 feet across a tributary to Little Buffalo Creek on the Saxonburg Sportsman's Association driveway approximately 1,000 feet west of Bear Creek Road 0.75 mile north of S. R. 2018 (Curtisville, PA Quadrangle N: 21.1 inches; W: 0.2 inch) located in Buffalo Township, **Butler County**.

ENVIRONMENTAL ASSESSMENT

Environmental Assessment Approval and Actions on 401 Certification

Central Office: Bureau of Waterways Engineering, 400 Market Street, 3rd Floor, P. O. Box 8554, Harrisburg, PA 17105-8554, (717) 787-8568.

EA28-001CO. Environmental Assessment. J. Gary Rice (45 Jumper Road, Shippensburg, PA 17257). To construct a nonjurisdictional dam across a tributary to Conodoguinet Creek (HQ-CWF) for recreation located approximately 7,100 feet southwest of the intersection of Upper Horse Valley Road and Keefer Road (Fannettsburg, PA Quadrangle, N: 6.3 inches; W: 9.0 inches), in Letterkenny Township, **Franklin County**.

EA39-008CO. Environmental Assessment. Frank Rauscher (7985 Saw Mill Road, New Tripoli, PA 18066-4630). To construct a nonjurisdictional dam adjacent to a tributary to Ontelaunee Creek (CWF) impacting approximately 0.2 acre of wetland (PEM) for a farm pond. The site is located approximately 900 feet west of the intersection of T719 and T847 (New Tripoli, PA Quadrangle, N: 10.9 inches; W: 10.2 inches), in Lynn Township, **Lehigh County**.

D65-081EA. Environmental Assessment. Girl Scout Council of Westmoreland, Inc. (545 South Main Street, Greensburg, PA 15601). To breach and remove the Lake Janet Ruth Dam across Loyalhanna Creek (HQ-CWF) for the purpose of restoring the stream to a free flowing condition. The dam is located approximately 4,000 feet southwest of the intersection of S. R. 381 and Weaver Mill Rector Road (Stahlstown, PA Quadrangle N: 11.00 inches; W: 0.15 inch), in Cook Township, **Westmoreland County**.

EA59-011CO. Environmental Assessment. Pennsylvania Department of Transportation, District 3-0 (715 Jordan Avenue, P. O. Box 218, Montoursville, PA 17754). To construct 13 nonjurisdictional dams and 1 jurisdictional dam adjacent to and across a tributary to Crooked Creek (WWF) for the proposed Department of Transportation, Engineering District 3-0, advanced wetland compensation site. Construction activities at the site will directly and indirectly impact 3.25 acres of wetland (PEM, PSS) resulting in the creation of approximately 25.35 acres of wetland. The site is located immediately north of the intersection of Ferris Cor Road (T456) and Bate Hill Road (T611) (Knoxville, PA Quadrangle N: 1.8 inches; W: 2.9 inches), in Chatham Township, **Tioga County**.

SPECIAL NOTICES

Public Hearing Notice

NPDES Sewage Application

The Department of Environmental Protection's (Department) Water Management Program will be holding a fact finding hearing on the Joy for Joint Venture NPDES sewage application No. PA0057924.

The hearing is scheduled for May 3, 2000 at 7 p.m., at 209 Bishop Hollow Road, Newtown, PA 19073 in Newtown Township, **Delaware County**. The hearing is being held to solicit pertinent comments on this application. The application is for the discharge of 50,000 gpd of sewage to an unnamed tributary to Crum Creek. A copy of the application is available for review in the Southeast Regional Office's Records Management Section. Telephone number is (610) 832-6268. Those interested in reviewing the application should call to schedule a date to review the file. The project sponsor is: **Joy for Joint Venture**, 1604 Walnut Street, Philadelphia, PA 19103

Comments received will be considered by the Department in completing its review and prior to taking final action concerning the application. The hearing will not be a question and answer session.

Anyone intending to make a presentation at the hearing should submit written notice to the Regional Manager, Water Management Program. The notice should include name, address and phone number, whether opposed or in favor of the projects and a brief statement about the presentation. Comments should be kept brief and, depending on the number of speakers, may be limited to 10 minutes per speaker. Where groups are represented, a spokesperson is requested to present the group's concerns. Anyone wishing to present written material directly to the Department may do so within 30 days following the hearing.

Persons with a disability who wish to attend the hearing and require an auxiliary aid, service or other accommodations to participate in the proceedings, should contact Sharon Moore at (610) 832-6073. TDD users may contact the Department through the Pennsylvania AT&T Relay Service at (800) 654-5984.

Notice of Certification to Perform Radon-Related Activities in Pennsylvania

In the month of February 2000 the Department of Environmental Protection of the Commonwealth of Pennsylvania, under the authority contained in the Radon Certification Act (63 P. S. §§ 2001—2014) and regulations promulgated thereunder at 25 Pa. Code Chapter 240, has certified the persons listed to perform radon-related activities in Pennsylvania. The period of certification is 2 years. For a complete list of persons currently certified to perform radon-related activities in Pennsylvania and for information as to the specific testing devices that persons certified for testing or laboratory are certified to use, contact the Bureau of Radiation Protection, Radon Division, P. O. Box 8469, Harrisburg, PA 17105-8469, (800) 23RADON.

<i>Name</i>	<i>Address</i>	<i>Type of Certification</i>
Don Bronson	24545 State Street Meadville, PA 16335	Testing
Diane DeBellis Insp. Mgmt. Relocation Services, Corp.	834 West Chester Pike West Chester, PA 19382	Testing
Alexander Efremenko Radon Tech, Inc.	3402 Route 8 Allison Park, PA 15101	Mitigation
Gregory Hancock	193 Park Avenue Woolrich, PA 17779	Testing
Scott Jacobs	618 North Maple Avenue Ridgway, PA 15853	Mitigation
Donald John	P. O. Box 211 Worthington, PA 16262	Testing
Leonard Kelsey	800 Sunset Lane Stroudsburg, PA 18360	Testing
Raymond King	1812 Willow Street Pike Lancaster, PA 17602	Testing
Jeffrey Krupa	419 East Erie Avenue Saint Mary's, PA 15857	Testing
John Marryott	P. O. Box 145 Washington Crossing, PA 18977	Mitigation
Thomas O'Connor	8620 Rochester Road Pittsburgh, PA 15237	Testing
Jeffrey Schlaline Absolute Radon Mitigation, LLC	800 Locust Grove Road York, PA 17402	Mitigation
Donald Smith Air Quality Control, Inc.	241 King Manor Drive King of Prussia, PA 19406	Mitigation
David Steinman	1899 Lititz Pike Lancaster, PA 17607	Testing
Roy Stirling National Property Insp., Inc.	6 Whispering Pines Lane Birdsboro, PA 19508	Testing
Wayne Thomas Environ. Abatement Assoc., Inc.	143 West Main Street Plymouth, PA 18651	Testing
James Tillery	2843 North Front Street Harrisburg, PA 17110	Testing
Margaret Varani 20/20 Inspections, Inc.	3086 Germantown Pike Norristown, PA 19403	Testing

[Pa.B. Doc. No. 00-485. Filed for public inspection March 17, 2000, 9:00 a.m.]

Availability of Technical Guidance

Technical Guidance Documents are on DEP's World Wide Web site (www.dep.state.pa.us) at the Public Participation Center. The "2000 Inventory" heading is the Governor's List of Non-regulatory Documents. The "Search the Inventory of Technical Guidance Documents" heading is a database of the Inventory. The "Final Documents" heading is the link to a menu of the various DEP bureaus and from there to each bureau's final technical guidance documents. The "Draft Technical Guidance" heading is the link to DEP's draft technical guidance documents.

DEP will continue to revise its documents, as necessary, throughout 2000.

Downloading/Ordering Paper Copies of DEP Technical Guidance

Persons can download all guidance documents from our website at www.dep.state.pa.us. We strongly encourage using Internet access if possible. If you do not have access

to the Internet, copies of the latest Inventory or an unbound paper copy of any of the final documents listed on the Inventory can be ordered by calling DEP at (717) 783-8727.

In addition, bound copies of some of DEP's documents are available as DEP publications. Please check with the appropriate bureau for more information about the availability of a particular document as a publication.

Changes to Technical Guidance Documents

Here is the current list of recent changes. Persons who have any questions or comments about a particular document should call the contact person whose name and phone number are listed with each document. Persons who have questions or comments in general should call Joe Sieber at (717) 783-8727.

Draft Guidance

DEP ID: 258-2182-773 Title: Draft Safe Fill Policy, "Policy And Procedure Establishing Criteria For Use Of Uncontaminated Soil, Rock, Stone, Concrete, Gravel,

Dredged Material That Has Been Sampled And Analyzed In Accordance With Department Approved Tests And Waste From Land Clearing, Grubbing And Excavation As Fill" Description: This policy establishes criteria for uncontaminated soil and dredge material that may be moved and used on land, without restriction or permit, as fill. In part, the policy uses the statewide health standards (SHS) adopted under the Land Recycling Program (Act 2) to develop fill standards for soil, dredge material and other materials. This document also describes the procedures to be used in determining if soil and other materials may be used as fill. The Department has designated that a 60-day comment period will be in effect to receive comments regarding this draft policy. Comment Period Ends: May 10, 2000; Anticipated Effective Date: June 17, 2000; Contact: William Pounds at (717) 783-2388; or E-mail at Pounds.William@dep.state.pa.us.

JAMES M. SEIF,
Secretary

[Pa.B. Doc. No. 00-486. Filed for public inspection March 17, 2000, 9:00 a.m.]

DEPARTMENT OF HEALTH

Organ Donation Advisory Committee Meeting

The Organ Donation Advisory Committee, established by Section 8 of the Act of December 1, 1994 (P. L. 655, No. 102) (20 P. S. § 8622), will hold a public meeting on March 29, 2000 from 10 a.m. to 2 p.m. The meeting will be held in Room 812 of the Health and Welfare Building, 7th and Forster Streets, Harrisburg, PA. This meeting is rescheduled from the original date of March 15, 2000.

For additional information contact William J. Neil, Manager, Health Education and Information Program, Bureau of Chronic Diseases and Injury Prevention or Angela H. Anderson, Clerk Typist II, Health Education and Information Program, Bureau of Chronic Diseases and Injury Prevention, 1000 Health and Welfare Building, Harrisburg, PA, (717) 787-5900.

Persons with a disability who wish to attend the meeting and require an auxiliary aid, service or other accommodation to do so should contact William J. Neil or Angela H. Anderson at (717) 787-5900. V/TT (717) 783-6514 for speech and/or hearing impaired persons or the Pennsylvania AT&T Relay Services at (800) 654-5984 (TT).

This meeting is subject to cancellation without notice.

ROBERT S. ZIMMERMAN,
Secretary

[Pa.B. Doc. No. 00-487. Filed for public inspection March 17, 2000, 9:00 a.m.]

DEPARTMENT OF TRANSPORTATION

Application for Lease of Right-of-Way

The Department of Transportation, under the authority contained in Section 2002(c) of The Administrative Code

of 1929 (71 P. S. § 512(c)) and in 67 Pa. Code, Section 495.4, gives notice that an application to lease highway right-of-way has been submitted to the Department by the Erie-Western Pennsylvania Port Authority, Raymond Schreckengost, Executive Director, 17 West Dobbins Landing, Erie PA 16507-1424, to lease highway right-of-way located at SR 4034 and LR 1003, West 11th Street and Lincoln Avenue, in the City of Erie, Erie County, consisting of Two tracts, approximate sizes, Parcel "A" 36,901 SF/.847 AC and Parcel "B" 29,209 SF/.671 AC, for the purpose of constructing a park and ride parking lot.

Interested persons are invited to submit, within 30 days from the publication of this notice in the *Pennsylvania Bulletin*, written comments, suggestions and/or objections regarding the approval of this application to John L. Baker, P.E., District Engineer, Engineering District 1-0, 255 Elm St., Oil City, PA 16301.

Questions regarding this application or the proposed use may be directed to William R. Pixley, Right-of-Way Administrator, 255 Elm St., Oil City, PA 16301 (814) 678-7071.

BRADLEY L. MALLORY,
Secretary

[Pa.B. Doc. No. 00-488. Filed for public inspection March 17, 2000, 9:00 a.m.]

Contemplated Sale of Improved Land No Longer Needed for Transportation Purposes

Notice is hereby given, that the Department of Transportation pursuant to 71 P. S. Subsection 513(e)(7) intends to sell certain improved land owned by it.

The property is located in the Borough of Archbald, Lackawanna County, Commonwealth of Pennsylvania along SR 6006, Section 293 (Robert P. Casey Highway). The parcel contains 19.88 acres of vacant land and is between station numbers 425+20 to 467+00. Estimated fair market value is \$30,000.00.

Interested public entities are invited to express their interest in purchasing the site within thirty (30) calendar days from the date of publication of this notice to: Pennsylvania Department of Transportation, Charles M. Mattei, P.E., District Engineer, Engineering District 4-0, Dunmore, P. O. Box 111, Scranton, PA 18501.

BRADLEY L. MALLORY,
Secretary

[Pa.B. Doc. No. 00-489. Filed for public inspection March 17, 2000, 9:00 a.m.]

Retention of Engineering Firms

Bedford, Blair, Cambria, Fulton, Huntingdon and Somerset Counties

Project Reference No. 08430AG2518

The Department will retain an engineering firm for an Open-End Contract to provide supplementary construction inspection staff under the Department's Inspector(s)-in-Charge to perform construction inspection services on various projects in Engineering District 9-0, that is Bedford, Blair, Cambria, Fulton, Huntingdon, and Somerset Counties. The Contract will include roadway

and bridge construction projects, permit projects, and material plant inspection. The Contract will be for a period of sixty (60) months, with a maximum cost of one million dollars (\$1,000,000).

The Department will establish an order of ranking of a minimum of three (3) firms for the purpose of negotiating an Engineering Agreement based on the Department's evaluation of the acceptable letters of interest received in response to this solicitation. The ranking will be established directly from the letters of interest. Technical proposals will not be requested prior to the establishment of the ranking.

The following factors, listed in order of importance, will be considered by the Department during the evaluation of the firms submitting letters of interest:

- a. Review of inspectors' resumes with emphasis on construction inspection capabilities and specialized experience in the Maintenance and Protection of Traffic, soils, structures, concrete and asphalt paving, drainage, wetlands, CPM schedule monitoring, and plant inspection.
- b. Understanding of Department's requirements, policies, and specifications.
- c. Past performance.
- d. Number of NICET and NECEPT certified inspectors in each payroll classification.
- e. Number of available inspectors in each payroll classification.
- f. Ability to provide CPM scheduling.

The qualifications and experience required of the firm's inspectors will be established by the Department, and the qualifications of the firm's proposed employees will be reviewed and approved by the Department.

It is anticipated that the supplementary construction inspection staff for this assignment will consist of the following number of inspectors who meet the requirements for the following inspection classifications:

<i>Classification</i>	<i>No. of Inspectors</i>
Transportation Construction Manager 1 (TCM-1) (NICET Highway Construction Level 4 or equivalent)	1 (1)
Transportation Construction Ins. Super. (TCIS) (NICET Highway Construction Level 3 or equivalent)	8 (5)
Transportation Construction Inspector—Materials (TCI-Materials) (NICET Highway Materials Level 2 or equivalent)	3 (2)
Transportation Construction Inspector (TCI) (NICET Highway Construction Level 2 or equivalent)	13 (8)
Technical Assistant (TA) (NICET Highway Construction Level 1 or equivalent)	5 (3)

The number(s) in parenthesis above indicate the number of inspectors in each Classification that must meet at least one of the following requirements:

- 1. Be certified by the National Institute for Certification in Engineering Technologies (NICET) in the field of Transportation Engineering Technology, subfield of High-

way Construction, or subfield of Highway Materials, at the Level required for the Inspection Classification.

- 2. Be registered as a Professional Engineer by the Commonwealth of Pennsylvania with the required highway experience specified for the Inspection Classification.
- 3. Be certified as an Engineer-in-Training by the Commonwealth of Pennsylvania with the required highway experience specified for the Inspection Classification.
- 4. Hold a Bachelor of Science Degree in Civil Engineering or a Bachelor of Science Degree in Civil Engineering Technology with the required highway experience specified for the Inspection Classification.
- 5. Hold an Associate Degree in Civil Engineering Technology with the required highway experience specified for the Inspection Classification.

NECEPT certification, although not required, will be considered under (d) above as an important factor in the selection process for each classification.

The maximum reimbursement per hour of inspection for each Department Payroll Classification for calendar year of 2000:

<i>Payroll Classification</i>	<i>Maximum Straight Time Reimbursement Per Hour Of Inspection</i>
(TCM-1)	\$47.65
(TCIS)	\$41.75
(TCI-Materials)	\$37.65
(TCI)	\$36.53
(TA)	\$25.12

The maximum reimbursement per hour of inspection includes all costs for providing construction inspection services at the project site during the normal work week.

Maximum reimbursement per hour of inspection for subsequent calendar years, if applicable, will be established at the scope of work meeting.

The firm selected may be required to attend a pre-construction conference with the Department and the construction contractor for this project. Under the supervision and direction of the Department, the selected firm will be required to keep records and document the construction work; prepare current and final estimates for payment to the construction contractor; assist the Department in obtaining compliance with the labor standards, safety and accident prevention, and equal opportunity provisions of the contract item; and perform other duties as may be required. Firms applying must have qualified personnel capable of climbing structures during painting, rehabilitation, or construction.

The firm selected may be required to supply the following equipment at no direct cost to the Department:

- 2 Nuclear Densometer Gauges/License at point of need, when needed
- 2 Paint Test Kits
- 10 Pagers
- 5 Cellular Phones (for Engineer's employees only)
- 5 Cameras (digital)

Letters of interest for this project must include a letter, signed by the individuals you propose for all TCM-1 and TCIS positions, giving their approval to use their name in your letter of interest for this specific project.

The maximum number of resumes to be included in the letter of interest shall be as follows:

<i>Classification</i>	<i>No. of Resumes</i>
TCM-1	2
TCIS	10
TCl-M	4
TCI	16
TA	0

This project reference assignment is considered non-complex. The letter of interest shall be limited to a maximum of three (3) pages, 8 1/2" x 11", one sided, plus an organizational chart (up to 11" x 17" size), and additional resumes, if applicable. (See the General Requirements and Information Section).

The Letter of Interest submission shall be sent to:

Mr. Earl L. Neiderhiser, P.E., District Engineer
 PA Department of Transportation
 Engineering District 9-0
 1620 North Juniata Street
 Hollidaysburg, PA 16648

The Letter of Interest submission for this project reference number must be received at the address listed above by 4:30 P.M. prevailing time on the twentieth (20th) day following the date of this Notice.

Any technical questions concerning the requirements for this project should be directed to Mr. Vincent L. Dodson, P.E., District 9-0, at 814-696-7137 (fax number 814-696-7146).

Philadelphia County

Project Reference No. 08430AG2519

The Department will retain an engineering firm for an Open-End Contract to provide supplementary construction inspection staff under the Department's Inspector(s)-in-Charge to perform construction inspection services on various projects in Engineering District 6-0, that is Philadelphia County. The Contract will include roadway and bridge construction projects, and material plant inspection. The Contract will be for a period of sixty (60) months, with a maximum cost of \$2 Million dollars.

The Department will establish an order of ranking of a minimum of three (3) firms for the purpose of negotiating an Engineering Agreement based on the Department's evaluation of the acceptable letters of interest received in response to this solicitation. The ranking will be established directly from the letters of interest. Technical proposals will not be requested prior to the establishment of the ranking.

The following factors, listed in order of importance, will be considered by the Department during the evaluation of the firms submitting letters of interest:

- a. Review of inspector's resumes with emphasis on construction inspection capabilities, Department and District experience, and supervisory experience.
- b. Any specialized experience in asphalt paving, structures, concrete, drainage, painting inspection, Maintenance and Protection of Traffic, traffic signal installation, and intelligent transportation systems construction.
- c. Understanding of the Department's requirements, policies, and specifications.
- d. Number of NICET and NECEPT certified inspectors in each payroll classification.
- e. Ability to provide CPM Scheduling (TCM-1 Classification).

f. Ability to provide "CDS" operator or someone capable of inputting data into a personal computer (TCIS and TCI Classifications)

g. Past performance.

A minimum of four (4) individuals as part of your inspection staff must have NECEPT Bituminous Field Technician Certification.

The qualifications and experience required of the firm's inspectors will be established by the Department, and the qualifications of the firm's proposed employees will be reviewed and approved by the Department.

It is anticipated that the supplementary construction inspection staff for this assignment will consist of the following number of inspectors who meet the requirements for the following inspection classifications:

<i>Classification</i>	<i>No. of Inspectors</i>
Transportation Construction Manager 1 (TCM-1)	1 (1)
(NICET Highway Construction Level 4 or equivalent)	
Transportation Construction Ins. Super. (TCIS)	3 (2)
(NICET Highway Construction Level 3 or equivalent)	
Transportation Construction Inspector (TCI)	6 (4)
(NICET Highway Construction Level 2 or equivalent)	
Technical Assistant (TA)	3 (1)
(NICET Highway Construction Level 1 or equivalent)	
NACE Intermediate Coating Inspector	1 (0)**
NACE Basic Coating Inspector	1 (0)**

**These two specialized classifications will be used for bridge painting inspection. Under these classifications, the selected firm must provide lead abatement training for these employees prior to any job assignment. In addition, the firm must establish, implement, and maintain an effective employee medical surveillance in accordance with 29 CFR 1926 throughout the duration of this inspection.

These two (2) specialized classifications will have the following requirements:

1. NACE Intermediate Coating Inspector Training/or equivalent.

The inspector for the above NACE Intermediate Coating Inspector Training category will have completed at least 80% of the required credits for this NACE category or equivalent training; also, will have a minimum of five (5) years coating inspection experience on heavy industrial or highway projects; also, will have a minimum of one (1) year experience of coatings inspection on a lead removal project where air monitoring, blood monitoring, containment and disposal of lead debris were performed; also, will be knowledgeable in OSHA 1926.62 (lead) regulations, applicable OSHA regulations governing proper respirator usage (29 CFR 1910.134) and lead exposure (29 CFR 1910.1025) and will also be capable of "climbing" on high bridge members to perform coatings inspection; will be capable of supervising/training lower level coatings inspectors (both consultant and state) if necessary. Will also complete EPA accredited training for lead removal (Title X, Sections 402 and 404).

2. NACE Basic Coating Inspector Training/or equivalent.

The inspector for the NACE Basic Coating Inspector will have completed at least 80% of the required credits for this category or equivalent training also, will have a minimum of three (3) years coating inspection experience on heavy industrial or highway project; also, will have minimum of six (6) months experience on lead removal project; also, will be knowledgeable in OSHA 1926.62 (lead regulations) applicable OSHA regulations governing proper respirator usage (29 CFR 1910.134) and lead exposure (29 CFR 1910.1025), and will be capable of "climbing" on high bridge members to perform coatings inspection; will also be capable of working with state inspectors; will also complete EPA accredited training for lead removal (Title X, Sections 402 and 404).

The number(s) in parenthesis above indicate the number of inspectors in each Classification that must meet at least one of the following requirements:

1. Be certified by the National Institute for Certification in Engineering Technologies (NICET) in the field of Transportation Engineering Technology, subfield of Highway Construction, or subfield of Highway Materials, at the Level required for the Inspection Classification.
2. Be registered as a Professional Engineer by the Commonwealth of Pennsylvania with the required highway experience specified for the Inspection Classification.
3. Be certified as an Engineer-in-Training by the Commonwealth of Pennsylvania with the required highway experience specified for the Inspection Classification.
4. Hold a Bachelor of Science Degree in Civil Engineering or a Bachelor of Science Degree in Civil Engineering Technology with the required highway experience specified for the Inspection Classification.
5. Hold an Associate Degree in Civil Engineering Technology with the required highway experience specified for the Inspection Classification.

The maximum reimbursement per hour of inspection for each Department Payroll Classification for calendar year of 2000:

<i>Payroll Classification</i>	<i>Maximum Straight Time Reimbursement Per Hour Of Inspection</i>
(TCM-1)	\$47.65
(TCIS)	\$41.75
(TCI)	\$36.53
(TA)	\$25.12
NACE Intermediate Coating Inspector	\$61.70
NACE Basic Coating Inspector	\$53.64

The maximum reimbursement per hour of inspection includes all costs for providing construction inspection services at the project site during the normal work week.

Maximum reimbursement per hour of inspection for subsequent calendar years, if applicable, will be established at the scope of work meeting.

The firm selected may be required to attend a pre-construction conference with the Department and the construction contractor for this project. Under the supervision and direction of the Department, the selected firm will be required to keep records and document the construction work; prepare current and final estimates for payment to the construction contractor; assist the Department in obtaining compliance with the labor standards, safety and accident prevention, and equal opportunity provisions of the contract item; and perform other duties

as may be required. Firms applying must have qualified personnel capable of climbing structures during painting, rehabilitation, or construction.

The firm selected may be required to supply the following equipment at no direct cost to the Department:

- One Paint Test Kit per project as may be required.
- Nine cellular phones (for Engineer's employees only)
- One digital camera per project
- Safety Vests—high visibility for the inspectors

The maximum number of resumes to be included in the letter of interest shall be as follows:

<i>Classification</i>	<i>No. of Resumes</i>
TCM-1	2
TCIS	4
TCI	7
TA	0
NACE Intermediate	2
NACE Basic	2

Letters of interest for this project must include a letter, signed by the individuals you propose for all TCM-1 and TCIS positions, giving their approval to use their name in your letter for this specific project.

This project reference assignment is considered non-complex. The letter of interest shall be limited to a maximum of three (3) pages, 8 1/2" x 11", one sided, plus an organizational chart (up to 11" x 17" size), and additional resumes, if applicable (see the General Requirements and Information Section).

The Letter of Interest submission shall be sent to:

Mr. Andrew L. Warren, District Administrator
 Engineering District 6-0
 7000 Geerdes Blvd.
 King of Prussia, A 19406-1525

The Letter of Interest submission for this project reference number must be received at the address listed above by 4:30 P.M. prevailing time on the twentieth (20th) day following the date of this Notice.

Any technical questions concerning the requirements for this project should be directed to George Dunheimer, District 6-0, at 610-205-6695, fax number 610-205-6672.

Berks, Carbon, Lehigh, Monroe, Northampton and Schuylkill Counties

Project Reference No. 08430AG2520

The Department will retain an engineering firm for an Open-End Contract to provide supplementary construction inspection staff under the Department's Inspector(s)-in-Charge to perform construction inspection services on various projects in Engineering District 5-0, that is Berks, Carbon, Lehigh, Monroe, Northampton and Schuylkill Counties. The Contract will include roadway and bridge construction projects, and material plant inspection. The Contract will be for a period of sixty (60) months, with a maximum cost of \$2 million dollars.

The Department will establish an order of ranking of a minimum of three (3) firms for the purpose of negotiating an Engineering Agreement based on the Department's evaluation of the acceptable letters of interest received in response to this solicitation. The ranking will be established directly from the letters of interest. Technical proposals will not be requested prior to the establishment of the ranking.

The following factors, listed in order of importance, will be considered by the Department during the evaluation of the firms submitting letters of interest:

a. Review of inspectors' resumes with emphasis on construction inspection capabilities, certifications and specialized experience in the Maintenance and Protection of Traffic, soils, structures, concrete, asphalt paving, drainage, traffic signals, pavement markings, guide rail, signing, erosion and sedimentation control, NICET certifications, NECEPT certification, PennDOT CDS certification, and nuclear gauge certification.

b. Understanding of Department's requirements, policies, and specifications (Pub. 408, R.C.'s, B.C.'s, D.M.'s, Pub. 203, P. O.M.).

c. Past Performances.

d. Number of NICET certified inspectors in each payroll classification.

e. Understanding the specifics of this particular construction inspection agreement.

The qualifications and experience required of the firm's inspectors will be established by the Department, and the qualifications of the firm's proposed employees will be reviewed and approved by the Department.

It is anticipated that the supplementary construction inspection staff for this assignment will consist of the following number of inspectors who meet the requirements for the following inspection classifications:

<i>Classification</i>	<i>No. of Inspectors</i>
Transportation Construction Manager 1 (TCM-1) (NICET Highway Construction Level 4 or equivalent)	2 (2)
Transportation Construction Ins. Super. (TCIS) (NICET Highway Construction Level 3 or equivalent)	5 (4)
Transportation Construction Inspector—Materials (TCI-Materials) (NICET Highway Materials Level 2 or equivalent)	1 (1)
Transportation Construction Inspector (TCI) (NICET Highway Construction Level 2 or equivalent)	15 (10)
Technical Assistant (TA) (NICET Highway Construction Level 1 or equivalent)	2 (0)

The number(s) in parenthesis above indicate the number of inspectors in each Classification that must meet at least one of the following requirements:

1. Be certified by the National Institute for Certification in Engineering Technologies (NICET) in the field of Transportation Engineering Technology, subfield of Highway Construction, or subfield of Highway Materials, at the Level required for the Inspection Classification.

2. Be registered as a Professional Engineer by the Commonwealth of Pennsylvania with the required highway experience specified for the Inspection Classification.

3. Be certified as an Engineer-in-Training by the Commonwealth of Pennsylvania with the required highway experience specified for the Inspection Classification.

4. Hold a Bachelor of Science Degree in Civil Engineering or a Bachelor of Science Degree in Civil Engineering Technology with the required highway experience specified for the Inspection Classification.

5. Hold an Associate Degree in Civil Engineering Technology with the required highway experience specified for the Inspection Classification.

The maximum reimbursement per hour of inspection for each Department Payroll Classification for calendar year of 2000:

<i>Payroll Classification</i>	<i>Maximum Straight Time Reimbursement Per Hour Of Inspection</i>
(TCM-1)	\$47.65
(TCIS)	\$41.75
(TCI-Materials)	\$37.65
(TCI)	\$36.53
(TA)	\$25.12

The maximum reimbursement per hour of inspection includes all costs for providing construction inspection services at the project site during the normal work week.

Maximum reimbursement per hour of inspection for subsequent calendar years, if applicable, will be established at the scope of work meeting.

The firm selected may be required to attend a pre-construction conference with the Department and the construction contractor for this project. Under the supervision and direction of the Department, the selected firm will be required to keep records and document the construction work; prepare current and final estimates for payment to the construction contractor; assist the Department in obtaining compliance with the labor standards, safety and accident prevention, and equal opportunity provisions of the contract item; and perform other duties as may be required. Firms applying must have qualified personnel capable of climbing structures during painting, rehabilitation, or construction.

The firm selected may be required to supply the following equipment at no direct cost to the Department:

- 1 Nuclear Densometer Gauge/License at point of need when needed
- 20 Two-Way Radios
- 2 Cameras—35mm

The maximum number of resumes to be included in the letter of interest shall be as follows:

<i>Classification</i>	<i>No. of Resumes</i>
TCM-1	3
TCIS	6
TCI-M	2
TCI	18
TA	0

This project reference assignment is considered non-complex. The letter of interest shall be limited to a maximum of three (3) pages, 8 1/2" x 11", one sided, plus an organizational chart (up to 11" x 17" size), and additional resumes, if applicable. (See the General Requirements and Information Section).

The Letter of Interest submission shall be sent to:

Mr. Walter E. Bortree, P.E., District Engineer
Engineering District 5-0
2460 Parkwood Drive
Allentown, PA 18103
Attention: Mr. Brian H. Graver

The Letter of Interest submission for this project reference number must be received at the address listed above by 4:30 P.M. prevailing time on the tenth day following the date of this Notice.

Any technical questions concerning the requirements for this project should be directed to Mr. Brian H. Graver, at (610) 791-6022, fax number (610) 791-6032.

Armstrong, Butler, Clarion, Indiana and Jefferson Counties

Project Reference No. 08430AG2521

The Department will retain an engineering firm for an Open-End Contract for various engineering and/or environmental services on various bridge projects located in Engineering District 10-0, that is Armstrong, Butler, Clarion, Indiana and Jefferson Counties. The Contract will be for a sixty (60) month period with projects assigned on an as-needed basis. The maximum amount of the Open-End Contract will be \$2.0 million.

The Department will establish an order of ranking of a minimum of three (3) firms for the purpose of negotiating an Open-End Contract based on the Department's evaluation of the letters of interest received in response to this solicitation. The ranking will be established directly from the letters of interest. Technical proposals will not be requested prior to the establishment of the ranking.

The following factors, listed in order of importance, will be considered by the Department during the evaluation of the firms submitting letters of interest:

- a. Specialized experience and technical competence of the firm.
- b. Previous experience and record of performance on Open-End Contracts with respect to cost control, work quality and ability to meet schedules. The specific experience of the individuals who constitute the firms shall be considered.
- c. Demonstrated ability to perform services and studies listed in this advertisement.
- d. Available staffing for this assignment, including projected workload for the firms.
- e. Location of the firm in respect to the District.

The work and services required under this Contract may encompass a wide range of environmental studies and engineering efforts with the possibility of several different types of projects with short completion schedules being assigned concurrently. The anticipated types of projects include, but not limited to, bridge replacements, bridge rehabilitations and/or bridge preservations with minor approach work, environmental studies and minor capital improvement projects (bridges).

The engineering work and services which may be required under this Contract include, but are not limited to, attend field views and prepare minutes; prepare submissions for field views and safety review meetings; perform field surveys; plot topography and cross sections; prepare submission for utility verification and relocations engineering; prepare all pertinent submissions and materials necessary for the Department to prepare the application to PUC and for the PUC field conference; attend and supply any required information for all PUC meetings and hearings during the design of the project; develop erosion control details and narrative; prepare and disseminate right of entry letters; prepare right of way plans; complete structure designs and plans including type, size and location reports, core boring layouts; procure core borings; foundation designs and reports; prepare foundation submissions for approval; prepare hydraulic and hydrologic reports for waterway approval; perform structural analysis on various types of structures; develop traffic control plans with narratives; perform traffic counts and speed delay studies; prepare plans for signal design and implementation of signal interconnections; conduct soils investigations and prepare soils reports;

investigate utility involvement on projects; provide material for and participate in value engineering reviews; make necessary investigations and adjustments to the design as a result of the value engineering review comments; conduct a value engineering review; evaluate alternatives using benefit/cost analysis; coordinate contacts with railroad officials and procure railroad related costs, permits, and insurance; collect signal timing, accident data and other traffic flow data; document engineering study findings and activities; alternative analysis to assess impacts and mitigation; and prepare construction plans, specifications, and estimates.

The areas of environmental study required under the Contract may include, but are not limited to: air quality; noise; energy; vibration; hazardous waste; surface water and ground water hydrology; stream enhancements/relocations; terrestrial ecology including threatened and endangered species; wetlands; soils; geology; farmlands; visual quality; socio-economic resources; cultural resources; Section 4(f) Evaluations; early coordination and scoping correspondence; meeting minutes; public meeting and hearing presentations; material and equipment necessary to collect, analyze and organize data; agency & public involvement coordination; visualization materials, handouts and displays; technical basis reports (TBRs) and/or technical files; NEPA environmental documents; Section 106 documents; mitigation plans and reports; wetland and floodplain findings; assess impacts; prepare reports & design mitigation plans; and preliminary engineering plans, and remote sensing/mapping innovations.

The format and content of all documents will be consistent with applicable State and Federal regulations, policies and guidelines.

The engineering services and environmental studies identified above are the general work activities that can be expected under this Open-End Contract. A more specific and project-related Scope of Work will be outlined for each individual Work Order developed under this Open-End Contract.

This project reference assignment is considered non-complex. The letter of interest shall be limited to a maximum of three (3) pages, 8 1/2" x 11", one sided, plus an organizational chart (up to 11" x 17" size), and additional resumes, if applicable. (See the General Requirements and Information Section).

The Letter of Interest submission shall be sent to:

Mr. Richard H. Hogg, P.E., District Engineer
Engineering District 10-0
Route 286 South, P. O. Box 429
Indiana, PA 15701
Attention: James R. Andrews, P.E., Civil Engineer
Manager

The Letter of Interest submission for this project reference number must be received at the address listed above by 4:30 P.M. prevailing time on the twentieth (20) day following the date of this Notice.

Any technical questions concerning the requirements for this project should be directed to James R. Andrews, P.E., Engineering District 10-0, phone number (724) 357-2080.

General Requirements and Information

Firms interested in providing the above work and services are invited to submit a Letter of Interest with the required information for each Project Reference Number for which the applicant wishes to be considered.

The Letter of Interest and required information must be submitted to the person designated in the individual advertisement.

The Letter of Interest and required information must be received by the Deadline indicated in the individual advertisement.

All consultants, both prime consultants and subconsultants, who desire to be included in a Letter of Interest must have an Annual Qualification Package on file with the appropriate District Office, by the deadline stipulated in the individual advertisements.

For Statewide projects, all consultants, both prime consultants and subconsultants, who desire to be included in a Letter of Interest must have an Annual Qualification Package on file with the Central Office, Bureau of Design by the deadline stipulated in the individual advertisements.

By submitting a letter of interest for the projects that request engineering services, the consulting firm is certifying that the firm is qualified to perform engineering services in accordance with the laws of the Commonwealth of Pennsylvania. A firm not conforming to this requirement may submit a letter of interest as a part of a joint venture with an individual, firm or corporation which is permitted under State law to engage in the practice of engineering.

Information concerning the Annual Qualification Package can be found in Strike-off Letter No. 433-99-04 or under the Notice to all Consultants published in the February 27, 1999 issue of the *Pennsylvania Bulletin*.

The requirements for Letters of Interest, in addition to the requirements stipulated in the individual advertisement, are as follows:

1. The Letter of Interest must include the project reference number, the firm's legal name, and the firm's federal identification number.
2. Identify the project manager.
3. Identify subconsultants, if any, including DBE/WBE, if required.
4. Identify key project staff.

If a Joint Venture responds to a project advertisement, the Department of Transportation will not accept separate Letters of Interest from the Joint Venture constituents. A firm will not be permitted to submit a Letter of Interest on more than one (1) Joint Venture for the same Project Reference Number. Also a firm that responds to a project as a prime may not be included as a designated subcontractor to another firm that responds as a prime to the project. Multiple responses under any of the foregoing situations will cause the rejection of all responses of the firm or firms involved. The above does not preclude a firm from being set forth as a designated subcontractor to more than one (1) prime responding to the project advertisement.

If a goal for Disadvantaged Business Enterprise (DBE) participation is established for an advertised project, firms expressing interest in the project must agree to ensure that Disadvantaged Business Enterprise (DBE) firms as defined in the Transportation Equity Act for the 21st century (TEA-21) and currently certified by the Department of Transportation shall have the opportunity to participate in any subcontracting or furnishing supplies or services approved under Form 442, Section 1.10(a). The TEA-21 requires that firms owned and controlled by women (WBEs) be included, as a presump-

tive group, within the definition of Disadvantaged Business Enterprise (DBE). The goal for DBE participation shall be as stated in the individual project advertisement. Responding firms shall make good faith efforts to meet the DBE goal using DBEs (as they are defined prior to the act, WBEs or combinations thereof).

Proposing DBE firms must be certified at the time of submission of the Letter of Interest. If the selected firm fails to meet the established DBE participation goal, it shall be required to demonstrate its good faith efforts to attain the goal.

Responses are encouraged by small firms, Disadvantaged Business Enterprise (DBE) firms, and other firms who have not previously performed work for the Department of Transportation.

The assignment of the agreement/contract for the above advertisement(s) will be made to one of the firms who submitted an acceptable Letter of Interest in response to the project advertisement. The assignment will be made based on the Department's evaluation of the firm's qualification and capabilities. The Department reserves the right to reject all letters submitted, to cancel the solicitations requested under this Notice, and/or to readvertise solicitation for the work and services.

BRADLEY L. MALLORY,
Secretary

[Pa.B. Doc. No. 00-490. Filed for public inspection March 17, 2000, 9:00 a.m.]

INDEPENDENT REGULATORY REVIEW COMMISSION

Notice of Comments Issued

Section 5(g) of the Regulatory Review Act (71 P. S. § 745.5(g)) provides that the designated standing committees may issue comments within 20 days of the close of the public comment period, and the Independent Regulatory Review Commission (IRRC) may issue comments within 10 days of the close of the committee comment period. IRRC's comments are based upon the criteria contained in section 5a(h) and (i) of the act (75 P. S. § 745.5a(h) and (i)).

IRRC has issued comments on the following proposed regulations. The agency must consider these comments in preparing the final-form regulation. The final-form regulations must be submitted by the dates indicated.

<i>Reg. No.</i>	<i>Agency/Title</i>	<i>Issued</i>	<i>Final-Form Submission Deadline</i>
57-211	Pennsylvania Public Utility Commission Procedures to Ensure Customer Consent to a Change of Natural Gas Suppliers	3/3/00	1/31/02

**Pennsylvania Public Utility Commission Regulation
No. 57-211
Procedures to Ensure Customer Consent to a
Change of Natural Gas Suppliers
March 3, 2000**

We submit for your consideration the following objections and recommendations regarding this regulation. Each objection or recommendation includes a reference to the criteria in the Regulatory Review Act (71 P.S. § 745.5a(h) and (i)) which has not been met. The Pennsylvania Public Utility Commission (Commission) must respond to these Comments when it submits the final-form regulation. If the final-form regulation is not delivered by January 31, 2002, the regulation will be deemed withdrawn.

1. Section 59.91. Definitions.—Need; Clarity.

Customer

The phrase “a service account exists with either a [Natural Gas Distribution Company] NGDC or a [Natural Gas Supplier] NGS” in the definition of “customer” is unclear. We recognize that some business customers deal almost exclusively with the NGS. However, a typical residential customer could be listed with both the NGDC and the NGS. In this instance which service account would be controlling for other provisions proposed in this regulation, such as Section 59.95?

Also, it does not appear the reference to Sections 59.92 to 59.99 is needed. Section 59.95 is the only section that addresses persons authorized to act on behalf of a customer. Wouldn't a reference to Section 59.95 be sufficient?

2. Section 59.93. Customer contacts with the NGS.—Clarity.

Paragraph (1) Data elements

Paragraph (1) requires the NGDC to match two “data elements” to verify the accuracy of information provided by the NGS. What are examples of the data elements required to verify a switch? For example, if a third party is designated to act on behalf of a customer under Section 59.95, would that information have to be one of the data elements to verify the authorization is valid? The Commission should define the term “data elements” and list examples in this paragraph.

Paragraph (2) Notification

Paragraph (2) requires the NGDC to send a confirmation letter to the customer. Since the definition of “customer” includes other persons who can act on behalf of the customer, the Commission should clarify in the regulation whether or not notice to all persons who have authority to initiate a change of the customer's NGS is required.

3. Section 59.94. Time frame requirement.—Clarity.

Section 59.94 requires an authorization for a change of NGS to be “consistent with the Commission's data transfer and exchange standards.” The regulation is unclear what standards are required. The Commission should either add a reference to the required standards, or delete this phrase.

4. Section 59.95. Persons authorized to act on behalf of the customer.—Clarity.

The regulation does not address the process of adding or deleting persons authorized to act on behalf of the customer. It could become confusing if the NGDC received an original document authorizing Person A to act on the customer's behalf and 6 months later received a second document authorizing Person B to act on the customer's behalf. In this instance, who would be authorized? The Commission should address this situation.

5. Section 59.97. Customer Dispute Procedures.—Consistency with Statute; Economic Impact; Reasonableness; Clarity.

Subsection (a)(1) Disputes

We have two concerns regarding Subsection (a)(1). First, why is the NGDC required to consider the matter a “dispute?” The classification as a dispute requires a utility to follow procedures outlined under Chapter 56 of the Commission's regulations (52 Pa. Code §§ 56.151—56.152). Sections 56.151 and 56.152 include requirements to investigate the matter, make a diligent attempt to negotiate a reasonable payment agreement and issue a written report.

The Regulatory Analysis Form states the Commission believes the costs to the regulated community will not be significant. However, one commentator believes these costs are unfair and disproportionate. The Commission should provide a specific estimate of the costs imposed by this provision and an explanation of why these costs are justified. The Commission should also consider whether a different classification, other than “disputes,” would accomplish the same objectives for the Commission without imposing costs on the NGDC.

Subsection (d) Bureau of Consumer Services

Subsection (d) requires the Bureau of Consumer Services to issue an informal decision when a customer files an informal complaint alleging that their NGS was changed without consent. Under 52 Pa. Code § 56.163, the Commission is required to issue a decision on an informal complaint within a “reasonable period of time.” Is the customer responsible for charges during the Commission's review? The Commission should explain the time frame for the BCS' decision, and what the customer's billing status is during this period.

Subsection (e) Written Authorization

This subsection allows the Commission to order an NGS to “obtain written authorization from every new customer as a condition of providing service in this Commonwealth.” Section 2206(b) of the act allows an NGDC to change a NGS with “direct oral confirmation from the customer of record or written evidence of the customer's consent. . . .” Since both written and oral authorization are permitted in the act, the Commission should explain its authority to limit consent to written authorization.

6. Section 59.98. Provider of last resort.—Clarity.

This section begins with the phrase, “Sections 59.91—59.97, this section and § 59.99 do not apply” For clarity, the Commission should consider replacing that phrase with “Sections 59.91 to 59.99 do not apply”

7. Section 59.99. Record maintenance.—Reasonable-ness.

Section 59.99 requires each NGDC and NGS to “preserve all records that relate to unauthorized change of NGS disputes for three years from the date the customer filed the dispute.” These records must be “made available” to the Commission upon request. It is unclear what the phrase “made available” means. Must the records be sent to the Commission, or will the Commission travel to a site to review these records? The Commission should explain what would happen if either an NGDC or NGS does not have a location or a facility in the Commonwealth.

JOHN R. MCGINLEY, Jr.,
Chairperson

[Pa.B. Doc. No. 00-491. Filed for public inspection March 17, 2000, 9:00 a.m.]

Notice of Filing of Final Rulemakings

The Independent Regulatory Review Commission (Commission) received, on the dates indicated, the following regulations for review. To obtain the date and time of the meeting, interested parties may contact the office of the Commission at (717) 783-5417. To obtain a copy of the regulation, interested parties should contact the agency promulgating the regulation.

Final-Form

<i>Reg. No.</i>	<i>Agency/Title</i>	<i>Received</i>
16A-527	State Board of Optometry Application Fees	3/8/00

Final-Omit

<i>Reg. No.</i>	<i>Agency/Title</i>	<i>Received</i>
14-465	Department of Public Welfare Office of Medical Assistance Programs Elimination of Physician Attestation Requirement	3/6/00

JOHN R. MCGINLEY, Jr.,
Chairperson

[Pa.B. Doc. No. 00-492. Filed for public inspection March 17, 2000, 9:00 a.m.]

INSURANCE DEPARTMENT

Aetna US HealthCare of Central and Northeastern Pennsylvania; Rate Filing

On February 15, 2000 Aetna US HealthCare of Central and Northeastern Pennsylvania submitted a rate filing requesting an increase of 38.5% for medical and 49.7% for pharmacy, relative to the last approved base rates of July 1, 1996. The requested increase represents an average annual increase of 9.1% on medical and 11.4% on pharmacy. The proposal will effect about 46,000 medical members and 41,000 pharmacy members. The increase will result in an additional annual premium income of approximately \$18 million (\$14.5 million on medical and \$3.5 million on pharmacy). An effective date of April 1, 2000, is requested.

Copies of the filing are available for public inspection during normal working hours, by appointment, at the Insurance Department's Harrisburg Regional Office.

Interested Parties are invited to submit written comments, suggestions or objections to Cherri Sanders-Jones, Actuary Bureau of Accident and Health Insurance, Insurance Department, 1311 Strawberry Square, Harrisburg, PA 17120, within 30 days after publication of this notice in the *Pennsylvania Bulletin*.

M. DIANE KOKEN,
Insurance Commissioner

[Pa.B. Doc. No. 00-493. Filed for public inspection March 17, 2000, 9:00 a.m.]

Appeal of Philip J. Tomko; Doc. No. AG00-03-00

A prehearing telephone conference initiated by the Administrative Hearings Office shall occur on March 30, 2000 at 10:30 a.m. The proceeding in this matter will be governed by 2 Pa.C.S. §§ 501—508, 701—704 (relating to the Administrative Agency Law); 1 Pa. Code Part II (relating to the General Rules of Administrative Practice and Procedure); and 31 Pa. Code Chapter 56 (relating to Special Rules of Administrative Practice and Procedure).

A date for a hearing shall be determined, if necessary, at the prehearing telephone conference. During the prehearing conference, the parties shall be prepared to discuss settlement, stipulations, witnesses and documents anticipated for use at the hearing, special evidentiary or legal issues and other matters relevant to the orderly, efficient and just resolution of this matter.

On or before March 23, 2000, each party shall file with the Administrative Hearings Office by facsimile to (717) 787-8781 and serve upon the other party by facsimile an entry of appearance designating the lead attorney or representative to receive service or orders, filings and communications in this matter, together with that person's address, telephone number and facsimile number. Each party shall similarly designate the lead attorney or representative who will attend the prehearing conference, if different than the person designated for service.

No prehearing memoranda or other written submissions are required for the prehearing telephone conference; however, the parties are encouraged to discuss settlement and possible stipulations pending the conference.

Except as established at the prehearing telephone conference, both parties shall appear at the scheduled hearing, if necessary, prepared to offer all relevant testimony or other evidence. 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.

Motions preliminary to those at hearing, protests, petitions to intervene, or notices of intervention, if any, must be filed on or before March 23, 2000 with the Acting Docket Clerk, Administrative Hearings Office, Capitol Associates Building, Room 200, 901 North Seventh Street, Harrisburg, PA 17102.

Persons with a disability who wish to attend the above-referenced administrative hearing, and require an auxiliary aid service or other accommodation to participate in the hearing should contact Tracey Pontius, Agency Coordinator at (717) 787-4298.

M. DIANE KOKEN,
Insurance Commissioner

[Pa.B. Doc. No. 00-494. Filed for public inspection March 17, 2000, 9:00 a.m.]

Application for Increase in Underwriting Authority of American General Life Insurance Company of Pennsylvania

American General Life Insurance Company of Pennsylvania (applicant), a Pennsylvania domiciled stock life insurance company, has filed an application to increase its underwriting authorities. The class of authority that the applicant is applying to add is variable annuity, as defined by 31 Pa. Code, Chapter 85. The filing was made under the requirements set forth in 31 Pa. Code § 85.14. Persons wishing to comment on the application are invited to submit a written statement to the Insurance Department within 30 days from the date of publication of this notice in the *Pennsylvania Bulletin*. Each written statement must include name, address and telephone number of the interested party, identification of the application to which the statement is addressed, and a concise statement with sufficient detail and relevant facts to inform the Insurance Department of the exact basis of the statement. Written statements should be directed to Cressinda E. Bybee, Insurance Company Licensing Specialist, Insurance Department, 1345 Strawberry Square, Harrisburg, PA 17120; Fax (717) 787-8557; or by E-mail to cbybee@ins.state.pa.us.

M. DIANE KOKEN,
Insurance Commissioner

[Pa.B. Doc. No. 00-495. Filed for public inspection March 17, 2000, 9:00 a.m.]

Application for Increase in Underwriting Authority of Mount Vernon Fire Insurance Company

Mount Vernon Fire Insurance Company (Mount Vernon), a Pennsylvania domiciled stock property insurance company, has filed an application to increase its underwriting authorities. The class of authorities that Mount Vernon is applying to add are Glass, Boiler and Machinery, Burglary and Theft, Credit, Water Damage, Elevator, and Personal Property Floater, as defined by Section 202, subdivision (c), paragraphs (3), (5), (6), (7), (8), (9) and (13). The filing was made under the requirements set forth under Section 322 of The Insurance Company Law (40 P. S. § 445). Persons wishing to comment on the application are invited to submit a written statement to the Insurance Department (Department) within 15 days from the date of this issue of the *Pennsylvania Bulletin*. Each written statement must include name, address and telephone number of the interested party, identification of the application to which the statement is addressed, and a concise statement with sufficient detail and relevant facts to inform the Department of the exact basis of the statement. Written state-

ments should be directed to Steven L. Yerger, Insurance Company Licensing Specialist, Insurance Department, 1345 Strawberry Square, Harrisburg, PA 17120; Fax (717) 787-8557; or by E-mail to syerger@ins.state.pa.us.

M. DIANE KOKEN,
Insurance Commissioner

[Pa.B. Doc. No. 00-496. Filed for public inspection March 17, 2000, 9:00 a.m.]

Application for Increase in Underwriting Authority of Philadelphia Insurance Company

Philadelphia Insurance Company (PIC), a Pennsylvania domiciled stock property insurance company, has filed an application to increase its underwriting authorities. The class of authority that PIC is applying to add is Workers' Compensation, as defined by Section 202, subdivision (c), paragraph (14). The filing was made under the requirements set forth under Section 322 of The Insurance Company Law (40 P. S. § 445). Persons wishing to comment on the application are invited to submit a written statement to the Insurance Department (Department) within 15 days from the date of this issue of the *Pennsylvania Bulletin*. Each written statement must include name, address and telephone number of the interested party, identification of the application to which the statement is addressed, and a concise statement with sufficient detail and relevant facts to inform the Department of the exact basis of the statement. Written statements should be directed to Steven L. Yerger, Insurance Company Licensing Specialist, Insurance Department, 1345 Strawberry Square, Harrisburg, PA 17120; Fax (717) 787-8557; or by E-mail to syerger@ins.state.pa.us.

M. DIANE KOKEN,
Insurance Commissioner

[Pa.B. Doc. No. 00-497. Filed for public inspection March 17, 2000, 9:00 a.m.]

Application for Increase in Underwriting Authority of United States Liability Insurance Company

United States Liability Insurance Company (US Liability), a Pennsylvania domiciled stock casualty insurance company, has filed an application to increase its underwriting authorities. The class of authority that US Liability is applying to add is credit, as defined by Section 202, subdivision (c), paragraph (7). The filing was made under the requirements set forth under Section 322 of The Insurance Company Law (40 P. S. § 445). Persons wishing to comment on the application are invited to submit a written statement to the Insurance Department (Department) within 15 days from the date of this issue of the *Pennsylvania Bulletin*. Each written statement must include name, address and telephone number of the interested party, identification of the application to which the statement is addressed and a concise statement with sufficient detail and relevant facts to inform the Department of the exact basis of the statement. Written statements should be directed to Steven L. Yerger, Insurance Company Licensing Specialist, Insurance Department,

1345 Strawberry Square, Harrisburg, PA 17120; Fax (717) 787-8557; or by E-mail to syerger@ins.state.pa.us.

M. DIANE KOKEN,
Insurance Commissioner

[Pa.B. Doc. No. 00-498. Filed for public inspection March 17, 2000, 9:00 a.m.]

Horizon Healthcare of Pennsylvania, Inc.; Rate Filing

On March 1st, 2000, Horizon Healthcare of Pennsylvania, Inc., submitted a filing, requesting a base rate increase of 31.2%. This filing will affect approximately 1,550 policyholders. The proposed increase will generate an additional annual premium income of \$1.5 million. An effective date of July 1, 2000, is requested.

Copies of the filing are available for public inspection during normal working hours, by appointment, at the Insurance Department's Harrisburg Regional Office.

All interested parties are invited to submit written comments, suggestions or objections to Rashmi Mathur, Actuary, Bureau of Accident and Health Insurance, Insurance Department, 1311 Strawberry Square, Harrisburg, PA 17120, within 30 days after publication of this notice in the *Pennsylvania Bulletin*.

M. DIANE KOKEN,
Insurance Commissioner

[Pa.B. Doc. No. 00-499. Filed for public inspection March 17, 2000, 9:00 a.m.]

Review Procedure Hearings; Cancellation or Refusal of Insurance

The following insureds have requested a hearing as authorized by the act of June 17, 1998 (P.L. 464, No. 68) in connection with the termination of the insured's automobile policy. The hearing will be held in accordance with the requirements of the act; 1 Pa. Code Part II (relating to the General Rules of Administrative Practice and Procedure); and 31 Pa. Code §§ 56.1—56.3 (relating to Special Rules of Administrative Practice and Procedure). These administrative hearings will be held in the Insurance Department's Regional Offices in Harrisburg, PA. Failure by the appellant to appear at the scheduled hearing may result in dismissal with prejudice.

The hearing will be held at the Capitol Associates Building, 901 North Seventh Street, Second Floor Hearing Room, Harrisburg, PA 17102.

Appeal of Joanne Burney; file no. 00-280-00263; Hartford Insurance Group; doc. no. PH00-03-004; April 11, 2000, at 1 p.m.

Appeal of Eugene Yoder; file no. 00-188-00558; Nationwide Insurance Company; doc. no. P00-03-006; April 13, 2000, at 1 p.m.

Parties may appear with or without counsel and offer relevant testimony or evidence. 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.

In some cases, the Commissioner may order that the company reimburse an insured for the higher cost of replacement insurance coverage obtained while the appeal is pending. Reimbursement is available only when the insured is successful on appeal, and may not be ordered in all instances. If an insured wishes to seek reimbursement for the higher cost of replacement insurance, the insured must produce documentation at the hearing which will allow comparison of coverages and costs between the original policy and the replacement policy.

Following the hearing and receipt of the stenographic transcript, the Insurance 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 above-referenced administrative hearing and require an auxiliary aid, service or other accommodation to participate in the hearing should contact Tracey Pontius, Agency Coordinator at (717) 787-4298.

M. DIANE KOKEN,
Insurance Commissioner

[Pa.B. Doc. No. 00-500. Filed for public inspection March 17, 2000, 9:00 a.m.]

Review Procedure Hearings; Cancellation or Refusal of Insurance

The following insurer has requested a hearing as authorized by the act of June 17, 1998 (P. L. 464, No. 68) in connection with the termination of the insured's automobile policy. The hearing will be held in accordance with the requirements of the act; 1 Pa. Code Part II (relating to the General Rules of Administrative Practice and Procedure); and 31 Pa. Code §§ 56.1—56.3 (relating to Special Rules of Administrative Practice and Procedure). These administrative hearings will be held in the Insurance Department's Regional Offices in Harrisburg, PA. Failure by the appellant to appear at the scheduled hearing may result in dismissal with prejudice.

The hearing will be held at the Capitol Associates Building, 901 North Seventh Street, Second Floor Hearing Room, Harrisburg, PA 17102.

Appeal of Capitol Insurance Company; file no. 00181-00861; Rajaddin Aziz; doc. no. P00-03-003; April 5, 2000, at 10 a.m.

Parties may appear with or without counsel and offer relevant testimony or evidence. 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.

In some cases, the Commissioner may order that the company reimburse an insured for the higher cost of replacement insurance coverage obtained while the appeal is pending. Reimbursement is available only when the insured is successful on appeal, and may not be

ordered in all instances. If an insured wishes to seek reimbursement for the higher cost of replacement insurance, the insured must produce documentation at the hearing which will allow comparison of coverages and costs between the original policy and the replacement policy.

Following the hearing and receipt of the stenographic transcript, the Insurance 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 above-referenced administrative hearing and require an auxiliary aid, service or other accommodation to participate in the hearing should contact Tracey Pontius, Agency Coordinator at (717) 787-4298.

M. DIANE KOKEN,
Insurance Commissioner

[Pa.B. Doc. No. 00-501. Filed for public inspection March 17, 2000, 9:00 a.m.]

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 (40 P. S. § 1171.8) in connection with their company's termination of the insured's policies. This administrative hearing will be held in the Insurance Department's Regional Office in Harrisburg, PA. Failure by the appellant to appear at the scheduled hearing may result in dismissal with prejudice.

The hearing will be held in the Capitol Associates Building, 901 North Seventh Street, Second Floor Hearing Room, Harrisburg, PA 17102.

Appeal of George and Nancy Ballard; file no. 00-280-00444; Nationwide Mutual Insurance Company; doc. no. PH00-03-002; April 5, 2000, at 1 p.m.

Each party may appear with or without counsel and offer relevant testimony and/or other relevant evidence. 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 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 above-referenced administrative hearing and require an

auxiliary aid, service or other accommodation to participate in the hearing should contact Tracey Pontius, Agency Coordinator at (717) 787-4298.

M. DIANE KOKEN,
Insurance Commissioner

[Pa.B. Doc. No. 00-502. Filed for public inspection March 17, 2000, 9:00 a.m.]

HUMAN RELATIONS COMMISSION

Public Hearing Opinions

The Human Relations Commission, under section 7(o) of the Pennsylvania Human Relations Act (43 P. S. § 957(o)) (act) hereby announces the publication of the Findings of Fact, Conclusions of Law, Opinion and Final Order made after a public hearing under section 9(e)—(g) of the act (43 P. S. § 959(e)—(g)), in the following cases:

Helen M. Whitest v. Children's Hospital of Philadelphia; Doc. No. E80048D; (Pennsylvania Human Relations Commission, February 29, 2000); Race-based refusal to promote; Ruling for Respondent, 8-0 decision; 23 pages

Daniel B. Shutts v. Four Season Apartments, Mrs. Pollock, Manager; Doc. No. H6579; (Pennsylvania Human Relations Commission, February 29, 2000); Gender-based refusal to rent; Ruling for Complainant, 6-2 decision; 23 pages

The final orders in the listed cases are subject to appeal to Commonwealth Court, and if appealed, are subject to being affirmed, reversed or modified, in whole or part.

A copy of the opinions listed in this notice may be obtained by mailing a request indicating the opinions desired, accompanied by a check or money order in the amount of 10¢ cents per page (the number of pages in the opinion is set forth at the end of the case listing), to Laura J. Treaster, Information Director, Human Relations Commission, 101 South Second Street, Suite 300, Harrisburg, PA 17101. The check or money order should be made payable to the "Commonwealth of Pennsylvania."

HOMER C. FLOYD,
Executive Director

[Pa.B. Doc. No. 00-503. Filed for public inspection March 17, 2000, 9:00 a.m.]

LEGISLATIVE REFERENCE BUREAU

Documents Filed but Not Published

The Legislative Reference Bureau (Bureau) accepted the following documents during the preceding calendar month for filing without publication under 1 Pa. Code § 3.13(b) (relating to contents of Bulletin). The Bureau will continue to publish on a monthly basis either a summary table identifying the documents accepted during the preceding calendar month under this subsection or a statement that no such documents have been received.

For questions concerning or copies of documents filed but not published call (717) 783-1530.

Executive Board

Resolution #CB-00-014, Dated February 4, 2000. Authorizes the side letter between the Commonwealth of Pennsylvania and the Pennsylvania Nurses Association regarding the \$155/biweekly payment for Registered Nurse Supervisors who work for the Forensic Treatment Center at Waymart State Correctional Institution.

Resolution #CB-00-019, Dated February 4, 2000. Authorizes the side letter between the Commonwealth of Pennsylvania and District 1199P, Service Employees International Union, AFL-CIO, to amend Article 41, Section 2 (to delete time and half payments for PRN Nurses working on two full consecutive shifts) of the P4 Labor Agreement and to provide eligibility for PRN Nurses to receive the service increment. The side letter shall be effective July 1, 1999.

Resolution #CB-00-020, Dated, February 4, 2000. Authorizes the agreement between the Commonwealth of Pennsylvania and PSTA (L1). The approximate cost of the salaries and wages provisions for 4,067 employees (figures include cost of salary sensitive benefits) for Fiscal Years 2000, 2001, 2002 and 2003 are:

July 1, 2000: 3.5% GPI.....	\$8,600,000
July 1, 2001: 3.5% GPI.....	\$9,100,000
July 1, 2002: 3.5% GPI.....	\$9,500,000
July 1, 2003: 3.5% GPI.....	\$9,800,000

Resolution #CB-00-021, Dated February 4, 2000. Authorizes the Memorandum of Understanding between the Commonwealth and PLCB Enforcement Officers III bargaining unit (K5). The approximate cost of the salaries and wages provisions for 22 employees for Fiscal Years 1999, 2000, 2001 and 2002 are as follows (figures include cost of salary sensitive benefits):

July 1, 1999: 3% GPI	\$38,400
July 1, 2000: 3% GPI	\$39,600
July 1, 2001: 3.5% GPI.....	\$47,500
July 1, 2002: 3.5% GPI.....	\$49,200

Resolution #CB-00-046, Dated February 28, 2000. Authorizes the Memorandum of Understanding with the United Plant Guard Workers of America covering the R2 Security first-level supervisory bargaining unit for the period September 1, 1999, through June 30, 2003.

Resolution #CB-00-047, Dated February 28, 2000. Authorizes the Collective Bargaining Agreement with the United Plant Guard Workers of America covering the R1 Security bargaining unit for the period September 1, 1999 through June 30, 2003.

Governor's Office

Manual M210.3 Index of Issuances—Directives Management System, Revision No. 1, Dated February 1, 2000.

Management Directive No. 315.20—Taxability of the Use of State-Provided Vehicles, Revision No. 4, Dated January 27, 2000.

Management Directive No. 515.16—Appointment to Senior Level Positions, Amended February 1, 2000.

Management Directive No. 535.1—Employee Training and Development, Amended February 9, 2000.

Management Directive No. 535.6—Commonwealth Management Development Program, Amended February 9, 2000.

Administrative Circular No. 00-4—Calendar Bases, Calendar Refills, Diaries, and Date Books for 2001, Dated February 2, 2000.

Administrative Circular No. 00-5—Distribution of the 2000 Governor's Annual Work Force Report, Dated February 14, 2000.

Administrative Circular No. 00-6—Closing Instruction No. 1, Fiscal Year 1999-2000 Submission of Purchasing Documents, Dated February 16, 2000.

GARY R. HOFFMAN,
Director
Pennsylvania Code and Bulletin

[Pa.B. Doc. No. 00-504. Filed for public inspection March 17, 2000, 9:00 a.m.]

LIQUOR CONTROL BOARD

Expiration of Leases

The following Liquor Control Board lease will expire:

Bucks County, Wine & Spirits Shoppe #0908, 315 West Lincoln Highway, Penndel, PA 19047-5138.

Lease Expiration Date: August 31, 2001

Lease retail commercial space to the Commonwealth of Pennsylvania. Proposals are invited to provide the Liquor Control Board with approximately 2,500 net useable square feet of new or existing retail commercial space within a 1 mile radius of the intersection of Durham Road and Lincoln Highway, Penndel.

Proposals due: April 7, 2000 at 12 noon

Department: Liquor Control Board
Location: Real Estate Division, 8305 Ridge Avenue, Philadelphia, PA 19128-2113
Contact: Robert Jolly, (215) 482-9670

Philadelphia County, Wine & Spirits Shoppe #5108, 3415 Germantown Avenue, Philadelphia, PA 19140-5311.

Lease Expiration Date: May 31, 2001

Lease retail commercial space to the Commonwealth of Pennsylvania. Proposals are invited to provide the Liquor Control Board with approximately 6,000 net useable square feet of new or existing retail commercial space within a 1/2 mile radius of the intersection of Germantown Avenue and Ontario Street, Philadelphia.

Proposals due: April 7, 2000 at 12 noon

Department: Liquor Control Board
Location: Real Estate Division, 8305 Ridge Avenue, Philadelphia, PA 19128-2113
Contact: Robert Jolly, (215) 482-9670

Philadelphia County, Wine & Spirits Shoppe #9103, 1518 North Broad Street, Philadelphia, PA 19121-4311.

Lease retail commercial space to the Commonwealth of Pennsylvania. Proposals are invited to provide the Liquor Control Board with approximately 4,500 net useable square feet of new or existing retail commercial space within a 1/2 mile radius of the intersection of Broad Street and Jefferson Street, Philadelphia.

Proposals due: April 7, 2000 at 12 noon

Department: Liquor Control Board
Location: Real Estate Division, 8305 Ridge Avenue, Philadelphia, PA 19128-2113
Contact: Robert Jolly, (215) 482-9670

Philadelphia County, Wine & Spirits Shoppe #9108, 8200 East Roosevelt Boulevard, Philadelphia, PA 19152-2519.

Lease Expiration Date: September 30, 2001

Lease retail commercial space to the Commonwealth of Pennsylvania. Proposals are invited to provide the Liquor Control Board with approximately 3,000 net useable square feet of new or existing retail commercial space within a 1/2 mile radius of the intersection of Solly Avenue and Roosevelt Boulevard (PennyPack Circle), Philadelphia.

Proposals due: April 7, 2000 at 12 noon

Department: Liquor Control Board
Location: Real Estate Division, 8305 Ridge Avenue, Philadelphia, PA 19128-2113
Contact: Robert Jolly, (215) 482-9670

Delaware County, Wine & Spirits Shoppe #2302, 7042 Terminal Square, Upper Darby, PA 19082-2310.

Lease Expiration Date: July 31, 2000

Lease retail commercial space to the Commonwealth of Pennsylvania. Proposals are invited to provide the Liquor Control Board with approximately 3,000 net useable square feet of new or existing retail commercial space within a 1/2 mile radius of Market and 69th Streets, Upper Darby.

Proposals due: April 7, 2000 at 12 noon

Department: Liquor Control Board
Location: Real Estate Division, 8305 Ridge Avenue, Philadelphia, PA 19128-2113
Contact: James M. Bradley, (215) 482-9670

Delaware County, Wine & Spirits Shoppe #2320, 1345 West Chester Pike, Havertown, PA 19083-2925.

Lease Expiration Date: July 31, 2000

Lease retail commercial space to the Commonwealth of Pennsylvania. Proposals are invited to provide the Liquor Control Board with approximately 5,000 net useable square feet of new or existing retail commercial space within a 1/2 mile radius of Route 3 and Eagle Road, Havertown.

Proposals due: April 7, 2000 at 12 noon

Department: Liquor Control Board
Location: Real Estate Division, 8305 Ridge Avenue, Philadelphia, PA 19128-2113
Contact: James M. Bradley, (215) 482-9670

Philadelphia County, Wine & Spirits Shoppe #5106, 3528 "I" Street, Philadelphia, PA 19134-1418.

Lease Expiration Date: September 30, 2000

Lease retail commercial space to the Commonwealth of Pennsylvania. Proposals are invited to provide the Liquor Control Board with approximately 3,500 net useable square feet of new or existing retail commercial space within a 1/2 mile radius of "I" Street and Glenwood Avenue, Philadelphia.

Proposals due: April 7, 2000 at 12 noon

Department: Liquor Control Board
Location: Real Estate Division, 8305 Ridge Avenue, Philadelphia, PA 19128-2113
Contact: James M. Bradley, (215) 482-9670

Philadelphia County, Wine & Spirits Shoppe #5141, 4924 Baltimore Avenue, Philadelphia, PA 19143-3301.

Lease Expiration Date: January 31, 2001

Lease retail commercial space to the Commonwealth of Pennsylvania. Proposals are invited to provide the Liquor Control Board with approximately 2,500 net useable square feet of new or existing retail commercial space within a 1/4 mile radius of Baltimore Avenue and 49th Street, Philadelphia.

Proposals due: April 7, 2000 at 12 noon

Department: Liquor Control Board
Location: Real Estate Division, 8305 Ridge Avenue, Philadelphia, PA 19128-2113
Contact: James M. Bradley, (215) 482-9670

Philadelphia County, Wine & Spirits Shoppe #5152, 3772 "L" Street, Philadelphia, PA 19124-5530.

Lease Expiration Date: January 31, 2001

Lease retail commercial space to the Commonwealth of Pennsylvania. Proposals are invited to provide the Liquor Control Board with approximately 3,500 net useable square feet of new or existing retail commercial space within a 1/4 mile radius of Erie Avenue and "L" Street, Philadelphia.

Proposals due: April 7, 2000 at 12 noon

Department: Liquor Control Board
Location: Real Estate Division, 8305 Ridge Avenue, Philadelphia, PA 19128-2113
Contact: James M. Bradley, (215) 482-9670

Philadelphia County, Wine & Spirits Shoppe #5181, 819 East Chestnut Street, Philadelphia, PA 19107-4415.

Lease Expiration Date: September 30, 2000

Lease retail commercial space to the Commonwealth of Pennsylvania. Proposals are invited to provide the Liquor Control Board with approximately 6,000 net useable square feet of new or existing retail commercial space within a 1/4 mile radius of 8th Street and Chestnut Street, Philadelphia.

Proposals due: April 7, 2000 at 12 noon

Department: Liquor Control Board
Location: Real Estate Division, 8305 Ridge Avenue, Philadelphia, PA 19128-2113
Contact: James M. Bradley, (215) 482-9670

Somerset County, Wine & Spirits Shoppe #5602, 1534 North Center Avenue, Somerset, PA 15501-7041.

Lease Expiration Date: October 31, 2001

Lease retail commercial space to the Commonwealth of Pennsylvania. Proposals are invited to provide the Liquor Control Board with approximately 5,000 net useable square feet of new or existing retail commercial space in a shopping center environment serving the Somerset area and located on Route 601 between the PA Turnpike and Wal-Mart Plaza, Somerset.

Proposals due: April 7, 2000 at 12 noon

Department: Liquor Control Board
Location: Real Estate Division, State Office Building, Room 408, 300 Liberty Avenue, Pittsburgh, PA 15222
Contact: Thomas Deal, (412) 565-5130

JOHN E. JONES, III,
Chairperson

[Pa.B. Doc. No. 00-505. Filed for public inspection March 17, 2000, 9:00 a.m.]

PENNSYLVANIA PUBLIC UTILITY COMMISSION

Certificate of Public Convenience Without Hearing

A-111250 F0089. West Penn Power Company. Application of West Penn Power Company for issuance of a certificate of public convenience to transfer and assign property used and useful in the public service to Monongahela Power Company and The Potomac Edison Company.

This application may be considered without a hearing. Protests or petitions to intervene can be filed with the Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265, with a copy served on the applicant on or before April 3, 2000, under 52 Pa. Code (relating to public utilities).

Applicant: West Penn Power Company.

Through and By Counsel: David L. Williams, Esquire, 800 Cabin Hill Drive, Greensburg, PA 15601-1689.

JAMES J. MCNUITY,
Secretary

[Pa.B. Doc. No. 00-506. Filed for public inspection March 17, 2000, 9:00 a.m.]

Petition of New Albany Borough for a Declaratory Order That its Provision of Water Service to an Isolated Group of Customers does not Constitute the Provision of Public Utility Service under 66 Pa.C.S. § 102; Doc. No. P-00991775

Commissioners Present: John M. Quain, Chairperson; Robert K. Bloom, Vice-Chairperson; Nora Mead Brownell; Aaron Wilson, Jr.; Terrance J. Fitzpatrick

Public Meeting held
 March 2, 2000

Tentative Order

By the Commission:

On November 24, 1999, New Albany Borough (Borough), filed the noted petition for declaratory order. In accordance with 52 Pa. Code § 5.42, the Borough served a copy of its petition on the Office of Consumer Advocate (OCA), the Office of Trial Staff (OTS), the Office of Small Business Advocate (OSBA), and on each of the six customers affected located outside of the Borough's corpo-

rate boundaries. None of the mentioned parties filed answers to the Borough's petition.

Section 331(f) of the Public Utility Code (code), provides that the Pennsylvania Public Utility Commission (Commission) "may issue a declaratory order to terminate a controversy or remove uncertainty." By its petition, the Borough seeks a determination that its provision of water service to the six customers that are physically proximate to the Borough, but not within the corporate boundaries of the Borough, is not subject to Commission jurisdiction. The Borough asserts that the service it provides to these six customers is not service "to or for the public" within the meaning of section 102 of the code.

In its petition, the Borough notes that water mains run to a seventh property, but water service to that property was shut off several years ago because the resident there is using a private well. Single-family residences are situated on five of the properties and one is occupied by the New Albany Elementary School. The Borough states that the six customers outside of the Borough's corporate limits take service at the same rates and terms of service as customers that reside inside Borough boundaries.

Furthermore, the Borough notes that it has been serving the six customers for a number of years; the elementary school has been a customer since its construction in 1963, two of the other customers have been served since 1948, and three since 1944. We agree that under these circumstances, it is appropriate to issue a Declaratory Order in response to the subject petition.

In support of its petition, the Borough states that it is currently subject to the Commission's jurisdiction and complies with the Commission's reporting and tariff requirements. The Borough states that these requirements are unreasonably burdensome given that the Borough only serves six extraterritorial customers. The Borough seeks to avoid these requirements, but at the same time retain service to the existing extraterritorial customers.

In its petition, the Borough alleges that all of the customers in question are located in Albany Township. The nearest water purveyor to the six customers, other than the Borough, is the Towanda Municipal Authority, which is located approximately 12 miles north of the Borough. Towanda has a water source located approximately 3 miles south of the Borough. Although there is a main that runs from that water source through the Borough north to Towanda, it is a low-pressure main and customers served between the Borough and Towanda must use booster pumps. Moreover, to the best of the Borough's knowledge, Towanda is not interested in connecting the Albany Township residents to its system.

In further support of its petition, the Borough states that it has not solicited any potential customers outside of its municipal limits within the last 10 years and does not intend to solicit any in the future. In addition, the Borough has passed a resolution that provides that the Borough will apply the same rules, regulations and rates to the customers outside as those within Borough limits. Attached to the petition is an affidavit of the President of Borough Council which states that the Borough will not repeal or sunset the aforementioned resolution without advising the Commission regarding same. These commitments were made to ensure that the six extraterritorial customers will not be subject to potential discrimination without the opportunity for Commission oversight.

The Borough submits that its circumstances are similar to those presented to the Commission in the matter of

Lehigh Valley Cooperative Farmers v. City of Allentown, 54 Pa. P.U.C. 495 (1980), wherein the Commission concluded that service to a number of isolated individuals outside of the municipal boundaries under special circumstances did not constitute public utility service subject to the Commission's jurisdiction. We agree.

In *Lehigh Valley*, the Commission reiterated that the test to determine whether a party is rendering service to the public is set forth in *Borough of Ambridge v. Pa. Public Service Commission*, 165 A.47 (Pa. Super. 1933). In *Ambridge*, the Commission noted,

We find the distinction between public and private rendition of such service put definitely on the readiness to serve all members of the public to the extent of capacity: The test is, therefore whether or not such person holds himself out, expressly or impliedly, as engaged in the business of supplying his product or service to the public, as a class, or to any limited portion of it, as contradistinguished from holding himself out as serving or ready to serve only particular individuals. The public or private character of the enterprise does not depend, however, upon the number of persons by whom it is used, but upon whether or not it is open to the use and service of all members of the public who may require it, to the extent of its capacity; and the fact that only a limited number of persons may have occasion to use it does not make it a private undertaking if the public generally has a right to such use.

See also, *Petition of Chicora Borough*, P-00981355 (May 22, 1998).

More recently, the Commission applied the same rationale in *Joint Application of Seven Fields Development Corporation*, A-220007 and A-210062F2000 (October 1, 1999). In that case, the Commission granted an application filed by a jurisdictional utility seeking to transfer its assets used in the operation of its water system to the Borough of Seven Fields. The Commission noted that the borough would be providing water service to three customers that were located outside of the Borough's limits. Moreover, the Commission took note of the fact that the borough committed to continue providing water service solely to these three customers at the same terms of service as are or will be offered to customers within the boundaries of the borough. Also, as in the instant case, the Borough of Seven Fields presented an affidavit to the effect that it did not intend to offer service to the general public outside of its boundaries in the future. In the *Seven Fields* case, the Commission concluded that the limited nature of water service to such a defined group of customers should not realistically be subject to its jurisdiction. (Order at p.4).

In applying the standards enunciated in *Ambridge*, *Lehigh Valley*, and *Seven Fields* to the facts of the present case, we find that the limited extraterritorial service provided by the Borough is not subject to Commission jurisdiction. The extraterritorial service being provided by the Borough is provided to a limited number of customers and is not available to the general public. Moreover, the Borough clearly states that it will continue to provide service solely to the six customers that it is presently serving outside of its boundaries and that it is not soliciting additional customers. Such service does not constitute the provision of water service to or for the public. Finally, we note our expectation that an express condition of this exemption is that the Borough continue to apply the same rates outside as well as within Borough limits.

Under these circumstances, no certificate of public convenience is needed by the Borough and, absent any contrary responses from concerned parties, this Commission will cancel the operating authority issued to the Borough;

Therefore,

It Is Ordered That:

1. The Petition for Declaratory Order filed by the Borough on November 24, 1999, at P-00991775 is hereby granted.

2. The provision of water service by the Borough to the six customers located outside of the Borough's boundaries is deemed to be nonjurisdictional because it is not service "to or for the public" within the intendment of section 102 of the code.

3. A copy of this Order shall be served upon the Borough and upon each of the six customers listed in the Borough's certificate of service.

4. The Secretary shall certify this Order and deposit it with the Legislative Reference Bureau for publication in the *Pennsylvania Bulletin*.

5. The Borough is directed to cause to be published in a newspaper of general circulation in the Borough area, notice of this Tentative Order and of the Commission's intent to cancel the Borough certificate of public convenience absent adverse public comment within the 20-day time constraint established in the *Pennsylvania Bulletin*.

6. If no objection to this Order is filed with the Commission within 20 days of the publication date in the *Pennsylvania Bulletin*, this Order shall become final, and the Commission's Secretary's Bureau shall cancel the operating authority of the Borough and mark this file as closed. The Secretary's Bureau shall also then cause the Borough to be deleted from the active lists of the Tariff and Annual Report Section of the Commission's Bureau of Fixed Utility Services and the Assessment Section of the Bureau of Audits.

JAMES J. MCNULTY,
Secretary

[Pa.B. Doc. No. 00-507. Filed for public inspection March 17, 2000, 9:00 a.m.]

Railroad With Hearing

A-00115203. Southeastern Pennsylvania Transportation Authority (SEPTA). For an exemption from the provisions of Subchapter C of the 52 Pa. Code § 33.122(b) and (c) and to exercise the rights contained in § 33.122(f) to permit the construction of two partial high level platforms associated with the renovated and reactivated Baldwin Railroad Station, located in Eddystone Borough, County of Delaware, PA.

A-00116166. Southeastern Pennsylvania Transportation Authority (SEPTA). For an exemption from the provisions of Subchapter C of the 52 Pa. Code § 33.122(b) and (c) and to exercise the rights contained in § 33.122(f) to permit the construction of two partial high level platforms associated with the renovated Overbrook Railroad Station, located in Philadelphia, County of Philadelphia, PA.

A-00116169. Southeastern Pennsylvania Transportation Authority (SEPTA). For an exemption from the

provisions of Subchapter C of the 52 Pa. Code § 33.122(b) and (c) and to exercise the rights contained in § 33.122(f) to permit the construction of two partial high level platforms associated with the renovated Stafford Railroad Station, located in Tredyffrin Township, County of Chester, PA.

A-00116170. Southeastern Pennsylvania Transportation Authority (SEPTA). For an exemption from the provisions of Subchapter C of the 52 Pa. Code § 33.122(b) and (c) and to exercise the rights contained in § 33.122(f) to permit the construction of two partial high level platforms associated with the renovated Chester Railroad Station, located in the City of Chester, County of Delaware, PA.

A-00116171. Southeastern Pennsylvania Transportation Authority (SEPTA). For an exemption from the provisions of Subchapter (C) of the 52 Pa. Code § 33.122(b) and (c) and to exercise the rights contained in § 33.122(f) to permit the construction of two partial high level platforms associated with the renovated Radnor Railroad Station, located in Radnor Township, County of Delaware, PA.

An Initial Hearing on this matter will be held on Thursday, April 13, 2000, at 10 a.m. at 1302 Philadelphia State Office Building, 1400 West Spring Garden Street, Philadelphia, PA, when and where all persons in interest may appear and be heard, if they so desire.

JAMES J. MCNULTY,
Secretary

[Pa.B. Doc. No. 00-508. Filed for public inspection March 17, 2000, 9:00 a.m.]

Service of Notice of Motor Carrier Applications

The following temporary authority and/or permanent authority applications for the right to render service as a common carrier or contract carrier in this Commonwealth have been filed with the Pennsylvania Public Utility Commission. Publication of this notice shall be considered as sufficient notice to all carriers holding authority from this Commission. Applications will be considered without hearing in the absence of protests to the application. Protests to the applications published herein are due on or before April 10, 2000, as set forth at 52 Pa. Code § 3.381 (relating to applications for transportation of property and persons). The protests shall also indicate whether it applies to the temporary authority application or the permanent application or both.

Applications of the following for approval of the beginning of the exercise of the right and privilege of operating as common carriers for transportation of persons as described under each application.

A-00116645. Emmanuel Nkwenti. (1236 Towncrest Road, Williamsport, Lycoming County, PA 17701)—persons in paratransit service, between points in the counties of Lycoming, Clinton, Union, Centre, Tioga and Snyder, and from points in said counties, to points in Pennsylvania, and vice versa.

Applications of the following for approval of the beginning of the exercise of the right and privilege of operating motor of operating motor vehicles as

common carriers for the transportation of persons by transfer of rights as described under each application.

A-00109349, Folder 2. Otto N. Shiberl, Jr., t/d/b/a B & B Limousine Rental (R. D. 2, Route 208, Emlenton, Venango County, PA 16373)—persons in limousine service, between points in the counties of Venango, Clarion and Armstrong, and from points in said counties, to points in Pennsylvania, and return; which is to be a transfer of all of the right authorized under the certificate issued at A-00113947 to Tracy W. Harmon, t/d/b/a Tr's Limo Service, subject to the same limitations and conditions. *Attorney:* Kent S. Pope, 10 Grant Street, Suite A, Clarion, PA 16214.

Application of the following for the approval of the transfer of stock as described under each application.

A-00111944, Folder 5000. Grace Cab Co., Inc. (P. O. Box 5221, Philadelphia, Philadelphia County, PA 19115), a corporation of the Commonwealth of Pennsylvania—for approval of the transfer of 100 shares of the issued and outstanding stock from Vladimir Efimov to Lana S. Sterin involving three Philadelphia Medallions at A-00111944, F. 1, for P-1478; F. 2, P-286 and F. 3, P-976.

JAMES J. MCNULTY,
Secretary

[Pa.B. Doc. No. 00-509. Filed for public inspection March 17, 2000, 9:00 a.m.]

Telecommunications

A-310684F0002. United Telephone Company of Pennsylvania d/b/a Sprint and United States Telecommunications, Inc. Joint Application of the United Telephone Company of Pennsylvania d/b/a Sprint and United States Telecommunications, Inc. for approval of a master resale agreement under section 252(a)(1) and (e) of the Telecommunications Act of 1996.

United Telephone Company of Pennsylvania d/b/a Sprint and United States Telecommunications, Inc. by its counsel, filed on March 6, 2000, at the Pennsylvania Public Utility Commission (Commission), a joint petition for approval of a resale agreement under sections 251 and 252 of the Telecommunications Act of 1996.

Interested parties may file comments concerning the petition and agreement with the Secretary, Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265. Comments are due on or before 10 days after the date of publication of this notice. Copies of the United Telephone Company of Pennsylvania d/b/a Sprint and United States Telecommunications, Inc. Joint Petition are on file with the Commission and are available for public inspection.

The contact person is Cheryl Walker Davis, Director, Office of Special Assistants, (717) 787-1827.

JAMES J. MCNULTY,
Secretary

[Pa.B. Doc. No. 00-510. Filed for public inspection March 17, 2000, 9:00 a.m.]

**Transfer by Sale
Without Hearing**

A-212285F0071 (water); A-230073F0002 (sewer). Pennsylvania-American Water Company. Application of Pennsylvania-American Water Company (PAWC), for approval of 1) the transfer by sale of substantially all of the City of Coatesville Authority's assets, properties and rights related to its wastewater system to PAWC; 2) the rights of PAWC to begin to offer or furnish wastewater service to the public in all of the City of Coatesville and Parkesburg Borough, Chester County, PA, and portions of Caln Township, East Fallowfield Township, Valley Township, Sadsbury Township and West Sadsbury Township, Chester County, PA and application of PAWC for approval of 1) the transfer by sale, of substantially all the water works property and rights of the City of Coatesville Authority water system to PAWC; and 2) the rights of PAWC to begin to offer or furnish water service to the public in the City of Coatesville, Parkesburg Borough, South Coatesville Borough, Sadsbury Township and West Caln Township, Chester County, PA, and portions of Caln Township, East Fallowfield Township, Valley Township, Atglen Borough, West Sadsbury Township, Chester County, PA, and Quarryville Borough, Bart Township, Colerain Township, Eden Township and Sadsbury Township, Lancaster County, PA.

These applications may be considered without a hearing. Protests or petitions to intervene can be filed with the Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265, with a copy served on the applicant on or before April 3, 2000, under 52 Pa. Code (relating to public utilities).

Applicant: Pennsylvania-American Water Company.

Through and By Counsel: Velma A. Redmond, 800 West Hershey Park Drive, P. O. Box 888, Hershey, PA 17033-0888.

JAMES J. MCNULTY,
Secretary

[Pa.B. Doc. No. 00-511. Filed for public inspection March 17, 2000, 9:00 a.m.]

**Transfer of Ownership
Without Hearing**

A-110003F0002; A-110850F5000. Baltimore Gas and Electric Company. Application of Baltimore Gas and Electric Company (BG&E) for approval of: 1) the transfer of its ownership interests in the Keystone and Conemaugh Generating Stations; 2) the transfer of its stock ownership of Safe Harbor Water Power Corporation, and 3) Affiliated Interest Contracts between BG&E and Constellation Generation, Inc.

This application may be considered without a hearing. Protests or petitions to intervene can be filed with the Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265, with a copy served on the applicant on or before April 3, 2000, under 52 Pa. Code (relating to public utilities).

Applicant: Baltimore Gas and Electric Company.

Through and By Counsel: Robert C. Gerlach, Esquire, Ballard, Spahr, Andrews and Ingersoll, LLP, 1735 Market Street, 51st Floor, Philadelphia, PA 19103.

JAMES J. MCNULTY,
Secretary

[Pa.B. Doc. No. 00-512. Filed for public inspection March 17, 2000, 9:00 a.m.]

PHILADELPHIA REGIONAL PORT AUTHORITY

Request for Proposals

The Philadelphia Regional Port Authority (PRPA) will accept proposals until 2 p.m. on Thursday, March 30, 2000 for Project # 00-062-001 (Purchase of Computer Wiring). The bid documents can be obtained from the Director of Procurement, 210 W. Washington Square, 13th Floor, Philadelphia, PA 19106, (215) 928-9100 and will be available March 21, 2000. The PRPA is an equal opportunity employer. Contractor will be required to comply with all applicable equal employment opportunity laws and regulations.

JAMES T. MCDERMOTT, Jr.,
Executive Director

[Pa.B. Doc. No. 00-513. Filed for public inspection March 17, 2000, 9:00 a.m.]

SECURITIES COMMISSION

**Individuals Registered or Applying for Registration
as an Agent or Investment Adviser Representative
under the Pennsylvania Securities Act of
1972**

Order of Confidentiality

Whereas, Individuals registered or applying for registration as an agent or investment adviser representative under the Pennsylvania Securities Act of 1972 (1972 Act) are required to file The Uniform Application for Industry Registration or Transfer (Form U-4) with the Securities Commission (Commission) under to 64 Pa. Code §§ 303.013 and 303.014; and

Whereas, Form U-4 requires applicants and registrants to include their date of birth and social security number;

Whereas, Section 603(c) of the 1972 Act provides that information in Form U-4 shall be made available to the public, provided that the Commission may treat certain filings as confidential; and

Whereas, The Commission has determined that public disclosure under the 1972 Act of the information concerning the social security number and date of birth of individuals who are registered or applying for registration as agents or investment adviser representatives would be injurious to their personal economic security; and

Whereas, After due deliberation, the Commission finds it necessary or appropriate in the public interest and for the protection of investors and consistent with the purposes fairly intended by the policy and provisions of the 1972 Act to issue the following Order:

Now Therefore, this 24th day of February 2000, the Commission, under the grant of authority under Sections 609(a) and 603(c) of the 1972 Act hereby orders that the social security number and date of birth of individuals who are registered or applying for registration as agents or investment adviser representatives as filed on Form U-4 shall be deemed confidential and the effective date of this Order shall be February 24, 2000.

M. JOANNA CUMMINGS,
Secretary

[Pa.B. Doc. No. 00-514. Filed for public inspection March 17, 2000, 9:00 a.m.]

TREASURY DEPARTMENT

Request for Proposals

The Treasury Department of the Commonwealth of Pennsylvania will be accepting proposals to provide financial advisory services related to the Commonwealth's long-term investment portfolio. Interested parties may receive a copy of the request for proposals by contacting the Treasury Department at (717) 787-9737. Proposals in response to this request will be accepted no later than noon on Monday, April 17, 2000. Late proposals will not be considered.

BARBARA HAFER,
State Treasurer

[Pa.B. Doc. No. 00-515. Filed for public inspection March 17, 2000, 9:00 a.m.]

STATE CONTRACTS INFORMATION

DEPARTMENT OF GENERAL SERVICES

Notices of invitations for bids and requests for proposals on State contracts for services and commodities for which the bid amount is reasonably expected to be over \$10,000, are published in the State Contracts Information Section of the *Pennsylvania Bulletin* prior to bid opening date. Information in this publication is intended only as notification to its subscribers of available bidding and contracting opportunities, and is furnished through the Department of General Services, Vendor Information and Support Division. No action can be taken by any subscriber or any other person, and the Commonwealth of Pennsylvania is not liable to any subscriber or any other person, for any damages or any other costs incurred in connection with the utilization of, or any other reliance upon, any information in the State Contracts Information Section of the *Pennsylvania Bulletin*. Interested persons are encouraged to call the contact telephone number listed for the particular solicitation for current, more detailed information.

EFFECTIVE JULY 1, 1985, A VENDOR'S FEDERAL IDENTIFICATION NUMBER (NUMBER ASSIGNED WHEN FILING INCOME TAX DOCUMENTS) OR SOCIAL SECURITY NUMBER IF VENDOR IS AN INDIVIDUAL, MUST BE ON ALL CONTRACTS, DOCUMENTS AND INVOICES SUBMITTED TO THE COMMONWEALTH.

Act 266 of 1982 provides for the payment of interest penalties on certain invoices of "qualified small business concerns". The penalties apply to invoices for goods or services when payments are not made by the required payment date or within a 15 day grace period thereafter.

Act 1984-196 redefined a "qualified small business concern" as any independently owned and operated, for-profit business concern employing 100 or fewer employees. See 4 Pa. Code § 2.32. The business must include the following statement on every invoice submitted to the Commonwealth: "(name of business) is a qualified small business concern as defined in 4 Pa. Code 2.32."

A business is eligible for payments when the required payment is the latest of:

The payment date specified in the contract.

30 days after the later of the receipt of a proper invoice or receipt of goods or services.

The net payment date stated on the business' invoice.

A 15-day grace period after the required payment date is provided to the Commonwealth by the Act.

For more information: contact: Small Business Resource Center
 PA Department of Community and Economic Development
 374 Forum Building
 Harrisburg, PA 17120
 800-280-3801 or (717) 783-5700

Reader's Guide

Legal Services & Consultation—26

① Service Code Identification Number

② Commodity/Supply or Contract Identification No.

B-54137. Consultant to provide three 2-day training sessions, covering the principles, concepts, and techniques of performance appraisal and standard setting with emphasis on performance and accountability, with a knowledge of State Government constraints.

Department: General Services
 Location: Harrisburg, Pa.
 Duration: 12/1/93-12/30/93
 Contact: Procurement Division
 787-0000

③ Contract Information

④ Department

⑦

⑤ Location

(For Commodities: Contact:)
 Vendor Services Section
 717-787-2199 or 717-787-4705

⑥ Duration

REQUIRED DATA DESCRIPTIONS

① Service Code Identification Number: There are currently 39 state service and contractual codes. See description of legend.

② Commodity/Supply or Contract Identification No.: When given, number should be referenced when inquiring of contract of Purchase Requisition. If more than one number is given, each number represents an additional contract.

③ Contract Information: Additional information for bid preparation may be obtained through the departmental contracting official.

④ Department: State Department or Agency initiating request for advertisement.

⑤ Location: Area where contract performance will be executed.

⑥ Duration: Time estimate for performance and/or execution of contract.

⑦ Contact: (For services) State Department or Agency where vendor inquiries are to be made.

(For commodities) Vendor Services Section (717) 787-2199 or (717) 787-4705

GET A STEP AHEAD IN COMPETING FOR A STATE CONTRACT!

The Treasury Department's Bureau of Contracts and Public Records can help you do business with state government agencies. Our efforts focus on guiding the business community through the maze of state government offices. The bureau is, by law, the central repository for all state contracts over \$5,000. Bureau personnel can supply descriptions of contracts, names of previous bidders, pricing breakdowns and other information to help you submit a successful bid on a contract. We will direct you to the appropriate person and agency looking for your product or service to get you "A Step Ahead." Services are free except the cost of photocopying contracts or dubbing a computer diskette with a list of current contracts on the database. A free brochure, "Frequently Asked Questions About State Contracts," explains how to take advantage of the bureau's services.

Contact: **Bureau of Contracts and Public Records**
 Pennsylvania State Treasury
 Room G13 Finance Building
 Harrisburg, PA 17120
 717-787-2990
 1-800-252-4700

BARBARA HAFER,
State Treasurer

Commodities

1396119 Van Body Truck. For a copy of the bid package fax request to (717) 787-0725.

Department: General Services
Location: Harrisburg, PA
Duration: FY 99-00
Contact: Vendor Services, (717) 787-2199

8110-01 Cans, No. 10 and covers beaded. For a copy of the bid package fax request to (717) 787-0725.

Department: Corrections
Location: Various
Duration: July 1, 2000—June 30, 2001
Contact: Vendor Services, (717) 787-2199

1394219 Provide labor, material, supervision and all items necessary to furnish and set up an outdoor adventure challenge course. For a copy of the bid package fax request to (717) 787-0725.

Department: Public Welfare
Location: Loysville, PA
Duration: FY 99-00
Contact: Vendor Services, (717) 787-2199

1424229 Boat, Boston Whaler model per bid specifications. For a copy of the bid package fax request to (717) 787-0725.

Department: Fish and Boat Commission
Location: Harrisburg, PA
Duration: FY 99-00
Contact: Vendor Services, (717) 787-2199

7314370 Safe, Money, per bid specifications. For a copy of the bid package fax request to (717) 787-0725.

Department: Liquor Control Board
Location: Various
Duration: FY 99-00
Contact: Vendor Services, (717) 787-2199

7314380 Paper, Printer, 3 Part, for use on Verifone 250 credit card terminal. For a copy of the bid package fax request to (717) 787-0725.

Department: Liquor Control Board
Location: Harrisburg, PA
Duration: FY 99-00
Contact: Vendor Services, (717) 787-2199

1248359 Latest Model 4x4 crew cab with mobile utility lab body. For a copy of the bid package fax request to (717) 787-0725.

Department: Environmental Protection
Location: Harrisburg, PA
Duration: FY 99-00
Contact: Vendor Services, (717) 787-2199

1388119 Washer/Extractor, Speed Queen model SF135 or equivalent. For a copy of the bid package fax request to (717) 787-0725.

Department: Corrections
Location: Muncy, PA
Duration: FY 99-00
Contact: Vendor Services, (717) 787-2199

1311119 Provide all labor, material, supervision, and all items necessary to furnish, set up, and make operational dental equipment per bid specifications. For a copy of the bid package fax request to (717) 787-0725.

Department: Corrections
Location: Various
Duration: FY 99-00
Contact: Vendor Services, (717) 787-2199

ADV No. 71 Indiana University of Pennsylvania (IUP) is seeking bids for the purchase and installation of approximately 485 square yards of Lee Faculty IV Broadloom Commercial Carpeting, 12' Rolls. Requests for bid package should be made in writing, referencing advertisement No. 71, directed to Dee Baker-Simon, Purchasing Agent, IUP, 650 S. 13th St., Indiana, PA 15705. Fax (724) 357-2670, phone (724) 357-2507, or E-mail address dbsimon@grove.iup.edu. Request for bid package will be accepted until March 13, 2000 only. The University encourages from small and disadvantaged, minority and women owned firms.

Department: State System of Higher Education
Location: Indiana University of Pennsylvania, Indiana, PA 15705
Duration: N/A
Contact: Dee Baker-Simon, (724) 357-3077

9110-04 Coal Lab, Testing, Anthracite and Bituminous. For a copy of the bid package fax request to (717) 787-0725.

Department: General Services
Location: Various
Duration: July 1, 2000—June 30, 2001
Contact: Vendor Services, (717) 787-2199

1433119 Twill. For a copy of the bid package fax request to (717) 787-0725.

Department: Corrections
Location: Huntingdon, PA
Duration: FY 99-00
Contact: Vendor Services, (717) 787-2199

1377359 Ford F-450 4x4 dump truck with automatic transmission. For a copy of the bid package fax request to (717) 787-0725.

Department: Environmental Protection
Location: Ebensburg, PA
Duration: FY 99-00
Contact: Vendor Services, (717) 787-2199

1376819 Automated web application-testing software tool package. For a copy of the bid package fax request to (717) 787-0725.

Department: State Police
Location: Harrisburg, PA
Duration: FY 99-00
Contact: Vendor Services, (717) 787-2199

CW 4-00 775 doz. pair of socks, black.

Department: State Police
Location: Clothing Warehouse, 20th and Herr Street, Harrisburg, PA 17103
Duration: June 30, 2000
Contact: Robert D. Stare, (717) 705-5921

BCI-20 3 each, night vision scopes, Star-Tron MK-88-B Gen 3, with custom case, camcorder adapter, Canon objective lens adapter, Canon T-mount and IX relay lens for SLR Canon photography.

Department: State Police
Location: Bureau of Criminal Investigation, 1800 Elmerton Avenue, Harrisburg, PA 17110
Duration: June 30, 2000
Contact: Robert D. Stare, (717) 705-5921

8430-04 Shoes, Canvas. For a copy of the bid package fax request to (717) 787-0725.

Department: General Services
Location: Various
Duration: July 15, 2000—July 14, 2001
Contact: Vendor Services, (717) 787-2199

9110-01 Coal, Anthracite. For a copy of the bid package fax request to (717) 787-0725.

Department: General Services
Location: Various
Duration: September 1, 2000—August 31, 2001
Contact: Vendor Services, (717) 787-2199

1336149 2000 Ford Winstar van per bid specifications. For a copy of the bid package fax request to (717) 787-0725.

Department: General Services
Location: Harrisburg, PA
Duration: FY 99-00
Contact: Vendor Services, (717) 787-2199

1399119 Glass clad polycarbonate per bid specifications. For a copy of the bid package fax request to (717) 787-0725.

Department: Corrections
Location: Waynesburg, PA
Duration: FY 99-00
Contact: Vendor Services, (717) 787-2199

1306229 Latest model platform body per bid specifications. For a copy of the bid package fax request to (717) 787-0725.

Department: General Services
Location: Harrisburg, PA
Duration: FY 99-00
Contact: Vendor Services, (717) 787-2199

1389119 Furnish, set up and make operational a propane fueled generator. For a copy of the bid package fax request to (717) 787-0725.

Department: Corrections
Location: Cambridge Springs, PA
Duration: FY 99-00
Contact: Vendor Services, (717) 787-2199

0037-02 Magloclen—Office of Attorney General. For a copy of the bid package fax request to (717) 787-0725.

Department: Attorney General
Location: Various
Duration: June 1, 2000—May 31, 2001
Contact: Vendor Services, (717) 787-2199

7930-06 Laundry Products/Service. For a copy of the bid package fax request to (717) 787-0725.

Department: General Services
Location: Various
Duration: July 1, 2000—June 30, 2001
Contact: Vendor Services, (717) 787-2199

7920-07 Scouring Pads. For a copy of the bid package fax request to (717) 787-0725.

Department: General Services
Location: Various
Duration: June 1, 2000—May 31, 2001
Contact: Vendor Services, (717) 787-2199

7220-01 Matting, Floor. For a copy of the bid package fax request to (717) 787-0725.

Department: General Services
Location: Various
Duration: July 1, 2000—June 30, 2001
Contact: Vendor Services, (717) 787-2199

5810-04 Software Licenses, Microsoft. For a copy of the bid package fax request to (717) 787-0725.

Department: General Services
Location: Harrisburg, PA
Duration: July 1, 2000—June 30, 2001
Contact: Vendor Services, (717) 787-2199

5805-03 Miscellaneous Telephone Equipment. For a copy of the bid package fax request to (717) 787-0725.

Department: General Services
Location: Various
Duration: July 1, 2000—June 30, 2001
Contact: Vendor Services, (717) 787-2199

5680-01 Crack and joint sealing materials. For a copy of the bid package fax request to (717) 787-0725.

Department: General Services
Location: Various
Duration: July 1, 2000—June 30, 2001
Contact: Vendor Services, (717) 787-2199

4210-01 Fire Extinguishers. For a copy of the bid package fax request to (717) 787-0725.

Department: General Services
Location: Various
Duration: July 1, 2000—June 30, 2001
Contact: Vendor Services, (717) 787-2199

2805-01 Engine Parts. For a copy of the bid package fax request to (717) 787-0725.

Department: Transportation
Location: Various
Duration: July 1, 2000—June 30, 2001
Contact: Vendor Services, (717) 787-2199

2550-09 Auto Repair and Maintenance GM. For a copy of the bid package fax request to (717) 787-0725.

Department: State Police
Location: Various
Duration: July 1, 2000—June 30, 2001
Contact: Vendor Services, (717) 787-2199

2550-07 Auto Repair and Maintenance Ford. For a copy of the bid package fax request to (717) 787-0725.

Department: State Police
Location: Various
Duration: July 1, 2000—June 30, 2001
Contact: Vendor Services, (717) 787-2199

1416389 Tandem axle dump truck per bid specifications. For a copy of the bid package fax request to (717) 787-0725.

Department: Conservation and Natural Resources
Location: Harrisburg, PA
Duration: FY 99-00
Contact: Vendor Services, (717) 787-2199

0018-03 General Highway County Maps. For a copy of the bid package fax request to (717) 787-0725.

Department: Transportation
Location: Various
Duration: July 1, 2000—June 30, 2001
Contact: Vendor Services, (717) 787-2199

8405-02 Rainwear. For a copy of the bid package fax request to (717) 787-0725.

Department: General Services
Location: Various
Duration: July 1, 2000—June 30, 2001
Contact: Vendor Services, (717) 787-2199

9310-02 Xerographic Copy Paper. For a copy of the bid package fax request to (717) 787-0725.

Department: General Services
Location: Various
Duration: July 1, 2000—June 30, 2001
Contact: Vendor Services, (717) 787-2199

9905-08 Signs/Plastic/Workarea and Stop/Slow Paddles. For a copy of the bid package fax request to (717) 787-0725.

Department: Transportation
Location: Various
Duration: July 1, 2000—June 30, 2001
Contact: Vendor Services, (717) 787-2199

0015-05 PA 601-600 Common Applications Form. For a copy of the bid package fax request to (717) 787-0725.

Department: Public Welfare
Location: Various
Duration: July 1, 2000—June 30, 2001
Contact: Vendor Services, (717) 787-2199

9905-10 Light Arrow Boards. For a copy of the bid package fax request to (717) 787-0725.

Department: Transportation
Location: Various
Duration: July 1, 2000—June 30, 2001
Contact: Vendor Services, (717) 787-2199

9985-02 Food Catering Service. For a copy of the bid package fax request to (717) 787-0725.

Department: General Services
Location: Various
Duration: July 1, 2000—June 30, 2001
Contact: Vendor Services, (717) 787-2199

9985-03 Wireless Communications Services. For a copy of the bid package fax request to (717) 787-0725.

Department: General Services
Location: Various
Duration: July 1, 2000—June 30, 2001
Contact: Vendor Services, (717) 787-2199

8960-01 Water, Drinking. For Capitol Complex and 20 mile radius. For a copy of the bid package fax request to (717) 787-0725.

Department: General Services
Location: Various
Duration: July 1, 2000—June 30, 2001
Contact: Vendor Services, (717) 787-2199

0046-03 Pennsylvania Geology. For a copy of the bid package fax request to (717) 787-0725.

Department: Conservation and Natural Resources
Location: Various
Duration: July 1, 2000—June 30, 2001
Contact: Vendor Services, (717) 787-2199

B0000281 Millersville University is seeking qualified bidders who can provide the University with Steelcase hollow metal doors, LCN power door operators, buttons/transmitters, and receivers, Von Duprin exit devices, and other miscellaneous door hardware. This is a "provide only." University staff will perform the installation and refurbishing of doors. Interested bidders should fax requests to be placed on a bidders list to Anna Stauffer, (717) 871-2000 no later than 2 p.m., Friday, March 24, 2000.

Department: State System of Higher Education
Location: Millersville University, Millersville, PA 17551
Duration: April—May, 2000
Contact: Anna Stauffer, (717) 872-3041

LE-99001 Shotgun, Remington Model 870P.

Department: Fish and Boat Commission
Location: Fish and Boat Commission, Bureau of Law Enforcement, 3532 Walnut Street, Harrisburg, PA 17109
Duration: Single purchase
Contact: Dennis Grove, (717) 657-4533

SERVICES

Audio/Video—04

00-008 CC No.: 9999-3500-000, Contractor shall provide radio maintenance/repair service to include repair parts. Scope of service shall be antenna masts, repeaters, mobile units, hand held portable two-way radios and battery recharging units. Radio network is comprised of low and high band radios.

Department: Corrections
Location: State Regional Correctional Facility, 801 Butler Pike, Rte. 258, South Mercer, PA 16137
Duration: July 1, 2000 to June 30, 2003
Contact: John Pitonyak, (724) 662-1837, Ext. 194

00-005 CC No.: 9999-3500-000, Contractor shall provide a maintenance service to include preventative maintenance, repair parts, and emergency service for the institutional telephone network to exclude incoming truck/service lines.

Department: Corrections
Location: State Regional Correctional Facility, 801 Butler Pike, Rte. 258, South Mercer, PA 16137
Duration: July 1, 2000 to June 30, 2001
Contact: John Pitonyak, (724) 662-1837, Ext. 194

Construction—09

401-BL-593 Centennial Infrastructure Project—Provide all labor, equipment and material necessary to extend campus telecommunication backbone from the Waller Administration and McCormick Buildings to the Centennial Gym telecommunications closet. The project consists of installing approximately 550 linear feet of underground ductbank, extending ductbank through the existing steam tunnel 350 feet and over an existing ductbank near Centennial Gym. The ductbank will carry copper voice and data and fiber optics cabling. There will be one prime, electrical contractor for the project. To obtain a copy of the bid specs., submit a nonrefundable deposit of \$75 to Reilly Associates, 222 Wyoming Ave., West Pittston, PA 18643. Information on the prebid and bid requirements will be included in the package.

Department: State System of Higher Education
Location: Bloomsburg University, Bloomsburg, PA
Duration: 90 days
Contact: Joseph C. Quinn, (570) 389-4311

2040-A01/A04 The Department of Transportation will be accepting sealed bids for the sale and removal of a one commercial/residential structure located along State Route 2040 (also known as Curry Hollow Road) situated in the Borough of Pleasant Hills, Allegheny County. Contractor will be required to demolish or remove all structures, out buildings and site improvements. The Contractor will also be required to comply with FHWA and State Regulations. For Bid information, specifications and further information, contact Michael Sudar, District Property Manager at (412) 429-4830.

Department: Transportation
Location: Borough of Pleasant Hills, Allegheny County
Duration: 30 Days from Notice to Proceed
Contact: Michael Sudar, (412) 429-4830

WC 735 West Chester University is soliciting sealed bids for Project WC 735—E. O. Bull Classroom Renovations. The project consists of renovating and existing TV Studio Classroom to include a distance learning environment. There will be two separate prime contracts—general construction and electrical construction. The project will consist of demolishing existing lay-in acoustical existing tubular steel grid and electric raceway at ceiling, construct new storage closet, provide new pegboard wall surge and paint floors and walls. The University will have existing asbestos panels removed under a separate contract (previously issued). The electrical work will consist of changing over existing twist lock receptacles to duplex outs and add additional outlets, remove existing 100 amp service panel, disconnect switch and patch panel, provide new 100 amp panel and providing new diming systems for TV studio lights. Prevailing wages will apply.

Department: State System of Higher Education
Location: West Chester University, E. O. Bull Center, West Chester, PA 19383
Duration: 5 weeks from Notice to Proceed
Contact: Jacki Marthinsen, Contracts Manager, (610) 436-2705

FDC-322-731 Repair of dam at Penn Roosevelt State Park in Centre County. Work includes excavation, backfill, lacing of impervious clay material and seeding and mulching. Note: Bid documents will be available on or after March 20, 2000.

Department: Conservation and Natural Resources
Location: Harris Township
Duration: 60 Days
Contact: Construction Management Section, (717) 787-5055

015DGS1104-61 Project Title: Rehabilitation of College Hall Phase 2—Main Campus. Brief Description: Demolition of most interior nonbearing partitions, and the like, selected floor areas, mechanical and electric systems on the first through third floors. Renovations will include new construction to define lecture halls, classrooms, offices and related areas. A new 1 1/2 story masonry bearing entrance and lobby will be constructed. Estimated Range: \$2,000,000 to \$5,000,000. General, HVAC, Plumbing and Electrical Construction. Plans Deposit: \$150 per set payable to: SRK Architects. Refundable upon return of plans and specifications in reusable condition as construction documents within 15 days after the bid opening date. Bidder is responsible for the cost of delivery of the plans and specifications. Contact the office listed to arrange for delivery of documents. A separate check must be submitted to cover the cost of delivery. Mail a separate check for \$50 per set or provide an express mail account number to the office listed. Mail requests to: SRK Architects, 1225 Spring Street, Philadelphia, PA 19107, Attn: Mary Cahill. Tel: (215) 568-1090. Bid Date: Wednesday, April 5, 2000 at 1 p.m. A Prebid Conference has been scheduled for Tuesday, March 21, 2000 from 10 a.m. to 11:30 a.m. at Temple University, Walk Auditorium, Ritter Hall and Annex Complex, 1301 Cecil B. Moore Avenue, Philadelphia, PA. All Contractors who have received Contract Documents are invited and urged to attend this Prebid Conference.

Department: General Services
Location: Temple University, Philadelphia, Philadelphia County, PA
Duration: 322 Calendar days from date of initial job conference
Contact: Contract and Bidding Unit, (717) 787-6556

015DGS251-524REBID Project Title: Remove and Replace Windows and Doors. Brief Description: Replace windows and doors in garage area. Estimated Range: Under \$100,000. General Construction. Plans Deposit: \$25 per set payable to: Commonwealth of Pennsylvania. Refundable upon return of plans and specifications in reusable condition as construction documents within 15 days after the bid opening date. Bidder is responsible for the cost of delivery of the plans and specifications. Contact the office listed to arrange for delivery of documents. A separate check must be submitted to cover the cost of delivery. Mail a separate check for \$5 per set or provide an express mail account number to the office listed. Mail requests to: Department of General Services, Room 107 Headquarters Building, 18th and Herr Streets, Harrisburg, PA 17125. Tel: (717) 787-3923. Bid Date: Wednesday, April 5, 2000 at 1 p.m.

Department: General Services
Location: PennDOT Maintenance Building, Bortondale, Delaware County, PA
Duration: 120 Calendar days from date of initial job conference
Contact: Contract and Bidding Unit, (717) 787-6556

S02:213-101.1 Tributary to Sawmill Run Bank Stabilization involves approximately 60 L. F. grouted riprap. This project will issue March 17, 2000; payment in the amount of \$10 must be received before bid documents will be sent.

Department: Environmental Protection
Location: Pittsburgh, Allegheny County
Duration: 100 calendar days after notice to proceed
Contact: Construction Contracts Section, (717) 783-7994

63-0145 West Chester University is soliciting sealed bids on April 6, 2000 at 11 a.m. for Project 63-0145—Mitchell Hall Alterations for Photo Lab and Clay Studio. There will be four separate prime contracts. The work consists of alterations and construction required for the installation of a photo lab, installation of a dust collector and relocation of two clay mixers in Mitchell Hall. The work is to start on or about May 8, 2000 and be completed by August 20, 2000. A site visit will be conducted on March 29, 2000 meeting in the lobby of Mitchell Hall. Prevailing wages will apply.

Department: State System of Higher Education
Location: West Chester University, Mitchell Hall, West Chester, PA 19383
Duration: Start on or about May 8, 2000—completed by August 20, 2000
Contact: Jacki Marthinsen, Contracts Manager, (610) 436-2705

1850 Fabrication of roof trusses, for the new building being constructed. The time frame for vendor to assist hospital personnel with proper placement of trusses is approximately 4 hours. The permit fee shall be included in the bid, as well as the crane fee and escort fee (if escort is required). The hospital requires a site visit before vendor returns bid.

Department: Public Welfare
Location: Harrisburg State Hospital, Cameron and Maclay Streets, Harrisburg, PA 17105-1300
Duration: April 1, 2000 through August 1, 2000
Contact: Jack W. Heinze, Purchasing Agent III, (717) 772-7435

IN-809.1 Concrete Maintenance Construction. Work included under this project consists of Open-Ended Concrete Maintenance Construction, General Campus Area (including Punxsutawney and Armstrong Campuses) consisting of the replacement of existing concrete sidewalks and steps, miscellaneous concrete items throughout the University Campus. Notice to Contractors may be requested from IUP. Phone: (724) 357-2289 Fax: (724) 357-6480 Internet: <http://www.iup.edu/engcons>.

Department: State System of Higher Education
Location: Indiana University of Pennsylvania, Indiana, PA 15705-1087
Duration: Six Months
Contact: Ronald E. Wolf, Procurement Specialist, (724) 357-4851

FDC-226-786 Pave gravel parking lots road and walkway at the Linesville Cabin Area and Espyville Breakwater in Pymatung State Park, Crawford County. (300 tons BCBC and 600 tons ID-2). Note: Bid documents will be available on or after March 20, 2000.

Department: Conservation and Natural Resources
Location: Pine and North Shenango Townships
Duration: 60 Days
Contact: Construction Management Section, (717) 787-5055

FDC-205-541 Minor renovations and an addition to an existing washhouse for ADA accessibility (excavation, landscaping, concrete, masonry, carpentry, roofing, siding, painting, mechanical, plumbing and electrical). Project is at Keystone State Park, Westmoreland County. Note: Bid documents will be available on or after March 20, 2000.

Department: Conservation and Natural Resources
Location: Derry Township
Duration: 120 days
Contact: Construction Management Section, (717) 787-5055

080S45 Installation of 12" thermoplastic State Police Aerial Reconnaissance and Enforcement (SPARE) markings in Adams, Franklin, Dauphin, Lancaster, Lebanon, and Perry Counties. To request bid packages, contact David Fromm at (717) 787-3146 or fax request to (717) 705-0375. Requests must include Vendor's Name, Address, Telephone No., Fax No., and Contractor's Federal ID No.

Department: Transportation
Location: Adams, Franklin, Dauphin, Lancaster, Lebanon and Perry Counties
Duration: One year with no renewals
Contact: David Fromm, (717) 787-3146

C08:02-102.1 Rehabilitation of the Sayre Flood Protection Project involves installation of approximately 65 l.f. new 24-inch reinforced concrete pipe through the levee; 165 l.f. sliplining of existing drainage structures number 2 and 3; filling existing drainage structure no. 1; constructing new inlet and outlet structures for new drainage structures no. 1; 24 inch flap gate and cutting and disposing of a pine tree at drainage structure no. 2. This project will issue March 17, 2000; payment in the amount of \$10 must be received before bid documents will be sent.

Department: Environmental Protection
Location: Sayre, Bradford County
Duration: 100 calendar days after notice to proceed
Contact: Construction Contracts, (717) 783-7994

015DGS975-6.4ONLYREBID Project Title: HVAC—Visitor Center. Brief Description: New HVAC system, electrical work and general renovations. Estimated Range: Under \$100,000. Electrical Construction. Plans Deposit: \$25 per set payable to: Commonwealth of Pennsylvania. Refundable upon return of plans and specifications in reusable condition as construction documents within 15 days after the bid opening date. Bidder is responsible for the cost of delivery of the plans and specifications. Contact the office listed to arrange for delivery of documents. A separate check must be submitted to cover the cost of delivery. Mail a separate check for \$5 per set or provide an express mail account number to the office listed. Mail requests to: Department of General Services, Room 107 Headquarters Building, 18th and Herr Streets, Harrisburg, PA 17125. Tel: (717) 787-3923. Bid Date: Wednesday, March 29, 2000 at 2 p.m.

Department: General Services
Location: Cornwall Iron Furnace, Cornwall, Lebanon County, PA
Duration: 180 Calendar days from date of initial job conference
Contact: Contract and Bidding Unit, (717) 787-6556

015DGS1103-40ME2 Project Title: Construction of the Multi-Purpose Academic Complex. Brief Description: Work will include the installation of a building grounding mat, portions of a building lighting protection system and layout and installation of conduit and boxes for in-slab electrical systems. Contractor will also be required to coordinate with the Foundations Contractor to set inverts for numerous sleeves and other devices set into the cast-in-place concrete construction. Project is located at Forbes Avenue and Bouquet Streets in Pittsburgh, PA. Estimated Range: Under \$100,000. Plans Deposit: \$175 per set payable to: JSA. Refundable upon return of plans and specifications in reusable condition as construction documents within 15 days after the bid opening date. The bidder is responsible for the cost of delivery of the plans and specifications. Contact the office listed to arrange for delivery of documents. A separate check must be submitted to cover the cost of delivery. Mail a separate check or provide an express mail account number to the office listed. Mail request to: JSA, 6450 Steubenville Pike, Pittsburgh, PA 15205-1004. Tel: (412) 788-1500. Bid Date: Wednesday, March 29, 2000 at 11 a.m. A Prebid Conference has been scheduled for Friday, March 17, 2000 at 1:30 p.m. Meet at 3400 Forbes Avenue, Pittsburgh, PA (Eureka Building). Contact: Scott Womack, Tel: (412) 788-1500. All Contractors who have secured Contract Documents are invited and strongly urged to attend this Prebid Conference.

Department: General Services
Location: University of Pittsburgh, Pittsburgh, Allegheny County, PA
Duration: 130 Calendar days from date of initial job conference
Contact: Contract and Bidding Unit, (717) 787-6556

015DGS1103-40ME1 Project Title: Construction of the Multi-Purpose Academic Complex. Brief Description: Installation of a portion of the underground water service piping, as well as piping to be set into cast-in-place concrete construction. Work will also include the coordination, with the Foundations Contractor to set inverts for numerous sleeves and floor drains set into the cast-in-place concrete construction. Project is located at Forbes Avenue and Bouquet Streets in Pittsburgh, PA. Estimated Range: Under \$100,000. Plans Deposit: \$175 per set payable to JSA. Refundable upon return of plans and specifications in reusable condition as construction documents within 15 days after the bid opening date. The bidder is responsible for the cost of delivery of the plans and specifications. Contact the office listed to arrange for delivery of documents. A separate check must be submitted to cover the cost of delivery. Mail a separate check or provide an express mail account number to the office listed. JSA, 6450 Steubenville Pike, Pittsburgh, PA 15205-1004. Tel: (412) 788-1500. Bid Date: Wednesday, March 29, 2000 at 11 a.m. A Prebid Conference has been scheduled for Friday, March 17, 2000 at 1:30 p.m. Meet at 3400 Forbes Avenue, Pittsburgh, PA (Eureka Building). Contact: Scott Womack, Tel: (412) 788-1500. All Contractors who have secured Contract Documents are invited and strongly urged to attend this Prebid Conference.

Department: General Services
Location: University of Pittsburgh, Pittsburgh, Allegheny County, PA
Duration: 140 Calendar days from date of initial job conference
Contact: Contract and Bidding Unit, (717) 787-6556

015DGS948-50PHASE2 Project Title: Renovation to the Arsenal Building. Brief Description: Renovate portions of Arsenal Building interior and Bunker Building. Include new HVAC, electrical, plumbing and finishes. Estimated Range: \$1,000,000 to \$2,000,000. General, HVAC, Plumbing and Electrical Construction. Plans Deposit: \$25 per set payable to: Commonwealth of Pennsylvania. Refundable upon return of plans and specifications in reusable condition as construction documents within 15 days after the bid opening date. Bidder is responsible for the cost of delivery of the plans and specifications. Contact the office listed to arrange for delivery of documents. A separate check must be submitted to cover the cost of delivery. Mail a separate check for \$5 per set or provide an express mail account number to the office listed. Mail requests to: Department of General Services, Room 107 Headquarters Building, 18th and Herr Streets, Harrisburg, PA 17125. Tel: (717) 787-3923. Bid Date: Wednesday, April 12, 2000 at 2 p.m. A Prebid Conference has been scheduled for Wednesday, March 29, 2000 at 10 a.m. at Department of General Services, Public Works Complex, 3rd Floor in Room 315 of the Arsenal Building, 18th and Herr Streets, Harrisburg, PA. Contact: Ron Pontius, Tel: (717) 787-5598. All Contractors who have secured Contract Documents are invited and urged to attend this Prebid Conference.

Department: General Services
Location: Department of General Services, Public Works Complex, Harrisburg, Dauphin County, PA
Duration: 240 Calendar days from date of initial job conference
Contact: Contract and Bidding Unit, (717) 787-6556

SU-99-16 Shippensburg University is seeking proposals for a Contractor to provide full time construction inspection and surveillance services for the Shippen Hall Renovation/Addition project and other projects for a 430 calendar day period; with possible extensions as required; but not to exceed 5 years total. Requests for the proposal package should be faxed to Deborah K. Martin at FAX: (717) 477-4004.

Department: State System of Higher Education
Location: Shippensburg University, Shippensburg Township, Shippensburg, Cumberland County, PA
Duration: 430 Calendar Days after Contract Award
Contact: Deborah K. Martin, Contract Administrator, (717) 477-1121

FDC-200-655 Rehabilitating a storage area in the Regional Office located in Butler County (work includes constructing an ADA accessible bathroom and constructing new and repositioning existing shelving). Note: Bid documents will be available on or after March 20, 2000.

Department: Conservation and Natural Resources
Location: Franklin Township
Duration: 60 Days
Contact: Construction Management Section, (717) 787-5055

015DGS960-53 Project Title: Construction of Addition to Horizon Building for use as a Dietary Facility. Brief Description: New dietary addition includes a kitchen, dining room, loading/receiving and storage. General, HVAC, Plumbing, Electrical and Food Service Equipment construction contracts are included. Estimated Range: \$2,000,000 to \$5,000,000. General, HVAC, Plumbing, Electrical and Food Service Equipment. Plans Deposit: \$200 per set payable to: BBLM Architects. Refundable upon return of plans and specifications in reusable condition as construction documents within 15 days after the bid opening date. Bidder is responsible for the cost of delivery of the plans and specifications. Contact the office listed to arrange for delivery of documents. A separate check must be submitted to cover the cost of delivery. Mail a separate check or provide an express mail account number to the office listed. Mail requests to: BBLM Architects, 924 Cherry Street, Philadelphia, PA 19107, (215) 625-2500. Bid Date: Wednesday, April 12, 2000 at 1 p.m. A Prebid Conference has been scheduled for Tuesday, March 28, 2000 at 1 p.m. at Southeastern PA Veterans' Center, Multipurpose Room No. 147, Spring City, PA. Contact: Tom Schmidt, (610) 948-2430. For questions about project, contact Laura Strychalski, (215) 625-2500. All Contractors who have secured Contract Documents are invited and urged to attend this Prebid Conference.

Department: General Services
Location: Southeastern PA Veterans' Home, Spring City, Chester County, PA
Duration: 350 calendar days from date of initial job conference
Contact: Contract and Bidding Unit, (717) 787-6556

015DGS960-54 Project Title: Expand Parking Facilities. Brief Description: Work consists of site grading, bituminous paving, landscaping and lighting for a new parking lot. Estimated Range: \$100,000 to \$500,000. General and Electrical Construction. Plans Deposit: \$25 per set payable to: Commonwealth of Pennsylvania. Refundable upon return of plans and specifications in reusable condition as construction documents within 15 days after the bid opening date. Bidder is responsible for the cost of delivery of the plans and specifications. Contact the office listed to arrange for delivery of documents. A separate check must be submitted to cover the cost of delivery. Mail a separate check for \$5 per set or provide an express mail account number to the office listed. Mail requests to Department of General Services, Room 107 Headquarters Building, 18th and Herr Streets, Harrisburg, PA 17125. Tel: (717) 787-3923. Bid Date: Wednesday, April 12, 2000 at 1 p.m.

Department: General Services
Location: Southeastern PA Veterans' Home, Spring City, Chester County, PA
Duration: 90 calendar days from date of initial job conference
Contact: Contract and Bidding Unit, (717) 787-3923

Engineering Services—14

FDC-500-792 Retain the services of an Engineering Firm or Firms to perform periodic NBIS inspections on bridges located throughout Pennsylvania's State Parks and Forestry Districts. Approximately 150 bridges, culverts and railroad structures will be inspected annually.

Department: Conservation and Natural Resources
Location: Throughout Pennsylvania
Duration: Five years
Contact: Construction Management Section, (717) 787-5055

08430AG2519 Open-End Contract for construction inspection services in Philadelphia County. Details concerning this project will be available within the next 2 weeks in the *Pennsylvania Bulletin* or at www.statecontracts.com under Retention of Engineering Firm Data.

Department: Transportation
Location: Engineering District 6-0
Duration: Sixty Months
Contact: N/A

08430AG2518 Open-End Contract to provide supplementary construction inspection staff on various projects in Engineering District 9-0, that is, Bedford, Blair, Cambria, Fulton, Huntingdon and Somerset Counties. Details concerning this project will be available within the next 2 weeks in the *Pennsylvania Bulletin* or at www.statecontracts.com under Retention of Engineering Firm Data.

Department: Transportation
Location: Engineering District 9-0
Duration: Sixty Months
Contact: N/A

08430AG2520 Open-End Contract to provide supplementary construction inspection staff under the Department's Inspector(s)-in-Charge to perform construction inspection services on various projects in Engineering District 5-0, that is, Berks, Carbon, Lehigh, Monroe, Northampton and Schuylkill Counties. Details concerning this project will be available within the next 2 weeks in the *Pennsylvania Bulletin* or at www.statecontracts.com under Retention of Engineering Firm Data.

Department: Transportation
Location: Engineering District 5-0
Duration: Sixty Months
Contact: N/A

08430AG2521 Open-End Contract to provide various engineering and environmental services in Engineering District 10-0, that is, Armstrong, Butler, Clarion, Indiana and Jefferson Counties. Details concerning this project will be available within the next 2 weeks in the *Pennsylvania Bulletin* or at www.statecontracts.com under Retention of Engineering Firm Data.

Department: Transportation
Location: Engineering District 10-0
Duration: Sixty Months
Contact: N/A

08430AG25201 Open-End Contract for various engineering and environmental services in Engineering District 10-0, that is, Armstrong, Butler, Clarion, Indiana and Jefferson Counties. Details concerning this project will be available within the next 2 weeks in the *Pennsylvania Bulletin* or at www.statecontracts.com under Retention of Engineering Firm Data.

Department: Transportation
Location: Engineering District 10-0
Duration: Sixty Months
Contact: N/A

Environmental Maintenance—15

SP-38-6300-9-009 Underwater inspection of Dam Control Towers and associated structures.

Department: Conservation and Natural Resources
Location: Prince Gallitzin, Pine Grove Furnace and Little Buffalo State Parks
Duration: 60 Days after Notice to Proceed
Contact: James L. Ross, (814) 733-9123

Financial & Insurance Services—17

SU-99-17 Shippensburg University is currently seeking proposals from qualified insurance agencies, insurance brokerages and insurance companies to provide health insurance plans for domestic and international students attending Shippensburg University. Requests for the proposal package should be faxed to Deborah K. Martin at (717) 477-4004.

Department: State System of Higher Education
Location: Shippensburg University, Shippensburg Township, Shippensburg, Cumberland County, PA
Duration: One year with options NTE a 5 year total
Contact: Deborah K. Martin, Contract Administrator, (717) 477-1121

HVAC—22

FM0026 Heating pipe insulation removal and replacement. To obtain a copy of this bid package fax the following information to Vikki Mahoney at (717) 772-8282: Contract No. FM0026, Company Name, Company Contact Name, Company Address, Company Telephone Number and Fax Number. Please reference FM0026 on the fax.

Department: Transportation
Location: District 6-5, County Maintenance Facility, Blaine and Ruffner Streets, Philadelphia, PA
Duration: Six Months (180 Calendar Days)
Contact: Vikki Mahoney, (717) 787-7001

SP386213001 Sealed bids will be received at Department of Conservation and Natural Resources, Raccoon Creek State Park, 3000 State Route 18, Hookstown, PA 15050-1605 and then publicly opened and read. A bid opening date has not yet been set. For Electrical Repair and/or Maintenance of the electrical equipment at Raccoon Creek State Park. A bid proposal containing all pertinent information must be obtained from the office of the Park Manager, Raccoon Creek State Park.

Department: Conservation and Natural Resources
Location: Department of Conservation and Natural Resources, Raccoon Creek State Park, 3000 State Route 18, Hookstown, PA 15050-1605
Duration: July 1, 2000 to June 30, 2002
Contact: Raccoon Creek State Park, (724) 899-2200

ADV No. 72 Indiana University of Pennsylvania is seeking qualified vendors to respond to a Request for Quotation to provide maintenance services to all air conditioning and related equipment located at IUP. Requests for the bid package should be made in writing referencing ADV No. 72 and directed to the attention of Barbara Cerovich, Contracts Administrator, IUP Robertshaw Building, 650 South 13th Street, Indiana, PA 15705; Fax number (724) 357-2670; E-mail Cerovich@grove.iup.edu. Requests for bid packages will be accepted until March 31, 2000. The University encourages responses from small and disadvantaged, minority and women-owned firms.

Department: State System of Higher Education
Location: Indiana University of Pennsylvania, Indiana, PA 15705
Duration: 1—5 years
Contact: Barbara Cerovich, (724) 357-2301

304-055 Contractor must provide full coverage maintenance, including labor, materials and supplies, to ensure that all the air conditioning equipment in the specifications are operating efficiently and effectively at all times at the Philadelphia State Office Building, 1400 W. Spring Garden Street, Philadelphia, PA 19130. Work not addressed in these specifications must be approved by DGS. Contractor will be paid only for the time and materials expended, includes two Turbomaster water chilling systems, Model L-85, Mfg.: York, Serial # G210232, 400 h.p.

Department: General Services
Location: Philadelphia State Office Building, 1400 West Spring Garden Street, Philadelphia, PA 19130
Duration: July 1, 2000 through June 30, 2003
Contact: Ernie Keen, (215) 560-2521

SP No. 00782005 The contractor shall provide all labor, equipment, tools, materials and supervision required to maintain the Hays-Republic Combustion Controls in use in the Power Plant at the Hamburg Center, Hamburg, PA. To receive detailed specifications, submit fax to Beverly O. Epting, PA, (610) 562-6025, Hamburg Center, Hamburg, PA 19526. Fax: (610) 562-6025.

Department: Public Welfare
Location: Hamburg Center, Old Route 22, Hamburg, PA 19526
Duration: January 1, 2001 through December 31, 2005
Contact: Beverly O. Epting, PA, (610) 562-6031

1381001230 Provide emergency and routine repair work for air conditioning service. The contractor must respond to the call within 2 hours of receiving a call either directly or by a recording device. Replacement parts must be as originally installed or of equal quality and function. The contractor must agree to redeem manufacturer's warranty on parts where applicable, and further agree to guarantee workmanship and replacement parts, provided by his firm for a 90 day period. Bid proposal forms used to submit bids are available from the State Army Board.

Department: Military Affairs
Location: PAARNG Armory, P. O. Box 291, R. D. 2 Rte. 15 S, Lewisburg, PA 17837-0291
Duration: July 1, 2000—June 30, 2003
Contact: Emma Schroff, (717) 861-8518

1381001217 Provide emergency and routine repair work for heating system. The contractor must respond to the call within 2 hours of receiving a call either directly or by a recording device. Replacement parts must be as originally installed or of equal quality and function. The contractor must agree to redeem manufacturer's warranty on parts where applicable, and further agree to guarantee workmanship and replacement parts, provided by his firm for a 90 day period. Bid proposal forms used to submit bids are available from the State Army Board.

Department: Military Affairs
Location: PAARNG Armory, 895 Diamond Park, Meadville, PA 16335-1596
Duration: July 1, 2000—June 30, 2003
Contact: Emma Schroff, (717) 861-8518

1345001008 Vendor to perform repairs as needed and "on-call" on various ATC and HVAC systems located at the Southeastern Veterans Center, Spring City, PA 19475.

Department: Military Affairs
Location: Southeastern Veterans Center, 1 Veterans Drive, Spring City, PA 19475
Duration: July 1, 2000 through June 30, 2003
Contact: Theresa Barthel, P.A., (610) 948-2493

UP-168 Mechanical System Replacement: Bard Hall, Slippery Rock University is accepting sealed bids for the installation of a new HVAC System in Bard Hall. The project includes the demolition of the existing heating system, installation of a new four pipe heating/cooling system, air cooled chiller, fan coils and stand alone unit ventilators. The bid package can be obtained by submitting a \$75 nonrefundable check to Peter F. Loftus of Eichleay Engineers, Inc., 6585 Penn Avenue, Pittsburgh, PA 15206-4407, (412) 363-9000. Plans will be made available at the University for viewing by contacting Joan Allen, Project Manager at (724) 738-2536. A prebid conference will be held at 1:30 p.m. on March 15, 2000 in Bard Hall. The bid opening is set for 2 p.m. on March 30, 2000. Please mark UP-168 on the outside of the envelope.

Department: State System of Higher Education
Location: Slippery Rock University of PA, Slippery Rock, Butler County, PA 16057
Duration: Two Phases—220 Days Total
Contact: J. F. Revesz, Director of Contracts, (724) 738-2255

Janitorial Services—23

03-A-00 Janitorial Services: To be provided on a daily basis, Monday through Friday except State Holidays. The normal cleaning hours will be 5 p.m. to 11 p.m. Estimated 10,500 sq. ft. of office space.

Department: Labor and Industry
Location: Department of Labor and Industry, Office of Vocational Rehabilitation, 665 Carey Avenue, Wilkes Barre, PA 18702
Duration: July 1, 2000 through June 30, 2001
Contact: Cherianita Thomas, BF, (717) 787-2877

MU No. 21-01 Mansfield University is seeking interested bidders to provide janitorial services for all residence halls (Cedarcrest A & B, Laurel A & B, Hemlock Manor, Pinecrest), the Rod C. Kelchner Fitness Center and the new Student Union. Contract period to run from July 1, 2000 through June 30, 2001. A bid package can be obtained by contacting Peg Chapel, Mansfield University, Purchasing Dept., Mansfield, PA 16933, (570) 662-4148. The State System of Higher Education encourages responses from small firms, minority firms, and firms which may have not previously performed work for the system. Nondiscrimination and Equal Opportunity are the policies of the Commonwealth and the PA State System of Higher Education. A prebid conference will be held March 29, 2000 at 10 a.m. in the Brooks Maintenance Bldg., Mansfield University. Bids are due April 10, 2000 by 2 p.m.

Department: State System of Higher Education
Location: Mansfield University, Mansfield, PA 16933
Duration: One Year
Contact: Peg Chapel, (570) 662-4148

461457 Provide Twice-Weekly, Monthly and Quarterly Janitorial Services. Fax request for bid package to Darlene Barnhart at (717) 783-4438. Include proper mailing address, contact person and phone number.

Department: Transportation
Location: Eastern PA Training Facility (EPTA), R. R. 1 Box 7042, Grantville, PA 17028
Duration: Contract is a one term of 5 years
Contact: Elizabeth Kohl, (717) 865-5553

Laboratory Services—24

00-009 CC No.: 9999-2700-000, Contractor shall provide a weekly analysis of the treated effluent discharge from the institutional sewage plant according to the mandates issued by Environmental Protection Agency. Another analysis shall be a quarterly analysis of the potable/drinking water used at this Agency.

Department: Corrections
Location: State Regional Correctional Facility, 801 Butler Pike, Rte. 258, South Mercer, PA 16137
Duration: July 1, 2000 to June 30, 2003
Contact: John Pitonyak, (724) 662-1837, Ext. 194

Lodging Facilities—27

370098 Rebid of Contract (370098) for PLAS and PLAM. Change in PLAS date. The Department of Transportation is soliciting bids from contractors to provide hotel facilities, meals, equipment rental and staff services to coordinate its PennDOT Leadership Academy for Managers (PLAM) and PennDOT Leadership Academy for Supervisors (PLAS). Approximately 30 PennDOT employees attend each session of this training. PLAM is held three times for 5 consecutive days September 11—15, 2000; October 16—20, 2000; and November 13—17, 2000. PLAS is held one time for 3 consecutive days October 3—5, 2000. Added sessions will be negotiable. Facility must be within a 30 mile radius of downtown Harrisburg, PA and easy access to the interstate highways. Interested parties may request a bid by faxing request to Pam Meloy at (717) 787-3466 and please reference SBC370098.

Department: Transportation

Location: Department of Transportation, Attn: Pam Meloy, Center for Performance Excellence, 9th Floor/Forum Place, 555 Walnut Street, Harrisburg, PA 17101-1900

Duration: Five years

Contact: Pam Meloy, (717) 787-5090

461902 Provide a Conference Facility with meeting room, meals and A/V equipment within a 10 mile radius of Lancaster, PA. The facility will be for approximately 125 people with overnight accommodations. Date required for facility is October 1 through October 6, 2000. Fax request for Bid Package to Wendy Heberlig at (717) 783-4438, include proper business name and mailing address with contact person and telephone number.

Department: Transportation

Location: Department of Transportation, Equipment Division, 17th Street and Arsenal Blvd., Harrisburg, PA 17120

Duration: Contract for single event, no renewals

Contact: Nickolas Fazio, (717) 787-9690

Moving Services—30

DEP-EBENSBURG The Department of Environmental Protection (DEP) requires the services of a moving company to provide all labor, equipment and supervision necessary to move DEP offices from several office locations in the Ebensburg area and from one storage facility in Bellefonte to their new headquarters on Industrial Park Road, Ebensburg, PA.

Department: Environmental Protection

Location: Ebensburg, PA

Duration: This move will take place after completion of the new facility on Industrial Road. It is estimated that the move will be scheduled for sometime between June and September 2000

Contact: Barbara Kilby, (717) 783-1709

Property Maintenance—33

FM0273 Construction of 45 ft. wide × 36 ft. deep bulk material storage building. To obtain a copy of this bid package, fax the following information to Vikki Mahoney at (717) 772-8282: Contract No. FM0273, Company Name, Company Contact Name, Company Address, Company Telephone Number and Fax Number. Please reference FM0273 on the fax.

Department: Transportation

Location: Darlington Stockpile, S. R. 4013, Darlington Borough, Beaver County, PA

Duration: 60 Calendar Days

Contact: Vikki Mahoney, (717) 787-7001

62-0050 West Chester University is soliciting sealed bids for the Refinishing of Residence Hall built-in furniture. The refinishing includes, as necessary, the cleaning, sanding, patching, regluing laminates and replacement of heavily damaged laminates of two wardrobes, one five-drawer dresser and three overhead storage cabinets per room in approximately 225 dorm rooms. The work is expected on or about May 8, 2000 and must be completed by August 12, 2000.

Department: State System of Higher Education

Location: West Chester University, West Chester, PA 19383

Duration: Begin on or about May 8, 2000—must be completed by August 12, 2000

Contact: Jacki Marthinsen, Contracts Manager, (610) 436-2705

FM0012 Construction of a 36 foot × 45 foot bulk storage building at the PennDOT Stockpile 12, Blooming Grove Township, Blooming Grove, Pike County, PA. To obtain a copy of this bid package, fax the following information to Vikki Mahoney at (717) 783-7971. Contract No. FM0012, Company Name; Company Contact Name; Address; Telephone Number and Fax Number.

Department: Transportation

Location: PennDOT Stockpile 12, Blooming Grove Twp., Pike Co. Exit 9 off I-84, North on 739 to 4004, West on 4004 approximately 1/2 mile, site on right, Blooming Grove, PA

Duration: 90 calendar days

Contact: Vikki Mahoney, (717) 787-7001

00974002 Window Repair Services.

Department: Public Welfare

Location: Warren State Hospital, 33 Main Dr. N., Warren, PA 16365-5099

Duration: July 1, 2000 to June 3, 2003

Contact: John Sample, PA I, (814) 726-4448

080S41-Re-bid Roadside mowing in 8-3, Franklin County. Specifications and bid package requests must be received by fax at (717) 772-0975 (Bill Tyson) or telephone (717) 787-7600, 7:30 a.m.—3:30 p.m. (Mon.—Fri.). The request should include the Vendor's Name, Address, Telephone No., Fax No., and Employer's Federal ID No. This is for mowing group No. 8-00-31M.

Department: Transportation

Location: PennDOT, Maintenance District 8-3, Chambersburg, PA 17201

Duration: One year period for a total of four renewals

Contact: William Tyson, (717) 787-7600

2000-TYLER-LAGOON The Fish and Boat Commission is seeking to increase the settling capabilities of the wastewater lagoon at Tylersville Fish Culture Station in a nondestructive manner and without lagoon expansion. The Fish and Boat Commission believes this can be accomplished with a baffle system and is soliciting for a recommended baffle layout, materials of construction, fabrication, delivery and installation instructions for Commission personnel to install. The recommended layout should enable the Commission to increase capture of solids, as well as reduce CBOD and related wastewater parameters by 25%.

Department: Fish and Boat Commission

Location: Fish and Boat Commission, Tylersville Fish Culture Station, 43 Hatchery Lane, Loganton, PA 17747-9734

Duration: May 1, 2000 through June 30, 2000

Contact: Kathi Tibbott, (814) 359-5131

Real Estate Services—35

373883 Lease office space to the Commonwealth of Pennsylvania. 11,282 sq. ft. of office space with parking for 50 vehicles, within the city limits of Pittsburgh, PA. Proposals Due: May 7, 2000. Solicitation No.: 92967.

Department: Office of the Budget/Executive Offices
Location: 505 North Office Building, Harrisburg, PA 17125
Duration: N/A
Contact: Jennings Ward, (717) 787-7412

373883 Lease office space to the Commonwealth of Pennsylvania. 8,402 sq. ft. of office space with parking for 70 vehicles, situated in Indiana County, bounded by: North: PA-85, South: U. S. Route 22 and Indiana County Line, East: Route 119 and West: Indiana County Line, the space must be contiguous and on one floor. Downtown locations will be considered. Proposals Due: May 14, 2000. Solicitation No.: 92974.

Department: Labor and Industry
Location: 505 North Office Building, Harrisburg, PA 17125
Duration: N/A
Contact: Jennings Ward, (717) 787-7412

373883 Lease office space to the Commonwealth of Pennsylvania. 19,499 sq. ft. of office space with parking for 156 vehicles in Allegheny County, bounded by: North: Junction of I-79 and I-76, South: Allegheny County Line, East: I-76 and West I-79. The space must be contiguous and on one floor. Downtown locations will be considered. Proposals due: May 1, 2000. Solicitation No.: 92973.

Department: Labor and Industry
Location: 505 North Office Building, Harrisburg, PA 17125
Duration: N/A
Contact: Jennings Ward, (717) 787-7412

Sanitation—36

SP386207001 Sealed bids will be received at Department of Conservation and Natural Resources, Park Region No. 2, 195 Park Road, P. O. Box 387, Prospect, PA 16052-0387 and then publicly opened and read. A bid opening date has not yet been set. For septic tank pumping at Laurel Hill State Park Complex. A bid proposal containing all pertinent information must be obtained from the office of the Park Manager, Laurel Hill State Park.

Department: Conservation and Natural Resources
Location: Department of Conservation and Natural Resources, Laurel Hill State Park Complex, 1454 Laurel Hill Park Road, Somerset, PA 15501-5629
Duration: July 1, 2000 to June 30, 2003
Contact: Laurel Hill State Park, (814) 445-7725

SP3864500001 Solid Waste Disposal. Rental of two 25 cubic yard roll off containers with an estimated 15 non-scheduled pick-ups. Location of containers: Bucks County—Washington Crossing Park and Northampton County—Why-Hit-Tuk Park.

Department: Conservation and Natural Resources
Location: Delaware Canal State Park, 11 Lodi Hill Road, Upper Black Eddy, PA 18972
Duration: Four year contract, starting July 1, 2000 and ending June 30, 2004
Contact: Sandra L. Fox, (610) 982-5560

00-006 CC No.: 9999-4400-000, Contractor shall provide a transportation service to haul undigested fecal matter/sewage sludge to an EPA approved processing site/location.

Department: Corrections
Location: State Regional Correctional Facility, 801 Butler Pike, Rte. 258, South Mercer, PA 16137
Duration: July 1, 2000 to June 30, 2003
Contact: John Pitonyak, (724) 662-1837, Ext. 194

Security Services—37

1891810054 The Pennsylvania Lottery is seeking security guard service. Two uniformed unarmed guards are needed at Lottery's facility located at 2850 Turnpike Industrial Drive, Middletown, PA 17057. Guards are needed from 7 a.m. to 5:30 p.m. Monday through Friday. Two shifts are used Monday through Friday. Guards may also be utilized on special occasions such as Saturdays and certain State holidays. Work includes manning the reception desk, monitoring of CCTV cameras, intrusion detection and card access systems and observing sensitive materials destruction. The vendor must maintain an office within 25 miles of Harrisburg.

Department: Revenue
Location: Department of Revenue, Pennsylvania Lottery, 2850 Turnpike Industrial Drive, Middletown, PA 17057
Duration: July 1, 2000 through June 30, 2002
Contact: Kim L. Troutman, (717) 986-4772

SP05101001 Provide monitoring and maintenance of the burglar and fire alarm system at five Philadelphia County District Offices. Complete details and specifications may be obtained by contacting the procurement office. Fax request to (717) 787-3560. Be sure to include the company name, address, phone number and contract number/service.

Department: Public Welfare
Location: Philadelphia County Assistance Office, Office Supports—Rm. 701, 1400 Spring Garden Street, Philadelphia, PA 19130
Duration: Anticipated July 1, 2000 to June 30, 2003 with two additional 1 year renewal periods
Contact: Geary Kauffman, (717) 783-5675

Miscellaneous—39

1509-03302 Vendor shall provide sharpening services and provide band saw blades to the Correctional Industries Meat Processing Plant.

Department: Corrections
Location: SCI Camp Hill—Correctional Industries Meat Processing Plant
Duration: 1 year
Contact: Beth Procopio, (717) 975-4960

00-007 CC No.: 9999-3500-000, Contractor shall provide the services of a lift bucket truck with a 30' extension capacity and qualified operator to be used in the repair of perimeter lighting.

Department: Corrections
Location: State Regional Correctional Facility, 801 Butler Pike, Rte. 258, South Mercer, PA 16137
Duration: July 1, 2000 to June 30, 2003
Contact: John Pitonyak, (724) 662-1837, Ext. 194

PROC-00-08 Toner, Unisys, USD9716 Laser Printer, Unisys Part Number 81-9701-970. No substitutes or remanufactured cartridges accepted. (DPW Whse # 45573-4).

Department: Public Welfare
Location: Department of Public Welfare, Div. of Office Services—Supplies Mgmt., Operations, 905 Elmerton Ave., Harrisburg, PA 17110
Duration: April 30, 2000
Contact: Beth Trowbridge, (717) 783-1083

CS-6126/6142/6149 Evidence envelopes, expanding, 40 # brown kraft, printed with black ink. Quantity/size as follows: 12,000 each—6"x11", 10,000 each—10"x13", 12,000 each—8"x13"-3/4".

Department: State Police
Location: Pennsylvania State Police Central Supply Section, 1800 Elmerton Avenue, Harrisburg, PA 17110
Duration: June 30, 2000
Contact: Mike Knepp, (717) 783-5502

00-010 CC No.: 9999-4000-000, Contractor shall provide a funerary service and transport of the earthly remains of a deceased resident. Specifications are contained within the formal quote. Quotes may be obtained by contacting the Agency listed.

Department: Corrections
Location: State Regional Correctional Facility, 801 Butler Pike, Rte. 258, South Mercer, PA 16137
Duration: July 1, 2000 to June 30, 2003
Contact: John Pitonyak, (724) 662-1837, Ext. 194

LBLA 1265 Household appliances: refrigerators (4 cubic foot and 18 cubic foot) and dryers.

Department: Public Welfare
Location: Selinsgrove Center, Box 500, Route 522, Selinsgrove, PA 17870
Duration: Indeterminate 1999-2000
Contact: Arletta K. Ney, Purchasing Agent, (570) 372-5070

00973408 Smooth flow tubing, fittings and installation of Hoffman Solovac Model SV-75P1 industrial vacuum cleaning system.

Department: Public Welfare
Location: Torrance State Hospital, State Route 1014, Torrance, PA 15779-0111
Duration: July 1, 2000-June 30, 2001
Contact: Linda J. Zoskey, (724) 459-4547

ADV No. 70 Indiana University of Pennsylvania is seeking qualified vendors to respond to a Request for Quotation to provide onsite full service maintenance to approximately 60 Sharp copiers located at IUP's main campus and branch campuses. Requests for copies of the bid package should be made in writing referencing ADV No. 70, and directed to the attention of Barbara Cerovich, Contracts Administrator, IUP, Robertshaw Building, 650 S. 13th Street, Indiana, PA 15705; Fax No. (724) 357-2670; E-mail Cerovich@grove.iup.edu. Requests for bid packages will be accepted until March 24, 2000. The University encourages responses from small and disadvantaged, minority, and women-owned firms.

Department: State System of Higher Education
Location: Indiana University of Pennsylvania, Indiana, PA 15705
Duration: Two years
Contact: Barbara Cerovich, (724) 357-2301

LBLA 1264 Medication Cavities and Cards.

Department: Public Welfare
Location: Selinsgrove Center, Box 500, Route 522, Selinsgrove, PA 17870
Duration: Indeterminate 1999-2000
Contact: Arletta K. Ney, Purchasing Agent, (570) 372-5070

LBLA No. 6 Furnish and install approximately 187 fence posts and install a 4' gate at the North Central Secure Treatment Unit, Jackson Building, 210 Clinic Road, Danville, PA 17821. Complete specs will be mailed with bid.

Department: Public Welfare
Location: 210 Clinic Road, Danville, PA 17821
Duration: Anticipated start date of March 1, 2000 through June 30, 2000
Contact: Dee Kuhn, Purchasing Agent, (717) 789-5509

0544 Provide contract services for the storage and distribution of Historical and Museum Commission publications and marketing literature and State Bookstore inventory. Services to include moving, inventorying, warehousing, electronic order processing, selecting and order fulfilling, packing and mailing of books and marketing literature. Contract to be for a 5 year period, renewable each fiscal year.

Department: Historical and Museum Commission
Location: Location of agency requesting services: Historical and Museum Commission, Division of Publications and Sales, 3rd and Forster Streets, Harrisburg, PA 17108
Duration: July 1, 2000-June 30, 2005
Contact: Susan Lindeman, (717) 783-2618

SP 119460013 Contractor to excavate and replace approximately 400 feet of 8" terra cotta sewer line from manhole to manhole located on the grounds of the State Correctional Institution at Laurel Highlands. Site visit is required. Contact institution for bid packet.

Department: Corrections
Location: State Correctional Institution at Laurel Highlands, 5706 Glades Pike, P. O. Box 631, Somerset, PA 15501-0631
Duration: May 1, 2000 to June 30, 2000
Contact: Carole Kolesko, PA II, (814) 445-6501, Ext. 347

012-9006-08 PennSERVE: The Governor's Office of Citizen Service announces the availability of education awards from the National Service Trust (AmeriCorps) through a simplified application process for community service programs that can be support most or all of the costs from sources other than the Corporation for National Service. Education awards of up to \$4,725 will be available to AmeriCorps participants who successfully complete community service terms. Community based organization, institutions of higher education and state and local government agencies are eligible. Call PennSERVE at (717) 787-1971 for applications. Application deadline is Friday, April 21, 2000 at 4 p.m.

Department: Labor and Industry
Location: PennSERVE, 1304 Labor and Industry Building, Harrisburg, PA 17120
Duration: One year upon award
Contact: Renee F. Johnson, (717) 772-4426

SP 3590009395 Provide processing of waste tires from designated waste tire piles throughout the Commonwealth and transporting to end users.

Department: Environmental Protection
Location: Throughout the Commonwealth
Duration: Through June 30, 2001, with renewal option
Contact: Jackie Lincoln, (717) 783-9937

1106000-004 The contractor will provide translator/interpreter services to the foreign speaking and hearing impaired inmates at the State Correctional Institution at Pittsburgh.

Department: Corrections
Location: State Correctional Institution at Pittsburgh, 3001 Beaver Avenue, P. O. Box 99901, Pittsburgh, PA 15233
Duration: Anticipated contract period July 1, 2000 to June 30, 2003
Contact: Carol Schaeffer, Purchasing Agent, (412) 761-1955, Ext. 291

2-2-00038 Contractor shall provide and install Fiberglass Utility Beds on two PA Dept. of Trans. Crew Cab Chassis with dual rear wheels. Installation shall be performed at contractor's location. Successful bidder must pick up and deliver trucks to and from PennDOT Garage Facility located at Washington Avenue and Hall Street, Hyde, PA.

Department: Transportation
Location: Washington Avenue and Hall Street, Hyde, PA
Duration: June 1, 2000 through May 31, 2001
Contact: Debbie Swank or Jake Bacher, (814) 765-0524

RFP Number 2000-1 The State Employees' Retirement System (SERS), a \$28.0 billion public pension plan, is issuing a Request for Proposal (RFP) for the acquisition of investment accounting software and post-implementation support. All proposals must be submitted as one original and eight copies to Eric Henry, SERS, 30 N. Third Street, P. O. Box 1147, Harrisburg, PA 17108-1147. The deadline to submit proposals is stated in the RFP package. A preproposal conference will be held for the RFP (date provided in the RFP). Prospective bidders are invited to attend this meeting before developing proposals. It will be held at the SERS offices on the 5th floor at 30 N. Third Street, Harrisburg, PA at 10 a.m. Because of limited facilities, only two representatives per vendor will be permitted to attend this conference. The purpose of the preproposal conference is to clarify any points which may not have been understood in the RFP. Please submit any pertinent questions in written form 2 days prior to the preproposal conference. All prospective bidders will be provided with answers to the questions submitted, in writing, within 1 week after the preproposal conference date. Interested parties may write to Eric Henry at the listed address or fax requests to him at (717) 783-7300 to obtain a copy of the RFP. Late proposals will not be considered regardless of the reason.

Department: State Employees' Retirement System
Location: 30 North Third Street, P. O. Box 1147, Harrisburg, PA 17108-1147
Duration: Approximately 15 months
Contact: Eric Henry, (717) 787-9657

[Pa.B. Doc. No. 00-516. Filed for public inspection March 17, 2000, 9:00 a.m.]

DESCRIPTION OF LEGEND

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| <p>1 Advertising, Public Relations, Promotional Materials</p> <p>2 Agricultural Services, Livestock, Equipment, Supplies & Repairs: Farming Equipment Rental & Repair, Crop Harvesting & Dusting, Animal Feed, etc.</p> <p>3 Auctioneer Services</p> <p>4 Audio/Video, Telecommunications Services, Equipment Rental & Repair</p> <p>5 Barber/Cosmetology Services & Equipment</p> <p>6 Cartography Services</p> <p>7 Child Care</p> <p>8 Computer Related Services & Equipment Repair: Equipment Rental/Lease, Programming, Data Entry, Payroll Services, Consulting</p> <p>9 Construction & Construction Maintenance: Buildings, Highways, Roads, Asphalt Paving, Bridges, Culverts, Welding, Resurfacing, etc.</p> <p>10 Court Reporting & Stenography Services</p> <p>11 Demolition—Structural Only</p> <p>12 Drafting & Design Services</p> <p>13 Elevator Maintenance</p> <p>14 Engineering Services & Consultation: Geologic, Civil, Mechanical, Electrical, Solar & Surveying</p> <p>15 Environmental Maintenance Services: Well Drilling, Mine Reclamation, Core & Exploratory Drilling, Stream Rehabilitation Projects and Installation Services</p> <p>16 Extermination Services</p> <p>17 Financial & Insurance Consulting & Services</p> <p>18 Firefighting Services</p> <p>19 Food</p> <p>20 Fuel Related Services, Equipment & Maintenance to Include Weighing Station Equipment, Underground & Above Storage Tanks</p> <p>21 Hazardous Material Services: Abatement, Disposal, Removal, Transportation & Consultation</p> | <p>22 Heating, Ventilation, Air Conditioning, Electrical, Plumbing, Refrigeration Services, Equipment Rental & Repair</p> <p>23 Janitorial Services & Supply Rental: Interior</p> <p>24 Laboratory Services, Maintenance & Consulting</p> <p>25 Laundry/Dry Cleaning & Linen/Uniform Rental</p> <p>26 Legal Services & Consultation</p> <p>27 Lodging/Meeting Facilities</p> <p>28 Mailing Services</p> <p>29 Medical Services, Equipment Rental and Repairs & Consultation</p> <p>30 Moving Services</p> <p>31 Personnel, Temporary</p> <p>32 Photography Services (includes aerial)</p> <p>33 Property Maintenance & Renovation—Interior & Exterior: Painting, Restoration, Carpentry Services, Snow Removal, General Landscaping (Mowing, Tree Pruning & Planting, etc.)</p> <p>34 Railroad/Airline Related Services, Equipment & Repair</p> <p>35 Real Estate Services—Appraisals & Rentals</p> <p>36 Sanitation—Non-Hazardous Removal, Disposal & Transportation (Includes Chemical Toilets)</p> <p>37 Security Services & Equipment—Armed Guards, Investigative Services & Security Systems</p> <p>38 Vehicle, Heavy Equipment & Powered Machinery Services, Maintenance, Rental, Repair & Renovation (Includes ADA Improvements)</p> <p>39 Miscellaneous: This category is intended for listing all bids, announcements not applicable to the above categories</p> |
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GARY E. CROWELL,
Secretary

Contract Awards

The following awards have been made by the Department of General Services, Bureau of Purchases:

Requisition or Contract No.	PR Award Date or Contract Effective Date	To	In the Amount Of
6505-08	3/17/00	Redline Healthcare Prods/ Redline Medical Supply	607,897.92
6505-08	3/17/00	Ross Products Dive/Abbott Labs Inc.	712,320.60
1179219-01	3/07/00	MA Brightbill Body Works, Inc.	42,999.00
1213139-01	3/07/00	OBS, Inc.	44,970.00
1247159-01	3/07/00	Applied Sci- ence Labo- ratories	28,000.00
1291219-01	3/07/00	Life Home Healthcare Service LLC	32,685.50
1296209-01	3/07/00	Vehicle Main- tenance Program, Inc.	13,915.54

Requisition or Contract No.	PR Award Date or Contract Effective Date	To	In the Amount Of
1296209-02	3/07/00	B+C Auto Parts Whse	9,273.60
1307229-01	3/07/00	Hondru Chevrolet, Inc.	48,016.00
1332219-01	3/07/00	Advance Au- dio Visual Sales, Inc.	60,528.15
1347239-01	3/07/00	Five Thou- sand Forms, Inc.	47,235.00
1348119-01	3/07/00	Pinnacle Technolo- gies, Inc.	240,955.00
8212530-01	3/07/00	Indoff	19,860.00
8505090-01	3/07/00	Monroe Truck Equipment, Inc.	38,150.00
8505130-01	3/07/00	Truck Parts Plus, Inc.	50,630.00
8505150-01	3/07/00	AC Miller Concrete Products, Inc.	34,470.00

GARY E. CROWELL,
Secretary

[Pa.B. Doc. No. 00-517. Filed for public inspection March 17, 2000, 9:00 a.m.]

