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PENNSYLVANIA BULLETIN

Volume 28

Number 29

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Pages 3363—3492

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Department of Conservation and Natural
Resources
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**Latest Pennsylvania Code Reporter
(Master Transmittal Sheet):**

No. 284, July 1998

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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THE GOVERNOR

GOVERNOR'S OFFICE

Amendment to Proclamation

June 26, 1998

Whereas, Two severe weather systems that each included a series of confirmed tornadoes struck the Commonwealth on May 31, 1998 and June 2, 1998 and caused extensive damage to private homes, businesses, public infrastructure and posed other adverse impacts upon the general population of the Commonwealth; and

Whereas, due to the two severe weather systems and resultant extensive damage to many areas of the Commonwealth, I declared a State of Disaster Emergency in nine counties of the Commonwealth on June 2, 1998; and

Whereas, on June 3, 1998, June 5, 1998, and June 11, 1998, I amended my Proclamation of Disaster Emergency to add six additional counties to the previously designated disaster emergency area; and

Whereas, the Commonwealth has continued to be affected by a series of severe weather systems during the past two weeks; and

Whereas, on June 23, 1998, one of those severe weather systems struck Tioga County and caused extensive damage to State Highway Route 4024 and its surrounding area; and

Whereas, the damage to State Highway Route 4024 has closed the road to emergency service vehicles and has thereby created a serious concern for the public safety and well-being of residents located in the immediate vicinity of the damaged road; and

Whereas, it is necessary to take immediate steps to provide for the reopening of State Highway Route 4024 in Tioga County and to repair and reconstruct the damaged sections of that highway.

Now Therefore, Pursuant to the provisions of Subsection 7301(c) of the Emergency Management Services Code (35 Pa.C.S. Section 7101 et seq.), I do hereby amend my Proclamation of June 2, 1998, as follows:

1. That portion of Tioga County affected by the June 23, 1998 storm is now declared to be in a state of disaster emergency and is added to the previously designated disaster emergency area.

2. Based upon the above declaration, the immediate repair, reconstruction, or new construction of State Highway Route 4024 is hereby authorized. In addition, I authorize the Secretary of the Department of Transportation to use all available equipment, resources and personnel of the Department and to dispense with time-consuming bid and contract procedures and formalities, in whatever manner he deems necessary, to insure that the damage to State Highway Route 4024 and related facilities and structures is repaired as expeditiously as possible. I hereby waive any laws or regulations that would restrict the application and use of the Department's equipment, resources and personnel to respond immediately and effectively in repairing,

THE GOVERNOR

reconstructing or replacing this highway and related facilities, in conducting any detour operations and in undertaking any new construction, as required.

Given, under my hand and the Seal of the Governor, at the City of Harrisburg, this twenty-sixth day of June in the year of our Lord one thousand nine hundred and ninety-eight and of the Commonwealth the two hundred and twenty-second.

Governor

[Pa.B. Doc. No. 98-1143. Filed for public inspection July 17, 1998, 9:00 a.m.]

THE COURTS

Title 231—RULES OF CIVIL PROCEDURE

PART I. GENERAL

[231 PA. CODE CH. 400]

Rule 400.1, Temporary Provisions for Philadelphia County; No. 296, Doc. No. 5

Order

Per Curiam

And Now, this 2nd day of July, 1998, it is hereby *Ordered* that Pennsylvania Rule of Civil Procedure 400.1, Temporary Provisions for Philadelphia County, is made permanent and retitled "Provisions for All Courts of the First Judicial District." It is further *Ordered* that the last sentence of Rule 111A of the Philadelphia Municipal Court Rules of Civil Procedure is deleted.

To the extent that notice of proposed rulemaking would be required by Rule 103 of the Pennsylvania Rules of Judicial Administration or otherwise, the immediate amendment of such rule is hereby found to be required in the interest of justice and efficient administration.

This Order shall be processed in accordance with Rule 103(b) of the Pennsylvania Rules of Judicial Administration and the amendment shall be effective August 1, 1998.

[Pa.B. Doc. No. 98-1144. Filed for public inspection July 17, 1998, 9:00 a.m.]

Title 249—PHILADELPHIA RULES

PHILADELPHIA COUNTY

[Correction]

Procedure for Sale of Motor Vehicles Impounded for Driving Without Operating Privileges for Registration Pursuant to 75 Pa.C.S. § 6309.2; Joint General Court Regulation No. 98-2

An error occurred in the Philadelphia County rules published at 28 Pa.B. 3021, 3022 (July 4, 1998). The following signatures should have been printed on page 3022.

ALEX BONAVIDACOLA,
President Judge
June 17, 1998

BERNICE DeANGELIS,
Administrative Judge
Traffic Court
June 17, 1998

[Pa.B. Doc. No. 98-1052. Filed for public inspection July 2, 1998, 9:00 a.m.]

Title 252—ALLEGHENY COUNTY RULES

ALLEGHENY COUNTY

Rules of Court of Common Pleas; No. 1 of 1998
Rules Docket

Order

And Now, to wit, this 4th day of June, 1998, pursuant to action of the Board of Judges and effective upon publication in the *Pennsylvania Bulletin*, the following rules of procedure are hereby adopted by this court:

Civil Rules:

A2039 Compromise, Settlement, Discontinuance and Distribution (of minors' claims).

A2064 Compromise, Settlement, Discontinuance and Distribution (of incapacitated persons' claims).

In connection therewith, the following administrative orders of this court are hereby vacated:

No. 69 of 1988, No. 158 of 1990, No. 159 of 1990 and No. 1 of November 23, 1992.

A1007 Actions Between Family Members.

In connection therewith, Administrative Order No. 188 of 1990 of this court is hereby vacated.

A1301.1 Discovery in Arbitration Proceedings.

In connection therewith, Administrative Order No. 148 of 1991 of this court is hereby vacated.

District Justice Rules:

A409(6) Writ of Execution. Money Judgment Entered by District Justice. (Lawyer Referral Service)

The following administrative orders of this court, are hereby vacated, as their subject matter is now covered by Rules 249 and 1028*1 of this court:

No. 140 of 1989,

No. 25 of March 9, 1989,

No. 271 of 1990.

Copies of the above new rules follow hereto.

By the Court

ROBERT E. DAUER,
President Judge

Rule 409. Writ of Execution. Money Judgment entered by District Justice.

The agency to be named in the Notice Accompanying Orders of Execution of judgments for the payment of money rendered by a District Justice pursuant to Pennsylvania Rule of Civil Procedure for District Justice 409(6) shall be: Lawyer Referral Service, Allegheny County Bar Association, 920 City County Building, Pittsburgh, Pennsylvania 15219, Telephone: (412) 261-5555.

Rule 2039. Compromise, Settlement, Discontinuance and Distribution.

1. Contents of Petition

A petition under Pa.R.Civ.P. 2039 shall be verified by the guardian of the minor, and shall contain a statement of the nature of the evidence relied upon to show liability,

the elements of damage, the injuries sustained, and the list of expenses incurred or to be incurred. The petition shall be accompanied by the following exhibits:

(A) A statement by counsel as to his professional opinion regarding the desirability of the settlement and reasons therefor, a description of the services rendered, a description and the amount of reimbursable expenses requested, and the amount of fees requested, which, except in extraordinary circumstances, shall not exceed 33-1/3% of the present value of a structured settlement or 33-1/3% of the gross recovery of any other settlement.

Note: See, *Johnson v. Sears, Roebuck & Co.* 436 A.2d 635 (Pa.Super 1981)

(B) A statement by the attending physician as to the injuries sustained by the minor, the treatment administered and the prognosis;

(C) In property damage claims, a statement by the party who made the repairs or appraised the loss.

2. Deposit of Funds by Order of Court

All petitions under Pa.R.Civ.P. 2039, where the proceeds of settlement are to be deposited in a savings account or in a certificate of deposit, shall have attached to the petition an order including the following:

It is hereby ordered and decreed that the amount of \$ _____ shall be deposited in the name of _____, a minor, by counsel of record in a savings account or certificate of deposit in a federally insured bank, savings and loan association or credit union. The of savings account or certificate of deposit shall be marked "NOT TO BE WITHDRAWN UNTIL THE MINOR REACHES THE AGE OF MAJORITY OR BY FURTHER ORDER OF COURT."

Proof of deposit is to be filed with the Clerk of the Orphans' Court within thirty (30) days by counsel of record.

3. Presentation of Petition

All petitions under Pa.R.Civ.P. 2039 shall be first delivered for signature to the Administrative Judge of the Orphans' Court Division and thereafter presented to the appropriate judge of the Civil Division in accordance with Rule 249.

4. annuity Contracts

(A) Where the terms of settlement of a minor's claim include an annuity contract, the annuity contract shall provide that the policy will not be transferred or assigned to another company without the prior approval of the Orphans' Court Division of this Court.

(B) A copy of this rule shall be served upon the company issuing the annuity contract and proof of service thereof shall be filed with the Clerk of the Orphans' Court Division of this Court.

Note: For approval of a settlement of a minor's claim where no action has been instituted, see Orphans' Court Rule 29, Sec. 6.

Rule 2064. Compromise, Settlement, Discontinuance and Distribution.

1. Presentation of Petition.

All petitions under Pa.R.Civ.P. 2064 shall be first delivered for signature to the Administrative Judge of the

Orphans' Court Division and thereafter presented to the appropriate judge of the Civil Division in accordance with Rule 249.

2. Annuity Contracts

(A) Where the terms of settlement of an incapacitated person's claim include an annuity contract, the annuity contract shall provide that the policy will not be transferred or assigned to another company without the prior approval of the Orphan's Court Division of this Court.

(B) A copy of this rule shall be served upon the company issuing the annuity contract and proof of service thereof shall be filed with the Clerk of the Orphans' Court Division of this Court.

Rule 198.10. Actions between family members.

(a) All cases at law and in equity between spouses, former spouses, or persons living as spouses shall be filed in the Family Division. Cases between other family members shall be filed in the Civil Division.

(b) The Administrative Judge of the Division in which a case is filed has the authority, in consultation with the other Administrative Judge, to transfer a case to the other Division.

Rule 1301.1. Discovery in Arbitration Proceedings.

(a) For any personal injury claim filed in the Arbitration Division, the plaintiff may serve arbitration discovery requests (see form A attached hereto) either together with the copy of the complaint served on the defendant or thereafter.

(b) The defendant shall furnish the information sought in the discovery requests within thirty (30) days of service of the discovery requests.

(c) For any personal injury claim filed in the Arbitration Division, any defendant may serve arbitration discovery requests (see form B attached thereto) together with a copy of the answer served on the plaintiff or thereafter.

(d) The plaintiff shall furnish the information sought in the discovery requests within thirty (30) days of receipt of the discovery requests.

(e) (i) A party may not seek additional discovery through interrogatories or request for production of documents until that party has sought discovery through the arbitration discovery requests described herein.

(e) (ii) A party may not include any additional interrogatories or request for the production of documents in the arbitration discovery request provided for in this rule.

(f) This rule applies to additional defendants.

(g) This rule does not apply to claims which do not exceed the sum of \$3,000.00 wherein the parties right to discovery for small claims shall continue to be governed by Rule 1019(2)(j).

Note: While this rule does not bar additional discovery in arbitration proceedings, it is anticipated that additional interrogatories or request for the production of documents will be unreasonably burdensome in most arbitration proceedings involving personal injury claims.

This rule does not affect the right to discovery provided by Pa.R.Civ.P. 4001-4020 for arbitration cases which are appealed pursuant to Pa.R.Civ.P. 1308-1311.

FORM A

IN THE COURT OF COMMON PLEAS OF ALLEGHENY COUNTY, PENNSYLVANIA
CIVIL DIVISION

| | | |
|-----|------------|---|
| | , |) |
| | |) |
| | Plaintiff |) |
| vs. | |) |
| | , |) |
| | |) |
| | Defendant. |) |

PLAINTIFF'S ARBITRATION DISCOVERY
REQUESTS FOR PERSONAL INJURY CLAIMS

These discovery requests are directed to

Within thirty (30) days of service of these discovery requests, you shall provide the information sought in these discovery requests to every other party to this lawsuit.

IDENTITY OF DEFENDANT(S)

1. Set forth your full name and address.

INSURANCE

- 2. (a) Is there any insurance agreement that may provide coverage to you for this incident? Yes _____ No _____
- (b) If so, list the name of each company and the amount of protection that may be available.

WITNESSES

3. List the names, present addresses, and telephone numbers (if known) of any persons who witnessed the incident (including related events before and after the incident) and any relationship between the witness and you.

STATEMENTS AND OTHER WRITINGS

4. (a) Do you have any written or oral statements from any witness, including any plaintiff? Yes _____ No _____

(b) If you answered yes, attach any written statements signed, adopted or approved by any witness, attach a written summary of any other statements (including oral statements), and identify any witness from whom you obtained a stenographic, mechanical, electrical or other recording that has not been transcribed. (This request does not cover a statement by a party to that party's attorney.)

I have _____ have not _____ fully complied with request 4(b).

(c) Do you have any photographs, maps, drawings, diagrams, etc. that you may seek to introduce at trial or that may otherwise pertain to this lawsuit? Yes _____ No _____

(d) If you answered yes, attach each of these writings.

I have _____ have not _____ fully complied with request 4(c).

MEDICAL DOCUMENTS

5. (a) Do you have any medical documents relating to the plaintiff? Yes _____ No _____

(b) If you answered yes, attach each of these documents.

I have _____ have not _____ fully complied with request 5(b).

CRIMINAL CHARGES

6. (a) Were any felony or misdemeanor criminal charges filed against you or any of your agents as a result of the incident that is the subject of this lawsuit? Yes _____ No _____

(b) If you answered yes, list each felony or misdemeanor charge that is pending and each felony or misdemeanor conviction.

Defendant verifies that the statements made herein are true and correct. Defendant understands that false statements herein are made subject to the penalties of 18 Pa.C.S § 4904 relating to unsworn falsifications to authorities.

DATE:

Defendant

THE COURTS

FORM B

IN THE COURT OF COMMON PLEAS OF ALLEGHENY COUNTY, PENNSYLVANIA
CIVIL DIVISION

| | | |
|-----|------------|---|
| | , |) |
| | |) |
| | Plaintiff |) |
| vs. | |) |
| | , |) |
| | |) |
| | Defendant. |) |

DEFENDANT'S ARBITRATION DISCOVERY
REQUESTS FOR PERSONAL INJURY CLAIMS

These discovery requests are directed to

Within thirty (30) days following receipt of these requests, you shall provide the information sought in these discovery requests to every other party to this lawsuit.

IDENTITY OF PLAINTIFF(S)

1. Set forth your full name, address, age, employer and type of employment.

WITNESS

2. List the names, present addresses, and telephone numbers (if known) of any persons who witnessed the incident (including related events before and after the incident) and any relationship between the witness and you.

STATEMENTS AND OTHER WRITINGS

3. (a) Do you have any written or oral statements from any witness, including any defendant? Yes ____ No ____

(b) If you answered yes, attach any written statements signed, adopted or approved by any witness, attach a written summary of any other statements (including oral statements), and identify any witness from whom you obtained a stenographic, mechanical, electrical or other recording that has not been transcribed. (This request does not cover a statement by a party to that party's attorney.)

I have ____ have not ____ fully complied with request 3(b).

(c) Do you have any photographs, maps, drawings, diagrams, etc. that you may seek to introduce at trial?

Yes ____ No ____

(d) If you answered yes, attach each of these documents.

I have ____ have not ____ fully complied with request 3(c).

MEDICAL INFORMATION CONCERNING PERSONAL INJURY CLAIM

4. (a) Have you received inpatient or outpatient treatment from any hospital for any injuries or other medical conditions for which you seek damages in this lawsuit?

Yes ____ No ____

(b) If you answered yes, list the name of the hospitals, the names and addresses of the attending physicians, and the dates of the hospitalizations.

(c) Have you received any chiropractic treatment for any injuries or other medical conditions for which you seek damages in this lawsuit? Yes ____ No ____

(d) If you answered yes, list the names and address of each chiropractor and the dates of treatment.

(e) Have you received any other medical treatment for any injuries or other medical conditions for which you seek damages in this lawsuit? Yes ____ No ____

(f) If you answered yes, list the name and address of each physician or other treatment provider and the dates of the treatment.

(g) Attach complete hospital and office records covering the injuries or other medical conditions for which you seek damages for each hospital, chiropractor, and other medical provider identified in 4(b), 4(d) and 4(f) or authorizations for these records.

I have ____ have not ____ fully complied with request 4(g).

OTHER MEDICAL INFORMATION

5. (a) List the name and address of your family physician for the period from five (5) years prior to the incident to the present date.

(b) Have you received inpatient or outpatient treatment for injuries or physical problems that are not part of your claim in this lawsuit from any hospital within the period from five (5) years prior to the incident to the present date?

Yes _____ No _____

(c) If you answered yes, attach a separate sheet which lists the name of the hospital, the date of each treatment, the reason for the treatment, and the length of the hospitalization.

(d) Have you received chiropractic treatment for injuries or physical problems that are not part of your claim in this lawsuit within the period from five (5) years prior to the incident to the present date? Yes _____ No _____

(e) If you answered yes, attach a separate sheet which lists the dates of the treatment, the reasons for the treatment, and the chiropractor's name and address.

(f) Within the period from (5) years prior to the incident to the present date, have you received any other medical treatment for injuries that are not part of your claim in this lawsuit?

Yes _____ No _____

(g) If you answered yes, attach a separate sheet which lists the dates of the treatment, the reasons for the treatment, and the name and address of the treatment provider.

I have _____ have not _____ fully complied with requests 5(b), 5(c), and 5(f).

WORK LOSS

6. (a) Have you sustained any injuries which resulted in work loss within the period from five (5) years prior to the incident to the present date? Yes _____ No _____

(b) if you answered yes, for each injury list the date of the injury, the nature of the injury, and the dates of the lost work.

7. If a claim is being made for lost income, state the name and address of your employer at the time of the incident, the name and address of your immediate supervisor at the time of the incident, your rate of pay, the dates of work loss due to the injuries from this accident, and the total amount of your work loss claim.

REQUESTS 8 AND 9 APPLY ONLY TO PERSONAL INJURY CLAIMS ARISING OUT OF A MOTOR VEHICLE ACCIDENT.

OTHER BENEFITS

8. (a) If you are raising a claim for medical benefits or lost income, have you received or are you eligible to receive benefits from Workmen's Compensation or any program, group contract, or other arrangement for payment of benefits as defined by Title 75 P. S. § 1719(b)?

Yes _____ No _____

(b) If you answered yes, set forth the type and amount of these benefits.

INSURANCE INFORMATION

9. (a) Are you subject to the "Limited Tort Option" or "Full Tort Option" as defined in Title 75 P. S. § 1705(a) and (b)?

_____ Limited Tort Option (no claim made for non-monetary damages)

_____ Limited Tort Option (claim is made for non-monetary damages because the injuries fall within the definition of serious injury or because one of the exceptions set forth in 75 P. S. § 1705(d)(I)-(3) applies)

_____ Full Tort Option

(b) (Applicable only if you checked "Full Tort Option.") Describe each vehicle (make, model, and year) in your household.

(c) (Applicable only if you checked "Full Tort Option.") Attach a copy of the Declaration Sheet for the automobile insurance policy covering each automobile in your household.

I have _____ have not _____ fully complied with request 9(c).

Plaintiff verifies that the statements made herein are true and correct. Plaintiff understands that false statements herein are made subject to the penalties of 18 Pa.C.S. § 4904 relating to unsworn falsifications to authorities.

DATE:

PLAINTIFF

[Pa.B. Doc. No. 98-1145. Filed for public inspection July 17, 1998, 9:00 a.m.]

RULES AND REGULATIONS

Title 25—ENVIRONMENTAL PROTECTION

DEPARTMENT OF ENVIRONMENTAL PROTECTION [25 PA. CODE CH. 93]

Corrective Amendment to 25 Pa. Code § 93.9e

The Department of Environmental Protection has discovered a discrepancy between the agency text of 25 Pa. Code § 93.9e (relating to Drainage List E), as deposited with the Legislative Reference Bureau and published at 27 Pa.B. 5247 (October 11, 1997) and the official text as published in the *Pennsylvania Code Reporter* (Master

Transmittal Sheet No. 277 (December 1997)), and as currently exists in the *Pennsylvania Code*. When the amendment made by the Department at 27 Pa.B. 5247 was codified, it was not accurately reflected in the text.

Therefore, under 45 Pa.C.S. § 901: The Department of Environmental Protection has deposited with the Legislative Reference Bureau a corrective amendment to 25 Pa. Code § 93.9e. The corrective amendment to 25 Pa. Code § 93.9e is effective as of December 6, 1997, the date the defective official text was announced in the *Pennsylvania Bulletin*.

The correct version of 25 Pa. Code § 93.9e appears in Annex A, with ellipses referring to the existing text of the regulation.

Annex A

TITLE 25. ENVIRONMENTAL PROTECTION

PART I. DEPARTMENT OF ENVIRONMENTAL PROTECTION

Subpart C. PROTECTION OF NATURAL RESOURCES

ARTICLE II. WATER RESOURCES

CHAPTER 93. WATER QUALITY STANDARDS

§ 93.9e. Drainage List E.

Delaware River Basin in Pennsylvania *Delaware River*

| <i>Stream</i> | <i>Zone</i> | <i>County</i> | <i>Water Uses Protected</i> | <i>Exceptions To Specific Criteria</i> |
|-----------------------------------------|-----------------------------------------|-------------------|-----------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 1—Delaware River | Main Stem, Lehigh River to Head of Tide | Bucks | WWR; MF | Delete Bac ₁ , pH ₁ and TDS ₁ Add Bac ₅ , MBAS ₁ , pH ₄ , Rad, TDS ₃ , Temp ₄ Temp ₈ , TON and Tur ₇ |
| 2—Unnamed Tributaries to Delaware River | Basins, Lehigh River to Pidcock Creek | Northampton-Bucks | TSF | None |
| 2—Frya Run | Basin | Northampton | HQ-CWF; MF | None |
| 2—Cooks Creek | Basin | Bucks | EV | None |
| 2—Gallows Run | Basin | Bucks | CWF | None |
| 2—Tinicum Creek | Basin | Bucks | EV | None |
| 2—Tohickon Creek | Basin, Source to Lake Nockamixon Dam | Bucks | TSF | None |
| 2—Tohickon Creek | Basin, Lake Nockamixon Dam to Deep Run | Bucks | CWF | None |
| 3—Deep Run | Basin | Bucks | WWF | None |

* * * * *

[Pa.B. Doc. No. 98-1146. Filed for public inspection July 17, 1998, 9:00 a.m.]

Title 52—PUBLIC UTILITIES

PENNSYLVANIA UTILITY COMMISSION

[52 PA. CODE CH. 56]

[L-960114]

Standards and Billing Practices for Residential Utility Service

The Pennsylvania Public Utility Commission (Commission) on April 30, 1998, adopted a final rulemaking to clarify, simplify and remove excessive and burdensome requirements from the parties dealing with the Bureau of Consumer Services. The contact persons are Kathryn G. Sophy, Law Bureau, (717) 772-8839 and Louis Sauers, Bureau of Consumer Services, (717) 783-6688.

Executive Summary

On June 3, 1995, this Commission published an Advance Notice of Proposed Rulemaking (ANPR) in the *Pennsylvania Bulletin* inviting public comments. See 25 Pa.B. 2188. Upon review of numerous constructive comments, the Commission issued its proposed rulemaking which was published at 26 Pa.B. 2908 (June 22, 1996) inviting further comments. Comments were received from legislators, the utility industry, consumer groups, various associations, organizations and unions and more than 200 individuals.

Our review of Chapter 56 (relating to standards and billing practices) was careful and meticulous. We are well aware of our duty to ensure that the quality of utility service remain high while not unreasonably restricting the efforts of the utility companies to collect amounts due to them.

The comments assisted the Commission in its final evaluation of the procedures in Chapter 56. On May 1, 1998, the Commission approved final changes designed to clarify, simplify and remove excessive and burdensome requirements from parties dealing with our Bureau of Consumer Services.

Section 56.2 (relating to definitions) has been revised to allow a utility to call a customer back or to allow contact with more than one utility employe without escalating the matter to the level of a "dispute." The chapter has been revised to require less frequent actual meter readings, to remove the use of composite credit groups, to revise utility recordkeeping requirements.

Chapter 56 has been revised further to modify the requirements associated with termination of service. The revisions clarify when a utility may terminate service and what steps are required to be taken before termination may occur.

Finally, § 56.211 (relating to informal complaints) has been modified to require customers to attempt to resolve their disputes with their utilities before bringing their complaints to the Commission.

Regulatory Review

Under section 5(a) of the Regulatory Review Act (71 P.S. § 745.5(a)), on September 30, 1997, the Board submitted a copy of the final rulemaking, which was published as proposed at 26 Pa.B. 2908 to IRRC and the Chairpersons of House Committee on Consumer Affairs and the Senate Committee on Consumer Protection and Professional Licensure for review and comment. Under section 5(c) of the Regulatory Review Act, IRRC and the

Committees were provided with copies of all comments received, as well as other documentation.

In preparing these final-form regulations, the Commission has considered all comments received from IRRC, the Committees and the public.

These final-form regulations was deemed approved by the House and Senate Committees on June 8, 1998, and were approved by IRRC on June 18, 1998, in accordance with section 5(c) of the Regulatory Review Act.

Public Meeting
held April 30, 1998

Commissioners Present: John M. Quain, Chairperson; Robert K. Bloom, Vice Chairperson; John Hanger; David W. Rolka; and Nora Mead Brownell

By the Commission:

By order entered March 5, 1996, we issued a Proposed Rulemaking Order to Review And Rescind All Obsolete And Excessive Rules And Regulations at Docket No. L-950103. The proposed rulemaking was published at 26 Pa.B. 2908 and a 30-day comment period set. Advance notice of this rulemaking was given by order entered May 23, 1995, and published at 25 Pa.B. 2188 with a 60-day comment period.

Comments were received from Columbia Gas of Pennsylvania, the Office of Consumer Advocate, PECO Energy Company, The Pennsylvania Gas Association, Pennsylvania Power & Light Company, The Peoples Natural Gas Company, Pennsylvania Utility Caucus, T.W. Phillips Gas & Oil Company, the Honorable Kathrynann W. Durham, the Honorable David R. Wright, Westmoreland County Blind Association, the Honorable Sara Steelman, the Pennsylvania Chapter of the National Association of Water Companies, System Council U-10 of the International Brotherhood of Electrical Workers, the Honorable Bruce Smith, the Independent Regulatory Review Commission (IRRC), various union petitions, other organizations and more than 200 individuals. Each of the comments were reviewed and considered. We are setting forth final changes which we believe will clarify, simplify and remove excessive and burdensome requirements from the parties dealing with our Bureau of Consumer Services.

What follows is a summary of the final changes pursuant to the many helpful comments from interested parties.

Chapter 56. Standards and Billing Practices for Residential Utility Service

§ 56.2. Definition of "dispute." The definition is amended to allow a utility to exclude an "initial inquiry."

§ 56.2. Definition of "initial inquiry." Addition of this definition will allow a utility to check records and get back to the customer within 3 business days with additional information without the contact being categorized as a dispute.

§ 56.2. Definition of "utility." After receiving a great many comments expressing deep concern over our initial proposal to expand the definition to include a utility's agents, we have reconsidered our initial proposal and will retain the present definition of "utility."

§ 56.2. Definition of "remote reading device." Language has been added to better define these types of meters.

§ 56.12. Meter reading; estimated billing; ratepayer readings. The new language allows gas, water and electric utilities which use remote reading devices to do an actual reading every 5 years instead of every 2 for electric

and gas and every 3 years for water, which reflects the increasing reliability of meters used in each utility field. To balance the chance that any underbilling discovered may be proportionately higher, language is added to require that the utility comply with the requirements of § 56.14. Language is also added to require utilities to make a bona fide attempt to schedule an appointment with the departing ratepayer or new occupant to secure an actual meter reading.

§ 56.14. Previously unbilled utility service. To remove an unfair administrative burden for utilities, this section now requires that companies comply with § 56.14 only if the billing or rebilling exceeds otherwise normally estimated bills by at least 50% and \$50.

§ 56.33. Composite credit group; cash deposits; third-party guarantors. Composite credit groups are eliminated as an option to payment of a deposit.

§ 56.53. Refund of deposit. Paragraph (3) is eliminated to remove the use of composite credit groups.

§§ 56.61—56.65. Composite credit groups. These sections have been eliminated to remove the use of composite credit groups.

§ 56.91. General notice provisions. This section is changed to clarify the language.

§ 56.93. Personal contact. After receiving a great many comments concerning our initial proposal to change the personal contact provisions, we have reconsidered our initial proposal and will retain the present procedures. However, this section is changed to correct a typographical error.

§ 56.97. Procedures upon ratepayer or occupant contact prior to termination. This section is modified to require that the authorized utility employe explain the reasons for the proposed termination, how to avoid termination, and the medical emergency procedures if a settlement payment agreement is not established.

§ 56.101. Limited notice upon noncompliance with report or order. Language is altered to include mediation decisions and to allow the use of limited notice on a restricted basis during the nonwinter period whenever a customer breaks a payment agreement entered after the company issued a 10-day notice.

§ 56.114. Length of postponement; renewals. Language is added to allow a ratepayer to renew a medical certification only twice in situations where the ratepayer is not fully meeting the obligation under § 56.116 to equitably arrange to make payment on all bills.

§§ 56.121—56.126. Termination at residential dwellings where service is in the name of the landlord. These sections are eliminated in light of the specific requirement in 66 Pa.C.S. §§ 1523—1528.

§ 56.140. Follow-up response to inquiry. This section is added to provide that a utility may not terminate service during the period that a customer is awaiting a response to an inquiry which does not yet fall into the category of "dispute."

§ 56.142. Time for filing a termination dispute or informal complaints. Language is added to eliminate the possibility that a dispute may be filed with the representative of the utility company when that representative shows up to terminate service. Disputes must be filed prior to that time.

§ 56.151. General rule. This section is changed to identify when a utility may limit the information contained in its report.

§ 56.152. Contents of the utility company report. (Utility company dispute procedures) The section reflects the general change that if a customer is satisfied with the dispute resolution the company does not need to provide all of the information in § 56.152. If, however, the customer is not satisfied, then the company would adhere to the current full requirements at § 56.152.

§ 56.162. Informal complaint filing procedures. The list of requested information now includes the telephone number of the complainant.

§ 56.191. General rule. (Restoration of service) This section is modified to allow companies to require full payment of outstanding charges for restoration of service if a customer has twice defaulted on a payment arrangement.

§ 56.202. Record maintenance. This section is modified to require that a utility maintain records for a minimum of 4 years.

§ 56.211. Informal complaints. This section is modified to require customers to attempt to resolve disputes with their utility providers before bringing their complaints to the Bureau of Consumer Services.

Through these changes, we are eliminating those sections which no longer serve a useful purpose and we are modifying others to promote the ease of application as well as fairness. Accordingly, under sections 501, 504, 505, 506, 1301 and 1501 of the Public Utility Code, 66 Pa.C.S. §§ 501, 504, 505, 506, 1301 and 1501, and the act of July 31, 1968 (P.L. 769, No. 240) (45 P.S. § 1201 et seq.), and the regulations promulgated thereunder, we hereby amend the Commission's regulations as set forth in this order and the attached Annex A. *Therefore,*

It is Ordered That:

1. The regulations of the Commission, 52 Pa. Code Chapter 56, are amended by:

(a) Amending §§ 56.2, 56.12, 56.14, 56.33, 56.53, 56.91, 56.93, 56.97, 56.101, 56.114, 56.142, 56.151, 56.152, 56.162, 56.191, 56.202 and 56.211; by

(b) Deleting §§ 56.61—56.65 and 56.121—56.126; and by

(c) Adding § 56.140 to read as set forth in Annex A, with ellipses referring to the existing text of the regulations.

2. The Secretary shall submit this order and Annex A to the Office of Attorney General for approval as to legality.

3. The Secretary shall submit this order and Annex A to the Governor's Budget Office for review of fiscal impact.

4. The Secretary shall submit this order and Annex A for formal review by the designated standing committees of both houses of the General Assembly, and for formal review and approval by IRRC.

5. The Secretary shall deposit this order and Annex A with the Legislative Reference Bureau for publication in the *Pennsylvania Bulletin*. The amendments are effective August 17, 1998.

6. A copy of this order shall be served upon all persons who submitted comments in this rulemaking proceeding.

By the Commission

JAMES J. MCNULTY,
Secretary

(Editor's Note: The proposal to amend §§ 56.35, 56.95 and 56.135, included at 26 Pa.B. 2908, has been withdrawn. The addition of § 56.135, included in the proposal at 26 Pa.B. 2908, has been withdrawn. The addition of § 56.140 was not included in the proposal at 26 Pa.B. 2908.)

Fiscal Note: Fiscal Note 57-171 remains valid for the final adoption of the subject regulations.

(Editor's Note: For the text of the order of the Independent Regulatory Review Commission relating to this document, see 28 Pa.B. 3338 (July 11, 1998).)

Annex A

TITLE 52. PUBLIC UTILITIES

PART I. PUBLIC UTILITY COMMISSION

Subpart A. PRELIMINARY PROVISIONS

CHAPTER 56. STANDARDS AND BILLING PRACTICES

Subchapter A. PRELIMINARY PROVISIONS

§ 56.2. Definitions.

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

* * * * *

Dispute—A grievance of an applicant, ratepayer or occupant about a utility's application of a provision covered by this chapter, including subjects such as credit determinations, deposit requirements, the accuracy of meter readings or bill amounts or the proper party to be charged. If, at the conclusion of an initial contact or, when applicable, a follow-up response, the applicant, ratepayer or occupant indicates satisfaction with the resulting resolution or explanation, the contact will not be considered a dispute.

* * * * *

Initial inquiry—A concern or question of an applicant, ratepayer or occupant about a utility's application of a provision covered by this chapter, including subjects such as credit determinations, deposit requirements, the accuracy of meter readings or bill amounts or the proper party to be charged. If a utility, with the consent of the applicant, ratepayer or occupant, offers to review pertinent records and call back the applicant, ratepayer or occupant within 3 business days with a response, the contact will be considered an initial inquiry pending a determination of satisfaction by the applicant, ratepayer or occupant with the company's response. If the company cannot reach the customer to convey the information obtained through a review of company records, a letter shall be sent which summarizes the information and informs the customer to contact the company within 5 business days if the customer disagrees with the company position, or has additional questions or concerns about the matter.

* * * * *

Remote reading device—A device which by electrical impulse or otherwise transmits readings from a meter, excluding devices that permit direct interrogation of the meter, usually located within a residence, to a more accessible location outside of a residence.

* * * * *

Subchapter B. BILLING AND PAYMENT STANDARDS

§ 56.12. Meter reading; estimated billing; ratepayer readings.

Except as provided in this section, a utility shall render bills based on actual meter readings by utility company personnel.

(1) *Inapplicability to seasonally billed ratepayers.* This section does not apply to ratepayers billed on a seasonal basis under terms included in the tariff of the utility.

(2) *Estimates for bills rendered on a monthly basis.* If a utility bills on a monthly basis, it may estimate usage of service every other billing month, so long as the utility provides a ratepayer with the opportunity to read the meter and report the quantity of usage in lieu of the estimated bill. The resulting bills shall be based on the information provided, except for an account where it is apparent that the information is erroneous.

(i) Upon the request of the ratepayer, the utility shall, at least annually, provide preaddressed postcards on which the ratepayer may note the reading. The utility shall provide additional preaddressed postcards on request.

(ii) The utility may establish due dates by which the postcards shall be received for a bill to be based upon the meter reading of the ratepayer or occupant. If the reading of a ratepayer is not received by that due date, the utility may estimate the quantity of usage.

(3) *Estimates permitted under exigent circumstances.* A utility may estimate the bill of a ratepayer if extreme weather conditions, emergencies, equipment failure, work stoppages or other circumstances prevent actual meter reading.

(4) *Estimates when utility personnel are unable to gain access.* A utility may estimate the bill of a ratepayer if utility personnel are unable to gain access to obtain an actual meter reading, as long as the following apply:

(i) The utility has undertaken reasonable alternative measures to obtain a meter reading, including, but not limited to, the provision of preaddressed postcards upon which the ratepayer may note the reading or the telephone reporting of the reading.

(ii) The utility, at least every 6 months, or every four billing periods for utilities permitted to bill for periods in excess of 1 month, obtains an actual meter reading or ratepayer supplied reading to verify the accuracy of the estimated readings.

(iii) The utility, at least once every 12 months, obtains an actual meter reading to verify the accuracy of the readings, either estimated or ratepayer read.

(5) *Remote reading devices for water, gas and electric utilities.* A utility may render a bill on the basis of readings from a remote reading device under the following conditions:

(i) When a gas, electric or water utility uses readings from a remote reading device to render bills, the utility shall obtain an actual meter reading at least once every 5 years to verify the accuracy of the remote reading device. If the ratepayer of record at the dwelling changes during the 5-year period between actual meter readings, the utility shall make a bona fide attempt to schedule an appointment with the departing ratepayer and, if necessary, the new occupant, to secure an actual meter reading.

(ii) When the actual meter reading establishes that the customer was underbilled due to an error in the registration of the remote reading device, the utility may render a bill for the uncollected amount. If the rebilling exceeds the otherwise normal estimated bill by at least 50% and at least \$50, the utility shall comply with § 56.14 (relating to previously unbilled utility service).

(iii) When the actual meter reading establishes that the customer was overbilled due to an error in the readings of the remote reading device, the utility shall credit or refund to the customer the amount overbilled plus interest calculated under § 56.181(3) (relating to duties of parties; disputing party's duty to pay undisputed portion of bills; utility's duty to pay interest whenever overpayment found).

(iv) Nothing in this section may be construed to limit the authority of electric, gas or water utilities to gain access to a residence for the purpose of checking or reading a meter.

(6) *Limitation of liability.* If a water company has estimated bills and if the ratepayer or occupant during that period has consumed an amount of water in excess of normal seasonal usage because of a verified leak that could not reasonably have been detected or other unknown loss of water, the ratepayer is not liable for more than 150% of the average amount of water consumed for the corresponding period during the previous year. This section does not apply when the water utility was unable to gain access and has complied with paragraph (4).

(7) *Equal monthly billing.* A gas, electric and steam heating utility shall provide its residential ratepayers with an optional billing procedure which averages estimated utility service costs over a 10-month, 11-month or 12-month period to eliminate, to the extent possible, seasonal fluctuations in utility bills. The utility shall review accounts at least three times during the optional billing period.

(8) *Notice.* The utility shall inform existing ratepayers of their rights under this section and under 66 Pa.C.S. § 1509 (relating to billing procedures).

§ 56.14. Previously unbilled utility service.

When a utility renders a make-up bill for previously unbilled utility service resulting from utility billing error, meter failure, leakage that could not reasonably have been detected or loss of service, or four or more consecutive estimated bills and the make-up bill exceeds the otherwise normal estimated bill by at least 50% and at least \$50:

(1) The utility shall review the bill with the ratepayer and make a reasonable attempt to enter into a payment agreement.

(2) The period of the payment agreement may, at the option of the ratepayer, extend at least as long as:

(i) The period during which the excess amount accrued.

(ii) Necessary so that the quantity of service billed in any one billing period is not greater than the normal estimated quantity for that period plus 50%.

Subchapter C. CREDIT AND DEPOSITS STANDARDS POLICY PROCEDURES FOR NEW APPLICANTS

§ 56.33. Cash deposits; third-party guarantors.

If an applicant does not establish his credit under § 56.32 (relating to credit standards), the utility shall provide residential service when one of the following requirements is satisfied:

(1) *Cash deposit.* The applicant posts a cash deposit.

(2) *Third-party guarantor.* The applicant furnishes a written guarantee from a responsible ratepayer which, for the purposes of this section, shall mean a ratepayer who has or can establish credit, under § 56.32, to secure payment in an amount equal to that required for cash deposits.

(i) A guarantee shall be in writing and shall state the terms of the guarantee.

(ii) The guarantor shall be discharged when the applicant has met the terms and conditions which apply under §§ 56.52—56.57.

CASH DEPOSITS

§ 56.53. Refund of deposit.

A cash deposit shall be refunded under the following conditions:

(1) *Termination or discontinuance of service.* Upon termination or discontinuance of service, the utility shall promptly apply the deposit of the ratepayer, including accrued interest, to any outstanding balance for utility service and refund or apply to the ratepayer's account, the remainder to the ratepayer. A transfer of service from one location to another within a service area may not be deemed discontinuance within the meaning of this chapter.

(2) *Credit established.* When a ratepayer establishes credit under § 56.32 (relating to credit standards), the utility shall refund or apply to the ratepayer's account, any cash deposit plus accrued interest.

(3) *Third-party guarantor.* When a ratepayer substitutes a third-party guarantor in accordance with § 56.33(3) (relating to composite group; cash deposits; third-party guarantor), the utility shall refund any cash deposit, plus accrued interest, up to the limits of the guarantee.

(4) *Prompt payment of bills.* After a ratepayer has paid bills for service for 12-consecutive months without having service terminated and without having paid his bill subsequent to the due date or other permissible period as stated in this chapter on more than two occasions, the utility shall refund any cash deposit, plus accrued interest, so long as the customer currently is not delinquent.

(5) *Optional refund.* At the option of the utility, a cash deposit, including accrued interest, may be refunded in whole or in part, at any time earlier than the time stated in this section.

§ 56.61. (Reserved).

§ 56.62. (Reserved).

§ 56.63. (Reserved).

§ 56.64. (Reserved).

§ 56.65. (Reserved).

Subchapter E. TERMINATION OF SERVICE

§ 56.91. General notice provisions.

Prior to a termination of service, the utility shall mail or deliver written notice to the ratepayer at least 10 days prior to the date of the proposed termination. In the event of any taking or acceptance of utility service without the knowledge or approval of the utility, other than unauthorized use of service as defined in § 56.2 (relating to definitions), the utility shall comply with §§ 56.93—56.97, but need not otherwise provide notice 10 days prior to termination.

§ 56.93. Personal contact.

Except when authorized by § 56.71, 56.72 or 56.98 (relating to interruption of service; discontinuation of service; and exception for terminations based on occurrences harmful to person or property), a utility may not interrupt, discontinue or terminate service without personally contacting the ratepayer or a responsible adult occupant at least 3 days prior to the interruption, discontinuance or termination, in addition to providing other notice as specified by the properly filed tariff of the utility or as required by this chapter or other Commission directive. For purposes of this section, "personal contact" means:

- (1) Contacting the ratepayer or responsible adult occupant in person or by telephone.
- (2) Contacting another person whom the ratepayer has designated to receive a copy of a notice of termination, other than a member or employe of the Commission.
- (3) If the ratepayer has not made the designation noted in paragraph (2), contacting a community interest group or other entity, including a local police department, which previously shall have agreed to receive a copy of the notice of termination and to attempt to contact the ratepayer.
- (4) If the ratepayer has not made the designation noted in paragraph (2) and if there is no community interest group or other entity which previously has agreed to receive a copy of the notice of termination, contacting the Commission in writing.

§ 56.97. Procedures upon ratepayer or occupant contact prior to termination.

(a) If, after the issuance of the initial termination notice and prior to the actual termination of service, a ratepayer or occupant contacts the utility concerning a proposed termination, an authorized utility employe shall fully explain:

- (1) The reasons for the proposed termination.
- (2) All available methods for avoiding a termination, including the following:
 - (i) Tendering payment in full or otherwise eliminating the grounds for termination.
 - (ii) Entering a settlement or payment agreement.
- (3) The medical emergency procedures.

(b) The utility, through its employes, shall exercise good faith and fair judgment in attempting to enter a reasonable settlement or payment agreement or otherwise equitably to resolve the matter. Factors to be taken into account when attempting to enter into a reasonable settlement or payment agreement include the size of the unpaid balance, the ability of the ratepayer to pay, the payment history of the ratepayer and the length of time over which the bill accumulated. If a settlement or payment agreement is not established, the company shall further explain the following:

- (1) The right of the ratepayer to file a dispute with the utility and, thereafter, an informal complaint with the Commission.
- (2) The procedures for resolving disputes and informal complaints, including the address and telephone number of the Commission: Public Utility Commission, Box 3265, Harrisburg, Pennsylvania, 17105-3265, (800) 692-7380.
- (3) The duty of the ratepayer to pay any portion of a bill which the ratepayer does not honestly dispute.

NOTICE PROCEDURE AFTER DISPUTE FILED

§ 56.101. Limited notice upon noncompliance with report or order.

(a) Except during the winter period identified in § 56.100 (relating to winter termination procedures), the original grounds for terminations may be revived provided a 10-day termination notice was previously issued to the ratepayer. The original grounds for termination shall be revived and utilities may proceed with termination as provided in subsection (b) upon the failure to timely appeal from or comply with any of the following:

- (1) A utility company report required by § 56.151 (relating to the general rule).
- (2) An informal complaint report required by § 56.161 (relating to general rule; time for filing).
- (3) An order from a formal complaint, under § 56.173 or § 56.174 (relating to formal complaint procedures other than appeals from mediation decisions of the Bureau of Consumer Services; and formal complaint procedures for appeals from mediation decisions of the Bureau of Consumer Services).
- (4) A company negotiated payment or settlement agreement where a customer fails, at any time, during the first 120 days to maintain the agreement and this failure reflects payments of less than 50% of the overdue balance during this same time period.

(b) The utility may not be required to give further written notice so long as within 10 business days of the failure to appeal or comply with subsection (a):

(1) The ratepayer is personally contacted as described in § 56.93(1), (2) or (3) (relating to personal contact), at least 3 days prior to termination. If the utility is unable to make personal contact as described in § 56.93(1), (2) or (3), it shall proceed with the posting procedure described in § 56.95 (relating to deferred termination when no prior contact).

(2) At the time of termination, the utility serves personally on the ratepayer or posts conspicuously at the residence of the ratepayer and at the affected premises, including common areas where permissible, a post-termination notice complying with § 56.96 (relating to post-termination notice).

EMERGENCY PROVISIONS

§ 56.114. Length of postponement; renewals.

Service may not be terminated for the time period specified in a medical certification; the maximum length of the certification shall be 30 days.

(1) *Time period not specified.* If no length of time is specified or if the time period is not readily ascertainable, service may not be terminated for at least 30 days.

(2) *Renewals.* Certifications may be renewed in the same manner and for the same time period as provided in §§ 56.112 and 56.113 (relating to postponement of termination pending receipt of certificate; and medical certifications) and this section if the ratepayer has met the obligation under § 56.116 (relating to duty of ratepayer to pay bills). In instances where a ratepayer has not met the obligation in § 56.116 to equitably make payments on all bills, the number of renewals is limited to two 30-day certifications. If a utility wishes to contest the renewal, it shall follow § 56.118(3) (relating to the right of utility to petition the Commission).

(*Editor's Note:* See 66 Pa.C.S. §§ 1521—1533 (relating to discontinuance of service to leased premises).)

§ 56.121. (Reserved).

§ 56.122. (Reserved).

§ 56.123. (Reserved).

§ 56.124. (Reserved).

§ 56.125. (Reserved).

§ 56.126. (Reserved).

**Subchapter F. DISPUTES; TERMINATION
DISPUTES; INFORMAL AND FORMAL
COMPLAINTS**

GENERAL PROVISIONS

§ 56.140. Follow-up response to inquiry.

When a customer is waiting for a follow-up response to an inquiry under § 56.2 (relating to the definition of initial inquiry), termination or threatening termination of service for the subject matter in question shall be prohibited until the follow-up response, and when applicable, subsequent dispute resolution is completed by the utility.

§ 56.142. Time for filing a termination dispute or informal complaints.

To be timely filed, a termination dispute—which may not include disputes under §§ 56.35 and 56.191 (relating to payment of outstanding balance; and general rule)—and informal complaints shall be filed prior to the day on which the utility arrives to terminate service. If the utility arrives to terminate service and posts a deferred termination notice in lieu of termination or otherwise fails to terminate service, the time for filing a termination dispute or informal complaint shall be extended until the end of the business day prior to the utility again arriving to terminate service.

UTILITY COMPANY DISPUTE PROCEDURES

§ 56.151. General rule.

Upon initiation of a dispute covered by this section, the utility shall:

(1) Not issue a termination notice based on the disputed subject matter.

(2) Investigate the matter using methods reasonable under the circumstances, which may include telephone or personal conferences, or both, with the ratepayer or occupant.

(3) Make a diligent attempt to negotiate a reasonable payment agreement if the ratepayer or occupant claims a temporary inability to pay an undisputed bill. Factors which shall be considered in the negotiation of a payment agreement shall include, but not be limited to:

- (i) The size of the unpaid balance.
- (ii) The ability of the ratepayer to pay.
- (iii) The payment history of the ratepayer.
- (iv) The length of time over which the bill accumulated.

(4) Provide the ratepayer or occupant with the information necessary for an informed judgment, including, but not limited to, relevant portions of tariffs, statements of account and results of meter tests.

(5) Within 30 days of the initiation of the dispute, issue its report to the complaining party. The utility shall inform the complaining party that the report is available upon request.

(i) If the complainant is not satisfied with the dispute resolution, the utility company report shall be in writing and conform to § 56.152 (relating to contents of the

utility company report). Further, in these instances, the written report shall be sent to the complaining party if requested or if the utility deems it necessary.

(ii) If the complaining party is satisfied with the orally conveyed dispute resolution, the written utility company report may be limited to the information in § 56.152(1), (2), and, when applicable, § 56.152(7)(ii) or (8)(ii).

(iii) If the complaining party expresses satisfaction but requests a written report, the report shall conform with § 56.152, in its entirety.

§ 56.152. Contents of the utility company report.

A utility company report shall include the following:

(1) A statement of the claim or dispute of the ratepayer and a copy thereof if the claim or notice of dispute was made in writing.

(2) The position of the utility regarding that claim.

(3) A statement that service will not be terminated pending completion of the dispute process, including both informal and formal complaints, so long as there is compliance with all requirements of the Commission.

(4) A statement that if the complaining party does not agree with the utility company report, an informal complaint shall be filed with the Commission within 10 days of the mailing date of the report to insure the preservation of all of his rights.

(5) The office where payment may be made or information obtained listing the appropriate telephone number and address of the utility.

(6) A full and complete explanation of procedures for filing an informal complaint with the Commission (see § 56.162 (relating to informal complaint filing procedures)). If a written report is not requested by the complaining party or deemed necessary by the utility, the utility shall provide the information in § 56.162(1), (2) and (5). In addition, the utility should always provide the telephone number and address of the office of the Commission where an informal complaint may be filed.

(7) If the matter in dispute involves a billing dispute, the report shall include the following:

(i) An itemized statement of the account of the complaining ratepayer specifying the amount of credit, if any, and the proper amount due.

(ii) The date on or after which the account will become delinquent unless a settlement or payment agreement is entered into or an informal complaint is filed with the Commission. This date may not be earlier than the due date of the bill or 15 days after the issuance of a utility company report, whichever is later.

(8) If the matter involves a dispute other than a billing dispute, the report shall also state the following:

(i) The action required to be taken to avoid the termination of service.

(ii) The date on or after which service will be terminated unless the report is complied with, settlement agreement entered or an informal complaint filed. This date may not be earlier than the original date for compliance with the matter which gave rise to the dispute or 10 days from the date of issuance of the utility report, whichever is later.

INFORMAL COMPLAINT PROCEDURES

§ 56.162. Informal complaint filing procedures.

An informal complaint may be filed orally or in writing and shall include the following information:

- (1) The name and address of the ratepayer and, if different, the address at which service provided.
- (2) The telephone number of the ratepayer.
- (3) The account number of the ratepayer, if applicable.
- (4) The name of the utility.
- (5) A brief statement of the dispute.
- (6) Whether the dispute formerly has been the subject of a utility company investigation and report.
- (7) Whether the dispute formerly has been the subject of a Commission informal or formal complaint.
- (8) The date, if any, of proposed termination.
- (9) The relief sought.

Subchapter G. RESTORATION SERVICE

§ 56.191. General rule.

When service to a dwelling has been terminated, the utility shall reconnect service by the end of the first full working day after receiving one of the following:

- (1) Full payment of an outstanding charge plus a reasonable reconnection fee. Outstanding charges and the reconnection fee may be amortized over a reasonable period of time. Factors to be taken into account shall include, but not be limited to:
 - (i) The size of the unpaid balance.
 - (ii) The ability of the ratepayer to pay.
 - (iii) The payment history of the ratepayer.
 - (iv) The length of time over which the bill accumulated.
- (2) Payment of amounts currently due according to a settlement or payment agreement, plus a reasonable reconnection fee, which may be a part of the settlement or payment agreement. The utility may apply the procedure in paragraph (1), if the payment history indicates that the ratepayer has defaulted on at least two payment agreements, or an informal complaint decision, or a formal complaint order.
- (3) Adequate assurances that any unauthorized use or practice will cease, plus full payment of the reasonable reconnection fee of the utility, which may be subject to a payment agreement and compliance or adequate assurance of compliance with an applicable provision for the establishment of credit or the posting of deposits or guarantees.

Subchapter H. PUBLIC INFORMATION PROCEDURES; RECORD MAINTENANCE

§ 56.202. Record maintenance.

A utility shall preserve for a minimum of 4 years written or recorded disputes and complaints, shall keep the records within this Commonwealth at an office located in the territory served by it, and shall make the records available for examination by the Commission or its staff. Information to be maintained shall include the following:

- (1) The payment performance of each of its ratepayers.
- (2) The number of settlement agreements made by the utility company and a synopsis of the terms, conditions and standards upon which agreements were made.

(3) The number of service terminations and reconnections.

(4) Communications to or from individual ratepayers regarding interruptions, discontinuances, terminations and reconnections of service, including the name and address of the ratepayer, the date and character of the dispute or complaint and the adjustment or disposal made of the matter.

Subchapter I. INFORMAL COMPLAINTS

§ 56.211. Informal complaints.

The Bureau of Consumer Services (BCS) will have primary jurisdiction over ratepayer, applicant or occupant complaints arising under this chapter. The BCS, through its Director and with the concurrence of the Commission, will establish appropriate internal procedures to implement the provisions of this chapter.

(1) Absent good cause, the BCS will handle only Chapter 56 informal complaints in which the customer first attempted to resolve the matter with the utility.

(2) Only after the customer and the utility have failed to resolve the dispute will BCS initiate an investigation.

[Pa.B. Doc. No. 98-1147. Filed for public inspection July 17, 1998, 9:00 a.m.]

**PENNSYLVANIA PUBLIC UTILITY COMMISSION
[52 PA. CODE CH. 57]**

[L-970120]

Electric Service Reliability

The Pennsylvania Public Utility Commission (Commission) on April 23, 1998, adopted a final rulemaking to provide for continuing adequacy and reliability and ensuring safety of the generation, transmission and distribution of electricity in this Commonwealth. The contact persons are Patricia Krise Burket, Law Bureau (717) 787-3464 and Blaine J. Loper, Bureau of Conservation, Economics and Energy Programs, (717) 787-3810.

Executive Summary

On June 12, 1997, the Commission promulgated proposed regulations to add Chapter 57, Subchapter N (relating to electric reliability standards) which establishes standards and procedures for assessing the reasonableness of electric service reliability. The proposed amendments were published at 27 Pa.B. 5262 (October 11, 1997) with a 60-day comment period.

At the public meeting held April 23, 1998, the Commission adopted an order which promulgates final-form regulations which are necessary to ensure the continued safety and reliability of electric service in this Commonwealth.

The final-form regulations require electric distribution companies (EDCs) and electric generation suppliers (EGSs) to conform to the requirements of the North American Electric Reliability Council and the appropriate regional reliability council, or successor organizations. The final-form regulations also adopt industry accepted performance indicators for monitoring the performance and reliability of the transmission and distribution systems, and requires annual filings of utility performance results.

Regulatory Review

Under section 5(a) of the Regulatory Review Act (71 P. S. § 745.5(a)), on September 30, 1997, the Commission submitted a copy of the final rulemaking, which was published as proposed at 27 Pa.B. 5262, to the Independent Regulatory Review Commission (IRRC) and the Chairpersons of House Committee Consumer Affairs and the Senate Committee on Consumer Protection and Professional Licensure for review and comment. Under section 5(c) of the Regulatory Review Act, IRRC and the Committees were provided with copies of all comments received, as well as other documentation.

In preparing these final-form regulations, the Commission has considered all comments received from IRRC, the Committees and the public.

These final-form regulations were deemed approved by the House and Senate Committees by June 8, 1998. IRRC met on June 18, 1998, and approved the final-form regulations in accordance with section 5.1(e) of the Regulatory Review Act (71 P. S. § 745.5a(e)).

Public Meeting
held April 23, 1998

Commissioners Present: John M. Quain, Chairperson; Robert K. Bloom, Vice Chairperson; John Hanger, Statement attached; David W. Rolka; Nora Mead Brownell

Final Rulemaking Order*By the Commission:*

On December 3, 1996, Governor Tom Ridge signed into law 66 Pa.C.S. §§ 2801—2812 (relating to Electricity Generation Customer Choice and Competition Act) (act). The act establishes standards and procedures to create direct access by retail customers to the competitive market for the generation of electricity, while maintaining the safety and reliability of the electric system.

In response to this Legislative mandate, on January 24, 1997, the Commission instituted a rulemaking proceeding to develop regulations to ensure the safety, adequacy and reliability of the generation, transmission and distribution of electricity in this Commonwealth. See 66 Pa.C.S. §§ 2802(12) and (20), 2803, 2804(1), 2805(b)(1)(iii) and 2807(a).

An advance notice of proposed rulemaking was published at 27 Pa.B. 809 (February 15, 1997), with a 30-day comment period. Based upon the comments received, we promulgated proposed regulations to amend Chapter 57 by adding Subchapter N which establishes standards and procedures for assessing the reasonableness of electric service reliability. On September 30, 1997, a copy of the proposed rulemaking was submitted to IRRC and the Chairpersons of the House Consumer Affairs Committee and the Senate Consumer Protection and Professional Licensure Committee. The proposed amendments were published at 27 Pa.B. 5262, with a 60-day comment period.

Comments were received from: John G. Alford, former Commission Secretary; Enron Power Marketing, Inc. (Enron); Ford Motor Land Services Corporation (Ford); the Industrial Energy Consumers of Pennsylvania (IECPA); the International Brotherhood of Electrical Workers' Pennsylvania Utility Caucus (IBEW); IRRC; Lebanon Methane Recovery, Inc. (LMRI); Metropolitan Edison Company and Pennsylvania Electric Company (collectively, GPU Energy); the Office of Consumer Advocate (OCA); PECO Energy Company (PECO); the Penn-

sylvania Electric Association (PEA); the Pennsylvania Rural Electric Association (PREA); Pennsylvania Power & Light Company (PP&L); the Pennsylvania Rural Electric Association (PREA); and UGI Utilities, Inc.—Electric Division (UGI).

This order discusses the comments received and sets forth, in Annex A, final-form regulations governing the safety and reliability of electric service in this Commonwealth.

Many comments suggested that the proposed regulations adopted by the Commission failed to clearly communicate the basic approach to ensuring reliability. In general, the regulations establish recordkeeping and reporting requirements concerning various aspects of system reliability. However, the Commission believes that it is inappropriate, at this time, to establish specific performance standards due to the need to better understand existing performance levels and to permit flexible modification of standards as the competitive market develops.

Thus, these regulations generally utilize existing performance standards, such as those established under the National Electrical Safety Code (NESC) or by industry organizations, such as the Institute of Electrical and Electronic Engineers (IEEE), the North American Electric Reliability Council (NERC) and regional reliability organizations. IRRC comments that it was unable to determine from the proposed regulations what the performance standards would be or how they would be adopted. The Commission will issue additional orders pursuant to these regulations, from time to time, as necessary or appropriate to adopt specific benchmarks, based upon historic performance or standards, or both, for required performance. The orders will be adopted following the opportunity for interested parties to submit comments. It is noted that historic or benchmark performance may either exceed or fail to meet acceptable performance standards.

It is also important to note the long-standing concept of "reasonable service" under traditional utility regulation. Reasonable service always has balanced consumer demands and industry standards. Reliability performance standards must be consistent with this concept of reasonable service. Reasonable service for all consumers, considering the cost of providing the service, is the goal. Perfect service for all consumers, regardless of the cost, has never been the goal, and it cannot now be.

Existing Regulations.

Related existing regulations under §§ 57.13—57.16 remain in effect. The definition of "service interruption" under § 57.17 is replaced by the new definitions under § 57.192 (relating to definitions).

We agree with the OCA and IBEW that we cannot simply delete the existing regulations on maintenance and inspection and be consistent with the statutory directive to at least maintain or improve service quality. We have retained § 57.18(a) as § 57.194(c) (relating to distribution system reliability). Section 57.194(b) generally requires conformity with the NESC. While we are adopting the NESC as the basic external standard, neither existing regulations nor the NESC provides specific standards for inspection and maintenance. These standards will be adopted in subsequent orders.

Section 57.26 is deleted and has been replaced by § 57.193(a) (relating to transmission system reliability) and § 57.194(b).

§ 57.192. Definitions.

Several commentators suggested changes to definitions contained in the proposed rulemaking for clarification. Many of these suggestions have been incorporated in the final rule and are discussed below.

Adequacy

The transition to competition requires that adequacy include the delivery of power from multiple suppliers to customers in the service territory in an efficient open access network. Thus, the definition of "adequacy" has been modified.

Interruption Duration

Many commentators recommended modifications to the definitions relating to the duration of interruptions that would substantially change reporting requirements and performance standards. For example, IECPA proposes the adoption of existing IEEE standards, while the PEA proposes the adoption of the proposed IEEE standards. Upon consideration of these comments, we conclude that reference to an objective industry standard without specification of a defined time period is appropriate at this time. Thus, while the industry standard may change, these regulations need not be revised.

Major Event

The PEA and PP&L aver that the cause of a major event should not be limited to weather or unusual equipment failures. They suggest that other potential causes include relatively nonviolent weather conditions, such as thunderstorms and snowstorms, other types of natural disasters, such as earthquakes, floods or fires, and incidents beyond the control of the EDC, such as accidental damage, civil unrest or sabotage. PEA believes that weather conditions which routinely occur in this Commonwealth should be excluded from the definition unless they occur during and are attributable to a disaster emergency as declared by the Pennsylvania Emergency Management Agency (PEMA).

We agree with the PEA and PP&L that measurement of compliance with benchmark or performance standards should not be inappropriately distorted by significant major events beyond utility control. However, all events that are beyond the control of the utility should not be excluded. For example, a normal winter storm is beyond utility control but causes many outages, and the EDC must maintain its distribution system sufficiently to reasonably minimize the likelihood of service outages. Even if major events are not reported in a way which may distort system performance averages, they remain the central reliability issue. These events should be reported and service response to major events must still be adequate. Thus, we will exclude major events, as defined, from inclusion in the performance indices, but will require EDCs to include them in the reporting of all service interruptions.

We believe that the limitation in the definition of "major event" to those outages affecting at least 10% of the customers in an operating area during the course of the event for a duration of 5 minutes each or greater is appropriate to ensure that routine outages, even if weather related or otherwise beyond the control of the EDC, are nevertheless considered. It is noted that nothing in these regulations modify existing reporting or operational requirements related to PEMA or emergency operations.

The purpose of identifying a major event is to exclude abnormal events that would skew the data used in the

calculation of reliability indices and make it difficult to objectively analyze performance. While there may be several weather and nonweather related causes of random major events, we believe that the key to identifying such an event is the magnitude of the event; that is, the total number of customers affected by the event. Identification of every conceivable unusual occurrence is both impractical and unnecessary. Thus, we have revised this definition to include interruptions which are the results of involuntary factors beyond the control of the EDC. It is noted that under § 57.195(b), the EDC is required to annually provide an assessment of electric service reliability, including a discussion of major events occurring during the preceding calendar year. This will provide the Commission the opportunity to examine the causes of all major events identified by the EDC.

GPU Energy, PEA and PP&L believe that, when a major event affects more than one operating area, the resulting service interruptions for all affected areas should be excluded from the EDC's overall reliability indices, even though the other affected operating areas do not meet the threshold of at least 10% of the customers. We will accept this modification.

PECO believes that the 10% threshold is unfair to large EDCs and suggests that a 5% threshold is appropriate for PECO (approximately 75,000 customers). PECO alleges that the smaller EDCs will be removing a far greater percentage of events than the larger EDCs and wants assurance that it will be able to compete on a level playing field with the other Pennsylvania EDCs. For the Commission to ensure the continuation of reliable electric service, we intend to identify benchmark performance based on historical performance and new performance standards. Utility performance will be evaluated based on these measures. Thus, we believe, PECO's concern is without merit.

Based on other comments from PEA and OCA, we have made revisions to the definition of "major event" to identify when a major event begins and ends, and to clarify that a major event does not include an EDC's actions to interrupt customers on interruptible rate tariffs who agree to interruptions in return for a rate discount.

Reliability Indices

GPU Energy and PP&L recommended that the System Average Interruption Duration Index (SAIDI) be deleted, since SAIDI can be calculated by multiplying Customer Average Interruption Duration Index (CAIDI) by System Average Interruption Frequency Index (SAIFI). Although we agree that SAIDI can be calculated from SAIFI and CAIDI, we believe that the EDC should perform the calculations to avoid questions concerning Commission calculations.

GPU Energy, PEA and PP&L suggested that the requirement for a Momentary Average Interruption Frequency Index (MAIFI) be deleted, since the information needed to calculate this index is difficult and extremely costly to obtain, without any real attendant benefits. We do not intend to require knowledge of every interruption or the expenditure of large amounts of capital to obtain the information. Only the reporting of known interruptions, of any duration, will be required. Thus, we have retained this performance indicator.

Sustained Customer Interruption

Several commentators suggested expanding this definition to clarify the types of service interruptions which are not to be considered sustained customer interruptions for the purpose of calculating the reliability indices. We find

that the modified definition of "major event" and the exclusion of major events from the calculation of the reliability indices render the detailed and inconsistent qualifications of this definition unnecessary. Additionally, rather than adopting a specific outage duration, we are adopting the IEEE definitions as they may change from time to time.

Worst-Performing Circuits

Many commentators suggested modifications to the definition and use of the concept of worst-performing circuits in order to make it more practical and meaningful. Upon consideration of the comments, we conclude that identification of worst-performing circuits adds unnecessary complication to the regulations without increasing our ability to ensure the maintenance or improvement of system reliability. For example, if only 1% of a utility's circuits fail to meet the reliability standard, focusing on the 5% worst-performing circuits is not useful. The concept is similarly inapt if 10% of a utility's circuits do not meet the performance standards. Thus, the concept of worst-performing circuits has been deleted from the regulations. Instead, the regulations will provide for the establishment of performance standards that identify circuits or operating areas requiring improved performance.

§ 57.193. Transmission system reliability.

The PEA commented that facilities governed by the NESC, while required to meet current the NESC requirements upon their initial installation, are permissibly maintained and operated in conformity with the relevant requirements of the same NESC edition, not the most recent edition. The application of the NESC is limited to new installations and extensions. PEA also states that the NESC requirements relate to the electrical, mechanical and civil engineering aspects of the design, installation and maintenance of the physical transmission and distribution facilities, whereas reliability council policies and requirements relate to continuing, real-time operation of the transmission system.

Our concern here is with applicable requirements, not the applicable edition. It is possible that future editions of the NESC may require the upgrading of some existing system components. It is also possible that an EDC may not operate all aspects of the transmission system directly, as in the case of an independent system operator (ISO), and there may be other entities, such as regulatory commissions or ISOs, which have additional requirements. Thus, we have revised subsection (a) to reflect these concerns.

Subsection (b) of the proposed regulations established comparability standards for an EDC's transmission service provided to wholesale customers. PP&L argued that this subsection should be deleted, since transmission service provided to wholesale customers is a matter wholly within the exclusive jurisdiction of the Federal Energy Regulatory Commission (FERC). IRRC recommended retaining this subsection to help ensure the quality of electric service, upon confirmation of its legality.

We included this section to reflect our legislative mandate under section 2805(b)(1)(iii) of the act (relating to regionalism and reciprocity). While we fully recognize FERC's authority to regulate the rates, terms and conditions of wholesale transmission service, we are nevertheless obligated by statute to ensure comparability of service to electric cooperative corporations and, therefore, reject PP&L's argument.

The OCA and Enron suggested that the Commission actively monitor the use of the transmission system. As we begin the retail open access era, the Commission must know if the transmission system is adequately constructed, maintained and operated in a way which promotes a fully competitive and efficient market. Thus, we have added subsection (c) to annually require an assessment of the performance of the transmission system.

§ 57.194. Distribution system reliability.

The language in subsection (a) has been modified to precisely reflect existing law and standards concerning reasonable service and facilities, see 66 Pa.C.S. § 1501 (relating to character of service and facilities).

We have modified subsection (b) to refer to the applicable requirements of the NESC instead of the "most recent edition" of the NESC. This is consistent with our change to § 57.193(a).

Subsection (e) required EDCs to maintain procedures designed to sustain, at a minimum, the historical level of reliability. PP&L believed that sustaining historically high levels of reliability in a specific operating area may not be practical or cost effective. PP&L recommends that this subsection refer to "acceptable levels of reliability" and that "and cost effective" should be added after "where necessary." IRRC agreed with adding the cost effective qualifier, but did not concur with PP&L's recommendation concerning the level of service to be sustained, noting that historical levels can be documented.

As discussed further, we will use historical data to establish performance standards which will serve as acceptable electric service reliability. Thus, to avoid confusion with regard to the minimum level of reliability required by this subsection, we have modified subsection (e) to clarify the link between this requirement and the reliability performance standards established under subsection (h).

In response to comments of the PEA, subsection (f) has been revised to reflect the deletion of the term "worst performing circuits" and to clarify the EDC's objective for analyzing its circuits.

Subsection (g) required that the EDC maintain a 5-year historical record of service interruptions. GPU Energy, PEA and PP&L commented that the EDC does not always know of service interruptions, especially those of short duration, unless notified by a customer or unless expensive, customer-specific equipment is installed. As discussed earlier, these regulations are not requiring knowledge of every interruption or the upgrade of interruption detection systems at this time. The requirement is to track and report all known interruptions of whatever duration, by category. It is noted that the existing regulations under §§ 57.14 and 57.15 (relating to service voltage; and system frequency) remain in effect and already require a minimum detection standard, although it may be appropriate to revise these standards at a later date. In addition, the EDC will be required to retain all records required to comply with the reporting requirements.

Subsection (h) required an EDC to "take measures necessary to meet the reliability performance standard set forth by this subsection." The provisions refer to the establishment of a numerical benchmark based on historic performance and a performance standard for each reliability index. The regulations adopt a general rule that each EDC must at least maintain the historic benchmark and meet the performance standard.

PEA and PP&L believe that the numerical values for the reliability indices for each operating area should be developed in cooperation with the EDCs and other affected parties. UGI avered that it is incumbent upon the Commission to consider the specific conditions applicable to each operating area before setting that area's initial performance standards. GPU Energy recommended that the Commission use a 5-year historical average to calculate the initial and subsequent values for the reliability indices. IRRC believed that the regulations should either provide the actual standards or criteria for calculating the standards, or at least specify where the standards or criteria can be found. IRRC also suggests that the regulations should provide a timely due process opportunity for affected parties to provide input or raise objections.

It is the Commission's intention to set reliability performance standards in cooperation with the industry. All parties will have an opportunity to provide comments prior to final adoption of the Commission's decision. Since benchmarks based on historical performance of each EDC may vary, both below or above the performance standard established, the Commission may take such history into account as it establishes the benchmarks and performance standards. We have reflected IRRC's comments by clarifying this section with substantial changes. Although we agree with IRRC that actual standards or criteria are preferable, the foregoing comments and the lack of existing data in the record of this proceeding require that we decline to adopt a particular methodology or precise standard in this rulemaking. The parties have not had an opportunity to comment and there may be other specific factors to be considered. Rather, this rulemaking establishes the reporting requirements and the parameters that will permit the adoption of more specific standards and benchmarks in the future.

As discussed above, we will require reporting of all known service interruptions according to the definitions established by IEEE. Both IECPA and PEA indicated support for this result as an alternative to their preferred recommendations. We agree with this approach as being consistent with other aspects of these regulations concerning compliance with NERC, the NESC and other objective standards by reference. While we agree with PEA that it would be expensive and inappropriate to require an EDC to identify all outages, we note that the existing regulations under § 57.17 already require utilities to keep records of outages affecting the entire system or a major division of the system, as brief as 1 minute. As the Commission adopts performance benchmarks and standards, all parties must remain cognizant of the goal of requiring reasonable service without gold-plating, while recognizing that changes in our economy and society may indicate that a different level of performance quality is required to provide reasonably reliable service.

Subsection (h) has been modified to reflect the above discussion.

§ 57.195. Reporting requirements.

Subsection (a) requires an EDC to submit to the Commission, on or before March 31 of each year, a reliability report. PP&L avers that it would be very difficult to prepare and submit the report by March 31, because of the time required to verify and enter end-of-year reliability information into its database, to make the necessary analyses, to plan improvements and to determine the improvement experienced by circuits that were worked on during the previous year. PP&L recommended a 2-month delay in the reporting deadline. Although no

other EDC has voiced this concern, we recognize the work required to comply with this and several other annual reporting requirements. To reduce the EDCs' reporting burden, we have moved the reporting deadline to May 31.

GPU Energy, PEA and PP&L suggested revisions to our proposed subsection (e), which required information regarding worst-performing circuits that fail to meet the performance standards. GPU Energy and PEA recommended that the reporting requirements of this subsection apply only for an operating area that fails to meet the standards established for the operating area. PP&L believed that circuits should be evaluated on a utility systemwide basis, not on an operating area basis.

GPU Energy also pointed out a recent action by the New York Public Service Commission (NYPSC), which eliminated a worst-performing circuits reporting requirement, since it had "become something of a post-review exercise in that utilities were merely compiling and documenting corrective actions that had already been taken. This requirement has become a time consuming exercise of little benefit to the companies." The revised NYPSC standards only require a description of the company's program for analyzing worst-performing circuits and a summary of the results of the program. (Order Adopting Changes to Standards on Reliability and Quality of Service, Case 96-E-0979, Issued February 26, 1997, NYPSC.)

Consistent with our previous discussion, we have deleted this requirement.

§ 57.196. Generation reliability.

Subsection (a) required an electric generation supplier EGS to conform to the operating policies and standards of NERC and the appropriate regional reliability council. PEA strongly believed that EGSs must also be required to become members of NERC and regional councils, since membership will enhance their active participation in cooperation with and adherence to the full range of council activities and requirements, and subject them to council direction and discipline necessary to preserve electric service reliability. IBEW also agreed with mandatory membership. PEA suggested that brokers and marketers be exempt from the requirement of membership. IRRC agreed with PEA's position and recommended that the Commission impose a membership requirement, but couple it with an exemption provision for financial hardship.

At its January 6-7, 1997, Board of Trustees meeting, NERC voted unanimously to obligate its regional councils and their members to promote, support and comply with all NERC reliability policies and standards. The regional councils are currently in the process of revising their bylaws and agreements to conform with NERC. NERC and the regional councils are also developing appropriate mandatory compliance monitoring and enforcement mechanisms, including penalties for noncompliance. Although compliance is mandatory for members, membership is voluntary.

We agree with PEA and IRRC that EGSs must be required to be members of appropriate regional councils for the new enforcement mechanisms to be effective. We also recognize that the definition of electric generation supplier is quite broad. Some suppliers will not operate generating plants or schedule transmission directly. Moreover, mandatory membership beyond that which is required by such entities, may impose a financial hardship on smaller EGSs, which may become a barrier to participation in the generation market. Therefore, we have

added a new subsection (d) to require membership in an appropriate regional reliability council or other reliability entity, as required by such entity.

Subsection (b) provided for the maintenance of appropriate generating reserve capacity by EGSs. The IECPA argued that the Commission must allow the competitive market to establish appropriate levels of generation reserves. The IECPA suggested that the level of generation reserves necessary to ensure supply of electricity to a customer should be dictated by the level of reliability desired by the particular customer. IRRC suggested that the reserve requirement standards apply only to an EGS's firm service obligations.

Although the competitive market should, in time, provide the appropriate price signals necessary to ensure adequate levels of generation reserves, ISO and market information is just beginning at this time. We find it necessary and appropriate during this transition period to require compliance with all regional council policies and standards, including generation reserves. This is also our mandate under sections 2804(1) and 2809(e) of the act (relating to standards for restructuring of electric industry; and requirements for electric generation suppliers). Furthermore, interruptible loads are routinely factored out when determining the reserve obligations of EGSs. Thus, we have not revised subsection (b).

§ 57.197. Reliability investigations and enforcement.

Enron suggested that subsection (b)(2) be revised to provide for penalties less than revocation of the supplier's license. Enron also points out that the regional reliability councils are currently in the process of establishing penalties for EGSs that are noncompliant and, therefore, no additional Commission enforcement is necessary.

Inasmuch as we have the authority to impose civil penalties, under 66 Pa.C.S. § 3301 (relating to civil penalties for violations) and, to provide the ability for the Commission to assess less severe penalties, we will adopt the suggestion of lesser penalties. To the extent that the regional reliability councils have implemented their own penalties for noncompliance, we will defer to them with regard to those matters clearly within their purview. We have also made some minor changes to clarify this section. In addition, we have modified the regulations to make clear that Commission staff may initiate investigations as necessary.

Other Issues

IRRC pointed out that other commentators raise a number of issues which could have a direct bearing on the success of competition in electric generation. IRRIC does not, however, believe these issues should be addressed in this rulemaking, but should be the subject of future rulemakings to insure that affected parties will have an adequate opportunity to provide input to the Commission.

Power Quality

IECPA and Ford argued that the Commission must establish specific reliability criteria related to voltage and frequency variations and mandate that the EDCs track and rectify interruptions of less than 30 seconds in duration. According to IECPA, these power quality problems are especially troublesome to sensitive manufacturing equipment such as computers, motors, heating elements, adjustable speed motor drives and programmable logic controllers.

We agree with the concerns of IECPA and Ford. We note that customers of all classes are using more sensitive

equipment that can be adversely affected by power quality problems. However, the Commission does not have the record of data at this time to establish specific new standards for voltage or frequency variations or performance benchmarks or standards concerning the interruptions. In the meantime, the standards under §§ 57.14 and 57.15 are being retained, not eliminated, although it may be appropriate to modify them in the future.

Inspection and Maintenance Standards

IBEW reiterated its plea for the Commission to adopt specific inspection and maintenance standards. The IBEW avered that, without the standards, distribution systems would be allowed to deteriorate to the point where actual problems are being experienced. IBEW also pointed out that the NESC lacks requirements for the inspection and maintenance intervals for each type of equipment. IRRIC recommended that the Commission reconsider this matter, including an evaluation of what other states have done or are doing regarding inspection and maintenance standards.

In our Proposed Rulemaking Order, we declined to require specific inspection and maintenance standards, because of the new methods and technologies that utilities are developing to improve the inspection and testing process. We hesitate to impose excessive requirements upon the EDCs and to engage in what may be considered micromanagement. Nevertheless, we believe that this matter is worthy of further consideration. Therefore, we shall direct the Commission's Bureau of CEEP to conduct a study of the issue of developing specific inspection and maintenance standards and submit recommendations for the Commission's consideration.

We find that the revisions to our proposed regulations, as delineated above, and as set forth in Annex A, to be necessary and appropriate to ensure the continued safety and reliability of electric service in this Commonwealth. Accordingly, under 66 Pa.C. S. §§ 501, 524, 1102, 1103, 1501, 1504, 1505, 2802, 2804, 2807 and 2809, and the Commonwealth Documents Law (45 P. S. § 1202 et seq.) and the regulations promulgated thereunder at 1 Pa. Code §§ 7.1—7.4, we hereby amend Chapter 57 by adding Subchapter N, as set forth in Annex A hereto, which establishes standards and procedures for assessing the reasonableness of electric service reliability; *Therefore,*

It Is Ordered that:

1. The regulations of the Commission, 52 Pa. Code Chapter 57, are amended by deleting §§ 57.17, 57.18 and 57.26 to read as set forth at 27 Pa.B. 5262; and by adding §§ 57.191—57.197 to read as set forth in Annex A.
2. The Secretary shall certify this order, 27 Pa.B. 5262 and Annex A and deposit them with the Legislative Reference Bureau for publication in the *Pennsylvania Bulletin*.
3. The Secretary shall submit this order, 27 Pa.B. 5262 and Annex A to the Office of Attorney General for approval as to legality.
4. The Secretary shall submit this order, 27 Pa.B. 5262 and Annex A to the Governor's Budget Office for review of fiscal impact.
5. The Secretary shall submit this order, 27 Pa.B. 5262 and Annex A for review by the designated standing committees of both Houses of the General Assembly, and for review and approval by the Independent Regulatory Review Commission.

6. A copy of this order, 27 Pa.B. 5262 and Annex A shall be served upon the Office of Consumer Advocate, the Office of Small Business Advocate, all jurisdictional electric utilities and all parties of record.

7. These final-form regulations shall become effective upon publication in the *Pennsylvania Bulletin*.

8. That the Bureau of Conservation, Economics and Energy Planning conduct a study of the issue of developing specific inspection and maintenance standards and submit recommendations for the Commission's consideration.

By the Commission

JAMES J. MCNULTY,
Secretary

Statement of Commissioner John Hanger

This rulemaking does not address directly the issue of generation adequacy. Some have argued that regulatory authorities should play no role in insuring generation adequacy. Market forces, it has been said, will insure that the supply of generation meets demand.

Other voices have been raised to say that regulatory authorities or private organizations like Independent System Operators must set minimum generation adequacy standards. If one accepts this view, the questions are many. Who should set the standards? How should the standard be set? What should be the standard? These are but a few of the questions raised.

In Pennsylvania, those electric suppliers doing business in the PJM market must comply with an installed capacity requirement designed to create a loss of load probability of one day in ten years. The electric suppliers doing business in the ECAR region of Pennsylvania utilize an operating reserve requirements combined with dependence on supplemental capacity resources (DSCR) of less than 10 days per year as a generation adequacy standard.

In my opinion, this Commission must soon formally examine these differing standards, their relevance, their adequacy, and any possible necessary modifications as Pennsylvania begins electric generation competition.

Fiscal Note: Fiscal Note 57-185 remains valid for the final adoption of the subject regulations.

Annex A

TITLE 52. PUBLIC UTILITIES

Subchapter C. FIXED SERVICE UTILITIES

CHAPTER 57. ELECTRIC SERVICE

Subchapter N. ELECTRIC RELIABILITY STANDARDS

| | |
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§ 57.191. Purpose.

Reliable electric service is essential to the health, safety and welfare of the citizens of this Commonwealth. The purpose of this subchapter is to establish standards and procedures for continuing and ensuring the safety and reliability of the electric system in this Commonwealth.

The standards have been developed to provide a uniform method of assessing the reasonableness of electric service reliability.

§ 57.192. Definitions.

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

Adequacy—The ability of the electric system to supply the aggregate electrical demand and energy requirements of the customers from various electric generation suppliers at all times, taking into account scheduled and reasonably expected unscheduled outages of system elements.

Control area—An electric system or systems, bounded by interconnection metering and telemetry, capable of controlling generation to maintain its interchange schedule with other control areas and contributing to frequency regulation of the interconnected systems.

Electric distribution company—An electric distribution company as defined in 66 Pa.C.S. § 2803 (relating to definitions).

Electric generation supplier or electricity supplier—An electric generation supplier or electricity supplier as defined in 66 Pa.C.S. § 2803.

IEEE—Institute of Electrical and Electronic Engineers.

Interruption duration—A period of time measured to the nearest 1-minute increment which starts when an electric distribution company is notified or becomes aware of an interruption, unless an electric distribution company can determine a more precise estimate of the actual starting time of an interruption, and ends when service is restored. Interruptions shall be categorized, based on duration, such as momentary or sustained interruptions, or by similar descriptions, as adopted by the IEEE or similar organization identified by the Commission. This subchapter requires tracking, reporting and evaluation of two categories of interruption duration that will incorporate any changes in the terms used or the definitions of those terms as adopted by the IEEE or Commission order.

Major event—

(i) Either of the following:

(A) An interruption of electric service resulting from conditions beyond the control of the electric distribution company which affects at least 10% of the customers in an operating area during the course of the event for a duration of 5 minutes each or greater. The event begins when notification of the first interruption is received and ends when service to all customers affected by the event is restored. When one operating area experiences a major event, the major event shall be deemed to extend to all other affected operating areas of that electric distribution company.

(B) An unscheduled interruption of electric service resulting from an action taken by an electric distribution company to maintain the adequacy and security of the electrical system, including emergency load control, emergency switching and energy conservation procedures, as described in § 57.52 (relating to emergency load control and energy conservation by electric utilities), which affects at least one customer.

(ii) A major event does not include scheduled outages in the normal course of business or an electric distribution company's actions to interrupt customers served under interruptible rate tariffs.

Momentary customer interruption—The loss of electric service by one or more customers for the period defined as a momentary customer interruption by the IEEE as it may change from time to time. The term does not include interruptions described in subparagraph (ii) of the definition of “major event,” or the authorized termination of service to an individual customer.

NERC—North American Electric Reliability Council—An organization of regional reliability councils established to promote the reliability of the electricity supply for North America.

Operating area—A geographical area, as defined by an electric distribution company, of its franchise service territory for its transmission and distribution operations.

Regional reliability council—An organization established to augment the reliability of its members’ bulk electric supply systems through coordinated planning and operation of generation and transmission facilities. The following regional reliability councils impact the bulk electric supply systems within this Commonwealth:

(i) The East Central Area Reliability Coordination Agreement (ECAR).

(ii) The Mid-Atlantic Area Council (MAAC).

(iii) The Northeast Power Coordinating Council (NPCC).

Reliability—The degree of performance of the elements of an electric system that results in electricity being delivered to customers within accepted standards and in the desired amount, measured by the frequency, duration and magnitude of adverse effects on the electric supply and by considering two basic and functional aspects of the electric system: adequacy and security.

Reliability indices—Service performance indicators which measure the frequency, duration and magnitude of customer interruptions, excluding outages associated with major events.

(i) *CAIDI—Customer Average Interruption Duration Index*—The average interruption duration of sustained interruptions for those customers who experience interruptions during the analysis period. CAIDI represents the average time required to restore service to the average customer per sustained interruption. It is determined by dividing the sum of all sustained customer interruption durations, in minutes, by the total number of interrupted customers. This determination is made by using the following equation:

$$CAIDI = \frac{\sum r_i N_i}{\sum N_i} = \frac{SAIDI}{SAIFI}$$

where:

i = an interruption event

r_i = restoration time for each interruption event

and N_i = number of customers who have experienced a sustained interruption during the reporting period

(ii) *MAIFI—Momentary Average Interruption Frequency Index*—The average frequency of momentary interruptions per customer occurring during the analysis period. It is calculated by dividing the total number of momentary customer interruptions by the total number of customers served. This determination is made by using the following equation:

$$MAIFI = \frac{\sum M_i}{N_T}$$

where:

M_i = number of customers who have experienced a momentary interruption during the reporting period

(iii) *SAIDI—System Average Interruption Duration Index*—The average duration of sustained customer interruptions per customer occurring during the analysis period. It is the average time customers were without power. It is determined by dividing the sum of all sustained customer interruption durations, in minutes, by the total number of customers served. This determination is made by using the following equation:

$$SAIDI = \frac{\sum r_i N_i}{N_T}$$

where:

N_T = total number of customers served for the area being indexed

(iv) *SAIFI—System Average Interruption Frequency Index*—The average frequency of sustained interruptions per customer occurring during the analysis period. It is calculated by dividing the total number of sustained customer interruptions by the total number of customers served. This determination is made by using the following equation:

$$SAIFI = \frac{\sum N_i}{N_T}$$

Security—The ability of the electric system to withstand sudden disturbance such as electric short circuits or unanticipated loss of system elements.

Sustained customer interruption—The loss of electric service by one or more customers for the period defined as a sustained customer interruption by IEEE as it may change from time to time. This term does not include interruptions described in subparagraph (ii) of the definition of “major event,” or the authorized termination of service to an individual customer.

§ 57.193. Transmission system reliability.

(a) An electric distribution company shall install and maintain its transmission facilities, and ensure that its transmission facilities are operated, in conformity with the applicable requirements of the National Electrical Safety Code. An electric distribution company shall operate its transmission facilities in conformity with the operating policies, criteria, requirements and standards of NERC and the appropriate regional reliability council, or successor organizations, and other applicable requirements.

(b) The reliability of an electric distribution company’s transmission service provided to wholesale customers, such as electric cooperative corporations and municipal corporations, shall be comparable to the reliability which the transmission supplier provides at the wholesale level, taking into account the nature of each service area in which electricity is delivered to the customer, the delivery voltage and the configuration and length of the circuit from which electricity is delivered.

(c) An electric distribution company shall submit to the Commission, on or before May 31, 1999, and May 31 of each succeeding year, information concerning the performance of the transmission system, as built and operated, to serve a fully competitive generation market efficiently. The report shall include available transfer capability, total transfer capability and the use, in general, of the

transmission system. The report shall include an assessment of the past performance of the transmission system and an appraisal of future transmission system performance. In complying with this requirement, electric distribution companies operating under a single system operator may submit a joint report by an independent system operator, or other appropriate transmission system operator.

§ 57.194. Distribution system reliability.

(a) An electric distribution company shall furnish and maintain adequate, efficient, safe and reasonable service and facilities, and shall make repairs, changes, alterations, substitutions, extensions and improvements in or to the service and facilities necessary or proper for the accommodation, convenience and safety of its patrons, employes and the public. The service shall be reasonably continuous and without unreasonable interruptions or delay.

(b) An electric distribution company shall install, maintain and operate its distribution system in conformity with the applicable requirements of the National Electrical Safety Code.

(c) An electric distribution company shall make periodic inspections of its equipment and facilities in accordance with good practice and in a manner satisfactory to the Commission.

(d) An electric distribution company shall strive to prevent interruptions of electric service and, when interruptions occur, restore service within the shortest reasonable time. If service must be interrupted for maintenance purposes, an electric distribution company should, where reasonable and practicable, attempt to perform the work at a time which will cause minimal inconvenience to customers and provide notice to customers in advance of the interruption.

(e) An electric distribution company shall design and maintain procedures to achieve the reliability performance standards established under subsection (h).

(f) An electric distribution company shall develop and maintain a program for analyzing the service performance of its circuits during the course of each year.

(g) An electric distribution company shall maintain a 5-year historical record of all known customer interruptions by category of interruption duration, including the time, duration and cause of each interruption. An electric distribution company shall retain all records to support the reporting requirements under § 57.195 (relating to reporting requirements) for 5 years.

(h) An electric distribution company shall take measures necessary to meet the reliability performance standards adopted under this subsection.

(1) In cooperation with an electric distribution company and other affected parties, the Commission will, from time to time, establish numerical values for each reliability index or other measures of reliability performance that identify the benchmark performance of an electric distribution company, and performance standards.

(2) The benchmark will be based on an electric distribution company's historic performance for each operating area for that measure. In establishing the benchmark, the Commission may consider historic superior or inferior performance or system-wide performance.

(3) The performance standard shall be the minimal level of performance for each measure for all electric distribution companies, regardless of the benchmark established.

(4) An electric distribution company shall inspect, maintain and operate its distribution system, analyze performance and take corrective measures necessary to achieve the performance standard. An electric distribution company with a benchmark establishing performance superior to the performance standard shall maintain benchmark performance, except as otherwise directed by the Commission.

§ 57.195. Reporting requirements.

(a) An electric distribution company shall submit to the Commission, on or before May 31, 1999, and May 31 of each succeeding year, a reliability report which includes, at a minimum, the information prescribed in this section.

(1) An original and 5 copies of the report shall be filed with the Commission's Secretary and one copy shall also be submitted to the Office of Consumer Advocate and the Office of Small Business Advocate.

(2) The name and telephone number of the persons having knowledge of the matters, and to whom inquiries should be addressed, shall be included.

(b) The report shall include an assessment of electric service reliability in the electric distribution company's service territory, by operating area and system-wide.

(1) The assessment shall include a discussion of the electric distribution company's programs and procedures for providing reliable electric service.

(2) The assessment shall include a description of each major event, including the time and duration of the event, the number of customers affected, the cause of the event and any modified procedures adopted to avoid or minimize the impact of similar events in the future.

(c) The report shall include a table showing the actual values of each of the reliability indices, and other performance measures required by this subchapter or Commission order, for each operating area and for the electric distribution company as a whole for each of the preceding 5 calendar years.

(d) When an electric distribution company's reliability performance within an operating area is found to be unacceptable, as defined in § 57.194(h) (relating to distribution system reliability), the report shall include the following:

(1) An analysis of the service interruption patterns and trends.

(2) An analysis of the operational and maintenance history of the affected operating area.

(3) A description of the causes of the unacceptable performance.

(4) A description of the corrective measures the electric distribution company is taking and target dates for completion.

§ 57.196. Generation reliability.

(a) An electric generation supplier shall operate and maintain its generating facilities in conformity with the operating policies, criteria, requirements and standards of NERC and the appropriate regional reliability councils, or successor organizations.

(b) An electric generation supplier shall maintain appropriate generating reserve capacity in compliance with any applicable reserve requirement standards set forth by the appropriate regional reliability council, successor organizations or other entity or agency with jurisdiction to establish the requirements.

(c) An electric generation supplier shall abide by applicable Commission regulations, procedures and orders, including emergency orders.

(d) An electric generation supplier shall maintain membership, to the extent required by any regional reliability council, independent system operator or similar organization, in the appropriate regional reliability councils, or successor organizations.

§ 57.197. Reliability investigations and enforcement.

(a) The Commission staff may initiate an investigation, or may do so upon complaint by an affected party, to determine whether an electric distribution company is providing service in accordance with §§ 57.193 and 57.194 (relating to transmission system reliability; and distribution system reliability).

(1) Based upon the record developed in such an investigation, the Commission may enter an order directing the electric distribution company to take reasonable corrective action necessary to improve the reliability of electric service.

(2) If the Commission directs an electric distribution company to make expenditures to repair or upgrade its transmission or distribution system, the electric distribution company may seek an exception to the limitations in 66 Pa.C.S. § 2804(4) (relating to electric utility rate caps).

(b) The Commission staff may initiate an investigation, or may do so upon complaint by an affected party, to determine whether an electric generation supplier is providing reasonable service in accordance with § 57.196 (relating to generation reliability).

(1) Based upon the record developed in such an investigation, the Commission may enter an order directing the electric generation supplier to take the corrective action the Commission deems necessary to improve the reliability of service.

(2) If the corrective action is not taken within the period of time designated by the Commission in an order entered under paragraph (1), the Commission may elect to impose a penalty up to and including the revocation, either temporarily or permanently, of the license of the electric generation supplier, obtained under 66 Pa.C.S. § 2809(a) (relating to requirements for electric generation suppliers).

[Pa.B. Doc. No. 98-1148. Filed for public inspection July 17, 1998, 9:00 a.m.]

PENNSYLVANIA PUBLIC UTILITY COMMISSION
[52 PA. CODE CHS. 63 AND 64]

[L-960113]

Telephone and Residential Telephone Service

The Pennsylvania Public Utility Commission (Commission) on April 9, 1998, adopted a final rulemaking to clarify and streamline existing regulations to the extent possible and update existing regulations to reflect current industry standards. The contact persons are Susan D. Colwell, Law Bureau, (717) 783-3459 and Louis Sauers, Bureau of Consumer Services, (717) 783-6688.

Executive Summary

By order entered May 23, 1995, the Commission issued an Advance Notice of Proposed Rulemaking to Review

and Rescind All Obsolete and Excessive Rules and Regulations. Comments were received from the Pennsylvania Telephone Association (PTA), GTE North and the Office of Consumer Advocate (OCA). Based upon the comments and upon its own review, the Commission identified approximately 30 sections in Chapters 63 and 64 (relating to telephone services; and standards and billing practices for residential telephone service) which it proposed for revision in its proposed rulemaking, published at 26 Pa.B. 2810 (June 15, 1996). Comments were received from AT&T Communications of Pennsylvania, Bell Atlantic-Pennsylvania, Inc., OCA, PTA, the Independent Regulatory Review Commission (IRRC) and the Honorable Kathrynann W. Durham and the Honorable David R. Wright.

The Commission worked with industry representatives and the OCA to develop the final regulations, which are meant to update those regulations which were outdated, to clarify and streamline existing requirements, and to eliminate obsolete provisions.

Regulatory Review

Under section 5(a) of the Regulatory Review Act (71 P.S. § 745.5(a)), on May 30, 1996, the Commission submitted a copy of the final rulemaking, which was published as proposed at 26 Pa.B. 2810, and served on May 30, 1996, to IRRC and the Chairpersons of House Committee on Consumer Affairs and the Senate Committee on Consumer Protection and Professional Licensure for review and comment. In compliance with section 5(b.1) of the Regulatory Review Act, the Commission also provided IRRC and the Committees with copies of the comments received, as well as other documentation.

In preparing these final-form regulations, the Commission has considered all comments received from IRRC, the Committees and the public.

These final-form regulations were approved by the House and Senate Committees on June 8, 1998. IRRC met on June 18, 1998, and approved the final-form regulations in accordance with section 5(c) of the Regulatory Review Act.

Public Meeting
held April 9, 1998

Commissioners Present: John M. Quain, Chairperson; Robert K. Bloom, Vice Chairperson; John Hanger; David W. Rolka, Dissenting Statement attached; Nora Mead Brownell

Final-Form Rulemaking Order

By the Commission:

By order entered May 23, 1995, we issued at Docket No. L-00950103 an Advance Notice of Proposed Rulemaking To Review And Rescind All Obsolete And Excessive Rules And Regulations. The advance notice was published at 25 Pa.B. 2188, and a 60-day comment period set.

After reviewing and considering the detailed comments we received from the telephone industry, we issued a proposed rulemaking order on March 18, 1996, at this docket, for the purpose of revising Chapters 63 and 64 and requested further comments from interested parties. Following publication of the order at 26 Pa.B. 2810, comments were received by AT&T Communications of Pennsylvania (AT&T), Bell Atlantic-Pennsylvania, Inc. (BA-PA), OCA, PTA, IRRC, the Honorable Kathrynann W. Durham and the Honorable David R. Wright.

We believe that the changes we adopt with this final rulemaking order are necessary to clarify and simplify existing requirements of the telephone industry, to update certain regulations to reflect present industry standards and to eliminate provisions believed to be excessive and which no longer serve a useful purpose.

CHAPTER 63. TELEPHONE SERVICE

Subchapter B. SERVICE AND FACILITIES

Section 63.1. Definitions.

As with § 64.2 (relating to definitions), the definition of "interexchange carrier" is obsolete and is updated to provide that it is a carrier which provides interexchange services to the public under 66 Pa.C.S. § 3008 (relating to interexchange telecommunications carrier).

Section 63.15. Complaint procedures.

Subsection (a) is amended to provide that the utility may terminate the investigation by submitting a copy of the service order which identifies the action taken by the utility to resolve the service complaint.

Section 63.17. Number of subscribers per line.

This section is being deleted since it contains standards and procedures applicable prior to December 19, 1983. The four subscriber-maximum presently used by the industry is being added to § 63.18.

Section 63.18. Multiparty line subscribers.

To reflect the change in industry standards, the limit for maximum subscribers to a multiparty line is added.

Section 63.21. Directories.

Subsection (e) is replaced to clarify a LEC's authority to investigate, evaluate and require modification or deletion of misleading directory listings without being as duplicative or onerous as the existing language.

Subchapter C. ACCOUNTS AND RECORDS

Section 63.31. Classification of telephone public utilities.

The amendment to this section reflects the standards included in Chapter 30 and recent Commission rulemakings to provide for two classes of telephone utilities: Class A carriers are defined as those with more than 50,000 access lines; while Class B carriers are defined as carriers with 50,000 access lines or less. We note that AT&T suggests that we raise the number of demarcation for access lines to 250,000 to be consistent with our order in *Investigation into IntraLATA Interconnection Arrangements*, I-00940034 (December 14, 1995), but we are constrained by the numbers appearing in our enabling statute at 66 Pa. C.S. § 3006 (relating to streamlined form of rate regulation). Consequently, we are keeping the number at 50,000.

Section 63.41(k).

This section now requires that telephone utilities file undergrounding construction and specification standards and revisions with the Commission's Bureau of Fixed Utility Services instead of the Bureau of Safety and Compliance.

Subchapter G. PUBLIC COIN TELEPHONE SERVICE

In the proposed rulemaking order, under Subchapter G, the Commission proposed making changes to two sections, namely, §§ 63.95 and 63.96 (relating to coin telephone service in the public interest; and service requirements for coin telephone). However, the changes proposed did not reflect the passage and implementation of the

Telecommunications Act of 1996 (TA-96), 47 U.S.C.A. § 251 et seq., which was enacted February 8, 1996. We are including a number of changes here which were not included in the proposed rulemaking but are mandated by the Federal Communications Commission (FCC) in orders implementing the Federal legislation.

The purpose of TA-96 is "to provide for a pro-competitive, deregulatory National policy framework designed to accelerate rapidly private sector deployment of advanced telecommunications and information technologies and services to all Americans by opening all telecommunications markets to competition . . ." TA-96 directs the FCC to promulgate new regulations which govern the payphone industry and, inter alia, ensure that all payphone owners are compensated for calls originated on their payphones and discontinue subsidies for payphones owned by local exchange carriers (LECs). See 47 U.S.C.A. § 276.

Our proposed rulemaking order was entered on March 18, 1996. Given that the FCC did not conclude the rulemaking until November of 1996, we did not have an opportunity to consider the ramifications of the FCC's action with respect to our coin telephone regulations.

A notice of proposed rulemaking (NOPR) to promulgate new regulations to govern the payphone industry was adopted by the FCC on June 4, 1996, and released on June 6, 1996. On June 27, 1996, this Commission filed comments to the FCC's rulemaking. On September 20, 1996, the FCC adopted and released a report and order implementing the payphone provisions of TA-96. *Implementation of the Pay Telephone Reclassification and Compensation Provisions of the Telecommunications Act of 1996*, CC Docket No. 96-128 and No. 91-35, *Report and Order*, (September 20, 1996). Although the Commission did not petition for reconsideration of the FCC *Report and Order*, the Commission filed a Reply in Support of the Petitions for Reconsideration filed jointly by New York, Maine, Vermont, Virginia, Alabama, the District of Columbia, Maryland and Montana (the Petitioners). The Petitioners argued that section 276 of TA-96 does not empower the FCC to preempt state regulation of entry and exit to the payphone market, or to regulate intrastate retail coin rates for local service, including rates charged for directory assistance. The Petitioners also emphasized that the FCC failed to raise the issue of deregulation of local coin rates in the NOPR. Finally, the Petitioners believed that the record developed in the Federal rulemaking did not support the FCC's deregulation plan or conclusion that unfettered competition will ensure fair compensation for all calls from payphones.

On November 8, 1996, the FCC released its order on reconsideration. *Implementation of the Pay Telephone Reclassification and Compensation Provisions of the Telecommunications Act of 1996*, CC Docket No. 96-128 and No. 91-35, *Reconsideration Order*, (November 8, 1996). A summary of the *Reconsideration Order* was published in the *Federal Register* on December 12, 1996. See 61 FR 65341 (December 12, 1996). The FCC, finding no new evidence or arguments, made no significant changes to its *Report and Order*. The decision to deregulate the local coin rate remained basically unchanged.

The FCC affirmed its position that the payphone market is fundamentally competitive and can be safely deregulated so as to permit market forces to set the rate for local coin calls. *Reconsideration Order*, ¶¶61-62. The FCC also disagreed with the Petitioners' arguments that

¹ Congressional Conference Report accompanying S. 652.

its conclusions concerning local coin rates constitute unwarranted preemption of state authority over intrastate telecommunications. *Reconsideration Order*, ¶157. In the *Reconsideration Order* (¶160), the FCC also declined to reconsider conclusions that its actions were necessary to implement the stated goals of TA-96 Section 276 "of promot[ing] competition among payphone service providers and promot[ing] the widespread deployment of payphone services to the benefit of the general public . . ." See 47 U.S.C.A. § 276(b)(1). The FCC clarified that while it is willing to consider petitions from individual states for exceptions to deregulation of local coin calls, the state must make a detailed showing of justification for regulation based on findings in a state proceeding that examines areas of market failure. The FCC also stated that it viewed the exception for market failures as a "limited" one. *Reconsideration Order*, ¶162.

The FCC has directed each state to examine its regulations applicable to payphones and payphone service providers (PSPs), removing or modifying those that erect barriers to entry or exit and thereby affect the ability of companies to compete in the payphone industry on an equal footing. *Report and Order*, ¶160. As of October 7, 1997, the market was allowed to set the price for local coin rates. *Report and Order*, ¶160.

Finally, in response to Congress' concern about public interest payphones expressed in TA-96 section 276(b)(2), the FCC concluded that a need exists to "ensure the maintenance of payphones that serve the public policy interests of health, safety, and welfare in locations where there would not otherwise be payphones as a result of the operation of the market." *Report and Order*, ¶1277. The FCC was concerned about the access to emergency services in isolated areas with low residential phone penetration. *Report and Order*, ¶1277. The FCC further expressed the opinion that states are in a better position to ascertain the need for payphones which serve community interests. *Report and Order*, ¶1278. However, the FCC believed that TA-96 directed the agency to impose guidelines for establishment of a public interest payphone program. *Report and Order*, ¶1281.

As we recognized in our decision on the *Petition of the Pennsylvania Telephone Association Regarding Paystation Deregulation Compliance Filings (PTA Petition)*, P-00971166 (March 14, 1997) page 5:

The FCC established a National guideline whereby the companies providing public interest payphones are to be fairly compensated for the cost of such services. The FCC allows the individual state commissions to determine whether they want to adopt rules for funding and maintaining such a program.

After noting that Pennsylvania's Universal Service Fund may be used to fund public interest payphones, we directed the Universal Task Force to consider this issue and requested the submission of recommendations and comments on public interest payphones and their funding. *PTA Petition*, page 13.

The FCC essentially preempted state regulations of entry and exit to the payphone market and intrastate coin rates for local service, including rates charged for directory assistance. Historically, states have had the central role in regulating payphone rates, which the Commission believed should continue given the individual states' better position to determine local market conditions. Furthermore, since the competitive market has resulted in an overabundant supply of payphones in urban areas, the states should retain control over entry

and exit to the payphone market. Moreover, the Commission was concerned that the FCC's removal of entry and exit restrictions may conflict with the broad discretion granted to the states for maintaining public interest payphones, 47 U.S.C.A. § 276(b)(2), and with the Commission's express authority under Chapter 30 and our regulations concerning the placement of payphones. See 66 Pa.C.S. §§ 3001—3009 and §§ 63.91—63.98.

On January 29, 1997, the Commission filed with the United States Court of Appeals for the District of Columbia Circuit (DC Circuit) a Motion for Leave to Intervene of the Pennsylvania Public Utility Commission to intervene in Case No. 97-1016, *People of the State of New York and the Public Service Commission of the State of New York v. Federal Communications Commission and the United States of America*, and in any other appeals which may be consolidated with this case, as well as appeals into which this proceeding may be consolidated.² The People of the State of New York and the Public Service Commission of the State of New York had petitioned the DC Circuit for review of the *Reconsideration Order* issued by the FCC (FCC 96-439) on November 8, 1996.³ By Order filed February 11, 1997, the DC Circuit granted the Commission's Motion for Leave to Intervene and further acknowledged that the Commission must join the brief of similarly situated state agencies.⁴

Before the DC Circuit, the Various States filed an initial, reply, final and final reply brief advancing the argument that the FCC has crossed the line between the federal and state jurisdictions insofar as it asserts power over local coin rates. Furthermore, assuming for argument that the FCC has jurisdiction over local coin rates, TA-96 section 10 still requires that the FCC, before forbearing from regulating local coin telephone rates, make a finding that "enforcement of such regulation or provision is not necessary for protection of consumers." 47 U.S.C.A. § 160(a)(2). Based on the existence of the "locational monopoly," such as, coin providers in airports, malls, and convenience stores, etc., the Various States argued that consumers would not be protected in the absence of regulation. Accordingly, the Various States concluded that the FCC's deregulation was arbitrary and capricious for failing to address these recognized monopolies.

On July 1, 1997, the DC Circuit decided the consolidated petitions for review of the FCC decision implementing the payphone provisions of TA-96.⁵ In addition to deciding the issue of the FCC assuming authority over local coin rates, the Court addressed a number of issues raised on appeal by the Various States. With respect to the issue of local coin rates, emphasized by the Various States, the Court recognized that Congress in § 276 of TA-96 directed the FCC to establish regulations to "ensure that all payphone service providers are fairly compensated for each and every completed intrastate and interstate call." 117 F.3d 562. The Court framed the issue as whether in § 276 Congress gave the FCC the authority to set local coin rates to achieve that goal. Finding that Congress has used the term "compensation" elsewhere in TA-96 to encompass rates paid by callers, and that a payphone service provider's compensation is in the form of coins deposited in the phone, the DC Circuit held that

² This proceeding was consolidated with Case No. 96-1394, *Illinois Public Telecommunications Association v. Federal Communications Commission*.

³ The petition for review was filed on or about January 9, 1997.

⁴ This Commission joined in the filing of briefs with the state regulatory Commissions of New York, Missouri, Virginia, California, Maine, Vermont, Ohio and Mississippi. The DC Circuit referred to the Commissions as "the Various States."

⁵ *Illinois Public Telecommunications Association v. Federal Communications Commission*, 117 F.3d 555 (D. C. Cir. 1997).

there is no indication that Congress intended to exclude local coin rates from the term "compensation" in § 276. 117 F.3d 562.

Furthermore, the Court determined, given the lack of any evidence that there are significant locational monopolies in states that have already deregulated local coin rates, it was not unreasonable for the FCC to conclude that market forces will keep prices at a reasonable level. 117 F.3d 562. Finally, the Court agreed with the FCC that the Federal agency did not forebear from regulating local coin rates because it did establish a compensation plan consistent with TA-96 since a market-based approach is as much a compensation scheme as a rate-setting approach.⁶ 117 F.3d 563. On December 24, 1997, the Virginia State Corporation Commission and Texas Office of Public Utility Counsel filed a Petition for Writ of Certiorari with the Supreme Court of the United States of America. That appeal was subsequently denied by order entered March 30, 1998.

As indicated previously, the FCC concluded that many states impose regulations on PSPs that are barriers to a fully competitive payphone marketplace and shall be preempted. *Report and Order*, ¶59. The FCC reasoned that ease of market entry and exit will promote competition and allow the market to control the payphone industry. In order to accomplish this goal of competition in the payphone industry, the FCC has directed each state to examine and modify its restrictive regulations as follows:

... we conclude that each state should, in light of the instant proceeding, examine and modify its regulations applicable to payphones and PSPs, particularly those rules that impose market entry or exit requirements, and others that are not competitively neutral and consistent with the requirements of Section 276 of the Act. We conclude that, for purposes of ensuring fair compensation through a competitive market place, states need only remove those regulations that restrict competition, and they need not address those regulations that, on a competitively neutral basis, provide consumers with information and price disclosure.

Report and Order, ¶49. Therefore, we must satisfy the FCC's directive that state commissions remove market entry and exit requirements.

In our decision on the *PTA Petition* of March 14, 1997, we acknowledged that we might have to revisit this matter and modify our payphone regulations so as to comply with the FCC's decision and address the new competitive environment. We shall now take this opportunity to review our regulations to determine whether any regulations exist that may adversely affect payphone competition in the Commonwealth. In completing this task we are mindful that competitively neutral regulations on information and price disclosure are not preempted. Moreover, the access to dialtone, emergency calls, and telecommunications relay service calls must still be available from all payphones without charge. *Report and Order*, ¶60.

Our current regulations on coin telephones are in §§ 63.91—63.98. The title refers to this type of telephone service as "Public Coin." However, in § 63.92, we will be deleting the definition of the term "public coin telephone." Therefore, we shall retain the term "coin telephone" as

⁶ However, the Court vacated and remanded, for further consideration, portions of the FCC's decision unrelated to the issues we are addressing here. Also, three petitions for rehearing were filed in response to the D. C. Circuit opinion. These petitions were all denied with the last denial occurring on October 7, 1997.

the title of the subchapter since this term is still defined in § 63.92. The reason for deleting the definition "public coin telephone" will be discussed below.

Subchapter G. PUBLIC COIN TELEPHONE SERVICE

§ 63.91. Purpose.

The purpose of these regulations was "to maintain and promote the availability and affordability of coin telephone service in this Commonwealth." See § 63.91. The FCC has preempted our ability to regulate availability through entry or exit requirements, and also to regulate the price of local coin service. It will be necessary for us to replace this provision given that the purpose of the subchapter is no longer legally enforceable. Rather than regulating the overall number of payphones in the market and the price charged for a call, our emphasis will now be on promoting competition in the coin telephone market in this Commonwealth, assuring accurate price disclosure, and providing for public interest payphones.

§ 63.92. Definitions.

The changes to this section involve deletion of the definitions for "comparable public telephone," "public coin telephone," and the term "nonpublic utility." The term "comparable public telephone" is only used in § 63.95(a) and (b). As will be discussed below, these provisions will be deleted from the subchapter. Therefore, it will no longer be necessary to retain this definition. Furthermore, since the term "public coin telephone" is only used within the definition of "comparable public telephone," which is being deleted, and other sections, such as, §§ 63.94(f), 63.95(c) and 63.98(a), where a distinction is irrelevant, retention of this definition is also unnecessary.

Finally, although we do not believe it necessary to modify the substantive definition of the term "nonpublic utility," we shall change the name to "payphone service provider" to be consistent with the terminology used by the FCC, and use it throughout the subchapter. The FCC has determined that incumbent LEC payphones should be treated as deregulated and detariffed customer premises equipment. *Report and Order*, ¶142. We recognized the FCC's action in our *PTA Petition* decision where we declared that "ILECs may maintain the assets on their books on a deregulated basis or transfer the payphone assets to a separate affiliate" (page 5). The players are now all nonpublic utilities, or PSPs, and the definition as written can encompass a LEC maintaining separate books under a segregated corporate division or a separate affiliated entity.

§ 63.93. Conditions of service.

Under the definitions section of these regulations, § 63.92, a payphone service provider is an entity that "manufactures, vends, owns, or leases coin telephones, and is not required to be certificated by the Commission for the provision of coin telephone service." Section 63.93 imposes upon a nonpublic utility the obligation to comply with conditions of service set forth in the subchapter to be eligible for access to intrastate telephone facilities. Given that certain requirements are mandated by the FCC, like access to dialtone and emergency calls, and that other requirements on information and price disclosure are allowable if competitively neutral, this provision is not violative of the FCC's decision and shall not be deleted nor modified.

§ 63.94. Coin telephone requirements.

Under § 63.94, subsections (a) and (b), a coin telephone must comply with FCC registration requirements and

provide access to dialtone and 911 service, respectively. Furthermore, we are adding the requirement that the coin telephone provide access to telecommunications relay services and comply with ADAAG⁷ usability standards where compliance with usability standards is required by the ADA.⁸ Clearly, since these requirements are also imposed by the FCC and Federal government, deletion is unnecessary and the additions are warranted.

We also find it necessary to require that coin telephones provide per-call blocking service whereby the caller can initiate the service by dialing *67. In *Petition of Intellicall, Inc. for a Declaratory Order (Petition of Intellicall)*, P-00950936 (April 14, 1997), we issued an order declaring that customer owned coin operated telephone (COCOT) providers are obligated to make caller identification (Caller ID) service blocking options available from their telephones. We determined in the *Petition of Intellicall* (pages 13—14) that whoever offers Caller ID service is legally obligated to make blocking options available to callers to satisfy the requirement of section 2906 of the Public Utility Code, 66 Pa. C.S. § 2906.⁹ We concluded that customer premises equipment which cannot provide to the end user a service required by law is effectively in violation of section 2906. We ordered all payphone service providers, including LEC coin telephones and COCOTs, to provide per-call blocking whereby the end user caller can initiate the service by dialing *67. The payphone service provider must provide notice of the availability of this service which can be placed on the phone or enclosure. As an alternative to per-call blocking, we further allowed the COCOT provider to offer and pay for operator service to callers to override the unblocked line and block Caller ID. Again, the COCOT must provide notice of this option. *Petition of Intellicall*, pages 16—17. The OCA, the Central Atlantic Payphone Association, BA-PA, PTA, Pennsylvania Coalition Against Domestic Violence, and Intellicall, Inc. were parties to this proceeding. Our decision was not appealed. We therefore make modification to our regulations so as to include these service requirements. The new provision is a competitively neutral service requirement to satisfy statutory privacy interests accorded to Pennsylvania coin telephone end users.

Subsections (c) and (d) address coin telephones being capable of accepting coins and being able to provide message toll service and completing toll free 800-number calls without payment of coins. The requirements that coin telephones accept nickels, dimes and quarters and provide message service do not restrict entry and exit into the payphone market in this Commonwealth. Furthermore, since the FCC has provided for compensating the payphone service provider for subscriber 800 calls, *Report and Order*, ¶52, coin compensation for each call is not mandated by the FCC's decision. However, we shall delete the reference to "800" numbers since toll free numbers are also provided through 888, and possibly through additional numbers in the future. Section (e) prohibits connecting more than one coin telephone to a single access line and imposes a restriction if a noncoin extension is connected. These provisions apply equally to all payphones, and therefore are competitively neutral.

Subsection (f) addresses an LEC's service obligations to the payphone service provider, the charges, and the payphone service provider's responsibilities. We submit

that the only inconsistency under this provision is subparagraph (f)(5), but only to the extent that the subparagraph limits directory assistance charges to 25¢. The FCC has determined that "if the incumbent LEC imposes a fee on the independent payphone providers for '411' calls, then the LEC must impute the same fee to its own payphones for this service." *Report and Order*, ¶62. Given the preemption on the local charge for directory assistance, this provision on limiting the charge is inconsistent with the FCC's decision and must be deleted. Accordingly, LECs in Pennsylvania will no longer have to comply with this provision. However, subparagraph (f)(6) can remain because improperly or erroneously accepted calls is a cost for which the LEC should be reimbursed in a competitive market.

A review of subsections (g) and (h), and all subparagraphs, clearly indicates that these provisions deal with display instructions and notices, which are specifically allowed by the FCC as providing consumers with information and price disclosure. However, we shall modify paragraph (1) so as to recognize the difficulty that posting rates for message toll calls imposes on payphone service providers. Given the variant types of calls that may be placed from a coin telephone, we shall instead impose the posting of dialing instructions to obtain the rates. Furthermore, we shall include a new paragraph (4) requiring notification of the per-call blocking option and the alternative free operator services to block Caller ID to be "prominently posted on, or in the immediate vicinity of the pay telephone." See *Petition of Intellicall*, page 18. Finally, we shall delete subsection (h) so as to remove the redundancy.

Subsection (i), which will change to (h), addresses the LEC obligation to provide payphone service provider access lines and to make available to payphone service providers a number of services on an unbundled basis. Essentially, these services have been available from or provided to LEC coin telephones. Since the purpose of the regulation is to create a level playing field for competition in the payphone industry, we will not delete this provision. However, we believe it unnecessary to identify all these unbundled services since LECs must provide these tariffed services, where available, on a nondiscriminatory basis, and shall modify the paragraph accordingly.

The last subsection of the current section, subsection (j), establishes a procedure for LECs to petition the Commission to waive subsection (i), or parts thereof, if there is not enough demand to economically justify any service. Recently, we have had the occasion to address such a petition. *Petition of Pennsylvania Telephone Association Requesting a Waiver of Obligation to Unbundle Services for Public Coin Telephones*, P-00940869; P-00940870 (Order entered May 23, 1997). On the third page of the Order, we cited language in the *Report and Order* (¶146) and the *Reconsideration Order* (¶163) where the FCC has imposed on incumbent LECs the obligation to provide individual central office coin transmission services to payphone service providers and file intrastate tariffs for these services, respectively. Thereafter, on the same page of the Order, we went on to acknowledge that in our March 14, 1997 *PTA Petition* (page 2), we stated that "any unbundled payphone services used by the ILEC's operations must also be made available to independent payphone providers." Consequently, we denied the petition as being moot, and an identical result should be reached here, that is, LECs cannot be relieved of the obligation to provide these services that are available to their own coin telephones. This provision is no longer available to LECs, and shall be deleted.

⁷ Americans With Disabilities Act Accessibility Guidelines for Buildings and Facilities.

⁸ Americans With Disabilities Act of 1990. The justification for including this provision can be found under § 69.221 which is the policy statement for application of accessibility and usability standards to pay telephone service providers.

⁹ All Pennsylvania local exchange companies have satisfied the requirements of the statute by providing Caller ID per-call and per-line blocking. *Petition of Intellicall*, page 15.

§ 63.95. Sufficiency of public telephone service.

The current section addresses the need to both maintain the number of public telephones and replace certain public telephones. In particular, subsection (a) requires LECs to maintain their level of public telephones except where replaced by a "comparable public telephone." Furthermore, subsection (b) directs that the Commission be notified of plans to remove public telephones. Upon review of these provisions, it appears that continued enforcement of these provisions would have a chilling effect on competition in the coin telephone market. The entry and exit requirements into the coin telephone market which are being imposed by this section must be deleted. Furthermore, the current section still references LEC ownership of coin telephones, which is inconsistent with the FCC's action.

We had intended to replace the existing section with wording that more closely follows 66 Pa.C.S. § 2912¹⁰ which authorizes the Commission to ensure that there is adequate coin telephone service in this Commonwealth. While we still believe that we retain this authority under existing subsection (c), the proposed language appears to explicitly impose upon LECs requirements that must be satisfied prior to removing an existing coin telephone station. Whereas we are preempted from imposing these standards, and the LEC coin telephone classification no longer exists, the requirements with respect to existing subsection (c) are still enforceable, but only upon payphone service providers.

This provision outlines the discretion retained by the Commission in ordering the placement or replacement of a public telephone that is in the public interest. As referred to earlier in this Final Rulemaking Order, the FCC is concerned about the public's access to emergency services in isolated areas and the need for payphones which serve community interests. *Report and Order*, ¶¶277 and 278. Therefore, the FCC has still left for the states the implementation of public interest payphone programs, finding that states are better equipped to respond to factors affecting the need for these payphones as opposed to the program being addressed on a National level. *Reconsideration Order*, ¶245.

In its *Reconsideration Order*, ¶248, the FCC set the following guideline with respect to the program:

Each state is required, within two years of the date of issuance of the *Report and Order*, to evaluate whether it needs to take any measures to ensure that payphones serving important public interests will continue to exist in light of the elimination of subsidies and other competitive provisions established pursuant to Section 276 of the 1996 Act, and that any existing programs are administered and funded consistent with the Commission's rules.

In response to this directive, the Commission addressed this issue of public interest payphones in the *Final Report and Recommendation of the Pennsylvania Universal Telephone Service Task Force*, filed September 29, 1997, at Docket No. I-00940035.¹¹ The following decision was made with respect to our obligation in addressing this matter:

With respect to the issue of public interest payphone funding, the Subcommittee concludes that the issue is too complex to be addressed within the time

allotted. Further, much of the information that the Subcommittee needs to consider will not be available until after October 7, 1997, the date on which the regulation of payphone prices is scheduled to end. The Subcommittee will address this issue when the requisite information becomes available, and will submit a supplemental report to the Commission concerning this subject.

Universal Service Task Force Report, page 3. Given the relatively recent deregulation of payphone rates, the requisite information on this subject is still not available. In fact, it has been a number of years since we dealt with complaints about the low level of residential payphone penetration. To the contrary, our recent concern and the complaints we have received on payphone penetration levels pertain to having too many phones and the role they play in illegal drug transactions. In any event, existing subsection (c) is consistent with the FCC's directive since the regulation contemplates that we would ensure the placement of public telephones at certain locations to promote the public interest. Therefore, this regulation will remain, but the title to the section will be changed to reflect the deletion. To the extent that the Commission relies on this provision to order the removal of nuisance payphones, or service to such payphones, we conclude that Congress never intended the FCC to preempt the states ability to take this action based on public health, safety or welfare concerns. See 47 U.S.C.A. § 276(b)(2).

Finally, the OCA raised a good point in its comments about the current definition of the term "comparable public telephone" interfering with the objective of 66 Pa.C.S. § 2912 as it relates to accessibility to public telephones by those with disabilities. According to the OCA, coin telephones that are designed to assist those with physical impairments, such as deafness, hearing deficiencies and loss of sight, could be replaced with telephones that cannot provide assistance without being in violation of the new or old regulations. Given the FCC's action in this matter, the issue raised by the OCA is moot since we are without the requisite jurisdiction to control the overall level of payphones in the marketplace. However, we still believe that the power we retain under existing subsection (c) provides sufficient authority for requiring the placement of a public interest payphone that assists those with disabilities. Whereas our general jurisdiction to impose entry and exit requirements is preempted, we continue to have the legal ability or control over the placement or replacement of a coin telephone that is in the public interest, including a coin telephone that is needed to assist those with disabilities.

Similarly, we also find merit with IRRC's concerns about proposed subsection (c)(3) and its failure to define the term "insufficient usage" and limiting the LEC's ability to remove a public coin telephone. However, because of the FCC's action, the issue is moot.

§ 63.96. Service requirements for coin telephones.

We further find that it is unnecessary to modify proposed § 63.96 which establishes the general rule that a coin telephone must provide two-way service unless the Commission determines one-way outgoing service is in the public interest. Again, the Commission believes that regulating the type of service that a coin telephone can provide, whether two-way or one-way calling, based on public health, safety or welfare considerations, is not outside the parameters of our jurisdiction as intended by Congress and defined by the FCC. These matters do not entail regulation of entry and exit requirements, nor do

¹⁰ At some point, it will be necessary to amend Subchapter B. Regulation of Coin Telephone Services, 66 Pa.C.S. §§ 2911—2915, to comply with the Federal mandate in TA-96.

¹¹ This report and recommendation was adopted and approved by the Commission by Final Opinion and Order entered February 2, 1998.

they restrict the coin telephone marketplace. Moreover, we are equally confident that the proposed regulation, which replaces the existing subsections (b)—(h) with new subsections (b)—(e), is competitively neutral and does not impose restriction on entry and exit to the marketplace.

Finally, we are not persuaded that an exception should be carved out for credit card telephones as proposed by AT&T. Although credit card phones may be used by a more limited segment of the payphone users' market for outgoing calls, the receivers of incoming calls are not so limited and may, in fact, rely on a credit card phone for primary incoming telephone service.

§ 63.97. Coin telephone rate filings.

Section 63.97 requires, inter alia, LECs to file tariffs establishing coin telephone rates, nonpublic utilities completing forms to obtain service from LECs and revise rates, limiting the charge for a local call and directory assistance, and setting the minimum period for the duration of the local call. Given the FCC's preemption of local coin rates and entry and exit requirements, we are without authority to regulate these matters, and these provisions are deleted.

§ 63.98. Compliance.

Finally, § 63.98 addresses the submission of data, the Commission's authority to direct LEC termination of service to a payphone service provider for noncompliance with the regulations, payphone service provider participation with a self-enforcement program, and a housekeeping provision. To the extent that we still retain jurisdiction to regulate certain aspects of the coin telephone market in this Commonwealth, this section recognizes a payphone service provider's obligation to provide information on their compliance with the sections still in effect, and also insures a payphone service provider's compliance by our authority to direct LEC termination of service to the PSP for noncompliance. This directive, along with retaining authority to require payphone service providers to participate in a self-enforcement program, are not inconsistent with or in violation of the FCC's rulemaking or DC Circuit decision. These provisions merely assist the Commission in enforcing its legally authorized regulations. However, the section is modified so as to clarify that LEC coin telephones are considered payphone service provider coin telephones.

CHAPTER 64. STANDARDS AND BILLING PRACTICES FOR RESIDENTIAL TELEPHONE SERVICE

Subchapter A. PRELIMINARY PROVISIONS

Section 64.2. Definition of dispute.

The definition of "dispute" is changed to exclude callbacks, issues outside the scope of Chapter 64, payment arrangements and interexchange carrier (IXC) billing. BA-PA characterizes this change as "positive," and AT&T also supports the change, stating that the modification "... will convert an ambiguous and excessive regulation to one which is considerably more reasonable." The OCA notes that the proposed change significantly alters the definition of "dispute," and is concerned with the elimination from the definition of transactions and billing related to IXCs. OCA recommends "... that the Commission examine this chapter of the regulations and modify only those provisions that are truly obsolete, rather than discounting the entire chapter when it comes to billing disputes with IXCs." The OCA further states that "[c]onsumers are still in need of being advised of the informal complaint procedure, having access to that procedure and

to the protections afforded by that process, and access to the formal complaint process even where their long distance service is concerned."

In response to the OCA's comments regarding the proposed elimination from the definition of "dispute" of transactions and billing related to IXCs, the Commission notes that this new regulatory language resulted from a proposal by the PTA. The language was approved by this Commission at Public Meeting of February 8, 1996. As the PTA notes in its comments dated August 2, 1995, the definition of "dispute" should exclude "... a disagreement which arises from billing data provided to the LEC by an interexchange carrier." The PTA commented that this exclusion "... obviates the necessity of LECs' treating customer IXC toll inquiries which must be passed on to IXCs for resolution as 'disputes' even though the vast majority of such billing inquiries are resolved to the customer's satisfaction and even though such inquiries do not give rise to 'disputes' when they are made directly to the IXC by the customer." (Emphasis in original.) The PTA further noted that this proposed exclusion "... recognizes that the current competitive reality that customers who are dissatisfied with the resolution of IXC billing inquiries have the option to easily and immediately switch to another IXC. Such a market penalty provides a powerful disincentive to IXCs' causing customer dissatisfaction in the handling of IXC inquiries, and eliminates the need for the protection of Chapter 64 'dispute' regulations."

The Commission concurs with PTA's argument that the elimination of the Chapter 64 dispute provisions is offset by the option of a dissatisfied customer to easily and immediately switch to another IXC. Accordingly, the final version of the definition of "dispute" will retain the elimination of IXC billing data as disputable subject matter under the Chapter 64 provisions. Given this change in the definition of "dispute," the final regulations will delete § 64.22(1) since the LECs will no longer be responsible for settling IXC-related complaints.

Finally, IRRRC expressed concerns regarding the length and clarity of the proposed definition of "dispute." IRRRC recommends, and we concur, that the definition be revised as we have it in Annex A.

Section 64.2. Definition of "interexchange carrier."

AT&T notes that the definition of "interexchange carrier" is obsolete and recommends that it be modified to read: A carrier which provides interexchange services to the public under 66 Pa.C.S. § 3008. The Commission is adopting this recommendation.

Subchapter B. PAYMENT AND BILLING STANDARDS

Section 64.11. Method of payment.

This section is modified to provide that LECs may treat an unpaid check as a payment never made by the customer, and consequently, may take immediate action to suspend or terminate service once a check is returned as "unpaid." The new language prohibits suspension or termination of service when the bill is in dispute and further provides that LECs may not impose a handling charge if the customer stops payment on a check due to a good faith billing dispute. No comments were received regarding this revision as it was proposed, and the language will be adopted as proposed.

Section 64.12. Due date for payment.

The proposed language, which would have added an exception to the 20-day rule in those instances where the

LEC had negotiated earlier due date arrangements with the customer, is deleted under recommendations by the OCA and IRRC as contrary to 66 Pa.C.S. § 1509. Therefore, the provision will remain unchanged.

Sections 64.17 and 64.18. Partial payments and application of partial payments between past and current bills.

The proposed language for §§ 64.17 (a) and (b) and 64.18 would have provided that partial payments be applied first to payment of basic charges before going toward payment of any other service. The PTA and BA-PA question whether the proposed revision to the hierarchy of applying partial payments by customers to balances for different services would result in any substantive degree of protection for basic service. Further, they raise concerns about the cost of implementing the change. Representative David R. Wright, Democratic Chairperson of the House Consumer Affairs Committee, in a letter dated August 14, 1996, states that "... the changes are not required and will lead to customer confusion as to how the partial payments are being applied to past due balances." IRRC states that there may be a greater need to protect basic service as long distance and other services enter the era of deregulation. However, IRRC recommends that the Commission review the proposed revision to determine if, in fact, the current partial payment application hierarchy places basic service at greater risk than the proposed revision. Further, IRRC recommends that the Commission determine if any additional protection derived from the proposed revision justifies the cost of reprogramming utility billing systems. After careful review, the Commission agrees with the LEC industry and Representative Wright that the proposed revisions to §§ 64.17(a) and (b) and 64.18 do not provide any substantive degree of protection for basic service above the protections currently contained at §§ 64.17 and 64.18. Accordingly, the proposed changes to §§ 64.17(a) and (b) and 64.18 have been deleted from this rulemaking.

Section 64.17(c) drew comments from both IRRC and the OCA pointing out that the phrase "may not" lacks clarity and needs to be changed in the final-form regulation. Accordingly, "may not" is replaced with "does not."

Section 64.21. Separate Billing for Nonbasic Service, Toll Service, and Basic Service.

Proposed changes allow LECs to bill in two "pots" rather than one for each service, with the requirement that basic service be billed separately being retained. The OCA expresses concern that consumers will not be able to check bills or to identify services for which they are being charged if all services, other than basic, are allowed to be billed in one lump sum. IRRC believes the OCA raises a valid concern regarding the proposed change in § 64.21, and recommends the Commission PUC include language in the final regulation requiring itemization for each service rendered.

The Commission respectfully disagrees with the OCA and IRRC that language should be placed in § 64.21 requiring itemization for each service rendered. Section 64.12 is intended to separate telephone bills into the two general categories of basic, toll and nonbasic services. Further, this regulation prohibits suspension of basic service for nonpayment of the other services. Section 64.21 is not intended to address the legitimate concern raised by the OCA regarding itemization. Instead, the current language in § 64.14(b) (relating to billing information) is intended to address this concern. Section 64.14(b) provides that "[a]t least annually, and upon the

request of the customer, the local exchange carrier shall provide an itemization of all service equipment and other recurring charges." Moreover, § 64.14(a)(5) requires itemization of toll charges. Finally, § 64.14(c) requires the LEC to inform a customer of the monthly recurring charge for new or additional services ordered by the customer. This provision also requires that the LEC maintain a record of the estimates given to a customer for 90 days. This 90-day record requirement allows any subsequent disputes to be properly investigated. Thus, while the need for some degree of itemization is legitimate, the Commission believes § 64.14 adequately addresses this concern. Given the fact that the average telephone bill already is viewed by many consumers as too long, the Commission does not believe further itemization of charges is appropriate. Accordingly, this order retains the language that allows LECs to bill in two "pots" rather than three, with the requirement that basic service remains a separately billed charge.

Note, too, that in response to comments regarding § 64.191(a) (relating to public information), the newly revised requirements call for the LEC to send new customers a confirmation letter itemizing the services ordered at the time of application. Thus, residential customers will receive immediate itemization through application of § 64.191(a), and periodic itemization by means of application of § 64.14.

Subchapter C. CREDIT AND DEPOSIT STANDARDS POLICY

Section 64.31. (Policy Statement) Local exchange carrier credit and deposit policies.

The proposed language was meant to clarify that LECs are not required to furnish service to an applicant if a member of applicant's household is indebted to the LEC for service previously furnished. The BA-PA and PTA support the proposed change in § 64.31. Both parties believe it is a positive change that will reduce a loophole that allows customers to "game the system" and remain on the network while not paying for service. Further, BA-PA and the PTA view this change as "limited," and recommend additional changes to allow LECs to collect advance payments and set credit limits for toll and nonbasic services from customers who are a credit risk.

The OCA opposes the change at this section and §§ 64.61(9) and 64.63(7), both of which contain similar language. The OCA expresses privacy concerns relating to this proposed change, as well as pointing out that this proposed change allows telephone companies the unprecedented advantage of independently determining that one party is responsible for a debt that accrued under an account in another party's name. Finally, the OCA notes that the regulation fails to define the term "household."

Representative Kathrynann Durham, Majority Chairperson of the House Consumer Affairs Committee, by letter dated August 5, 1996, expressed similar concerns. She opposes this change and states:

... the proposed change at § 64.31 goes too far by allowing LECs to deny service to any applicant sharing a household with a person indebted to the LEC. The regulation does not even define the word household. Permitting phone companies to effectively dictate living arrangements by restraint of basic service without even an attempt to define the parameters is unprecedented and clearly a violation not appropriately placed in this state regulation.

IRRC shares the concerns expressed by Representative Durham and the OCA, and recommends that this provi-

sion be deleted from the final regulation. IRRC also expresses concern that the title "policy statement" does not clearly reflect the content of the section. IRRC recommends that the Commission replace the existing title of § 64.31 with a title such as "Local exchange carrier credit and deposit policies."

The Commission supported the publication of this PTA proposal for comment in the hope that, through comments, the final language in § 64.31 would enable LECs to deal with the legitimate scenarios they cite without adversely impacting privacy rights or the volume of complaints to the Commission about bill-responsibility issues. However, given the merit of the comments of the OCA, Representative Durham and IRRC to the proposed change, as well as the absence of suggestions for changes in language that would satisfactorily address these concerns, the Commission has eliminated the proposed language in the final rulemaking. Instead, this section is included to effect only the change in its title according to IRRC's suggestion.

Discussion of the following two sections has been consolidated and appears following the explanation of the proposed changes.

Section 64.33. Payment of outstanding balance.

The proposed rulemaking proposed deleting subsection (b), which prohibits LECs from requiring payment for a residential service previously furnished under an account in the name of persons other than the applicant without a legal determination that the applicant is obligated to pay.

Section 64.34. Written procedures.

Proposed language would permit LECs to give a "brief" explanation of credit and deposit procedures rather than the lengthy explanation given by some LECs now.

The PTA and BA-PA recommend additional changes to the credit and deposit standards to help LECs reduce fraudulent use of the network and avoid uncollected debt. Specifically, the LEC industry suggests changes to allow advance payments for toll and nonbasic service to be collected from customers who are credit risks. The industry also believes the rules should be changed to allow LECs to set credit limits on toll and nonbasic for customers who are credit risks. Further, if a customer exceeds his or her credit limit, LEC industry wants to apply the limited notice provisions in § 64.81.

IRRC expresses a favorable view of both credit limits and advance payment, but recommends the Commission "... give them serious consideration for a future rulemaking since these types of revisions were not included in this proposed regulation."

Comments concerning § 64.12 explain why the Commission did not include these types of revisions in the instant rulemaking proceeding. Briefly, the Commission considered proposed regulatory language regarding advance payment and credit limits, but deleted language pertaining to these two credit activities because they went beyond the intent of the Commission's May 23, 1995 Order. The Commission did, however, grant a petition by GTE North Incorporated (Docket No. P-00950967) to establish Advance Credit Management (ACM) on a 24-month trial basis to help determine the effectiveness of credit limit procedures. The Commission looks forward to the GTE report on the results of this trial program.

As a result of this review, the Commission withdraws its proposed changes to § 64.33.

Section 64.41. Interest.

The BCS proposed changing this section to be consistent with § 56.57 which provides that the interest rate be determined by the average rate of 1-year Treasury Bills for September, October and November of the previous year. The PTA, however, recommended that the interest rate be changed from 9% per annum to the current legal rate. The PTA stated that it believed the change from 9% to 6%, the current legal rate, is a positive change, although the OCA argues that the interest rate paid on deposits should remain at 9% so that consumers will not be hurt if the market is paying higher interest. The Commission believes that it is more important to set the interest rate at a level that provides incentive to collect a deposit in appropriate situations than to set the interest rate to ensure no loss in value to the consumer. Consumers who are dissatisfied with the interest paid on deposits need only pay their bills on time for 12-consecutive months to receive refund of this money. See § 64.37(3).

In a petition filed by on April 3, 1998, the PTA has requested a waiver of the existing section to utilize the standard set forth in § 56.57. *Petition of The Pennsylvania Telephone Association for Waiver of the Pennsylvania Public Utility Commission's Regulation at 52 Pa. Code § 64.41*, Docket No. . PTA recognizes that this represents a marked departure from its prior recommendation but states that it believes that the waiver will benefit consumers of telecommunications services in the Commonwealth by reducing interest payments made by LECs and foster an increased willingness on the part of LECs to require customer deposits in situations that warrant such measures.

To give the industry and other interested entities an opportunity to comment on this change, we are eliminating this section from the instant rulemaking with the intent to include it in a future rulemaking. If we grant the petition, we will also have the additional benefit of seeing how well this standard works for LECs prior to implementing any permanent industry-wide change.

Subchapter D. INTERRUPTION AND DISCONTINUATION OF SERVICE GROUNDS FOR SUSPENSION

Section 64.61(9). Authorized suspension of service.

The proposed language allowed LECs to suspend service whenever there exists an unpaid indebtedness for telephone service from a previous customer, and the previous customer continues to occupy the premises.

IRRC notes that the same concerns raised by the OCA and Representative Durham in relation to §§ 64.31 and 64.33 apply to the proposed change in this section. Consequently, IRRC recommends that proposed section 64.61(9) be deleted. The Commission agrees and withdraws its proposed language for amending this section.

Section 64.63(7). Unauthorized suspension of service.

The proposed language would have removed the requirement that the legal obligation must be established prior to suspending service, and service could not be suspended for nonpayment of a previous occupant of the residence unless that occupant continues to reside there. Since these proposals raise the same concerns as those raised by OCA, IRRC, and Representative Durham in relation to §§ 64.31, 64.33 and 64.61(9), the Commission withdraws the amendment.

NOTICE PROCEDURES PRIOR TO SUSPENSION

Section 64.71. General notice provisions.

The additional language provides that LECs may revert to the 24-hour personal notice of suspension provision of § 64.81 when a customer fails to comply with the material terms of a payment agreement for toll or nonbasic service, or both.

The BA-PA and PTA recommend extending application of the limited notice provision in § 64.81 to breached payment agreements for basic service. Although recognizing the merits of such an addition from the LECs' point of view, the Commission will not grant the extension in order to ensure that basic service is afforded the highest degree of protection. Each LEC needs to provide customers with an opportunity to point out mistakes that may have resulted in a threat to suspend basic service. Sometimes, customer payments are sent but not received by the company. Other times, customer payments are received but are applied to the wrong account. According to the Commission's Bureau of Consumer Services, BA-PA has reported on several occasions that "payment claims" constitute a high number of complaints from residential customers. A written 7-day notice provides an opportunity for the customer to contact the LEC and correct such errors before service is suspended. The § 64.81 limited notice does not provide that same degree of protection. The limited notice is not guaranteed contact; it is a reasonable attempt at contact 24 hours before suspension. Since denial of basic service raises health and safety concerns relating to the ability to access 911 emergency services or medical services, or both, the Commission believes that it is in the best interest of all parties to retain the requirement of written notice to residential customers that basic service will be suspended in 7 days.

Section 64.74. Procedures upon customer contact before suspension.

Language is added to subsection (b) to provide that the LEC may suspend toll or nonbasic service after complying with the limited notice provision in § 64.81 when a customer breaches a payment agreement for toll or nonbasic service. The BA-PA and PTA recommend language changes in § 64.74 to conform with their recommendation to allow the use of limited notice for basic service if a customer breaches a payment agreement. For reasons stated above, the Commission declines to accept this recommendation.

NOTICE PROCEDURES AFTER DISPUTE FILED

Section 64.81. Limited notice upon noncompliance with report or order.

Added language expands this section to allow LECs to use limited notice in instances where a customer fails to keep the terms of a payment agreement for toll or nonbasic service. The BA-PA and PTA recommend language changes to allow the use of limited notice for basic service if a customer breaches a payment agreement. For reasons stated above, the Commission declines to accept this recommendation.

Section 64.108. Right of LEC to petition the Commission.

Revised language recognizes the new § 64.109, which deals with the circumstances under which LECs can suspend service before the expiration of a medical certification. No comments were received relating to this section.

Section 64.109. Suspension prior to expiration of medical certification.

This new section provides that a telephone company may suspend service prior to the expiration of a medical certification if the customer has failed to make timely payments for service provided, if the company follows the notice procedures in § 64.71. No comments were received relating to this section.

**Subchapter G. DISPUTES; INFORMAL AND FORMAL COMPLAINTS
GENERAL PROVISIONS**

Section 64.133. Termination stayed.

New language provides that the disputing party shall pay or enter into a reasonable payment agreement on all undisputed portions of the bill. No comments were received relating to this section.

TELEPHONE COMPANY DISPUTE PROCEDURES

Section 64.141. General rule.

Paragraph (5) is changed to reduce the paperwork of a company if a customer is satisfied with the dispute resolution. At IRRC's suggestion, we have added a sentence in the final rulemaking requiring the LEC to inform the complaining party that a copy of the written summary is available upon request. This additional language addresses IRRC's concern that customers may not be aware of the written summary and their right to receive a copy upon request.

Section 64.142. Contents of the LEC report.

Paragraph (6) is revised to specify that LECs must provide the information at Section 64.152(a)(1)—(3) and (6) when a written report is neither requested nor deemed necessary. AT&T comments that the proposed and existing language is unclear. AT&T suggests adding a new subsection (b) providing that the LEC shall submit a letter in lieu of a written report, containing some basic information regarding the complaint. Contrary to AT&T's statements, the Commission believes that the proposed language provides clear direction for LECs regarding when it is appropriate to abbreviate the explanation of informal complaint filing procedures in § 64.152.

Nor do we agree with AT&T's suggestion to substitute a letter in lieu of a written summary in instances where a written report is not requested by the complainant or deemed necessary by the LEC. Since LECs are required to prepare a written summary at the conclusion of every dispute, AT&T's suggestion would have the effect of doubling the amount of paperwork of the LEC. Moreover, this extra paperwork would go to customers who indicated satisfaction with the LEC resolution. While we do not object to LECs sending a letter as suggested by AT&T, we decline to make this a requirement. Accordingly, we are retaining the proposed language regarding this section.

INFORMAL COMPLAINT PROCEDURES

Section 64.153. Commission Informal Complaint Procedures.

New language prohibits LECs from suspending or terminating service based on the complaining party's nonpayment of other billed amounts where these other amounts reflect the same underlying problem as the contested billed amounts. No comments were received regarding this section.

FORMAL COMPLAINTS*Section 64.161. General rule.*

Added language limits a broad stay provision to specifically provide that LECs may still suspend or terminate service based on the complaining party's nonpayment of other billed amounts. No comments were received regarding this section.

Subchapter I. PUBLIC INFORMATION; RECORD MAINTENANCE*Section 64.191. Public information.*

New language specifies which verbal information must be transmitted to an applicant in order to relieve LECs of the necessity of giving all information to the applicant. Numerous comments were made regarding the proposed changes. This section is extremely important since it sets forth the standards by which a local exchange carrier responds to applications for residential telephone service. Representative Wright expresses concern that the proposed regulations "... limit the flexibility of any local exchange carrier (LEC) to tailor the information provided during a new service contact to individual customers' needs and requests." Representative Durham expresses similar concerns by stating the following in regard to this section:

Requiring the oral description of the numerous service options will cause unnecessary customer confusion and possibly lead to consumers mistakenly purchasing services that they do not want or need. The extensive oral recitation is also unnecessary as the customer currently has the option, at § 64.191, to have the LEC mail a copy of written service choices. Finally, telecommunications competition, itself, creates more than adequate marketing incentive without mandating an overwhelming recitation of a LEC's service capabilities.

The regulation should require that the service representative recite the least expensive basic service price, inform applicants when services discussed are optional and answer all questions related to the purchase of telephone services.

AT&T comments that it "... generally supports the new language proposed by the Commission ..." but recommends that the list of service and equipment options should contain only those options which the LEC determines would be of interest to residential customers, and that the LEC should be required to send it only to customers who, in response to an inquiry by the LEC service representative, say they want the price list.

Additionally, AT&T recommends that the Commission insert the words "objective and unbiased" into the language which requires LEC representatives to explain the choices for toll service. AT&T states:

This explanation should be for informational purposes and should not be an opportunity to give the customer a "sales pitch" for the LEC or one of its affiliates. Furthermore, the language of the regulation should be clarified to include intraLATA toll services once presubscription is available.

AT&T's final suggestion regarding this section is to delete the requirement that service applicants be informed that they can purchase a phone instead of leasing because the requirement is outdated.

The LEC industry recommends against the proposed change in § 64.191(a), stating that it would "... straightjacket the contact into a invariable basic, toll,

nonbasic order-or-service discussion." The industry recommends the following alternative:

... [t]he Commission should adopt an alternative Section 64.191 revision which would limit the required oral recitation to giving applicants the least expensive basic service and its price, and telling applicants when services discussed are optional. This revision will give LECs needed flexibility in the competitive arena to discuss additional basic and optional services and prices with customers in a way that both best meets their individual needs and conserves their time.

Finally, IRRC supports a limited oral recitation of service options as long as prices are included with the description of each optional service. IRRC recommends the Commission revise this section "... to require that LECs provide applicants with a brief description and price for the least expensive basic service available, and require that they ask applicants if they want information about toll services or other services or options beyond basic service. The final regulation should also require that any description of a service include the applicable price list." IRRC cautions, "... that any further revision to Section 64.191 needs to be carefully drafted to prevent recurrence of past abuses."

The Commission appreciates the many comments regarding § 64.191(a) since this provision deals with a difficult consumer issue involved in the ongoing transition of telecommunications from the traditional monopoly setting to the competitive marketplace. Since 1984, applicants for residential telephone service find themselves contacting a monopoly, the LEC, but interacting with a service representative who is expected to market optional services. The Commission, therefore, shares the concern expressed by several parties that the application process for residential telephone service not cause unnecessary customer confusion or result in consumers mistakenly purchasing services that they do not want or need. We also agree with IRRC that any further revision to § 64.191 needs to be carefully drafted to prevent recurrence of past abuses. Finally, the Commission also shares the parties' desire to shorten the application process.

Regarding this latter point, the proposed revision to § 64.191(a) eliminates the requirement that the LEC provide "... a verbal recitation of *all* available service and equipment options and their prices" to applicants who apply by phone. (Emphasis added.) We proposed this modification because in our view the proliferation of service options since the promulgation of that requirement has made compliance with this requirement increasingly difficult for LECs, and confusing for applicants. Thus, the elimination of this requirement to recite all services was intended to address the need to shorten the process and help reduce unnecessary customer confusion.

With the aid of the above-noted comments relating to § 64.191(a), we believe the final regulation: 1) provides for quality service by ensuring communication of factual information to each applicant 2) provides LECs with the flexibility they desire to respond to applicant's needs and 3) conserves applicants' time by shortening the process.

The final-form regulation recognizes the fact that applying for residential telephone service requires applicants to select from an increasing number of options. The Commission believes the final-form regulation must set forth a reasonable process for covering the many services available to residential telephone applicants in a manner that allows applicants to make informed decisions. Moreover, as other parties enter the local exchange carrier

business and local competition develops, presubscription becomes available for intraLATA toll service, and LECs begin to provide interLATA toll service, the regulation in § 64.191(a) should enable a consumer to more easily compare offerings and prices. We have attempted, therefore, to modify the final regulation so as to address the many comments, including those urging more LEC flexibility to respond to specific requests and conserve consumers' time.

Accordingly, the final-form regulation requires LECs to describe the least expensive basic service and quote its price. Next, the LEC must determine whether the applicant needs to know about services for customers with disabilities.

After these two items have been addressed, the final regulation will allow LECs to complete the remainder of the application in the manner that best responds to the applicant's questions and preferences. The final-form regulation, however, sets forth other items that must be covered at some point in the application process. These include: 1) the date service will be installed 2) available blocking options, that is, 900, 976, collect call and Caller ID and 3) directory listing options.

Another important decision for an applicant is choosing a Primary Interexchange Carrier (PIC). Further, as noted by AT&T, the recent Federal telecommunication legislation will eventually allow applicants to decide whether the provider of both intraLATA and interLATA toll service will be the same or different parties. The Commission, therefore, agrees with AT&T that the LEC, acting as the gatekeeper for the toll presubscription process, should provide an explanation of the choices or options for toll services in an "objective and unbiased" manner so as to safeguard the rights of consumers. The final-form regulation reflects this general requirement.

The Commission also agrees with IRRC and other parties that the LEC should inform applicants when services discussed are optional, along with their price. We include this requirement in the final-form regulation. Further, we are deleting the outdated requirement that applicants be informed of the lease-versus-purchase option.

Finally, we believe there is merit in AT&T's comments regarding price lists. Therefore, we are replacing the requirement relating to mailing a lengthy price list upon request with a requirement that LECs send each applicant a confirmation letter which itemizes the services ordered, identifies those services that are optional, and clearly states the prices of the services ordered. If the new customer purchases a package, then the confirmation letter must itemize the services that make up the package, and identify all optional services and their prices. Where applicable, the confirmation letter must also inform the new customer that a more complete explanation and price list of services of interest to residential customers is contained in the phone book. Since most companies send some type of confirmation letter already, this change not only helps eliminate customer confusion, it does so without increasing paperwork.

Accordingly, under sections 501, 504—506, 1301 and 1501 of the Public Utility Code, 66 Pa.C.S. §§ 501, 504—506, 1301 and 1501, and the Commonwealth Documents Law, 45 P. S. § 1201, et seq., and the regulations promulgated thereunder, we adopt as final the regulations appended to this order to accomplish the objectives described in the body of this order; *Therefore,*

It Is Ordered that:

1. The Commission's regulations 52 Pa. Code Chapters 63 and 64, are amended by:

Adding § 64.109;

Deleting §§ 63.17 and 63.97; and by

Amending §§ 63.1, 63.15, 63.18, 63.21, 63.31, 63.41, 63.91—63.96, 63.98, 64.2, 64.11, 64.17, 64.21, 64.31, 64.34, 64.71, 64.74, 64.81, 64.108, 64.109, 64.133, 64.141, 64.142, 64.153, 64.161 and 64.191 to read as set forth in Annex A, with ellipses referring to the existing text of the regulations.

2. The Secretary shall submit this order and Annex A to the Office of Attorney General for approval as to legality.

3. The Secretary shall submit this order and Annex A to the Governor's Budget Office for review of fiscal impact.

4. The Secretary shall submit this order and Annex A for formal review by the designated standing committees of both houses of the General Assembly, and for formal review and approval by the IRRC.

5. The Secretary shall deposit this order and Annex A with the Legislative Reference Bureau for publication in the *Pennsylvania Bulletin*.

6. A copy of this order and Annex A shall be served upon all persons who submitted comments in this rule-making proceeding.

7. The regulations adopted with this order are effective upon publication in the *Pennsylvania Bulletin*.

JAMES J. MCNULTY,
Secretary

(Editor's Note: The proposed amendments to §§ 64.12, 64.18, 64.33, 64.41 and 64.61, included in the proposal at 26 Pa.B. 2810 (June 15, 1996) have been withdrawn by the Commission. The amendments to §§ 63.1, 63.91—63.94 and 63.98, included in this rulemaking, were not published in the proposal at 26 Pa.B. 2810.)

Dissenting Statement of Coimmissioner David W. Rolka

The current "three pot rule" which requires separate subtotals for basic, toll and non-basic services is not obsolete and should not be rescinded. The reference to the notice requirement of § 64.14(c) regarding recurring charges provides no information to the customer that uses non-basic services in ways that result only in non-recurring charges as is the case with usage sensitive services. I therefore dissent from that portion of the Law Bureau recommendations regarding the rescision of Section 64.21 Separate Billing for Nonbasic Service, Toll Service, and Basic Service

(Editor's Note: For the text of the order of Independent Regulatory Review Commission relating to this document, see 28 Pa.B. 3338 (July 11, 1998).)

Fiscal Note: Fiscal Note 57-170 remains valid for the final adoption of the subject regulations.

Annex A

TITLE 52. PUBLIC UTILITIES

PART I. PUBLIC UTILITY COMMISSION

Subject C. FIXED SERVICE UTILITIES

CHAPTER 63. TELEPHONE SERVICE

Subchapter A. GENERAL PROVISIONS

§ 63.1. Definitions.

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

* * * * *

Interexchange carrier—A carrier which provides interexchange telephone services to the public under 66 Pa.C.S. § 3008 (relating to interexchange telecommunication carrier).

* * * * *

§ 63.15. Complaint procedures.

(a) *Investigations.* A public utility shall make a full and prompt investigation of service complaints made to it through the Commission by its customers or third parties. Upon receiving a service complaint from a customer of a utility, the Commission will transmit a summary of the service complaint to the utility. If a service complaint is resolved, the utility may terminate the investigation by submitting or transmitting a copy of the service order which identified the action taken by the utility to resolve the service complaint. When complaints are referred to the public utility through the Commission, the public utility and the Commission shall work to process and resolve all complaints.

* * * * *

§ 63.17. (Reserved).

§ 63.18. Multiparty line subscribers.

A multiparty line subscriber may be required to take service of a different grade if his use of service interferes unreasonably with the necessary service of the other subscribers on the line. The number of subscribers connected to a multiparty line shall be limited to a maximum of four.

§ 63.21. Directories.

(a) When a directory is provided by the public utility, it shall be revised and reissued at sufficiently frequent intervals to avoid serious inconvenience to the public. A satisfactory length for a directory period shall be determined by the volume of changes and new listings and the facilities available for supplying new numbers to calling parties and for intercepting calls to numbers which have been changed.

(b) One copy of each new directory issue shall be furnished to each subscriber and one copy sent to the Commission by the issuing public utility at the time of its distribution to subscribers.

(c) A directory shall contain the following:

- (1) The name of the issuing public utility.
- (2) The month and year issued.
- (3) A statement of the area covered by the directory.
- (4) Necessary instructions to enable users to place calls efficiently, including, but not limited to, telephone company local, toll, emergency and operator-assistance calls. Necessary instructions to transact business with the telephone company, such as payment of bills, ordering changes in service and reporting service difficulties.

(5) A separate section containing social service organization, school and government listings.

(d) A name shall be listed in a directory only if the following conditions are met:

- (1) It leads to a positive and particular identification of a party.
- (2) It is a name the party legally is authorized to use.
- (3) It is a name used by the party in the community.
- (4) It is a name which is not misleading, deceptive or confusing.

(e) Upon receiving a customer complaint alleging misleading, deceptive or confusing directory listings, a public utility shall investigate the complaint under § 63.15 (relating to complaint procedures). If the utility determines that a directory listing is misleading, deceptive or confusing, the utility shall delete the listing from future directories. After reaching its decision the public utility shall advise interested parties in writing of its opinion and shall inform them of the right to file a complaint with the Commission.

§ 63.31. Classification of public utilities.

For accounting and reporting purposes, telephone public utilities are classified as follows:

- (1) *Class A.* Public utilities having 50,000 or more access lines.
- (2) *Class B.* Public utilities having less than 50,000 access lines.
- (3) *Class C.* Telephone public utilities having average annual operating revenues exceeding \$10,000 but not more than \$50,000.
- (4) *Class D.* Telephone public utilities having average annual operating revenues not exceeding \$10,000.

Subchapter D. UNDERGROUND SERVICE

§ 63.41. Underground telephone service in new residential developments.

* * * * *

(k) Telephone utilities shall file undergrounding construction and specification standards and revisions thereto with the Commission's Bureau of Fixed Utility Services.

* * * * *

Subchapter G. COIN TELEPHONE SERVICE

§ 63.91. Purpose.

The purpose of this subchapter is to promote competition in the coin telephone market, assure accurate price disclosure and provide for public interest coin telephones.

§ 63.92. Definitions.

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

Coin telephone—A telephone which includes a coin mechanism which accepts coins for payment of rates or charges associated with placing local or interexchange calls from the telephone. The term does not include a telephone which requires insertion of a credit card to pay for using or placing calls from the telephone and does not include a telephone without a coin mechanism.

Local exchange carrier—A telephone company certificated by the Commission to provide service within a local calling area.

Payphone service provider—A corporation, association, partnership or person who manufactures, vends, owns or leases coin telephones and is not required to be certificated by the Commission for the provision of coin telephone service.

§ 63.93. Conditions of service.

A payphone service provider shall provide service in accordance with this subchapter to be eligible for access to a public utility's intrastate telephone facilities and services, and these services shall be denied when a

payphone service provider does not comply with the requirements of this subchapter.

§ 63.94. Coin telephone requirements.

(a) A coin telephone shall be registered with the Federal Communications Commission when required under 47 CFR Part 68 (relating to the connection of terminal equipment to the telephone network).

(b) A coin telephone shall provide a dial tone without the insertion of a coin to permit access to the operator. A coin telephone shall comply with the Americans With Disabilities Act Accessibility Guidelines for Buildings and Facilities (ADAAG) usability standards where compliance with usability standards is required by the Americans With Disabilities Act of 1990 (ADA). It shall provide call completion for 911 service if available, access to telecommunication relay services, and per-call blocking of any caller identification service when the caller initiates the blocking service by dialing *67. As an alternative to the per-call blocking service, the coin telephone shall offer callers free operator service to block caller identification.

* * * * *

(d) Coin telephones shall provide message toll service. The coin telephone shall be capable of completion of toll free numbers without the payment of a coin, that is, either without the insertion of a coin or with the return of the coin inserted.

* * * * *

(f) A local exchange carrier shall provide access lines to a payphone service provider. The payphone service provider shall be responsible for charges properly attributable to the installation, connection and use of the line. The charges may not include a charge for unpublished numbers for coin telephone listings. The charges may include the following:

- (1) Nonrecurring installation charges.
- (2) Connection and reconnection charges.
- (3) Service call charges.
- (4) Recurring monthly flat rate and measured-metered charges.
- (5) Directory assistance charges.

(6) Improperly or erroneously accepted collect message toll charges, third number billing charges and credit card billing charges unless the nonpublic utility is paying a charge to the local exchange carrier for screening calls.

(g) A coin telephone shall display instructions and notices which are prominently posted on, or in the immediate vicinity of, the coin telephone clearly stating the following:

- (1) The charge for local coin calls and dialing instructions to obtain rates for other types of calls.
- (2) The name, address and telephone number of the owner, lessee or supplier of the telephone.
- (3) Dialing and other instructions applicable to the use of the coin telephone.
- (4) The telephone number of the coin telephone.
- (5) Notice that the coin telephone provides one-way service only, if applicable.
- (6) Notice of the per-call blocking option by dialing *67 or, as an alternative, free operator service to block any caller identification service.

(7) The procedure for registering service complaints and obtaining refunds.

(h) A coin telephone may not be connected to a type of line other than a payphone service provider access line. Existing connections using business or residential access lines shall be converted by the local exchange carrier to utilize payphone service provider access lines. Each local exchange carrier shall maintain provisions in its tariff providing for payphone service provider access line service offerings. Through these tariff provisions, each local exchange carrier shall offer payphone service provider access lines and associated optional features to all payphone service providers on a nondiscriminatory basis.

§ 63.95. Coin telephone service in the public interest.

The Commission may require a payphone service provider to place or replace a coin telephone at a particular location if it is determined that a placement or replacement is in the public interest.

§ 63.96. Service requirements for coin telephones.

(a) A coin telephone shall provide two-way service and may be converted to one-way outgoing service only under extraordinary circumstances when the Commission determines that the action is justified based on public health, safety or welfare concerns, and is in the best interest of the public.

(b) A local exchange carrier, payphone service provider or other interested party may seek Commission review of whether conversion of a coin telephone from two-way service to one-way is justified by extraordinary circumstances. Conversion requests shall be made in writing and shall identify the telephone number and location of the coin telephone, and describe the circumstances which justify conversion.

(c) The Commission's Bureau of Consumer Services shall determine whether a conversion request is justified within 10 days of its receipt unless the information provided by the requesting party is inadequate to make a determination. The Bureau will notify the requesting party and the owner of the coin telephone of its determination by telephone. The Bureau will provide the requesting party and the owner of the coin telephone written notice of its determination. The Bureau will limit the duration of the conversion authorization if it appears that the circumstances justifying the conversion are temporary in nature.

(d) A party may appeal the Bureau's determination, or request that a coin telephone previously approved for one-way conversion be returned to two-way service, by filing a formal complaint with the Commission.

(e) In instances where a conversion request involves allegations of drug trafficking from a coin telephone or other emergency circumstances pertaining to public health, safety or welfare concerns, the Bureau may telephonically authorize the owner of the coin telephone to convert the telephone to one-way service on the same day the emergency conversion request is received. Following an emergency conversion authorization, the Bureau will review the conversion request under the procedures established in subsection (c).

§ 63.97. (Reserved).

§ 63.98. Compliance

(a) The Commission may direct a payphone service provider to submit data or other information to ensure compliance with this subchapter and may direct a local

exchange carrier to terminate service to a payphone service provider found by the Commission to be in violation of this subchapter. The owner of a coin telephone shall be primarily responsible for assuring compliance with this subchapter.

(b) The Commission may direct payphone service providers to participate in the implementation of a self-enforcement program for payphone service provider coin telephones.

(c) This subchapter supersedes conflicting provisions of previously issued Commission orders.

CHAPTER 64. STANDARDS AND BILLING PRACTICES FOR RESIDENTIAL TELEPHONE SERVICE

§ 64.2. Definitions.

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

* * * * *

Dispute—A grievance of an applicant, customer or customer's designee about a utility's application of one or more provisions covered by this chapter, including credit determinations, deposit requirements, the accuracy of amounts billed or the proper party to be charged, which remains unresolved after the initial contact or utility follow-up response when the applicant, customer or customer's designee consents to the utility reviewing pertinent records or other information and calling back. The term does not include a disagreement arising from matters outside the scope of this chapter, or failure to negotiate a mutually satisfactory payment agreement regarding undisputed amounts, or a disagreement over billing data provided to the local exchange carrier by an interexchange carrier.

* * * * *

Interexchange carrier—A carrier which provides interexchange services to the public under 66 Pa.C.S. § 3008 (relating to interexchange telecommunications carrier).

* * * * *

§ 64.11. Method of payment.

Payment may be made in any reasonable manner including payment by personal check, unless the customer within the past year has tendered a check which has been returned unpaid to the LEC by a financial institution for a reason for which the customer is at fault. When a tendered personal check is returned unpaid to the LEC by a financial institution for a reason for which the customer is at fault, the LEC may treat such unpaid check as a payment never made by the customer and, if it does so, shall not be obligated to halt suspension or termination action based on its receipt of this check from the customer. The LEC also may impose a handling charge, the amount of which shall be set forth in the carrier's approved tariff. Notwithstanding the foregoing provisions, the LEC may not proceed with suspension or termination of service based on a disputed billed amount or impose a handling charge if the customer stops payment on a check due to a good faith billing dispute.

§ 64.17. Partial payments.

(a) Payments received by a LEC which are insufficient to pay the balance due for telephone service and nonbasic service shall first be applied to telephone service.

(b) Payments received by a LEC which are insufficient to pay the amount due for telephone service shall first be applied to basic service.

(c) This section does not apply if the customer supplies written instructions specifying how a partial payment should be applied.

§ 64.21. Separate billing for basic service.

(a) Charges for basic service shall be billed separately from charges for other services.

(b) A customer's failure to pay charges for other services may not be a basis for termination of basic service unless the LEC is technically unable to terminate toll service without also terminating basic service as provided in § 64.63 (relating to unauthorized suspension of service).

§ 64.31. LEC credit and deposit policies.

An essential ingredient of the credit and deposit policies of each LEC shall be the equitable and nondiscriminatory application of those precepts to potential and actual customers throughout the service area or a part thereof. Deposit policies shall be based on the credit risk of the applicant or customer rather than upon the credit history of the affected premises or upon the collective credit reputation or experience in the area in which the applicant or customer lives without regard to race, religion, gender, age if over 18, national origin or marital status.

§ 64.34. Written procedures.

Each LEC shall establish written procedures for determining the credit status of an applicant. Each LEC employ processing applications or determining the credit status of an applicant shall be familiar with and have ready access to a copy of the written procedures of the LEC. A copy of the procedures shall be maintained on file in each business office of the LEC and be made available, upon request, for inspection by the public and the Commission.

(1) *Informing applicants of procedures.* The LEC personnel shall provide an explanation of applicable credit and deposit procedures to each customer or applicant for service.

(2) *Reasons for deposit request.* If a deposit or payment of an outstanding residential account is required before furnishing service, the LEC shall inform the applicant in writing of the reasons for denial of credit and how to obtain service. Existing customers will be informed of the reasons for denial of credit before suspension of service.

§ 64.71. General notice provisions.

The LEC shall mail or deliver written notice to the customer at least 7 days before the date of proposed suspension regardless of the grounds upon which suspension is sought, with the exception of the following: Failure to comply with the material terms of a payment agreement for toll or nonbasic service, or both. In these cases, the LEC shall comply with § 64.81 (relating to limited notice upon noncompliance with report or order).

§ 64.74. Procedures upon customer contact before suspension.

(a) If, at a time after the issuance of the suspension notice and before the suspension of service, a customer contacts the LEC concerning the proposed suspension, an authorized LEC employ shall fully explain, where applicable, some or all of the following:

- (1) The reasons for the proposed suspension.

(2) All available methods of avoiding a suspension including:

(i) Tendering payment in full or otherwise eliminating the grounds for suspension.

(ii) Entering a payment agreement.

(iii) The right of the customer to file a dispute with the telephone company and, thereafter, an informal complaint with the Commission.

(3) The procedures for resolving disputes relating to charges on the notice other than IXC toll charges and the procedures for filing informal complaints to request payment terms on the basic service portion of the account, including the address and the telephone number of the nearest regional Commission office.

(4) The duty of the customer to pay a portion of a bill not honestly disputed.

(5) The duty of the customer to restrict toll usage to 150% of average normal toll usage.

(6) The medical emergency procedures.

(7) That upon failure to timely appeal from or comply with a telephone company report, as defined in § 64.142 (relating to contents of written summary by the LEC), an informal complaint report, or an order from a formal complaint—the LEC is not required to give further written notice before suspension so long as the LEC makes a reasonable attempt to contact the customer personally at least 24 hours prior to suspension.

(b) The LEC, through its employes, shall exercise good faith and fair judgment in attempting to enter into a reasonable payment agreement regarding undisputed amounts or to otherwise equitably resolve the matter. Factors to be taken into account when attempting to make a reasonable payment agreement shall include, but not be limited to, the size of the unpaid balance, the payment history of the customer and the length of time over which the bill accumulated. When the customer breaches a payment agreement for toll or nonbasic service, or both, the LEC may suspend the toll or nonbasic, or both, service after complying with § 64.81 (relating to limited notice upon noncompliance with report or order). At the time a payment agreement is entered into, the LEC shall explain to the customer the consequences of breaching the payment agreement, including the possible suspension of toll or nonbasic service, or both, without further written notice. The LEC may not suspend service for an undisputed delinquent bill under either of the following circumstances:

(1) While it is negotiating a payment agreement with the customer.

(2) Within 24 hours after negotiating fails, except where toll usage increases by \$25 or more after the initial customer or customer designee contact.

§ 64.81. Limited notice upon noncompliance with report or order.

Upon the customer's failure to timely appeal from or comply with a LEC report as defined in § 64.142 (relating to contents of the LEC report), an informal complaint report, an order from a formal complaint, or a payment agreement negotiated for toll or nonbasic service, or both, the original grounds for suspension shall be revived and the LEC may not be required to give further written notice before suspension if the telephone company makes a reasonable attempt to contact the customer personally at least 24 hours before suspension.

§ 64.108. Right of LEC to petition the Commission.

(a) To completely suspend service before the expiration of the medical certification, except when allowed under § 64.109 (relating to suspension prior to expiration of medical certification), an LEC may petition the Commission for waiver from the medical certification procedures to contest the validity of a certification.

(b) A LEC shall continue to provide access to emergency telephone services while a final Commission adjudication on the petition is pending.

(c) Upon the filing of a petition for waiver of medical certification, Commission staff will review the facts and issue an informal written decision.

(d) A party to the proceeding may, within 20 days of the informal decision, and not thereafter except for good cause shown, appeal by filing with the Secretary of the Commission a letter stating the basis for appeal. An appeal from the informal decision will be assigned to the Office of Administrative Law Judge for hearing and decision.

§ 64.109. Suspension prior to expiration of medical certification.

A telephone company may suspend service prior to the expiration of the medical certification when the customer fails to make timely payments for service provided by the LEC after the date on which service is restored or suspension postponed. The company must follow notice procedures prior to suspension according to § 64.71—64.74.

§ 64.133. Termination stayed.

Except as otherwise provided in this chapter, when a dispute is properly registered in accordance with this subchapter, suspension or termination based on disputed portions of the bill is prohibited until resolution of the dispute. However, the disputing party shall pay, or enter into a reasonable payment agreement for all undisputed portions of the bill. If the disputing party does not do so, the LEC may suspend or terminate service based on the nonpayment, if the suspension or termination is otherwise permitted under this chapter.

§ 64.141. General rule.

If, at any time before suspension or termination of service, a customer registers a dispute, the LEC shall do the following:

(1) Not issue a suspension or termination notice based on the disputed subject matter.

(2) Investigate the matter using reasonable methods which may include telephone contacts and personal contacts with the customer.

(3) In a manner clear to the customer, set aside the disputed charges pending resolution of the dispute and demand payment of undisputed charges only.

(4) Provide the customer with the information necessary to arrive at an informed judgment, including, but not limited to, relevant portions of tariffs and statements of account.

(5) Within 30 days of the registration of the dispute, review findings with the customer in a manner which outlines clearly the results of the investigation and which indicates what action will be necessary for the customer to continue service. The findings shall be summarized in a report as follows, and the LEC shall inform the customer that a copy of the report is available upon request:

(i) If the complainant is not satisfied with the dispute resolution, the LEC report shall be in writing and conform to § 64.142 (relating to contents of the LEC report). In these instances, the written report shall be sent to the complaining party if requested, or if deemed necessary by the LEC. The written report shall also be sent to the Commission upon request.

(ii) If, however, the complaining party is satisfied with the orally conveyed dispute resolution, the written LEC report may be limited to the information required by § 64.142(1) and (2), and, if applicable, § 64.142(7).

(iii) If the complaining party expresses satisfaction but requests a written report, the report shall conform with § 64.142 in its entirety.

§ 64.142. Contents of written summary by the LEC.

The LEC report shall include the following:

(1) A statement of the claim or dispute and a copy thereof if the claim or dispute was made in writing.

(2) The position of the LEC and the results of investigation.

(3) An itemized statement of the account, specifying amounts credited or due as a result of the disputed subject matter.

(4) A statement that service will not be suspended pending completion of the dispute process, including both informal and formal complaints, so long as the customer:

(i) Pays all nondisputed amounts.

(ii) Files an informal complaint with the Commission within 10 days of the date on which the LEC mailed the written summary to the customer.

(5) The address and telephone number of the LEC office where payment can be made or information obtained.

(6) A complete explanation of procedures for filing an informal complaint with the Commission (see § 64.152 (relating to informal complaint filing procedures)). If a written report is not requested by the complaining party or deemed necessary by the LEC, the LEC must provide the information in § 64.152(a)(1)—(3) and (6). In addition, the LEC should provide the telephone number and address of the office of the Commission where the informal complaint may be filed.

(7) The date on or after which the account will be delinquent unless a payment agreement is entered into or an informal complaint is filed with the Commission. The date may not be earlier than the original due date of the bill or 10 days after the mailing or personal delivery of the written summary, whichever is later.

§ 64.153. Commission informal complaint procedures.

(a) The timely filing of an informal complaint acts as a limited stay and the LEC may not suspend or terminate service based on the complaining party's nonpayment of any billed amount which is contested in the informal complaint until the complaint is resolved. The LEC may not suspend or terminate service based on the complaining party's nonpayment of additional billed amounts that reflect the same underlying problem, other than a claimed inability to pay, as the billed amounts contested in the informal complaint. This limited stay does not prevent the LEC from suspending or terminating service based on the complaining party's nonpayment of other billed amounts, where the suspension or termination is otherwise permitted under this chapter.

(b) Upon the filing of an informal complaint, which shall be docketed as "(complainant) v. (company)," Commission staff will immediately notify the utility, review the dispute, and, within a reasonable period of time, issue to the utility and the complaining party an informal report with findings and a decision. The reports shall be in writing and a summary will be sent to the parties if a party requests it or if the Commission staff finds that a summary is necessary.

(1) *Review techniques.* Review shall be by appropriate means, including LEC written summaries, telephone calls, conferences, written statements, research, inquiry and investigation. Procedures shall be designed to insure a fair and reasonable opportunity to present pertinent evidence and to challenge evidence submitted by the other party to the dispute. Information and documents requested by Commission staff as part of the review process shall be provided by the LEC within 30 days of the request.

(2) *Settlement.* Before the issuance of its report, Commission staff may negotiate with the parties in an attempt to settle the matters in dispute.

(c) Commission staff resolution of informal complaints is binding upon the parties unless formal proceedings are initiated under Chapter 5 (relating to formal proceedings).

(d) Subsection (b) supersedes § 3.112 (relating to action on informal complaints).

§ 64.161. General rule.

(a) Except as otherwise provided in this chapter, formal complaint proceedings shall proceed according to Chapters 3 and 5 (relating to special provisions; and formal proceedings).

(b) The timely filing of a formal complaint acts as a limited stay and the LEC may not suspend or terminate service based on the complaining party's nonpayment of any billed amount which is contested in the formal complaint until the complaint is resolved. This limited stay does not prevent the LEC from suspending or terminating service based on the complaining party's nonpayment of other billed amounts, if the suspension or termination is otherwise permitted under this chapter, and if the suspension or termination is preceded by the required notification.

§ 64.191. Public information.

(a) LEC service representatives shall provide applicants who apply for residential telephone service in person with a concise, easy-to-understand printed price list showing all available service and equipment options. The price of the least expensive single-party basic service option shall be clearly and conspicuously displayed on the list.

(b) If an applicant applies for service by telephone, the LEC service representative shall:

(1) Explain and give the price of the least expensive type of single-party basic service.

(2) Determine whether the applicant wants information about services for customers with disabilities.

(c) The LEC service representative may complete the remainder of the application in the manner the LEC determines best responds to the applicant's questions and needs. Applicants shall be informed of the following information during the application process:

(1) The date service will be installed.

(2) Available blocking options, for example, 900, 976, collect call, Caller ID.

(3) Directory listing options.

(d) The LEC service representative shall inform applicants when services discussed are optional and shall include the price with the description of each optional service.

(e) The explanations of toll presubscription, whether interLATA, intraLATA, or both, shall be objective and unbiased.

(f) The LEC service representative shall inform each applicant that they will be sent a confirmation letter, which will include:

(1) An itemization of the services ordered.

(2) The price of each service ordered.

(3) Identification of the services that are optional.

(4) Information instructing the applicant that a more thorough explanation and price list of services of interest to residential customers, and instructions on how to obtain the information, may be found in the telephone directory, when applicable.

[Pa.B. Doc. No. 98-1149. Filed for public inspection July 17, 1998, 9:00 a.m.]

PROPOSED RULEMAKING

DEPARTMENT OF EDUCATION

[22 PA. CODE CH. 701]

Nurse Aide Applicant Criminal History Record Information

The Department of Education (Department) proposes to add Chapter 701 (relating to nurse aide training program applicant criminal history record information) to read as set forth under the Nurse Aide Resident Abuse Prevention Training Act (act) (63 P. S. §§ 671—680). These proposed regulations implement the act.

The process of developing Chapter 701 was undertaken in accordance with section 6 of the act (63 P. S. § 676), which directs the Department to promulgate regulations necessary to carry out the criminal history record information requirements of the act. Section 6(2) of the act further requires that the regulations provide for the confidentiality of criminal history record information.

The proposed regulations define words and terms specific to this chapter to ensure a uniform interpretation across this Commonwealth. See § 701.1 (relating to definitions).

Section 701.2 (relating to compliance) states that the Department will ensure compliance with the act.

Sections 701.11—701.15 set forth the general responsibilities of facilities that sponsor State-approved nurse aide training programs. These entities are required to have all applicants obtain criminal history record information reports before they enroll in the training program. The reports are procured from the State Police for applicants living in this Commonwealth for 1 or more years and from the Federal Bureau of Investigation for all others. Sections 701.11—701.15 specify time-lines and procedures, provide for confidentiality of the criminal history record information, prohibit enrollment of persons who have committed certain offenses (as required by the act), require the sponsoring facilities to keep a file copy of the report (signed and dated by the designated personnel) and provide written notification to applicants who are denied enrollment because of information found in the criminal history record information.

Section 701.16 (relating to violations) sets forth who is responsible for reviewing the criminal history information and the procedures to complete the review. It also proposes that the facility administrators be subject to penalties if they fail to designate the appropriate personnel, otherwise the Department cannot ensure compliance.

Section 701.21 (relating to the responsibilities of the Department) sets forth the general responsibilities to determine compliance violations as stated in the act. This section specifies the procedures, notification of violations, hearings and possible civil penalty assessment.

Fiscal Impact and Paperwork Requirements

The proposed regulations would have a fiscal impact upon the Commonwealth at the State level. During the first full year the State Police project their fiscal impact at \$31,940. This includes staffing and equipment. The Department may need to hire additional clerical assistance for the Federal Bureau of Investigation criminal background checks. This is estimated at \$14,028. The

proposed regulations would have no fiscal impact upon the local entities. The proposed regulations impose no new significant paperwork requirements beyond those required by the act. However, the Department will need to readjust the length of time for monitoring each nurse aide training program to review the criminal history record information for all enrolled nurse aide students.

Effective Date

The proposed regulations will take effect on the date of publication in the *Pennsylvania Bulletin* of the final adoption of the regulations.

Sunset Date

The effectiveness of proposed Chapter 701 will be reviewed by the Department every 4 years, in accordance with the Department's practice of examining all regulations. Thus, no sunset date is necessary.

Regulatory Review

Under section 5(a) of the Regulatory Review Act (71 P. S. § 745.5(a)), on July 7, 1998, the Department submitted copies of these proposed regulations to the Independent Regulatory Review Commission (IRRC) and to the Chairpersons of the House and Senate Education Committees. In addition to submitting the proposed regulations, 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. A copy of this material is available to the public upon request.

If IRRC has objections to any portion of the proposed regulations, it will notify the Department 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 Department, the General Assembly and the Governor of objections raised.

Contact Person

Interested persons are invited to submit written comments, suggestions or objections regarding this proposal to Jane M. Acri, Vocational Services Supervisor, Bureau of Vocational-Technical Education, 333 Market Street, Harrisburg, PA 17126-0333 within 30 days following publication in the *Pennsylvania Bulletin*, (717) 787-5530.

Persons with disabilities needing alternative means of providing public comments may make arrangements by calling Jane Acri at (717) 783-6867 or TTY (717) 783-8445.

Alternative formats of the proposed chapter (such as, braille, large print, cassette tape) can be made available to members of the public upon request to Jane Acri at (717) 783-6867 or TTY (717) 783-8445.

EUGENE W. HICKOK,
Secretary

Fiscal Note: 006-262. (1) General Fund; (2) Implementing Year 1998-99 is \$Minimal; (3) 1st Succeeding Year 1999-00 is \$Minimal; 2nd Succeeding Year 2000-01 is \$Minimal; 3rd Succeeding Year 2001-02 is \$Minimal; 4th Succeeding Year 2002-03 is \$Minimal; 5th Succeeding Year 2003-04 is \$Minimal; (4) Fiscal Year 1997-98 \$Non-Applicable; Fiscal Year 1996-97 \$; Fiscal Year 1995-96 \$;

(7) Department of Education, General Government Operations and Pennsylvania State Police, General Government Operations; (8) recommends adoption.

This regulation may result in minor administrative costs to the General Government Operations appropriation of the Department of Education for Federal Bureau of Investigation criminal background checks for certain applicants.

The regulation will result in increased costs to the General Government Operations appropriation of the State Police to perform the background checks on applicants. These costs are not expected to be significant and will be offset, to some extent, from increased revenue from the \$10 fee.

Annex A

TITLE 22. EDUCATION

PART XIX. CRIMINAL HISTORY RECORD INFORMATION

CHAPTER 701. NURSE AIDE TRAINING PROGRAM APPLICANT CRIMINAL HISTORY RECORD INFORMATION

GENERAL

- Sec. 701.1. Definitions.
- 701.2. Compliance.

RESPONSIBILITIES OF FACILITIES AND DESIGNATED PERSONNEL

- 701.11. Submission of CHRI report.
- 701.12. Receipt of CHRI report by facility.
- 701.13. Nonacceptance of certain applicants.
- 701.14. Notification to applicant regarding CHRI report.
- 701.15. Confidentiality of information.
- 701.16. Violations.

RESPONSIBILITIES OF THE DEPARTMENT

- 701.21. Responsibilities of the Department.

GENERAL

§ 701.1. Definitions.

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

Act—The Nurse Aide Resident Abuse Prevention Training Act (63 P. S. §§ 671—680).

Applicant—An individual applying for admission into a program.

CHRI—Criminal History Record Information—A report of criminal history from the State Police, or a statement that their central repository contains no information or, a report of criminal history from, or a statement that no information is on file with the Federal Bureau of Investigation.

Department—The Department of Education of the Commonwealth.

Enrollment—Approval of an applicant for admission in a program.

Facility—An institution or agency that sponsors a program.

Nurse aide—An individual providing nursing or nursing-related services to residents in a nursing facility or skilled nursing facility. The term does not include an individual who is a licensed health professional or an individual who volunteers to provide services without monetary compensation.

Program—The State-approved nurse aide training program.

§ 701.2. Compliance.

It is the policy of the Department to ensure compliance with the act.

RESPONSIBILITIES OF FACILITIES AND DESIGNATED PERSONNEL

§ 701.11. Submission of CHRI report.

The facility shall require an applicant to submit a CHRI report prior to enrolling as a nurse aide student into the program, according to one of the following:

(1) The facility shall require an applicant who has resided in this Commonwealth for a minimum of 1 year to obtain a CHRI report from the State Police.

(2) The facility shall require an applicant who has resided in this Commonwealth less than 1 year to obtain a CHRI report from the Federal Bureau of Investigation by contacting the Department for the required form.

§ 701.12. Receipt of CHRI report by facility.

In receiving and reviewing CHRI reports, the facility and its personnel shall do the following:

(1) The facility administrator shall designate in writing and at the administrator's discretion the appropriate facility personnel to review the CHRI report for enrollment eligibility and maintain a copy of the designation in the facility's file.

(2) The facility's designated personnel shall receive the applicant's original CHRI report.

(3) The facility's designated personnel shall review the CHRI report in the following manner:

(i) Make a photocopy of the original CHRI.

(ii) Sign and date the copy of the CHRI report.

(iii) Review the CHRI report for the offenses listed in § 701.13 (relating to nonacceptance of certain applicants).

(iv) Place the signed and dated copy of the CHRI report in a specific file for all CHRI reports.

(v) Return the original CHRI report to the applicant.

§ 701.13. Nonacceptance of certain applicants.

The facility and its designated personnel may not enroll a nurse aide applicant whose CHRI indicates the applicant has been convicted of any of the following offenses:

(1) An offense designated as a felony under The Controlled Substance, Drug, Device and Cosmetic Act (35 P. S. §§ 780-101—780-144).

(2) An offense under one or more of the following provisions of 18 Pa.C.S. (relating to crimes and offenses):

(i) Chapter 25 (relating to criminal homicide).

(ii) Section 2702 (relating to aggravated assault).

(iii) Section 2901 (relating to kidnapping).

(iv) Section 2902 (relating to unlawful restraint).

(v) Section 3121 (relating to rape).

(vi) Section 3122.1 (relating to statutory sexual assault).

(vii) Section 3123 (relating to involuntary deviate sexual intercourse).

(viii) Section 3124.1 (relating to sexual assault).

(ix) Section 3125 (relating to aggravated indecent assault).

(x) Section 3126 (relating to indecent assault).

(xi) Section 3127 (relating to indecent exposure).

(xii) Section 3301 (relating to arson and related offenses).

(xiii) Section 3502 (relating to burglary).

(xiv) Section 3701 (relating to robbery).

(xv) A felony offense under Chapter 39 (relating to theft and related offenses) or two or more misdemeanors under Chapter 39.

(xvi) Section 4101 (relating to forgery).

(xvii) Section 4114 (relating to securing execution of documents by deception).

(xviii) Section 4302 (relating to incest).

(xix) Section 4303 (relating to concealing death of child).

(xx) Section 4304 (relating to endangering welfare of children).

(xxi) Section 4305 (relating to dealing in infant children).

(xxii) Section 4952 (relating to intimidation of witnesses or victims).

(xxiii) Section 4953 (relating to retaliation against witness or victim).

(xxiv) A felony offense under section 5902(b) (relating to prostitution and related offenses).

(xxv) Section 5903(c) or (d) (relating to obscene and other sexual materials and performances).

(xxvi) Section 6301 (relating to corruption of minors).

(xxvii) Section 6312 (relating to sexual abuse of children).

(3) A Federal or out-of-State offense similar in nature to those crimes listed under paragraphs (1) and (2).

§ 701.14. Notification to applicant regarding CHRI report.

The facility's designated personnel shall notify the applicant in writing that is clear and understandable, if the decision not to admit the applicant is based in whole or in part on the CHRI report.

§ 701.15. Confidentiality of information.

(a) The facility's designated personnel shall establish two policies to ensure that:

(1) The confidentiality of the CHRI report is maintained by placing it in a locked file cabinet or similar storage area.

(2) The CHRI report is not available to anyone who is not directly involved in evaluating the applications for enrollment into the program, except State and Federal personnel who monitor the program.

(b) The Department will record the name of the designated facility personnel.

§ 701.16. Violations.

An individual who is responsible for reviewing and approving applications for enrollment into the program (that is the facility's designated personnel) and who willfully fails to comply with § 701.12(2) and (3) or § 701.13 (relating to receipt of CHRI report by facility;

and nonacceptance of certain applicants) shall be subject to a civil penalty as provided for in § 701.21 (relating to responsibilities of the Department).

RESPONSIBILITIES OF THE DEPARTMENT

§ 701.21. Responsibilities of the Department.

(a) The Department will determine compliance violations.

(b) As part of the routine monitoring of facilities, the Department's monitoring staff will review the facility's files of nurse aide students who are enrolled in the program after _____. (*Editor's Note:* The blank refers to the effective date of adoption of this proposal.)

(c) The Department will receive and investigate complaints which allege violations of the act or this chapter.

(d) Based upon the information gathered as part of its routine monitoring or its investigation of a complaint, the Department may hold a hearing to determine violations of § 701.16 (relating to violations).

(1) The procedures for a hearing will conform to 2 Pa.C.S. (relating to administrative law and procedure).

(2) After the hearing, the Department may assess a civil penalty of not more than \$2,500 per violation.

[Pa.B. Doc. No. 98-1150. Filed for public inspection July 17, 1998, 9:00 a.m.]

STATE BOARD OF LANDSCAPE ARCHITECTS

[49 PA. CODE CH. 15] Continuing Education

The State Board of Landscape Architects (Board) proposes to amend §§ 15.12 and 15.63 and add §§ 15.71—15.82, to read as set forth in Annex A.

A. Effective Date

The amendments will go into effect upon publication as final rulemaking in the *Pennsylvania Bulletin*. The continuing education requirements would apply to the biennial period commencing June 1, 1999. Licensees would be required to accrue continuing education hours through the 1999—2001 biennium.

B. Statutory Authority

The proposal is made under the authority of section 9.1 of the Landscape Architects Registration Law (act) (63 P. S. § 909.1).

C. Purpose

Section 9.1 of the act requires the Board to adopt regulations which implement a 10-hour mandatory continuing education requirement for biennial renewal, to establish fees necessary to implement the requirement and to establish the initial renewal period for which continuing education will be required.

D. Persons Affected

All licensees seeking to biennially register as a landscape architect with the Board will be affected by this proposal. In addition, persons seeking approval of the Board to offer approved continuing education programs will be required to meet the Board's standards for the content and conduct of courses.

E. Requirements of the Proposal

This proposal would require landscape architects to accrue 10 hours of continuing education in the preceding biennial period as a condition of biennial renewal. The requirement would apply to renewal periods commencing June 1, 2001.

Section 15.12 (relating to fees) adds fees for approval of courses submitted by providers and licensees.

Section 15.63(10) (relating to misconduct) adds, as additional grounds for misconduct, failure to furnish evidence of satisfaction of completion of continuing education as requested by the Board or the furnishing of false or fraudulent information pertaining to the completion of continuing education.

Section 15.71 (relating to definitions) would define the terms biennium, clock hour, office management and provider.

Section 15.72 (relating to requirement for biennial renewal) would establish, as a licensure renewal in 1999 and thereafter, 10 clock hours of continuing education in acceptable courses for the landscape architects as required by section 9.1(b) of the act.

Section 15.73 (relating to acceptable continuing education courses) would describe acceptable courses as being those which enhance the landscape architect's professional skills. A maximum of 5 hours of satellite seminars and electronic presentations are permitted so long as certain requirements are met. It would preclude credit for courses in office management.

Section 15.74 (relating to approval of continuing education providers) would provide for the registration of continuing education providers, establish procedures for the review of provider applications and mandate that applications be submitted 120 days before the date of the course.

Section 15.75 (relating to standards for courses) would establish standards for continuing education programs, including adequate facilities, instructors and course content, and mandate that providers inform the Board of material modification in courses.

Section 15.76 (relating to sources of continuing education courses) would establish a list of approved providers which currently meet established standards and provide for ongoing requirements.

Section 15.77 (relating to licensee application for nonpreapproved continuing education courses) would provide for alternate sources of continuing education submitted by licensees within 60 days prior to the course, establish standards for supporting document and verification of attendance.

Section 15.78 (relating to withdrawal of approval of program sponsors) would provide for withdrawal of approval of program sponsors.

Section 15.79 (relating to reporting of hours spent in continuing education) would provide for the reporting of hours spent in continuing education.

Section 15.80 (relating to retention of records) would require licensees to retain copies of renewal forms and continuing education records for 4 years.

Section 15.81 (relating to waiver) would authorize the Board to waive the continuing education requirement upon written documentation of serious illness, military service or hardship, as required by section 9.1(a) of the act.

Section 15.82 (relating to continuing education requirement for biennial renewal of inactive and lapsed licenses) would require licensees to meet the continuing education requirement for the preceding biennium to reactivate inactive or lapsed licenses.

F. Fiscal Impact and Paperwork Requirement

Registered landscape architects seeking renewal of registration must complete 10 continuing education clock hours. Providers of continuing education courses must submit applications to the Board for approval of programs, along with an appropriate fee. Registered landscape architects must retain continuing education records for 4 years. The Board must maintain records pertaining to provider and course approval and licensees' completion of continuing education. The Board will randomly audit its licensees to ensure compliance.

G. Regulatory Review

Under section 5(a) of the Regulatory Review Act (71 P. S. § 745.5(a)), on July 8, 1998, the Board submitted a copy of these proposed amendments to the Independent Regulatory Review Commission (IRRC) and the Chairpersons of the House Committee on Professional Licensure and the Senate Committee on Consumer Protection and Professional Licensure. In addition to submitting the proposed amendments, the Board has provided IRRC and the Committees with a copy of a detailed Regulatory Analysis Form prepared by the Board in compliance with Executive Order 1996-1, "Regulatory Review and Promulgation." A copy of the material is available to the public upon request.

Under section 5(g) of the Regulatory Review Act, if IRRC has objections to any portion of the proposed amendments, it will notify the Board 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 amendments by the Board, the General Assembly and the Governor of objections raised.

H. Public Comment

Interested persons are invited to submit written comments, suggestions or objections regarding this proposed rulemaking to Shirley S. Klinger, Board Administrator, State Board of Landscape Architects, Post Office Box 2649, Harrisburg, PA 17105-2649, within 30 days following publication of this proposed rulemaking in the *Pennsylvania Bulletin*.

DAVID M. DUTOT, L.A.,
Chairperson

Fiscal Note: 16A-612. No fiscal impact; (8) recommends adoption.

Annex A

TITLE 49. PROFESSIONAL AND VOCATIONAL STANDARDS

PART I. DEPARTMENT OF STATE

Subpart A. PROFESSIONAL AND OCCUPATIONAL AFFAIRS

CHAPTER 15. STATE BOARD OF LANDSCAPE ARCHITECTS

APPLICATION PROCEDURES

§ 15.12. Fees.

Following is the schedule of fees charged by the Board:

* * * * *

(11) Continuing education provider application fee \$65

(12) Continuing education licensee application fee (non preapproved course) \$25
(per clock hour)

PROFESSIONAL OBLIGATIONS, COMPETENCE AND CONDUCT

§ 15.63. Misconduct.

A landscape architect who is found guilty by the Board of misconduct in the practice of landscape architecture is subject to disciplinary action under section 4(4) of the act (63 P. S. § 904(4)). Misconduct in the practice of landscape architecture includes [, but is not limited to,] the following:

* * * * *

(10) Failure to furnish evidence of completion of continuing education as requested by the Board or the furnishing of false or fraudulent information pertaining to the completion of continuing education.

CONTINUING EDUCATION

(Editor's Note: Sections 15.71—15.82 are new. They have been printed in regular type to enhance readability.)

§ 15.71. Definitions.

The following words and terms, when used in this section and §§ 15.72—15.82 (relating to continuing education), have the following meanings, unless the context clearly indicates otherwise:

Biennium—The period from June 1 of an odd-numbered year to May 31 of the next odd-numbered year.

Clock hour—Fifty minutes of instruction or participation in an approved course, not including keynote speeches, luncheon speeches or breaks and marketing or product presentations.

Office management—Activity supportive of administrative or business activities and not related to professional practice including bookkeeping, business development, finance, marketing, taxes, human resources and the use of office equipment or computers.

Provider—An agency, organization, institution or association approved by the Board to offer an organized course.

§ 15.72. Requirement for biennial renewal.

As a condition of biennial renewal commencing with the 2001 biennium and thereafter, licensees shall have completed during the preceding biennium 10 hours of continuing education in acceptable courses offered by approved providers.

§ 15.73. Acceptable continuing education courses.

(a) Only courses approved by the Board will be accepted for continuing education credit. The licensee is responsible for ascertaining the approved status of the provider before undertaking a continuing education activity.

(b) Acceptable subject matter for continuing education courses is limited to courses pertaining to the enhancement of the landscape architect's professional skills. The Board will not approve courses in office management.

(c) The Board will accept no more than 5 credit hours per biennium of satellite seminars and electronic presentations if the hours comply with this chapter and meet the following requirements:

(1) Satellite seminars viewed at other sites by electronic transmission shall have a moderator present or available by telecommunication facility.

(2) Electronic presentations shall consist of television viewing, use of computers, telecommunications and related correspondence work at any location which provides a mechanism to test or evaluate the licensee's successful completion of the credit hours.

§ 15.74. Approval of continuing education providers.

(a) An agency, organization, institution or association seeking to offer an organized course may apply to the Board for approval as a provider per biennium.

(b) An applicant for Board approval as provider of a course shall submit an application, accompanied by the fee in § 15.12 (relating to fees), at least 120 days before the date of the course.

(c) The application shall include the following information:

- (1) The full name and address of the provider applicant.
- (2) The title of the course and subjects covered.
- (3) The dates and location of the course.
- (4) The instructor's name, titles, affiliations and degrees.
- (5) The schedule of the course, syllabus and time allocated.
- (6) The total number of clock hours requested.
- (7) The method of certifying attendance.
- (8) The course coordinator.
- (9) The materials used in the instruction of the course which shall be attached to the application.
- (10) The evidence of meeting the standards in § 15.75 (relating to standards for courses).

(d) Applicants seeking approval for satellite seminars or electronic presentations shall provide materials relating to compliance with § 15.73(c) (relating to acceptable continuing education courses).

(e) Disapproval of a course will include a statement setting forth the reasons for the disapproval. Provider applicants may submit new applications which shall document alterations made to meet Board requirements.

§ 15.75. Standards for courses.

(a) Providers shall supply adequate facilities that provide physical access to licensees in conformance with applicable law except for electronic presentations provided for in § 15.73(c)(2) (relating to acceptable continuing education courses).

(b) Providers shall insure that instructors are qualified.

(c) Providers seeking Board approval of a course shall present evidence that the course has the following:

(1) Subject matter pertaining to the enhancement of the landscape architect's professional knowledge and practice skills.

(2) Procedures to periodically review the qualifications of its instructor and the subject matter to ensure that it is contemporaneous.

(d) Providers shall inform the Board of material modifications in courses.

(e) Providers of satellite seminars or electronic presentations shall comply with § 15.73(c).

§ 15.76. Sources of continuing education courses.

(a) In addition to providers approved under § 15.74 (relating to approval of continuing education providers), the Board finds the following entities meet the standards in § 15.75 (relating to standards for courses). Accordingly, the following are approved providers:

(1) The American Society of Landscape Architects and its affiliates.

(2) The American Nurserymen's Association and its affiliates.

(3) The American Planning Association and its affiliates.

(4) The American Institute of Architects and its affiliates.

(5) The National Council of Examiners for Engineering and Land Surveying and its affiliates.

(6) The National Recreation and Parks Association and its affiliates.

(7) The Urban Land Institute.

(8) Accredited colleges and universities which offer courses in landscape architecture or related fields.

(9) Agencies of the Commonwealth and Federal Government offering training programs in landscape architecture and its related fields.

(b) Approved providers shall submit course materials and fees for courses as provided for in § 15.12 (relating to fees) and § 15.74.

(c) Approved providers shall comply with this chapter.

§ 15.77. Licensee application for nonpreapproved continuing education courses.

(a) The Board will consider approval of a nonpreapproved course submitted by a licensee on a one-time basis per biennium. A licensee shall submit an application for approval and required fee at least 60 days prior to the date the course commences.

(b) The application shall contain the supporting documentation provided in § 15.74 (relating to approval of continuing education providers).

(c) The Board will only consider courses that meet the requirements of this chapter.

(d) The licensee shall submit acceptable documentation of completion of this course to the Board.

§ 15.78. Withdrawal of approval of program sponsors.

The Board may withdraw approval of a provider for failure to comply with this section, failure to supply course information to the Board or its representatives or for other cause. The Board will provide written notice to the provider of the reasons for withdrawal of approval.

§ 15.79. Reporting of hours spent in continuing education.

An applicant for license renewal shall provide the following information on Board-provided forms:

(1) The date attended.

(2) The clock hours claimed.

(3) The title of the course.

(4) The course sponsor.

(5) The location of the course.

§ 15.80. Retention of records.

(a) The licensee shall retain licensure renewal forms and certificates, transcripts or other acceptable documentation of completion of the prescribed number of clock hours for 4 years following completion of the course which shall be produced upon demand by the Board or its auditing agents. The Board will utilize a random audit of renewals to determine compliance with the continuing education requirement.

(b) Acceptable documentation of completion shall consist of a document prepared by the provider indicating continuing education course titles, completion dates and clock hours.

§ 15.81. Waiver.

The Board may waive all or part of the continuing education requirement for biennial renewal upon written documentation of illness, emergency or hardship. A waiver request will be evaluated by the Board on a case-by-case basis. The Board will send written notification of its approval or denial of a waiver request.

§ 15.82. Continuing education requirement for biennial renewal of inactive and lapsed licenses.

A licensee seeking to reinstate an inactive or lapsed license shall show proof of compliance with the continuing education requirement for the preceding biennium.

[Pa.B. Doc. No. 98-1151. Filed for public inspection July 17, 1998, 9:00 a.m.]

STATEMENTS OF POLICY

Title 61—REVENUE

DEPARTMENT OF REVENUE

[61 PA. CODE CH. 60]

Electric Utility Services

The Department of Revenue (Department) has adopted a statement of policy in accordance with § 3.2(a)(1)(i) and (b) (relating to statements of policy) regarding taxation of unbundled nonresidential electric utility services, to read as set forth in Annex A.

This statement of policy adds § 60.23 (relating to electric utility services) and will take effect upon publication in the *Pennsylvania Bulletin*.

Chapter 28 of 66 Pa.C.S. (act) (relating to Electricity Generation Choice for Customers of Electric Cooperatives Act) became effective on January 1, 1997. The act includes two major changes. First, section 2804 of the act gives the retail customer the choice of an electric generation supplier. Second, section 2804 of the act gives the Pennsylvania Public Utility Commission (Commission) the authority to require the unbundling of electric utility services, tariffs and customer bills to separate the charges for generation, transmission and distribution. The Commission may require the unbundling of other services. This statement of policy is being issued to set forth the policy of the Department in taxing unbundled charges relating to the sale or use of electricity for nonresidential use under Article II of the Tax Reform Code (TRC) (72 P. S. §§ 7201—7201-A).

Subsection (b) of § 60.23 provides information regarding applicable provisions of Article II of the TRC. Subsection (c) details the revenue-neutral reconciliation.

Subsection (d) of § 60.23 provides that to fulfill its responsibilities under Article II of the TRC as well as the recognition of the specific provisions of section 2810 of the act, the Department is required to impose Sales and Use Tax upon the total purchase price for each separate charge. The separate charges include charges for the generation, transmission or distribution in connection with providing electric utility services, as well as, all related charges, services or costs for the generation, production, transmission or distribution of electricity whether or not the total amount charged is billed as a single charge by one vendor or billed separately by one or more vendors.

Specific questions relating to information provided in this statement of policy may be directed to the Department of Revenue, Office of Chief Counsel, Dept. 281061, Harrisburg, PA 17128-1061.

ROBERT A. JUDGE, Sr.,
Secretary

Fiscal Note: 15-403. No fiscal impact; (8) recommends adoption.

Annex A

TITLE 61. REVENUE

PART I. DEPARTMENT OF REVENUE

Subpart B. GENERAL FUND REVENUES

ARTICLE II. SALES AND USE TAX

CHAPTER 60. SALES AND USE TAX

PRONOUNCEMENTS—STATEMENTS OF POLICY

§ 60.23. Electric utility services.

(a) *General.* Chapter 28 of 66 Pa.C.S. (relating to The Electricity Generation Choice for Customers of Electric

Cooperatives Act) (act) became effective on January 1, 1997. The act includes two major changes. First, section 2804 of the act (relating to standards for restructuring of electric industry) gives the retail customer the choice of an electric generation supplier. Second, section 2804 of the act gives the Pennsylvania Public Utility Commission the authority to require the unbundling of electric utility services, tariffs and customer bills to separate the charges for generation, transmission and distribution. This statement of policy sets forth the policy of the Department in taxing unbundled charges relating to the sale to or use of electricity by nonresidential users under Article II of the TRC (72 P. S. §§ 7201—7201-A).

(b) *Article II of the TRC.*

(1) The TRC became effective on March 4, 1971. Article II of the TRC imposes Sales and Use Tax upon certain tangible personal property and selected services.

(i) Section 201(m) of the TRC (72 P. S. § 7201(m)) defines tangible personal property to include “electricity for nonresidential use.”

(ii) Section 202 of the TRC (72 P. S. § 7202) imposes Sales or Use Tax upon the “purchase price” of each “sale at retail” or “purchase at retail” of tangible personal property within this Commonwealth.

(iii) The term “sale at retail” is defined in section 201(k) of the TRC as any transfer for a consideration, of the ownership, custody or possession of tangible personal property.

(iv) The term “purchase at retail,” is defined in section 201(f) of the TRC as the acquisition for a consideration of the ownership, custody or possession of tangible personal property when the acquisition is made for the purpose of consumption or use.

(v) Section 201(g) of the TRC defines “purchase price” as the total value of anything paid or delivered or promised to be paid or delivered in the complete performance of a “sale at retail” or a “purchase at retail.”

(2) Since the enactment of the TRC, the bundled charges for the generation, transmission and distribution of “electricity for nonresidential use,” together with other charges representing reimbursements to the seller for taxes, fuel adjustment costs and similar charges, have been subject to tax.

(c) *Revenue-neutral reconciliation.* Section 2810 of the act (relating to revenue-neutral reconciliation) provides: “It is the intention of the General Assembly that the restructuring of the electric industry be accomplished in a manner that allows Pennsylvania to enjoy the benefits of competition, promotes the competitiveness of Pennsylvania’s electric utilities and maintains revenue neutrality to the Commonwealth.” In maintaining revenue neutrality, section 2810 of the act further provides that it is the intention of the General Assembly not “to cause a shift in proportional tax obligations among customer classes or individual electric distribution companies” but “to establish this revenue replacement at a level necessary to recoup losses that may result from the restructuring of the electric industry and the transition thereto.” Among the taxes to which the General Assembly makes reference are the sales and use taxes collected under Article II of the TRC. To maintain revenue neutrality, both bundled and unbundled charges relating to the sale or use of “electricity for nonresidential use” will continue to be

subject to Sales and Use Tax under Article II of the TRC to the same extent as receipts from bundled charges for "electricity for nonresidential use" were taxable during the Fiscal Year 1995—1996.

(d) *Taxability of unbundled charges.* To fulfill its responsibilities under Article II of the TRC, as well as, the recognition of the intention of the General Assembly, as provided under the act, the Department is required to impose Sales and Use Tax upon the total purchase price charged upon each separate charge for the generation,

transmission or distribution in connection with providing nonresidential electric utility services as well as all related charges, services or costs for the generation, production, transmission or distribution of electricity whether or not the total amount charged is billed as a single charge by one vendor or billed separately by one or more vendors.

[Pa.B. Doc. No. 98-1152. Filed for public inspection July 17, 1998, 9:00 a.m.]

NOTICES

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 July 7, 1998.

BANKING INSTITUTIONS

Holding Company Acquisitions

| <i>Date</i> | <i>Name of Corporation</i> | <i>Location</i> | <i>Action</i> |
|-------------|-----------------------------------------------------------------------------------------------------------------------------------------------------|-----------------|------------------------------|
| 7-1-98 | Citizens Bancshares, Inc., Salineville, Ohio to acquire up to 10.13% of the common stock of NSD Bancorp, Inc., Pittsburgh, Pennsylvania | Salineville, OH | Approved and Effective |

Foreign Bank Organization Offices

| <i>Date</i> | <i>Name of Bank</i> | <i>Location</i> | <i>Action</i> |
|-------------|-------------------------------------------------------------------|-----------------------------------------------------------|---------------|
| 6-30-98 | Seoul Bank 10-1 Namdaemun-No, 2-ga Chung-gu Seoul, Korea | 401 City Line Ave. Philadelphia Philadelphia County | Discontinued |

Consolidations, Mergers and Absorptions

| <i>Date</i> | <i>Name of Bank</i> | <i>Location</i> | <i>Action</i> |
|-------------|----------------------------------------------------------------------------------------------------------------------------------------------------|-----------------|---------------|
| 7-1-98 | Juniata Valley Bank, Mifflintown, and Lewistown Trust Company, Lewistown Surviving Institution— Juniata Valley Bank, Mifflintown | Mifflintown | Effective |

All branch offices of Lewistown Trust Company will become branch offices of Juniata Valley Bank upon consummation of the merger including the former main office of Lewistown Trust Company located at:

100 East Market Street
Lewistown
Mifflin County

Branch Applications

| <i>Date</i> | <i>Name of Bank</i> | <i>Location</i> | <i>Action</i> |
|-------------|-----------------------------------------------------|------------------------------------------------------------------------------------------------|-------------------------|
| 7-1-98 | Summit Bank Bethlehem Northampton County | Pathmark Supermarket 1000 Easton Road Wyncote Montgomery County | Approved |
| 7-1-98 | Summit Bank Bethlehem Northampton County | Pathmark Supermarket 421 South 69th Blvd. Upper Darby Delaware County | Approved |
| 7-2-98 | Farmers First Bank Lititz Lancaster County | Mobile Branch Facilities at various locations in Lancaster, Lebanon and York Counties | Commenced Operations |
| 7-6-98 | PFC Bank Ford City Armstrong County | Route 68 and 356 Butler Township Butler County | Filed |
| 7-7-98 | The Drovers & Mechanics Bank York York County | Route 15 and Spring Lane Dillsburg Carroll Township York County | Filed |

Branch Relocations/Consolidations

| <i>Date</i> | <i>Name of Bank</i> | <i>Location</i> | <i>Action</i> |
|-------------|----------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------|---------------|
| 7-6-98 | Lebanon Valley Farmers Bank Lebanon Lebanon County | <i>To:</i> 9th and Cumberland Sts. Lebanon Lebanon County <i>From:</i> 817 Cumberland Street Lebanon Lebanon County | Effective |

SAVINGS ASSOCIATIONS

No activity.

CREDIT UNIONS

No activity.

RICHARD C. RISHEL,
Secretary

[Pa.B. Doc. No. 98-1153. Filed for public inspection July 17, 1998, 9:00 a.m.]

Maximum Lawful Rate of Interest for Residential Mortgages for the Month of August 1998

The Department of Banking of the Commonwealth of Pennsylvania, under the authority contained in section 301 of the act of January 30, 1974 (P. L. 13, No. 6) (41 P. S. § 301), hereby determines that the maximum lawful rate of interest for residential mortgages for the month of August, 1998, is 8 1/4 %.

The interest rate limitations under the State's usury statute were preempted to a great extent by Federal law, the Depository Institutions Deregulation and Monetary Control Act of 1980 (Pub. L. 96-221). Further preemption was instituted with the signing of Pub. L. 96-399, which overrode State interest rate limitations on any individual who finances the sale or exchange of residential real property which the individual owns and which the individual occupies or has occupied as his principal residence.

Each month the Department of Banking is required by State law to compute and announce the ceiling rate on residential mortgages in this Commonwealth. This maximum rate is determined by adding 2.50 percentage points to the yield rate on long-term government bonds as published by the Federal Reserve Board and/or the United States Treasury. The latest yield rate on long-term government securities is 5.78 to which was added 2.50 percentage points for a total of 8.28 that by law is rounded off to the nearest quarter at 8 1/4 %.

RICHARD C. RISHEL,
Secretary

[Pa.B. Doc. No. 98-1154. Filed for public inspection July 17, 1998, 9:00 a.m.]

**DEPARTMENT OF
CONSERVATION AND
NATURAL RESOURCES****Keystone Recreation, Park and Conservation
Fund; Land Trust Grant Program**

The Department of Conservation and Natural Resources (Department) has announced an open application

period for the 1998—1999 fiscal year of funding for land trust projects from the Keystone Recreation, Park and Conservation (Keystone) Fund. The Keystone Land Trust Grant Program is administered by the Department's Bureau of Recreation and Conservation.

The Department has mailed an announcement of this open application period, program manual and application forms to the following 55 organizations which are prequalified as eligible land trust applicants. The deadline for receipt of completed grant applications by the Department is 5 p.m. on September 25, 1998. No applications will be accepted by fax.

Allegheny Land Trust (Pittsburgh, PA)
American Farmland Trust (Washington, D.C.)
Armstrong County Conservancy (Kittanning, PA)
Back Mountain Regional Land Trust (Shavertown, PA)
Berks County Conservancy (Wyomissing, PA)
Brandywine Conservancy (Chadds Ford, PA)
Brandywine Valley Association (West Chester, PA)
Buck Hill Conservation Foundation (Buck Hill Falls, PA)
Central Pennsylvania Conservancy (Harrisburg, PA)
Chartiers Nature Conservancy (Crafton, PA)
ClearWater Conservancy (State College, PA)
Conneaut Lake—French Creek Valley Conservancy (Conneaut Lake, PA)
Conservation Fund (Philadelphia, PA)
Ecologically Concerned of Zelenople (Butler, PA)
Edward L. Rose Conservancy (Brackney, PA)
Farm and Natural Lands Trust (York, PA)
Fox Chapel Land Conservation Trust (Pittsburgh, PA)
French & Pickering Creeks Conservation Trust (Pottstown, PA)
Friends of Pennypack Park (Philadelphia, PA)
Friends of the Wissahickon (Philadelphia, PA)
Hawk Mountain Sanctuary Association (Kempton, PA)
Headwaters Charitable Trust (DuBois, PA)
Heritage Conservancy (Doylestown, PA)
Hollow Oak Land Trust (Moon Township, PA)

Lacawac Sanctuary Foundation (Lake Ariel, PA)
 Lackawanna River Corridor Association (Mayfield, PA)
 Lancaster County Conservancy (Lancaster, PA)
 Loyalhanna Watershed Association (Ligonier, PA)
 Merrill W. Linn Land & Waterways Conservancy (Lewisburg, PA)
 Moraine Preservation Fund (Zelienople, PA)
 National Audubon Society (Camp Hill, PA)
 Natural Lands Trust (Media, PA)
 Nature Conservancy (Philadelphia, PA)
 Neighborhood Gardens Association (Philadelphia, PA)
 Northcentral Pennsylvania Conservancy (Williamsport, PA)
 Northern Allegheny Conservation Association (Warren, PA)
 Open Land Conservancy of Chester County (Paoli, PA)
 Penn Soil Conservancy Charitable Trust (Clarion, PA)
 Pennsylvania Environmental Council (Philadelphia, PA)
 Pennypack Ecological Restoration Trust (Huntingdon Valley, PA)
 Perkiomen Valley Watershed Association (Schwenksville, PA)
 Pine Creek Valley Watershed Association (Oley, PA)
 Presque Isle Audubon Society (Erie, PA)
 Rails-to-Trails Conservancy (Harrisburg, PA)
 Red Clay Valley Association (West Chester, PA)
 Roaring Run Watershed Association (Spring Church, PA)
 Rocky Mountain Elk Foundation (Missoula, MT)
 Schuylkill River Greenway Association (Wyomissing, PA)
 Scott Conservancy (Pittsburgh, PA)
 Southern Alleghenies Conservancy (Bedford, PA)
 Trust for Public Land (Washington, D. C.)
 Western Pennsylvania Conservancy (Pittsburgh, PA)
 White Clay Watershed Association (Landenberg, PA)
 Wildlands Conservancy (Emmaus, PA)
 Wissahickon Valley Watershed Association (Ambler, PA)

The Keystone Fund was established by passage of the Keystone Recreation, Park and Conservation Fund Act (Act 1993-50) signed on July 2, 1993. On November 2, 1993, the voters of the Commonwealth overwhelmingly approved a public referendum incurring bond indebtedness by the Commonwealth in the amount of \$50 million to provide for the funding of nature preserves and wildlife habitats, and for improvements to and expansion of State parks, community parks and recreation facilities, historic sites, zoos and public libraries. The Keystone Fund is currently supported by a 15% allocation from the State Realty Transfer Tax revenues. The Department receives 10% of the State Realty Transfer Tax allocation for matching grants to assist land trusts with planning and acquisition projects involving natural areas and open space. Approximately \$3.5 million will be available in this fifth round of funding for land trust projects.

A land trust is defined in Act 1993-50 as a nonprofit conservation or preservation organization, conservancy or land trust whose primary purpose is the conservation and preservation of open space, park lands or natural areas

for public benefit. To qualify for Keystone funding, a land trust must be tax exempt under section 501(c)(3) of the Internal Revenue Code of 1986; registered with the Bureau of Charitable Organizations, PA Department of State, and in existence for at least 5 consecutive years.

Land trusts must prequalify as eligible applicants in accordance with procedures published at 24 Pa.B. 4216 (August 20, 1994). Land trust organizations that are not prequalified for this fifth round of funding may do so prior to announcement of the next open application period. A prequalification form and instructions may be obtained from the Department of Conservation and Natural Resources, Bureau of Recreation and Conservation, P. O. Box 8475, Harrisburg, PA 17105-8475, (717) 783-2656.

Persons with a disability who wish to submit a land trust prequalification form or grant application and require assistance should contact Darrel J. Siesholtz at (717) 783-2661 to discuss how the Department may best accommodate their needs.

JOHN C. OLIVER,
Secretary

[Pa.B. Doc. No. 98-1155. Filed for public inspection July 17, 1998, 9:00 a.m.]

DEPARTMENT OF EDUCATION

Application of Bucknell University for Approval of Amendment of Articles of Incorporation; Opportunity for Hearing and Invitation to Protest

Under 24 Pa.C.S. § 6503(e) (relating to certification of institutions), the Department of Education (Department) will consider the application of Bucknell University for a Certificate of Authority approving the institution's request for amendment of its Articles of Incorporation that will add a new Section, Article VII, as required by Act 55 of 1997, The Institutions of Purely Public Charity Act.

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

All petitions to intervene, protest and request for hearing shall be filed with Dr. Warren D. Evans, Chartering/Governance/Accreditation Specialist, 333 Market Street, Harrisburg, PA 17126-0333, (717) 787-6576 on or before 4 p.m. on the due date prescribed by this notice. Persons wishing to review the application should phone or write to the aforementioned office to schedule a time for an in-office review. Duplicate copies of the application are not available.

Persons with a disability who wish to attend the hearing, if held, and require an auxiliary aid, service or other accommodation to participate should contact Suzanne B. Markowicz at (717) 787-6576 to discuss how the Department may best accommodate their needs.

EUGENE W. HICKOK,
Secretary

[Pa.B. Doc. No. 98-1156. Filed for public inspection July 17, 1998, 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, Regional Administrator has waived his right to review or object to this proposed permit action under the waiver provision 40 CFR 123.6E.

Persons wishing to comment on the proposed permit 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 this application. Responses should include the name, address and telephone number of the writer and a concise statement to inform the Field Office of the exact basis of a 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. 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 Field Office indicated 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 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 0057517. Sewage, **Pual Chicos**, 1436 Monk Road.

This application is for issuance of an NPDES permit to discharge treated sewage from the Chicos residence STP in Lower Merion Township, **Montgomery County**. This is a new discharge to an unnamed tributary to the Schuylkill River.

The receiving stream is classified for the following uses: warm water 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 | 10 | 20 |
| Suspended Solids | 20 | 40 |
| Total Residual Chlorine | monitor/report | monitor/report |
| Fecal Coliform | 200 colonies/100 ml as a geometric average | |
| pH | within limits of 6.0—9.0 standard units at all times | |

The EPA waiver is in effect.

PA 0055778. Sewage, **John and Lynn Savon**, 47 Carter Road, Thornton, PA 19373.

This application is for renewal of an NPDES permit to discharge treated sewage from a single residence sewage treatment plant in Thornbury Township, **Delaware County**. This is an existing discharge to a dry swale tributary to West Branch 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 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 | 6 |
| (11-1 to 4-30) | 9 | 18 |
| Total Residual Chlorine | monitor/report | 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 | |

The EPA waiver is in effect.

PA 0051331. Sewage, **Girl Scouts of Southern Pennsylvania**, 594 South New Middletown Road, Media, PA 19063.

This application is for renewal of an NPDES permit to discharge treated sewage from Camp Laughing Waters STP in Upper Frederick Township, **Montgomery County**. This is an existing discharge to Swamp 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 45,000 gpd are as follows:

| <i>Parameter</i> | <i>Average Monthly (mg/l)</i> | <i>Instantaneous Maximum (mg/l)</i> |
|-----------------------------|------------------------------------------------------|-----------------------------------------|
| CBOD ₅ | 25 | 50 |
| Suspended Solids | 30 | 60 |
| Ammonia (as N) | 20 | 40 |
| Phosphorus (as P) | | |
| (4-1 to 10-31) | 2.0 | 4.0 |
| 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 | |
| Total Residual Chlorine | | |
| (issuance through year 2) | 0.8 | 2.0 |
| (year 3 through expiration) | 0.5 | 1.2 |

Other Conditions:

The EPA waiver is in effect.

Conditions for future permit modification.

Effective disinfection.

PA 0057541. Sewage, **Mr. and Mrs. William Sellers**, 1378 Clearview Drive, Denver, PA 17517.

This application is for issuance of an NPDES permit to discharge treated sewage from a single residence STP in Upper Salford Township, **Montgomery County**. This is a new discharge to UNT to Vaughns Run.

The receiving stream is classified for the following uses: warm water fishery, aquatic life, water supply and recreation.

The proposed effluent limits for Outfall 001, based on an average flow of 400 gpd are as follows:

| <i>Parameter</i> | <i>Average Monthly (mg/l)</i> | <i>Instantaneous Maximum (mg/l)</i> |
|-------------------------|------------------------------------------------------|-----------------------------------------|
| CBOD ₅ | 10 | 20 |
| Suspended Solids | 20 | 40 |
| Total Residual Chlorine | monitor/report | |
| Fecal Coliform | 200 colonies/100 ml as a geometric average | |
| pH | within limits of 6.0—9.0 standard units at all times | |

The EPA waiver is in effect.

Northeast Region: Environmental Protection Manager, Water Management, 2 Public Square, Wilkes-Barre, PA 18711-0790, (717) 826-2553.

PA 0062251. Sewerage, **Valley Gorge Mobile Home Park**, George Swerdon, R. D. 1, White Haven, PA 18661.

This proposed action is for renewal of an NPDES permit to discharge treated sewage into an unnamed Tributary to Wildcat Run in White Haven Borough, **Luzerne County**.

The receiving stream is classified for the following uses: high quality, cold water fishery, 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 (PWS) considered during the evaluation is Northampton Water Supply on the Lehigh River.

The proposed effluent limits for Outfall 001 based on a design flow of 0.010 mgd are:

| <i>Parameter</i> | <i>Monthly Average (mg/l)</i> | <i>Instantaneous Maximum (mg/l)</i> |
|-------------------------|----------------------------------------|-----------------------------------------|
| CBOD ₅ | | |
| (5-1 to 10-31) | 20.0 | 40.0 |
| (11-1 to 4-30) | 25.0 | 50.0 |
| Total Suspended Solids | 30.0 | 60.0 |
| NH ₃ -N | | |
| (5-1 to 10-31) | 3.0 | 6.0 |
| (11-1 to 4-30) | 9.0 | 18.0 |
| Dissolved Oxygen | a minimum of 5.0 mg/l at all times | |
| Fecal Coliform | | |
| (5-1 to 9-30) | 200/100 ml as a geometric mean | |
| (5-1 to 9-30) | 2,000/100 ml as a geometric mean | |
| pH | 6.0 to 9.0 standard units at all times | |
| Total Residual Chlorine | | |
| (Months 1 through 36) | monitor and report | |
| (Months 37 through 60) | 0.8 | 1.9 |

The EPA waiver is in effect.

PA 0031127. Sewerage, **Borough of Northampton**, 1516 Main Street, Northampton, PA 18067.

This proposed action is for renewal of an NPDES permit to discharge sewage into Hokendauqua Creek in Northampton Borough, **Northampton County**.

The receiving stream is classified for the following uses: cold water fishery, aquatic life, water supply and recreation.

For the purpose of evaluating effluent requirements for NO₂-NO₃, the existing downstream potable water supply (PWS) considered during the evaluation is Northampton Water Supply on Lehigh River.

The proposed effluent limits for Outfall 001 based on a design flow of 1.5 mgd are:

| <i>Parameter</i> | <i>Monthly Average (mg/l)</i> | <i>Weekly Average (mg/l)</i> | <i>Instantaneous Maximum (mg/l)</i> |
|------------------------|----------------------------------------|----------------------------------|-----------------------------------------|
| CBOD ₅ | 28 | 40 | 50 |
| Total Suspended Solids | 30 | 45 | 60 |
| NH ₃ -N | | | |
| (5-1 to 10-31) | 14.5 | | 29 |
| Dissolved Oxygen | a minimum of 5 mg/l at all times | | |
| 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 | | |
| pH | 6.0 to 9.0 standard units at all times | | |

The EPA waiver is not in effect.

Southcentral Regional Office: Regional Water Management Program Manager, 909 Elmerton Avenue, Harrisburg, PA 17110-8200, (717) 705-4707.

PA 0084638. SIC Code 4951, Industrial waste, **Borough of Boyertown**, 100 South Washington Street, Boyertown, PA 19512-1521.

This application is for renewal of an NPDES permit for an existing discharge of treated industrial waste to an unnamed tributary of Ironstone Creek, in Earl Township, **Berks County**.

The receiving stream is classified for trout stocking, 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 Borough of Boyertown located in Ironstone Creek. The discharge is not expected to impact any potable water supply.

The proposed effluent limits for Outfall 001 for a design flow of 0.034 mgd are:

| <i>Parameter</i> | <i>Average Monthly (mg/l)</i> | <i>Maximum Daily (mg/l)</i> | <i>Instantaneous Maximum (mg/l)</i> |
|------------------------|-----------------------------------|---------------------------------|-----------------------------------------|
| Total Suspended Solids | 30 | 60 | 75 |
| pH | 6.0 to 9.0 at all times | | |

| <i>Parameter</i> | <i>Average Monthly (mg/l)</i> | <i>Maximum Daily (mg/l)</i> | <i>Instantaneous Maximum (mg/l)</i> |
|--------------------------------------|-----------------------------------|---------------------------------|-----------------------------------------|
| Total Residual Chlorine (Interim) | | monitor and report | |
| (Final) | 0.321 | | 1.05 |
| Total Aluminum | 1.61 | 3.22 | 4.03 |
| Total Manganese | 1.0 | 2.0 | 2.5 |
| Total Iron | 2.0 | 4.0 | 5.0 |
| Total Copper | 0.037 | 0.074 | 0.093 |

The EPA waiver is in effect.

Northcentral Region: Environmental Program Manager; Water Management Program, 208 West Third Street, Suite 101, Williamsport, PA 17701-6448, (717) 327-3666.

PA 0209660. Sewerage, SIC: 4952, **Cooper Township Municipal Authority**, P. O. Box 446, Winburne, PA 16879.

This proposed action is for issuance of an NPDES permit for an existing discharge of treated sewage wastewater to Moshannon Creek in Cooper Township, **Clearfield County**.

The receiving stream is classified for the following uses: cold water fishes, aquatic life, water supply and recreation. For the purposes of evaluating effluent requirements for TDS, NO₂-NO₃, fluoride and phenolics, the existing downstream potable water supply (PWS) considered during the evaluation is PA American Water Company located at Milton.

The proposed effluent limits for Outfall 001 based on a design flow of 0.225 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 |
| TSS | 30 | 45 | 60 |
| Total Cl ₂ Residual | 1.00 | | 3.3 |
| Fecal Coliforms (5-1 to 9-30) | | 200 col/100 ml as a geometric mean | |
| (10-1 to 4-30) | | 2,000 col/100 ml as a geometric mean | |
| pH | | 6.0 to 9.0 at all times | |

The EPA waiver is in effect.

PA 0209678. Sewerage, SIC: 4952, **Cooper Township Municipal Authority**, P. O. Box 446, Winburne, PA 16879.

This proposed action is for issuance of an NPDES permit for new discharge of treated sewage wastewater to Unnamed Tributary of Moshannon Creek in Cooper Township, **Clearfield County**.

The receiving stream is classified for the following uses: cold water fishes, aquatic life, water supply and recreation. For the purposes of evaluating effluent requirements for TDS, NO₂-NO₃, fluoride and phenolics, the existing downstream potable water supply (PWS) considered during the evaluation is PA American Water Company located at Milton.

The proposed effluent limits for Outfall 001 based on a design flow of 0.12 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 |
| TSS | 30 | 45 | 60 |
| Total Cl ₂ Residual | 1.0 | | 3.3 |
| Fecal Coliforms (5-1 to 9-30) | | 200 col/100 ml as a geometric mean | |
| (10-1 to 4-30) | | 2,000 col/100 ml as a geometric mean | |
| pH | | 6.0 to 9.0 at all times | |

The EPA waiver is in effect.

PA 0026557. SIC: 4952, **The Municipal Authority of the City of Sunbury**, 225 Market Street, Sunbury, PA 17801.

This proposed action is for renewal of an NPDES permit for an existing discharge of treated sewage to Shamokin Creek in the City of Sunbury, **Northumberland 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 downstream potable water supply (PWS) considered during the evaluation is the Dauphin Borough.

The proposed effluent limits for Outfall 001 based on a design flow of 3.5 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 |
| Suspended Solids | 30 | 45 | 60 |

| <i>Parameter</i> | <i>Average Monthly (mg/l)</i> | <i>Average Weekly (mg/l)</i> | <i>Instantaneous Maximum (mg/l)</i> |
|---------------------------------|-----------------------------------|-------------------------------------|-----------------------------------------|
| Total Chlorine Residual | 0.5 | | 1.6 |
| Fecal Coliform (5-1 to 9-30) | | 200/100 ml as a geometric average | |
| (10-1 to 4-30) | | 2,000/100 ml as a geometric average | |
| pH | | 6.0—9.0 SU at all times. | |

Other Conditions:

(1) Total Chlorine Residual limits effective 3 years from permit issuance date. Monitoring and reporting required in the interim.

(2) Monitoring of combined sewer overflow (CSO) Outfalls 002—007 for cause, frequency, duration and quantity; development of a long term CSO control plan.

The EPA waiver is not in effect.

PA 0113883. SIC: 4952. **George E. Bittner**, R. R. 1, Box 4, Trout Run, PA 17771.

This proposed action is for renewal of an NPDES permit for discharge of treated sewage to Lycoming Creek in Lewis Township, **Lycoming County**.

The receiving stream is classified for the following uses: cold water fishery and aquatic life, water supply and recreation. For the purpose of evaluating effluent requirements for TDS, NO₂-NO₃, fluoride and phenolics, the downstream potable water supply (PWS) considered during the evaluation is the PA American Water Company located approximately 45 miles downstream.

The proposed effluent limits for Outfall 001 based on a design flow of 0.01925 mgd, are:

| <i>Parameter</i> | <i>Average Monthly (mg/l)</i> | <i>Instantaneous Maximum (mg/l)</i> |
|---------------------------------|-----------------------------------|-----------------------------------------|
| CBOD ₅ | 25 | 50 |
| Suspended Solids | 30 | 60 |
| Total Chlorine Residual | 1.0 | 2.3 |
| Fecal Coliform (5-1 to 9-30) | | 200/100 ml as a geometric average |
| (10-1 to 4-30) | | 2,000/100 ml as a geometric average |
| pH | | 6.0—9.0 SU at all times. |

The EPA waiver is in effect.

PA 0038865. Sewerage, SIC: 4952, **Zerbe Township**, 800 Mahanoy Street, Trevorton, PA 17881.

This proposed action is for renewal of an NPDES permit for an existing discharge of treated sewage wastewater to Zerbe Run in Zerbe Township, **Northumberland County**.

The receiving stream is classified for the following uses: cold water fishes, aquatic life, water supply and recreation. For the purposes of evaluating effluent requirements for TDS, NO₂-NO₃, fluoride and phenolics, the existing downstream potable water supply (PWS) considered during the evaluation is Dauphin Consolidated Water Company located at Dauphin.

The proposed effluent limits for Outfall 001 based on a design flow of 0.28 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 |
| TSS | 30 | 45 | 60 |
| Total Cl ₂ Residual | 1.0 | | 3.3 |
| Fecal Coliforms (5-1 to 9-30) | | 200 col/100 ml as a geometric mean | |
| (10-1 to 4-30) | | 2,000 col/100 ml as a geometric mean | |
| pH | | 6.0—9.0 at all times | |

The EPA waiver is in effect.

Southwest Regional Office: Water Management Program Manager, 400 Waterfront Drive, Pittsburgh, PA 15222-4745, (412) 442-4000.

PA 0020613. Sewage, **Borough of Waynesburg**, 90 East High Street, Waynesburg, PA 15370.

This application is for renewal of an NPDES permit to discharge treated sewage from the Waynesburg STP in Franklin Township, **Greene County**.

The following effluent limitations are proposed for discharge to the receiving waters, known as South Fork Tenmile, which are classified as a warm 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 Tri-County Joint Water Authority.

Outfall 001: existing discharge, design flow of 0.80 mgd.

| <i>Parameter</i> | <i>Concentration (mg/l)</i> | | | |
|-------------------------|----------------------------------------|-----------------------|----------------------|------------------------------|
| | <i>Average Monthly</i> | <i>Average Weekly</i> | <i>Maximum Daily</i> | <i>Instantaneous Maximum</i> |
| CBOD ₅ | | | | |
| (5-1 to 10-31) | 20 | 30 | | 40 |
| (11-1 to 4-30) | 25 | 38 | | 50 |
| Suspended Solids | 30 | 45 | | 60 |
| Ammonia Nitrogen | | | | |
| (5-1 to 10-31) | 2.0 | 3.0 | | 4.0 |
| (11-1 to 4-30) | 4.0 | 6.0 | | 8.0 |
| Lead | | | | |
| 1st month—36th month | monitor and report | | | |
| 37th month—expiration | .007 | | .014 | .018 |
| 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 | 0.15 | | | 0.5 |
| Dissolved Oxygen | not less than 5 mg/l | | | |
| pH | not less than 6.0 nor greater than 9.0 | | | |

The EPA waiver is in effect.

PA 0204285. Sewage, **Reesman Mobile Home Park**, Box 99B, Waynesburg, PA 15370.

This application is for renewal of an NPDES permit to discharge treated sewage from the Reesman Mobile Home Park STP in Morgan Township, **Greene County**.

The following effluent limitations are proposed for discharge to the receiving waters, known as Tributary of South Fork Tenmile Creek, which are classified as a warm 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 Tri County Joint Municipal Authority.

Outfall 001: existing discharge, design flow of .0175 mgd.

| <i>Parameter</i> | <i>Concentration (mg/l)</i> | | | |
|-------------------------|----------------------------------------|-----------------------|----------------------|------------------------------|
| | <i>Average Monthly</i> | <i>Average Weekly</i> | <i>Maximum Daily</i> | <i>Instantaneous Maximum</i> |
| CBOD ₅ | 25 | | | 50 |
| Suspended Solids | 30 | | | 60 |
| Ammonia Nitrogen | | | | |
| (5-1 to 10-31) | 2.0 | | | 4.0 |
| (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 | | | | |
| 1st month—36th month | monitor and report | | | |
| 37th month—expiration | .03 | | | .07 |
| Dissolved Oxygen | not less than 5 mg/l | | | |
| pH | not less than 6.0 nor greater than 9.0 | | | |

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 wastewaters 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). Any 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 provision 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 and 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 the 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.

Northeast Regional Office, Regional Water Management Program Manager, 2 Public Square, Wilkes-Barre, PA 18711-0790, (717) 826-2511.

| <i>NPDES No.</i> | <i>Facility Name and Address</i> | <i>County and Municipality</i> | <i>Tributary Stream</i> | <i>New Permit Requirements</i> |
|------------------|----------------------------------------------------------------------------------------------------|--------------------------------|-------------------------|--------------------------------|
| PA0032999 | Commonwealth of Pennsylvania Hickory Run State Park R. R. 1, Box 81 White Haven, PA 18661 | Carbon Kidder Township | Hickory Run | TRC |

DISCHARGE OF CONTROLLED INDUSTRIAL WASTE AND SEWERAGE WASTEWATER Applications under the Pennsylvania Clean Streams Law (Part II Permits)

The following permit applications and requests for plan approval have been received by the Department of Environmental Protection (Department). Persons objecting on the grounds of public or private interest to the approval of an application or submitted plan may file a written protest with the Department at the address indicated above each permit application or plan. Each written protest should contain the following: name, address and telephone number; identification of the plan or application to which the protest is addressed and a concise statement in sufficient detail to inform the Department of the exact basis of the protest and the relevant facts upon which it is based. The Department may conduct a fact-finding hearing or an informal conference in response to any given protest. Each writer will be notified in writing of the time and place if a hearing or conference concerning the plan, action or application to which the protest relates is held. To insure consideration by the Department prior to final action on permit applications and proposed plans, initial protests and additions or amendments to protests already filed should be filed within 15 calendar days from the date of this issue of the *Pennsylvania Bulletin*. A copy of each permit application and proposed plan is on file in the office indicated and is open to public inspection.

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.

Industrial waste and sewerage applications 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, (717) 826-2511.

A. 3598401. Sewerage. **Tall Timbers Village Mobile Home Park**, 1559 Main Street, Peckville, PA 18452-2016.

Application for modification of an existing sewage treatment plant, located in LaPlume Township, **Lackawanna County**. Application received in the Regional Office June 29, 1998.

A. 4898201. Industrial waste. **Tirenergy Corporation**, 918 Cloverhill Road, Wynnewood, PA 19096-1631. Application to discharge noncontact cooling water to existing quarry, located in Plainfield Township, **Northampton County**. Application received in the Regional Office June 30, 1998.

Southcentral Regional Office: Water Management Program Manager, 909 Elmerton Avenue, 2nd Floor, Harrisburg, PA 17110-8200, (717) 705-4707.

A. 0698404. Sewage, submitted by **Lower Heidelberg Township Municipal Authority**, 720 Brownsville Road, Sinking Spring, PA 19608-9727 in Lower Heidelberg Township, **Berks County** to construct a sanitary sewer pump station (Rosewood Hills Pump Station) was received in the Southcentral Region on June 22, 1998.

A. 2198406. Sewage, submitted by **Carlisle Suburban Authority**, 240 Clearwater Drive, Carlisle, PA 17013 in North Middleton Township, **Cumberland County** to construct the Longs Gap Road and Hilltop Manor Area Sewer Extension was received in the Southcentral Region on June 22, 1998.

A. 2198405. Sewage, submitted by **Carlisle Suburban Authority**, 240 Clearwater Drive, Carlisle, PA 17013-1100 in North Middleton Township, **Cumberland County** to construct a municipal wastewater pumping station (North Ridge Development Wastewater Pumping Station) was received in the Southcentral Region on June 25, 1998.

A. 3698404. Sewage, submitted by **Mount Joy Borough Authority**, 121 East Main Street, Mount Joy, PA 17552 in Mount Joy Borough, **Lancaster County** to replace an existing low pressure sewer service with gravity sewer service (Wood Street Temporary Pumping Station) was received in the Southcentral Region on June 26, 1998.

A. 0698405. Sewage, submitted by the **City of Reading**, 815 Washington Street, Reading, PA 19601 in Reading City, **Berks County** to upgrade the Fritz Island Wastewater Treatment Plant was received in the Southcentral Region on June 29, 1998.

Northwest Regional Office, Regional Water Management Program Manager, 230 Chestnut Street, Meadville, PA 16335-3481, (814) 332-6942.

WQM Permit No. 4298202. Sewage, **Hazel Hurst Water Association**, P.O. Box 197, Hazel Hurst, PA 16733. This project is for the construction of underground settling/holding tanks for treatment and discharge of water treatment plant filter backwash water in Hamlin Township, **McKean County**.

WQM Permit No. 2098408. Sewage, **David L. Kralj, SRSTP**, R.R. 2, Box 752, Meadville, PA 16335. This project is for the construction of a Single Residence Sewage Treatment Plant in Hayfield Township, **Crawford County**.

WQM Permit No. 4398414. Sewage, **Bruce Powell, SRSTP**, 429 Greenville Rd., Greenville, PA 16125. This project is for the construction of a Single Residence Sewage Treatment Plant in Sugar Creek Township, **Mercker County**.

WQM Permit No. 2098409. Sewage, **Allen W. and Linda S. Dreisbach**, 11312 State Highway 198, Conneautville, PA 16406-3214. This project is for the construction of a Single Residence Sewage Treatment Plant in Summerhill Township, **Crawford County**.

WQM Permit No. 2098410. Sewage, **Kathleen A. and Ronald A. Suich**, 511 W. Arrowhead Ct., Louisville,

CO 80027. This project is for the construction of a Single Residence Sewage Treatment Plant in Fairfield Township, **Crawford County**.

DISCHARGE OF CONTROLLED INDUSTRIAL WASTE AND SEWERAGE WASTEWATER FROM OIL AND GAS ACTIVITIES

Southwest Regional Office: Regional Oil and Gas Program Manager, 400 Waterfront Drive, Pittsburgh, PA 15222-4745, (412) 442-4000.

PA 0206075. Industrial waste, SIC: 4925, **Canton Oil and Gas Company**, 22811 Titusville Road, Pleasantville, PA 16341.

This application is for issuance of an NPDES permit to discharge water produced during coalbed methane production to Blacklick Creek in Burrell Township, **Indiana County**. This is an existing discharge.

The receiving stream is classified for trout stocking and the Statewide list. For the purpose of evaluating effluent requirements for TDS the existing downstream water supply considered during the evaluation is located in Saltsburg, PA approximately 21.77 miles downstream of the discharge point.

The proposed discharge limits for Outfall No. 001 are:

| Parameter | Average Monthly | Maximum Daily | Instantaneous Maximum |
|-----------------------|----------------------|---------------|-----------------------|
| Flow | | 0.48 mgd | 333 gpm |
| Total Iron (mg/l) | 3.5 | | 7 |
| Oil and Grease (mg/l) | 15 | | 30 |
| TSS (mg/l) | 30 | | 60 |
| Acidity (mg/l) | monitor only | | |
| Alkalinity (mg/l) | greater than acidity | | |
| pH | 6 to 10 at all times | | |
| TDS (mg/l) | monitor only | | |
| Chloride (mg/l) | monitor only | | |

The EPA waiver is in effect.

INDIVIDUAL PERMITS (PAS)

The following parties have applied for an NPDES permit to discharge stormwater from a proposed construction activity 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 limitations set forth in the permit and special conditions. These 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 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 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 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-G325. Stormwater. **Thomas and Ann Ashton**, 1935 Horseshoe Trail, Chester Springs, PA 19425, has applied to discharge stormwater from a construction activity located in West Pikeland Township, **Chester County**, to Pickering Creek.

NPDES Permit PAS10-G326. Stormwater. **Honey Brook Golf Club**, 1420 Cambridge Road, Honey Brook, PA 19344, has applied to discharge stormwater from a construction activity located in Honey Brook Township, **Chester County**, to West Branch Brandywine Creek.

NPDES Permit PAS10-G327. Stormwater. **West Bradford Township**, 1385 Campus Drive, Downingtown, PA 19355, has applied to discharge stormwater from a construction activity located in West Bradford Township, **Chester County**, to Broad Run.

Northeast Regional Office, Regional Water Management Program Manager, 2 Public Square, Wilkes-Barre, PA 18711-0790, (717) 826-2511.

Carbon County Conservation District, District Manager, 5664 Interchange Rd., Lehighton, PA 18235-5114, (610) 377-4894.

NPDES Permit PAS101302-1R. Stormwater. **Vacation Charters, Ltd.**, One Lake Drive, P. O. Box 592, Lake Harmony, PA 18624 has applied to discharge stormwater from a construction activity located in Kidder Township, **Carbon County**, to Shingle Mill Creek.

Northcentral Regional Office, Regional Water Management Program Manager, 208 W. 3rd St., Suite 101, Williamsport, PA 17701, (717) 327-3574.

Lycoming County Conservation District, 2130 County Farm RD., Suite 6, Montoursville, PA 17754.

NPDES Permit PAS103912. **Amanda Welker Estates**, R. R. 3, Jersey Shore, PA 17740 has applied to discharge stormwater from a construction activity located in Mifflin Township and Salladasburg Borough, **Lycoming County** to Second Fork and Larry's Creek.

Tioga County Conservation District, 5 East Avenue, Wellsboro, PA 16901.

NPDES Permit PAS106606. Stormwater. **United Salt Northeast LLC**, 4800 San Felipe, Houston, TX 77057 has applied to discharge stormwater from a construction activity located in Tioga Township, **Tioga County** to Crooked Creek.

SAFE DRINKING WATER

Applications received under the Pennsylvania Safe Drinking Water Act (35 P. S. §§ 721.1—721.17).

Southeast Regional Office, Sanitarian Regional Manager, Lee Park, Suite 6010, 555 North Lane, Conshohocken, PA 19428-2233, (610) 832-6130.

A. 1598504. Public water supply. **Philadelphia Suburban Water Company**, 762 W. Lancaster Avenue, Bryn Mawr, PA 19010. This proposal involves the construction of a booster pump station with chlorination facilities in West Whiteland Township, **Chester County**.

Southcentral Regional Office, Sanitarian Regional Manager, 909 Elmerton Avenue, Harrisburg, PA 17110-8200, (717) 705-4708.

A. 0598503. Public water supply. **Rainsburg Borough Council**, Municipality: Rainsburg Borough,

Bedford County. *Responsible Official:* William A. Cessna, President, Rainsburg Borough Council, R. D. 4, Box 199, Bedford, PA 15522. *Type of Facility:* Installation of a sodium hydroxide chemical treatment system for corrosion control treatment of lead and copper within the Borough's water distribution system. *Consulting Engineer:* Daniel J. Carbaugh, P. E., Keller Engineers, Inc., 418 Allegheny Street, Hollidaysburg, PA 16648.

Regional Office: Northcentral Field Operations, Environmental Program Manager, 208 West Third Street, Suite 101, Williamsport, PA 17701.

A. M. A. The Department has received a construction permit application from **PA American Water Company** (105 Sodom Road, Milton, PA 17847-9762; Borough of Milton, **Northumberland County**) for permit of three additional treatment chemicals at both the Milton and White Deer Creek Filter Plants.

A. 4146426. The Department has received a operating permit application from **H2O To Go** (49 Village Square Drive, Marietta, PA 17547; Northcentral Region, **Centre County**) for operation of vended water system located at Weis Store #31, JPM Road, Lewisburg, PA 17837.

LAND RECYCLING AND ENVIRONMENTAL REMEDIATION

Under Act 2, 1995

Preamble 1

Sections 302 and 303 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 identifies 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 or Statewide health standard to remediate a site must file a Notice of Intent to Remediate with the Department. A Notice of Intent to Remediate filed with the Department must provide a brief description of the location of the site, a list of known 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 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 and shall not be subject to citizen suits or other contribution actions brought by responsible persons not participating in the remediation.

For further information concerning the content of a Notice of Intent to Remediate, please contact the Department of Environmental Protection 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:

Northwest Regional Office: Craig Lobins, Environmental Cleanup Program Manager, 230 Chestnut Street, Meadville, PA 16335, (814) 332-6648.

Pine Instrument Company (former Cooper Energy Services Steel) has submitted a Notice of Intent to Remediate Soil. The site has been found to be contaminated with PAHs. The applicant proposes to remediate the site to meet the Statewide health standard. The Notice of Intent to Remediate was reported to be published in the *Allied News* on June 24, 1998.

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.

Notice is hereby given that 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.

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 to 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).

Southeast Regional Office, Air Quality Program, 555 North Lane, Conshohocken, PA 19428, (610) 832-6242.

46-0054A: Abington Memorial Hospital (1200 Old York Road, Abington, PA 19001) for the operation of a Facility VOC/NOx RACT in Abington Township, **Montgomery County**.

Southcentral Regional Office, Air Quality Program, 909 Elmerton Avenue, Harrisburg, PA 17110, (717) 705-4702.

01-303-008: Valley Quarries, Inc. (P. O. Box J, Chambersburg, PA 17201) for the operation of a batch asphalt plant located in Cumberland Township, **Adams County**. This source is subject to 40 CFR 60, Subpart I, Standards of Performance for Hot Mix Asphalt Facilities.

07-310-025: Grannas Bros. Stone & Asphalt Co., Inc. (P. O. Box 488, Hollidaysburg, PA 16648) for the operation of a limestone crushing and screening plant controlled by a wet suppression system in Catherine Township, **Blair County**. This source is subject to 40 CFR 60, Subpart OOO, Standards of Performance for New Stationary Sources.

22-317-010C: Moyer Packing Co. (P. O. Box 395, Souderton, PA 18964) for the operation of a continuous cooker controlled by an air condenser and series with a scrubber and packed tower in Washington Township, **Dauphin County**.

28-318-012D: Letterkenny Army Depot (Building 1 North, Chambersburg, PA 17201-4150) for the operation of chrome plating tanks controlled by a composite mesh pad chrome mist eliminator in Greene Township, **Franklin County**. This source is subject to 40 CFR 63, Subpart N, National Emission Standards for Chromium Emissions from Hard and Decorative Electroplating and Chromium Anodizing Tanks.

36-302-130A: R. R. Donnelley & Sons Co. (216 Greenfield Road, Lancaster, PA 17601) for the operation of a natural gas/no. 6 fuel oil fired boiler located in Lancaster City, **Lancaster County**.

38-2002: Aluminum Co. of America (3000 State Drive, Lebanon, PA 17042) for the operation of the facilities VOC RACT sources located in South Lebanon Township, **Lebanon County**.

Northcentral Regional Office, Air Quality Program, 208 West Third Street, Suite 101, Williamsport, PA 17701, (717) 327-3637.

59-302-015: Dietrich's Milk Products, LLC (100 McKinley Avenue, Reading, PA 19605-2199) for the operation of a natural gas/#2 fuel oil fired boiler previously owned and operated by Dietrich's Milk Products, Inc. in Middlebury Township, **Tioga County**.

59-317-003: Dietrich's Milk Products, LLC (100 McKinley Avenue, Reading, PA 19605-2199) for the operation of a powdered milk spray dryer and associated air cleaning devices (two fabric collectors) previously owned and operated by Dietrich's Milk Products, Inc. in Middlebury Township, **Tioga County**.

59-317-004: Dietrich's Milk Products, LLC (100 McKinley Avenue, Reading, PA 19605-2199) for the operation of a lactose spray drying system and associated air cleaning devices (two fabric collectors) previously owned and operated by Dietrich's Milk Products, Inc. in Middlebury Township, **Tioga County**.

AIR QUALITY OPERATING PERMITS

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).

Copies of the Title V application, proposed permit and other relevant information are available for public inspection and additional information may be obtained by contacting 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 30 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.

Southeast Regional Office: Air Quality Program, Lee Park, Suite 6010, 555 North Lane, Conshohocken, PA 19428, Attn: Edward Brown, (610) 832-6242.

15-00027: Johnson Matthey, Inc. (456 Devon Park Drive, Wayne, PA 19087-1816) located in Tredyffrin Township, **Chester County**. The facility is a manufacturer of catalytic converters for major motor companies. This is a major facility for Volatile Organic Compounds (VOC) and Nitrogen Oxides (NOx) emissions. The VOC and NOx emissions are the results of the thermal breakdown of the coatings applied on the catalyzers.

Southwest Regional Office: Air Quality Program, 400 Waterfront Drive, Pittsburgh, PA 15222-4745, Attn: Mark Wayner, (412) 442-4161.

30-00089: Consolidated Natural Gas Transmission Inc. (625 Liberty Avenue, Pittsburgh, PA 15222) for their Crayne Compressor Station located in Franklin Township, **Greene County**. The facility's major sources include natural gas compressor engines which emit major quantities of NOx.

PLAN APPROVALS

Applications received and intent to issue Plan Approvals under the Air Pollution Control Act (35 P. S. §§ 4001—4015).

Southcentral Regional Office, Air Quality Program, 909 Elmerton Avenue, Harrisburg, PA 17110, (717) 705-4702.

06-1007P: Carpenter Technology Corp. (P. O. Box 14662, Reading, PA 19612-4662) for the modification of five heating furnaces in Muhlenberg Township, **Berks County**.

06-5092A: Reading Body Works, Inc. (P. O. Box 650, Reading, PA 19607-0650) for the construction of a stakebody topcoat and E-coating finishing booth controlled by dry filters in Reading, **Berks County**.

21-310-025A: Hempt Brothers, Inc. (205 Creek Road, Camp Hill, PA 17011) for the construction of a secondary crusher at the Camp Hill Quarry in Lower Allen Township, **Cumberland County**.

31-310-025E: U. S. Silica Co. (P. O. Box 187, Berkeley Springs, WV 25411) for the modification of a silica sandstone dry screening operation controlled by a fabric collector at their Mapleton Depot Plant in Brady Township, **Huntingdon County**.

31-310-031: U. S. Silica Co. (P. O. Box 187, Berkeley Springs, WV 25411) for the construction of a stone crushing operation at their Mapleton Depot Plant in Brady Township, **Huntingdon County**.

Northcentral Regional Office, Air Quality Program, 208 West Third Street, Suite 101, Williamsport, PA 17701, (717) 327-3637.

14-399-009G: Murata Electronics North America, Inc. (1900 West College Avenue, State College, PA 16801-2799) for construction of ten ceramic chip capacitor kilns (NRK kilns) and associated air cleaning devices (electrically-heated afterburners) in Ferguson Township, **Centre County**.

Northwest Regional Office: Air Quality Program, 230 Chestnut Street, Meadville, PA 16335-3481, (814) 332-6940.

25-318-119A: General Electric Transportation Systems (2901 East Lake Road, Bldg. 9-2, Erie, PA 16531) for minor modification to locomotive paint booth (Bldg. 9D) in Erie, **Erie County**.

Notice of Intent to Issue

Plan Approval No. 59-309-009

United Salt Northeast, LLC (4800 San Felipe, Houston, TX 77056) has submitted an application to the Department of Environmental Protection (Department) for approval to construct a brine evaporation/salt plant in Tioga Township, **Tioga County**. The information provided by the applicant and the Department's own analysis indicates that this plant may potentially result in the emission of 67.77 tons per year (tpy) of nitrogen oxides, 84.92 tpy of carbon monoxide, 20.06 tpy of volatile organic compounds and 81.26 tpy of particulate matter. This plant will also emit sulfur oxides, however, the amount will be negligible. A preliminary review of the information submitted by United Salt Northeast indicates that the proposed construction will meet all applicable air quality requirements. Based on this finding, the Department intends to approve the application and issue a plan approval to construct a brine evaporation/salt plant comprised of a 125 million BTU/hr gas turbine and a 60.4 million BTU/hour steam boiler, as well as numerous conveyors, bucket elevators, storage bins, crushers, grinding mills, screening operations, bagging operations and loading stations for processing salt.

In order to ensure compliance with all applicable standards, the Department proposes to place the following conditions in the respective plan approval:

1. The salt plant 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 brine evaporation/salt plant consisting of the following sources:

a. A natural gas fired 125 million BTU per hour Solar Titan 130-T18000 gas turbine equipped with low NOx burners, as well as for the construction of a 50,600 pound per hour (steam output) Energy Recovery International model S4-3614 heat recovery steam generator.

b. A natural gas fired 60.4 million BTU per hour, 1500 Horsepower Series 509 Johnson Boiler Company steam boiler equipped with low NOx burners and flue gas recirculation.

c. A fluidized bed dryer/cooler, the air contaminant emissions from which shall be controlled by a cyclone separator and a model 7310 Heil countercurrent packed bed scrubber equipped with a multi-layered structural pad demister.

d. A central distribution system comprised of two bucket elevators, two distribution hoppers and five conveyors, the air contaminant emissions from which shall be controlled by a model 735 Heil countercurrent packed bed scrubber equipped with a multi-layered structural pad demister.

e. A pellet system comprised of surge bin, a bucket elevator, a single deck screen, two storage bins, two screen feeders, a bagging hopper, a bag filler and a dump station, the air contaminant emissions from which shall be controlled by a model 735 Heil countercurrent packed bed scrubber equipped with a multi-layered structural pad demister.

f. A pellet cooler, the air contaminant emissions from which shall be controlled by a model 739 Heil countercurrent packed bed scrubber equipped with a multi-layered structural pad demister.

g. An ice control system comprised of a surge bin, a crusher, two conveyors, a bucket elevator and two triple deck screens, the air contaminant emissions from which shall be controlled by a model 734 Heil countercurrent packed bed scrubber equipped with a multi-layered structural pad demister.

h. An ice control cooler, the air contaminant emissions from which shall be controlled by a model 739 Heil countercurrent packed bed scrubber equipped with a multi-layered structural pad demister.

i. A block press system comprised of two conveyors, a surge hopper, a dump hopper, a block press and a crusher, the air contaminant emissions from which shall be controlled by a model 732.5 Heil countercurrent packed bed scrubber equipped with a multi-layered structural pad demister.

j. A flake and flour system comprised of a surge bin, a conveyor, two bucket elevators, two flake mills, a flour mill, two double deck screens, a triple deck screen, four storage bins and four screen feeders, the air contaminant emissions from which shall be controlled by a model 735 Heil countercurrent packed bed scrubber equipped with a multi-layered structural pad demister.

k. A bulk storage and bulk loading area comprised of four conveyors, three bucket elevators, two storage silos, two scalping screens, two truck loadouts and a rail loadout, the air contaminant emissions from which shall be controlled by a cyclone and a model 736 Heil countercurrent packed bed scrubber equipped with a multi-layered structural pad demister.

l. A granulated bagging area comprised of a belt conveyor, a surge bin, a scalping feeder, a bagging hopper and a bag filler; an anti-caking system comprised of three storage tanks; a storage bin and four conveyors for the ice control system; two bagging machines for the flake and flour area; as well as, a bagging hopper and a bag filler for the pellet area, the air contaminant emissions from which shall be controlled by a cyclone and a model 735 Heil countercurrent packed bed scrubber equipped with a multi-layered structural pad demister. This scrubber system shall be referred to herein as "dry processing area—yps".

3. The scrubbers, described in conditions 2c through 2l herein, shall be equipped with instrumentation to continuously monitor the differential pressure across each scrubber. This instrumentation shall be maintained in operable condition at all times.

4. The scrubbers, described in conditions 2c through 2l herein, shall be equipped with instrumentation to continuously monitor the recirculation and make up feed flow rates. This instrumentation shall be maintained in operable condition at all times.

5. Under the best available technology provisions of 25 Pa. Code §§ 127.1 and 127.12, the air contaminant emissions from the gas turbine shall not exceed, for each pollutant, the following limitations: (Note: ppmvd = parts per million by volume, dry basis, corrected to 15% oxygen)

| | |
|---------------------------------------|-----------------------------------|
| nitrogen oxides (as NO ₂) | 25 ppmvd or 12.44 pounds per hour |
| carbon monoxide | 50 ppmvd or 15.15 pounds per hour |
| volatile organic compounds | 25 ppmvd or 4.34 pounds per hour |

6. Under the best available technology provisions of 25 Pa. Code §§ 127.1 and 127.12, the air contaminant emissions from the steam boiler shall not exceed, for each pollutant, the following limitations:

| | |
|---------------------------------------|----------------------|
| nitrogen oxides (as NO ₂) | 2.12 pounds per hour |
| carbon monoxide | 4.24 pounds per hour |
| volatile organic compounds | 0.24 pounds per hour |

7. Under the best available technology provisions of 25 Pa. Code §§ 127.1 and 127.12, the particulate matter emissions from scrubbers controlling sources described in conditions 2.c) through 2.l) herein, shall not exceed the following limitations: (Note: gr/dscf = grains per dry standard cubic foot)

| | |
|------------------------------|-----------------------------------------|
| fluidized bed dryer / cooler | 0.0119 gr/dscf or 3.30 pounds per hour |
| pellet system | 0.0121 gr/dscf or 0.88 pounds per hour |
| pellet cooler | 0.0121 gr/dscf or 3.00 pounds per hour |
| ice control system | 0.0121 gr/dscf or 0.65 pounds per hour |
| ice control cooler | 0.0121 gr/dscf or 3.00 pounds per hour |
| central distribution system | 0.0121 gr/dscf or 0.75 pounds per hour |
| block press sytem | 0.0121 gr/dscf or 0.25 pounds per hour |
| flake & flour system | 0.0121 gr/dscf or 0.85 pounds per hour |
| bulk storage & loading | 0.00033 gr/dscf or 0.03 pounds per hour |
| dry processing area—yps | 0.00027 gr/dscf or 0.01 pounds per hour |

8. Under the best available technology provisions of 25 Pa. Code §§ 127.1 and 127.12, the gas turbine and the steam boiler described herein shall only be fired on natural gas.

9. Under the best available technology provisions of 25 Pa. Code §§ 127.1 and 127.12, all open-top trucks shall be loaded by truck load-outs that are equipped with a spout retraction device to prevent the emission of fugitive particulate matter.

10. All open-top trucks hauling salt from this facility shall have their loads securely tarped. A sign or signs stating the existence of this requirement shall be posted in a prominent location near all truck load-outs.

11. Within 150 days following start up of the facility, but not later than 90 days from the time the facility first achieves full production, the company shall perform concurrent nitrogen oxides, carbon monoxide and volatile organic compound testing of the gas turbine using test methods and procedures deemed acceptable to the Department. The testing shall be performed while the turbine is operating under conditions typical of full load.

12. Within 150 days following start up of the facility, but not later than 90 days from the time the facility first achieves full production, the company shall perform concurrent nitrogen oxides, carbon monoxide and volatile organic compound testing of the steam boiler using test methods and procedures deemed acceptable to the Department. The testing shall be performed while the boiler is operating under conditions typical of full load.

13. Within 150 days following start up of the facility, but not later than 90 days from the time the facility first achieves full production, the company shall perform particulate matter testing upon the exhaust of scrubbers controlling sources described in conditions 2k through 2l herein, using test methods and procedures deemed acceptable to the Department. This testing shall be performed under conditions typical of maximum production.

14. At least 60 days before the performance of testing required by Conditions 11, 12 and 13 herein, the company shall submit two copies of a pretest protocol to the Department for review. The protocol shall describe the test methods and procedures to be used in the performance of testing, and shall include dimensioned sketches of the sources' exhaust systems showing the locations of all proposed sampling ports. The protocol shall also identify all process data which will be monitored and recorded during testing.

15. At least 10 days prior to the performance of any testing required by Conditions 11, 12 and 13 herein, the company shall notify the Department of the actual date(s) and time(s) that testing will occur so that Department personnel can arrange to be present during testing.

16. Within 60 days following the completion of testing required by Conditions 11, 12 and 13 herein, the company shall submit two copies of a test report to the Department. This report shall contain the results of the testing (expressed as both pounds per hour and parts per million by volume, dry basis, corrected to 15% O₂ for the turbine), a description of the test methods and procedures used, copies of all raw test data with sample calculations and copies of all process data recorded during testing.

17. The gas turbine is subject to Subpart GG of the Federal Standards of Performance for New Stationary Sources, 40 CFR 60.330—60.335 and the steam boiler is subject to Subpart Dc of the Federal Standards of Performance for New Stationary Sources. 40 CFR 60.40c—

60.48c. In addition, all conveyors, bucket elevators, storage bins, crushers, grinding mills, screening operations, bagging operations as well as, truck and rail loading stations, that process salt at this facility, are subject to Subpart OOO 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 these Subparts 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, Toxics and Radiation Division, U. S. EPA, Region III, 1650 Arch Street, Philadelphia, PA 19103-2029.

18. 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 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.

19. Issuance of an operating permit for the aforementioned sources are contingent upon the sources being constructed, the control devices being installed, and the sources and associated air cleaning devices being maintained and operated, as described in the application and supplementary 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 in sections 123.1, 123.11, 123.13, 123.21, 123.22 and 123.41 of Chapter 123 of Article III of the rules and regulations of the Department of Environmental Protection 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 company shall not at any time operate sources at this facility without the simultaneous operation of the associated air cleaning device.

21. This Plan Approval authorizes temporary operation of the sources covered by this Plan Approval provided the following conditions are met.

a. The Department must receive written notice from the Owner/Operator of the completion of construction and the Operator's intent to commence operation at least 5 working days prior to the completion of construction. This notice should state when construction will be completed and when Operator expects to commence operation.

b. Operation is authorized only to facilitate the start-up and shake-down of sources and air cleaning devices, to permit operations pending the issuance of an Operating Permit or to permit the evaluation of the sources for compliance with all applicable regulations and requirements.

c. This condition authorizes temporary operation of the sources for a period of 180 days from the date of

commencement of operation, provided the Department receives notice from the Owner/Operator under Subpart (a), above.

d. The Owner/Operator may request an extension if compliance with all applicable regulations and Plan Approval requirements has not been established. The extension request shall be submitted in writing at least 15 days prior to the end of this period of temporary operation and shall provide a description of the compliance status of the source, a detailed schedule for establishing compliance, and the reasons compliance has not been established.

e. The notice submitted by the Owner/Operator under Subpart (a), above, prior to the expiration of this Plan Approval, shall modify the plan approval expiration date. The new plan approval expiration date shall be 180 days from the date of the written notice.

22. Any notification required as a result of any condition herein should be directed to Joseph J. Dwyer, Air Pollution Control Engineer, Air Quality Program, 208 West 3rd Street, Suite 101, Williamsport, PA 17701-6510, (717) 327-3642.

In accordance with 25 Pa. Code § 127.45 the conditions listed in this plan approval do one or more of the following:

1. Identify the sources and location.
2. Establish allowable emission rates.
3. Establish monitoring, recordkeeping, testing and reporting requirements.
4. 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.

Any person wishing to provide the Department with additional information which he/she believes should be considered prior to the issuance of the plan approval may submit the information to the Department at the address listed. A 30 day comment period, from the date of publication, will exist for the submission of comments. Each written comment shall include the following: name, address and telephone number of the person submitting the comments; identification of the proposed Plan Approval No. 59-309-009; and concise statement regarding the relevancy of the information or any objections to issuance of the plan approval.

A public hearing may be held, if the Department in their discretion, decides that such a hearing is warranted

Coating

topcoats

Sealers

Washcoats

All Other Coatings

The Department also proposes to establish 28.45 tons of volatile organic compound emission reduction credits (ERCs) for the shutdown of the wood furniture finishing operations at the respective facility.

One public hearing will be held for the purpose of receiving comments on the proposed operating permit and the proposed SIP revision. The hearing will be held on

based on the information received. All persons submitting comments or requesting a hearing will be notified of the decision to hold a hearing by publication in 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 comments and requests must be received by the Department no later than 30 days after final publication of this notice.

Written comments or requests for a public hearing should be directed to David W. Aldenderfer, Regional Air Quality Program Manager, Department of Environmental Protection, Northcentral Region—Field Operations, 208 West 3rd Street, Suite 101, Williamsport, PA 17701-6510, (717) 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 3rd Street, Suite 101, Williamsport, PA 17701-6510, (717) 327-3642.

REASONABLY AVAILABLE CONTROL TECHNOLOGY

(RACT)

Proposed Revision to the State Implementation Plan for Oxides of Nitrogen and Volatile Organic Compounds and Notice of Public Hearing

Approval of Reasonably Available Control Technology (RACT) plan for Cabinet Industries, Inc.

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 a wood furniture manufacturing facility (Water Street Plant) owned and operated by Cabinet Industries, Inc. in Danville Borough, Montour County.

The proposed SIP revision does not adopt any new regulations. It incorporates the provisions and requirements contained in the RACT approval for the facility to comply with current regulations.

The preliminary RACT determination, if finally approved, will be incorporated into an operating permit for the facility and will be submitted to the United States Environmental Protection Agency (EPA) as a revision to Pennsylvania's State Implementation Plan.

The preliminary RACT determination for various wood furniture finishing operations which previously existed at this facility is the use of coatings with volatile organic compound (VOC) contents of not greater than the following:

VOC Content Limit

1.8 pounds per pound of coating solids

1.9 pounds per pound of coating solids

7.0 pounds per gallon of coating (minus water)

7.0 pounds per gallon of coating (minus water)

September 2, 1998, at 1 p.m. at the Department's Northcentral Regional Office, 208 West Third Street, Suite 101, Williamsport, PA. The public is invited to comment on the proposal. Persons interested in commenting are invited to appear at the public hearing.

Persons wishing to present testimony at the hearing should contact Daniel Spadoni at (717) 327-3659 at least

1 week in advance of the hearing to reserve a time to present testimony. Oral testimony will be limited to a maximum of 10 minutes per individual and two written copies of the oral testimony are requested. Each organization is requested to designate one witness to present testimony on its behalf.

Persons with a disability who wish to comment and require an auxiliary aid, service or other accommodations to do so should contact Daniel Spadoni at (717) 327-3659 or the Pennsylvania AT&T relay service at (800) 654-5984 (TDD) to discuss how the Department may accommodate their needs.

Those unable to attend the hearing, but wishing to comment, should provide written comments to David Aldenderfer, Air Quality Environmental Program Manager, Pennsylvania DEP, 208 West Third Street, Suite 101, Williamsport, PA 17701-6448. Comments should be submitted by September 17, 1998.

All pertinent documents are available for review from 8 a.m. to 4 p.m. in the DEP Northcentral Regional Office, 208 West Third Street, Suite 101, Williamsport, PA 17701. Appointments for scheduling a review must be made by calling (717) 327-3693.

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 below 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 to the above, 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 Chapters 93 and 95). Persons or agencies which have requested review of the NPDES permit requirements for a particular mining activity within the above-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.

Ebensburg District Office, 437 South Center Street, P. O. Box 625, Ebensburg, PA 15931-0625.

Coal Applications Received:

32823005. Permit Renewal, **Blairsville Associates, Inc.** (P. O. Box 157, Blairsville, PA 15717-0157), commencement, operation and restoration of bituminous strip mine in Burrell and West Wheatfield Townships, **Indiana County**, affecting 367.0 acres, receiving stream a tributary to Black Lick Creek and Palmers Run and unnamed tributaries to Roaring Run, application received June 23, 1998.

11960107. Permit Revision, **T. J. Mining, Inc.** (P. O. Box 370, Carrolltown, PA 15722) for the purpose of adding augering in Cresson Township, **Cambria County**, affecting 62.0 acres, receiving stream unnamed tributary to Burgoon Run, application received June 30, 1998.

Hawk Run District Office, P. O. Box 209, Hawk Run, PA 16840.

17980112. **P & N Coal Co., Inc.** (P. O. Box 332, 240 West Mahoning Street, Punxsutawney, PA 15767), commencement, operation and restoration of a bituminous surface mine-auger, sand and gravel permit in Burnside Borough and Township, **Clearfield County** affecting 98.8 acres, receiving streams: West Branch Susquehanna River, application received May 28, 1998.

17820181. **Larson Enterprises, Inc.** (P. O. Box 96, Kylertown, PA 16847-0096), renewal of an existing bituminous surface mine permit in Cooper Township, **Clearfield County** affecting 181 acres, receiving streams: unnamed tributary to Sulphur Run, to Sulphur Run, and Sulphur Run, to Moshannon Creek to West Branch Susquehanna River to Susquehanna River, application received May 12, 1998.

17813093. **Sky Haven Coal, Inc.** (R. R. 1, Box 180, Penfield, PA 15849), renewal of an existing bituminous surface mine-coal refuse disposal-shale and fly ash disposal permit in Lawrence Township, **Clearfield County** affecting 112.5 acres, receiving streams: unnamed tributary to Wolf Run to Susquehanna River, application received May 20, 1998.

17880101. Hepburnia Coal Co. (P. O. Box 1, Grampian, PA 16838), renewal of an existing bituminous surface mine permit in Brady Township, **Clearfield County** affecting 262.3 acres, receiving streams: an unnamed tributary of Laurel Branch Run to Laurel Branch Run, Laurel Branch Run to East Branch Mahoning Creek, East Branch Mahoning Creek to Mahoning Creek, Mahoning Creek to Allegheny River, Allegheny River to Ohio River, Ohio River to Mississippi River, and Little Anderson Creek to Anderson Creek, Anderson Creek to West Branch Susquehanna River, application received May 29, 1998.

17980113. Beth Contracting, Inc. (R. D. 1, Box 208-C, Glen Campbell, PA 15742), commencement, operation and restoration of a bituminous surface mine permit in Gulich Township, **Clearfield County** affecting 137.8 acres, receiving streams: unnamed tributary to Little Muddy Run, application received June 12, 1998.

17960117. Thunder Coal Company (R. D. 1, Box 477, Grampian, PA 16838), revision to an existing bituminous surface mine permit for a Change in Acreage from 125.3 to 133.1 acres, Pike Township, **Clearfield County**, receiving streams: Hartshorn Run and Welch Run, application received June 9, 1998.

Knox District Office, P. O. Box 669, Knox, PA 16232.

24930102. Fairview Coal Company (P. O. Box R, Ridgway, PA 15853). Revision to an existing bituminous surface strip and auger operation in Horton Township, **Elk County** affecting 234.0 acres. Receiving streams: An unnamed tributary to Johnson Run and an unnamed tributary to Brandy Camp Creek. Revision to include a post mining landuse change from "forestland" to "unmanaged natural habitat" on the lands of John L. and Margaret A. Buhler. Application received June 19, 1998.

24930101. Fairview Coal Company (P. O. Box R, Ridgway, PA 15853). Revision to an existing bituminous surface strip, auger and coal ash placement operation in Horton Township, **Elk County** affecting 65.3 acres. Receiving streams: Johnson Run. Revision to include a post mining landuse change from "forestland" to "unmanaged natural habitat" on the lands of John L. and Margaret A. Buhler. Application received June 19, 1998.

Pottsville District Office, 5 West Laurel Boulevard, Pottsville, PA 17901-2454.

54980102. Triple T. Mining Company (101 West Main Street, P. O. Box 376, Ringtown, PA 17967), commencement, operation and restoration of an anthracite surface mine operation in Blythe Township, **Schuylkill County** affecting 140.0 acres, receiving stream—none. Application received June 29, 1998.

Ebensburg District Office, 437 South Center Street, P. O. Box 625, Ebensburg, PA 15931-0625.

Small Industrial Minerals Applications Received:

32980801. William Paul Sharp (Box 131, Shelocta, PA 15774), commencement, operation and restoration of a small industrial minerals mine in Armstrong Township, **Indiana County**, affecting 5 acres, receiving stream unnamed tributary to Crooked Creek to Crooked Creek, application received June 24, 1998.

Knox District Office, P. O. Box 669, Knox, PA 16232.

Noncoal Applications Received:

37930303. Rose Point Sand & Gravel (R. D. 4, Box 496, New Castle, PA 16101). Renewal of an existing sand and gravel operation in Slippery Rock and Muddy Creek Townships, **Lawrence and Butler Counties** affecting

38.5 acres. Receiving streams: An unnamed tributary to Muddy Creek and Muddy Creek. Application received June 23, 1998.

37800303. Slippery Rock Materials, Inc. (R. D. 2, Box 228, Volant, PA 16156). Renewal of an existing sand and gravel operation in Plain Grove Township, **Lawrence County** affecting 127.0 acres. Receiving streams: Taylor Run. Application received June 23, 1998.

APPLICATIONS RECEIVED UNDER SECTION 401: FEDERAL WATER POLLUTION CONTROL ACT

ENCROACHMENTS

The following Dam Safety and Encroachment permit applications, requests for Environmental Assessment approval, and requests for water quality certification have been received by the Department of Environmental Protection. Section 401(a) 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.

Northeast Regional Office, Regional Soils and Waterways Section, 2 Public Square, Wilkes-Barre, PA 18711-0790, (717) 826-5485.

E35-297. Encroachment. Sun Pipeline Company, 1801 Market Street, Philadelphia, PA 19103-1699. To remove approximately 250 linear feet of 6-inch pipeline in Gardners Creek (CWF). The project is located northeast of the intersection of S. R. 3001 (Newton Ransom Boulevard) and S. R. 3007 (Ransom, PA Quadrangle N: 6.2 inches; W: 8.5 inches), in Ransom Township, **Lackawanna County** (Baltimore District, U. S. Army Corps of Engineers).

E35-298. Encroachment. P.E.I. Power Corporation, 1 P.E.I. Center, Wilkes-Barre, PA 18711-0601. To construct and maintain an 85 foot long, 12-foot × 10-foot reinforced concrete arch extension to the existing 588 foot long stream enclosure in Laurel Run Creek (CWF). The project is to provide access to the proposed P.E.I. Power Park and is located downstream of the intersection of S. R. 6006 and Laurel Run Creek (Olyphant, PA Quadrangle N: 20.9 inches; W: 4.3 inches), in Archbald Borough, **Lackawanna County** (Baltimore District, U. S. Army Corps of Engineers).

E35-299. Encroachment. **J. B. Real Estate Development Group**, 1 Dunham Drive, Dunmore, PA 18512-2664. To fill in 0.17 acre of wetlands and to place and maintain fill in and along the floodway of Little Roaring Brook (CWF). The project is associated with the J.B.R. Development, is located immediately north of the intersection of S. R. 0380 in Tigue Street (Olyphant, PA Quadrangle N: 7.2 inches; W: 12.7 inches), in Dunmore Borough, **Lackawanna County** (Baltimore District, U. S. Army Corps of Engineers).

E45-357. Encroachment. **Eldred Township**, P. O. Box 600, Kunkletown, PA 18058. To remove the existing structure and to construct and maintain an open-bottom, corrugated aluminum box culvert having a span of 22 feet 1 inch and underclearance of approximately 4.5 feet in Princess Run (CWF). The project is located along Township Road T369 (Beagle Run Road) (Kunkletown, PA Quadrangle N: 22.3 inches; W: 6.3 inches), in Eldred Township, **Monroe County** (Philadelphia District, U. S. Army Corps of Engineers).

E45-359. Encroachment. **Milford Commons, Ltd.**, 1520 Royal Palm Square Boulevard, Suite 360, Fort Myers, FL 33919. To place fill in 0.29 acre of PSS/FO wetlands for the purpose of constructing two wetland crossings along an access road to serve the proposed Milford Commons Townhouse Community. The project is located near Lake Valhalla, approximately 0.8 mile north-east of the intersection of S. R. 2012 (Business Route 209) and S. R. 0447 (East Stroudsburg, PA Quadrangle N: 5.5 inches; W: 7.0 inches) in Smithfield Township, **Monroe County** (Philadelphia District, U. S. Army Corps of Engineers).

E54-249. Encroachment. **Minersville Sewer Authority**, 2 East Sunbury Street, Minersville, PA 17954. To construct and maintain a building addition within the floodway of the West Branch Schuylkill River (CWF), for the purpose of accommodating new sludge dewatering equipment at the Minersville Sewage Treatment Plant. The building addition has a footprint of approximately 1,500 square feet. The project is located on the east side of S. R. 0901, approximately 400 feet south of the Minersville Borough/Branch Township boundary (Minersville, PA Quadrangle N: 11.1 inches; W: 0.8 inch), in Branch Township, **Schuylkill County** (Philadelphia District, U. S. Army Corps of Engineers).

Southeast Regional Office, Program Manager, Water Management Program, Lee Park, Suite 6010, 555 North Lane, Conshohocken, PA 19428.

E46-811. Encroachment. **Cellco Partnership d/b/a Bell Atlantic Mobile**, 5175 Campus Drive, Plymouth Meeting, PA 19462. To construct and maintain an addition to the existing Bell Atlantic Mobile Facility located at 600 Righters Ferry Road, Ward #9 at the Connelly Container Corporation property situated along the southern bank of the Schuylkill River (WWF) within 100-year floodway. The proposed addition consists of a 20-foot by 30-foot prefabricated building installed on a concrete pier foundation. The site is located approximately 1 mile northeast from the intersection of Righters Ferry Road and Belmont Avenue, adjacent to the Conrail Railroad tracks (Germantown, PA Quadrangle N: 3.6 inches; W: 13.0 inches) in Lower Merion Township, **Montgomery County**.

Southcentral Regional Office: Section Chief, Water Management Program, Soils and Waterways Section, 909 Elmerton Avenue, 2nd Floor, Harrisburg, PA 17110, (717) 705-4707.

E67-629. Encroachment. **North Hopewell Township**, Bruce Grove, 13081 High Point Road, Felton, PA 17322. To remove an existing structure and to construct and maintain an 81-inch by 59-inch corrugated metal culvert in the North Branch of Muddy Creek on Lebanon Church Road approximately 500 feet north of Mountain Road (Stewartstown, PA Quadrangle N: 16.0 inches; W: 11.25 inches) in Hopewell Township, **York County**.

E67-630. Encroachment. **Gerry Golden**, 201 S. Fileys Road, Dillsburg, PA 17019. To place fill in 0.094 acre of wetlands for the purpose of constructing the Hemlock Drive cul-de-sac and stormwater detention facility located in the proposed Hemlock Hollow subdivision west of Steigerwalt Hollow Road and south of Lewisberry Road (Lemoyne, PA Quadrangle N: 14.0 inches; W: 0.8 inch) in Fairview Township, **York County**. The permittee is required to provide a minimum of 0.094 acre of replacement wetlands.

E67-631. Encroachment. **Codorus and Manheim Townships**, Daniel Baugher, R. D. 2, Box 2650, Brodbeck, PA 17329. To remove an existing structure and to construct and maintain a 20-foot wide box culvert having an underclearance of 3 feet, 6 inches on the Codorus Creek at Pentland Road (T-370) located west of Hill Climb Road (Seven Valleys, PA Quadrangle N: 9.0 inches; W: 15.5 inches) in Codorus and Manheim Townships, **York County**.

Northcentral Region, Water Management, Soils and Waterways Section, F. Alan Sever, Chief, 208 West Third St., Suite 101, Williamsport, PA 17701.

E53-315. Encroachment. **PA Dept. of Transportation**, Engineering Dist. 2-0, 1924-30 Daisy St., Clearfield, PA 16830. To construct and maintain two stormwater outfall structures: 1) a 50-foot long rock-lined and vegetated channel 2) a 100-foot long rock-lined and vegetated channel to collect sediment discharges in the West Branch Pine Creek floodplain located immediately north of the intersection of SR 1020 with Third Street and with Fourth Street, respectively (Galeton, PA Quadrangle N: 19.5 inches; W: 2.5 inches) in the Borough of Galeton, **Potter County**. Estimated stream disturbance is 130 feet; stream classification is HQ-CWF.

E14-328. Encroachment. **Smith Partnership**, James Smith, P. O. Box 679, State College, PA 16804. To construct and maintain a low flow culvert crossing using seven 30-inch CMP pipes in Bullit Run off Bullit Run Road approximately 1 mile north of Route 150 (Mingoville, PA Quadrangle N: 21.75 inches; W: 13.75 inches) in Howard Township, **Centre County**. Estimated stream disturbance is approximately 20 feet with no wetland impact; stream classification is CWF.

Southwest Regional Office, Soils & Waterways Section, 400 Waterfront Drive, Pittsburgh, PA 15222-4745.

E02-1238. Encroachment. **Pittsburgh Harlequin Rugby Football Association**, 208 Braddock Road, Pittsburgh, PA 15221. To place and maintain fill in approximately 0.41 acre of wetlands (PEM) on the left bank of Deer Creek (CWF) for the purpose of constructing an athletic field for rugby and soccer. The project is located on the south side of Eisele Road, approximately 450 feet west from the intersection of Eisele Road and Cove Run Road (New Kensington West, PA Quadrangle N: 14.9 inches; W: 15.7 inches) in Indiana Township, **Allegheny County**. The permit applicant proposes to meet the wetland replacement requirement by participating in the Pennsylvania Wetland Replacement Project.

E02-1239. Encroachment. **Allegheny Valley Joint Sewage Authority**, 2400 Freeport Road, P. O. Box 158, Cheswick, PA 15204. To construct and maintain a bank rehabilitation project consisting of placing rip rap and gabion baskets along the right bank of the Allegheny River (WWF) for a distance of approximately 200 feet for the purpose of preventing further stream bank erosion. The project is located approximately 1,300 feet upstream from the Hulton Bridge (New Kensington West, PA Quadrangle N: 5.6 inches; W: 13.5 inches) in Harmar Township, **Allegheny County**.

E65-701. Encroachment. **Redevelopment Authority of the County of Westmoreland**, Courthouse Square—Suite 601, 2 North Main Street, Greensburg, PA 15601. To operate and maintain an existing 14-foot × 16-foot floating dock and to construct and maintain a 40-foot × 60-foot concrete launching ramp in and along the Monongahela River (WWF) for the purpose of providing public recreational boat access. This project also includes developing a parking area and a site access roadway along the Monongahela River (WWF). The project is located at approximately River Mile 38.6 (Donora, PA Quadrangle N: 6.5 inches; W: 7.2 inches) in Rostraver Township, **Westmoreland County**.

Northwest Regional Office, Soils and Waterways Section, 230 Chestnut Street, Meadville, PA 16335-3481, (814) 332-6942.

E10-281. Encroachment. **Philip Litwak**, 100 Deniston Street #7, Pittsburgh, PA 15206. To authorize the after-the-fact excavation of approximately 1.03 acres of a wetland area (PEM/PSS) for the creation of a pond, the restoration of 0.05 acre of impacted wetland, and the creation of at least 2.20 acres of replacement wetlands (PEM/PSS). The project is located approximately 3,000 feet southeast of the intersection of SR 4010, Atwell Road, and Harrisville Road (West Sunbury, PA Quadrangle N: 15.6 inches; W: 4.7 inches) located in Cherry Township, **Butler 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.

Any person 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 appro-

priate 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.

Industrial waste and sewerage 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, (717) 826-2511.

Permits Issued

NPDES Permit No. PA-0061760. Sewerage. **Blue Mountain School District**, Red Dale Road, Orwigsburg, PA 17961-0279, is authorized to discharge from a facility located in Wayne Township, **Schuylkill County**, to an unnamed tributary to Schuylkill River.

NPDES Permit No. PA-0063100. Sewerage. **Harford Township Board of Supervisors**, P. O. Box 250, Harford, PA 18823, is authorized to discharge from a facility located in Harford Township, **Susquehanna County**, to Nine Partners Creek.

NPDES Permit No. PA-0060437. Sewerage. **Pine Grove Estates Sewer Company**, R. R. 1, Box 1416, Beach Lake, PA 18405, is authorized to discharge from a facility located in Damascus Township, **Wayne County**, to an unnamed tributary of Delaware River.

Permit No. 3998401. Sewerage. **Coplay Whitehall Sewer Authority**, 3213 MacArthur Road, Whitehall, PA 18052. Permit to replace existing sewage pump station located in Whitehall Township, **Lehigh County**.

Permit No. 4898401. Sewerage. **Borough of Northampton**, 1401 Laubach Avenue, P. O. Box 70, Northampton, PA 18067-0070. Permit to construct gravity sewer interceptor to serve Allen Township, **Northampton County**.

Permit No. 5498401. Sewerage. **Eagle Rock Community Association**, 1031 Valley of Lakes, Hazleton, PA 18201. Permit to construct a low pressure sewer and lift station system for the Western Summit Section of Eagle Rock Community Association, located in North Union Township, **Schuylkill County**.

Permit No. 5897402. Sewerage. **Flying J, Inc.**, 50 West 990 South, Brigham City, UT 84302. Permit to construct sewage treatment plant facilities located in New Milford Township, **Susquehanna County**.

Northcentral Regional Office, Department of Environmental Protection, 208 West Third Street, Suite 101, Grit Building, Williamsport, PA 17701.

NPDES Permit No. PA0024325. Sewerage. **Muncy Borough Municipal Authority**, 14 North Washington Street, Muncy, PA 17756. Renew permit to discharge treated sewage from facility located at Muncy Borough, **Lycoming County**.

NPDES Permit No. PA0024406, Amendment No. 1. Sewerage. **Borough of Mount Carmel**, 100 North Vine St., Mt. Carmel, PA 17851. The amendment grants an extension of the total chlorine residual limit. The facility is located at Mt. Carmel Township, **Northumberland County**.

NPDES Permit No. PA0209619. Sewerage. **N E Hub Partners, L P.**, P. O. Box 878, Wellsboro, PA 16901. Applicant granted permission to discharge treated sewerage to intermittent channel of Crawford Hollow. Facility located at Lawrence Township, **Tioga County**.

NPDES Permit No. PA0209601. Sewerage. **N E Hub Partners, L P.**, P. O. Box 878, Wellsboro, PA 16901. Applicant granted permission to discharge treated sewerage to intermittent channel of Cummings Creek. Facility located at Farmington Township, **Tioga County**.

NPDES Permit No. PA0114120. Sewerage. **Lycoming County Recreation Authority**, R. R. 1, Box 183, Montgomery, PA 17752. Applicant renewed permit to discharge to Black Hole Creek facility located at Clinton Township, **Lycoming County**.

WQM Permit 4198404. Sewerage. **Peter D & Linda L. Schultz**, R. D. 5, Box 452, Williamsport, PA 17701. Granted permission to construct a single residence sewer treatment facility located at Loyalsock Township, **Lycoming County**.

WQM Permit 1795408-A31T1. Sewerage. **Bradford Township/Myers**, P. O. Box 79, Woodland, PA 16881. Transfer was completed to the new property owner for a single residence treatment system located at Bradford Township, **Clearfield County**.

WQM Permit 5998405. Sewerage. **N E Hub Partners L. P., Site B**, P. O. Box 878, One Charles Street, Wellsboro, PA 16901. Permittee granted permission to construct a septic system to discharge to intermittent channel of Cummings Creek. Facility located at Farmington Township, **Tioga County**.

WQM Permit 5998404. Sewerage. **N E Hub Partners L. P., Site A**, P. O. Box 878, Wellsboro, PA 16901. Permittee granted permission to construct a septic system to discharge to intermittent channel of Cummings Creek. Facility located at Lawrence Township, **Tioga County**.

WQM Permit 4198402. Sewerage. **Coder, Christopher**, 336 Louisa St., Williamsport, PA 17701. Applicant granted permission to construct a single residence sewerage facility located at Loyalsock Township, **Lycoming County**.

Southwest Regional Office, Water Management Program Manager, 400 Waterfront Drive, Pittsburgh, PA 15222-4745, (412) 442-4000.

NPDES Permit No. PA0091685. Industrial waste, **U. S. Steel Group**, A Unit of USX Corporation, 600 Grant Street, Pittsburgh, PA 15219-2749 is authorized to discharge from a facility located at Taylor Industrial Landfill, West Mifflin Borough, **Allegheny County** to Unnamed Tributaries to Streets Run.

NPDES Permit No. PA0042234. Sewage, **Kittanning Borough**, 300 South McKean Street, Kittanning, PA 16201 is authorized to discharge from a facility located at Kittanning Borough STP, Kittanning Borough, **Armstrong County** to the Allegheny River.

NPDES Permit No. PA0217522—Amendment No. 1. Sewage, **Municipal Authority of the Borough of Smithton**, P. O. Box 350, Smithton, PA 15479 is authorized to discharge from a facility located at Smithton Borough Sewage Treatment Plant, Smithton Borough, **Westmoreland County**.

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 Name and Address</i> | <i>County Municipality</i> | <i>Receiving Stream</i> |
|-------------------------|--------------------------------------------------------------|--------------------------------------------|-----------------------------------------------------------|
| PAS10-G308 | Francis MJ Reardon 1505 Greenlawn Road Paoli, PA 19301 | West Brandywine Township Chester County | Unnamed Tributaries to West Branch Brandywine Creek |

INDIVIDUAL PERMITS

(PAR)

The following parties have submitted Notices of Intent (NOIs) for Coverage under (1) General NPDES Permit(s) to discharge wastewater into the surface waters of this Commonwealth. The approval for coverage under these general NPDES permits is subject to applicable effluent limitations, monitoring, reporting requirements and other conditions set forth in the general permit; (2) General Permits for Beneficial Use of Sewage Sludge or Residential Septage by Land Application in Pennsylvania. The approval of coverage for land application of sewage sludge or residential septage under these general permits is subject to pollutant limitations, 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 approves the following coverages under the specified General Permit.

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.

*List of NPDES and/or other
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 |

General Permit Type—PAG 2

Facility Location

| <i>County and Municipality</i> | <i>Permit No.</i> | <i>Applicant Name and Address</i> | <i>Receiving Stream or Body of Water</i> | <i>Contact Office and Telephone No.</i> |
|----------------------------------------------------|-------------------|-----------------------------------------------------------------------------------------------------------------|------------------------------------------|-------------------------------------------------------------------------------------------------------------|
| Franklin Township Carbon County | PAR101319 | Otto's Camping Resort Lehighton Land Company 1500 Rock Street Lehighton, PA 18235 | Pohopoco Creek | Carbon CD (610) 377-4894 |
| Upper Mt. Bethel Township Northampton County | PAR10U093 | Dr. Palmer Cotturo 45 N. 11th Street Bangor, PA 18013 | Allegheny Creek | Northampton CD (610) 746-1971 |
| City of Bethlehem Northampton County | PAR10092 | Bethlehem Steel Corp. 1170 Eighth Ave.— Room 1923 Bethlehem, PA 18016-7699 | Saucon Creek | Northampton CD (610) 746-1971 |
| Athens Township Bradford County | PAR100812 | Raven Holding Co., LLC 225 Colonial Dr. Horseheads, NY 14845 | Chemung River | Bradford County CD R. R. 5, Box 5030C Towanda, PA 18848 |
| College Township Centre County | PAR10F69 | Sports Complex Parking Lot Expansion—PA State Univ. Office of Physical Plant University Park, PA 16802 | Private Storm Sewer to Big Hollow | Centre County CD 414 Holmes Ave., Suite 4 Bellefonte, PA 16830 |
| Spring & Walker Townships Centre County | PAR10F072 | Springfield Subdivision Kerstetter & Payne Partnership 699 Weaver Hill Rd. Bellefonte, PA 16823 | Nittany Creek | Centre County CD 414 Holmes Ave., Suite 4 Bellefonte, PA 16830 |
| College Township Centre County | PAR10F065 | State College Assembly of God 2643 West College Ave. State College, PA 16801 | Slab Cabin Run | Centre County CD 414 Holmes Ave., Suite 4 Bellefonte, PA 16830 |
| Mt. Carmel Township Northumberland County | PAR104922 | Mt. Carmel Borough 131 South Oak St. Mt. Carmel, PA 17851 | Shamokin Creek | Northumberland County CD R. R. 3, Box 238C Sunbury, PA 17801 |
| Crawford County Vernon Township | PAR102314 | Joseph B. Roosa Staples Shopping Plaza P. O. Box 67 Salamanca, NY 14779 | Van Horne Run | Crawford Conservation District 1012 Water Street Suite 18 Meadville, PA 16335 (814) 724-1793 |

NOTICES

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| <i>Facility Location County and Municipality</i> | <i>Permit No.</i> | <i>Applicant Name and Address</i> | <i>Receiving Stream or Body of Water</i> | <i>Contact Office and Telephone No.</i> |
|----------------------------------------------------------|-------------------|---------------------------------------------------------------------------------------|--------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------|
| Crawford County Pine Township | PAR102315 | Michael W. Drexler Drexler Allotment P. O. Box 55 Harmonsburg, PA 16422 | UNT Pymatuning Reservoir | Crawford Conservation District 1012 Water Street Suite 18 Meadville, PA 16335 (814) 724-1793 |
| Lawrence County Wayne Township | PAR103730 | Lariat Development Dutch Ridge No. 2 331 Fanker Road Harmony, PA 16037 | Squaw Run/ Tributary to Connoquenessing Creek | Lawrence Conservation District Lawrence Co. Government Center 430 Court Street New Castle, PA 16101-3593 (724) 652-4512 |
| Upper Merion Township Montgomery County | PAR10-T432 | Shorty and Dave's Truck Parts 588 Swedeland Road King of Prussia, PA 19406 | Matsunk Creek | Southeast Regional Office Suite 6010, Lee Park, 555 North Lane Conshohocken, PA 19428 (610) 832-6131 |
| Whitpain Township Montgomery County | PAR10-T433 | National Assisted Living 2150 Goodlette Road Naples, FL 34102 | Stony Creek | Southeast Regional Office Suite 6010, Lee Park 555 North Lane Conshohocken, PA 19428 (610) 832-6131 |
| Pennsburg Township Montgomery County | PAR10-T423 | Trim Development Company 229 Congo-Niantic Rd. Barto, PA 19504 | Perkiomen Creek | Southeast Regional Office Suite 6010, Lee Park 555 North Lane Conshohocken, PA 19428 (610) 832-6131 |
| Lower Salford Township Montgomery County | PAR10-T421 | WB Homes, Inc. 538 East Main Street Lansdale, PA 19446 | West Branch Skeppack Creek | Southeast Regional Office Suite 6010, Lee Park 555 North Lane Conshohocken, PA 19428 (610) 832-6131 |
| Skeppack Township Montgomery County | PAR10-T456 | Constitution Bank 1608 Walnut St. Philadelphia, PA 19103 | Unnamed Tributary to Perkiomen Creek | Southeast Regional Office Suite 6010, Lee Park 555 North Lane Conshohocken, PA 19428 (610) 832-6131 |
| Lower Salford Township Montgomery County | PAR10-T439 | Westrum Land Development Company 370 Commerce Drive Ft. Washington, PA 19034 | West Branch Skeppack Creek | Southeast Regional Office Suite 6010, Lee Park 555 North Lane Conshohocken, PA 19428 (610) 832-6131 |

| <i>Facility Location County and Municipality</i> | <i>Permit No.</i> | <i>Applicant Name and Address</i> | <i>Receiving Stream or Body of Water</i> | <i>Contact Office and Telephone No.</i> |
|----------------------------------------------------------|-------------------|------------------------------------------------------------------------------------------|----------------------------------------------|-----------------------------------------------------------------------------------------------------------------------|
| Springfield Township Montgomery County | PAR10-T424 | Cornerstone Communities 771 East Lancaster Avenue Villanova, PA 19085 | Schuylkill River | Southeast Regional Office Suite 6010, Lee Park 555 North Lane Conshohocken, PA 19428 (610) 832-6131 |
| Upper Hanover Township Montgomery County | PAR10-T422 | Texas Eastern Transmission Corporation 5444 Westheimer WT-485 Houston, TX 77056 | Perkiomen Creek | Southeast Regional Office Suite 6010, Lee Park 555 North Lane Conshohocken, PA 19428 (610) 832-6131 |
| <i>General Permit Type—PAG 3</i> | | | | |
| <i>Facility Location County and Municipality</i> | <i>Permit No.</i> | <i>Applicant Name and Address</i> | <i>Receiving Stream or Body of Water</i> | <i>Contact Office and Telephone No.</i> |
| Clearfield County Sandy Township | PAR324805 | American Rock Salt Co. LLC 1510 Pennsylvania Avenue Peckville, PA 18452 | Sandy Lick Creek Tributary | Northcentral 208 W. Third St. Williamsport, PA 17701 (717) 327-3664 |
| Adams Township Butler County | PAR208334 | Keystone Aluminum, Inc. P. O. Box 807 Mars, PA 16046 | Breakneck Creek Water Shed | DEP Northwest Region Water Management 230 Chestnut St. Meadville, PA 16335-3481 (814) 332-6942 |
| Butler Township Butler County | PAR238301 | Air Products and Chemicals, Inc. P. O. Box 1528 Butler, PA 16001 | Connoquenessing Creek | DEP Northwest Region Water Management 230 Chestnut St. Meadville, PA 16335-3481 (814) 332-6942 |
| <i>General Permit Type—PAG 4</i> | | | | |
| <i>Facility Location County and Municipality</i> | <i>Permit No.</i> | <i>Applicant Name and Address</i> | <i>Receiving Stream or Body of Water</i> | <i>Contact Office and Telephone No.</i> |
| Lycoming County Loyalsock Township | PAG045013 | Peter D. & Linda A. Schultz R. R. 5, Box 452 Williamsport, PA 17701 | Unnamed tributary of Graffius Run | Northcentral 208 W. Third St. Williamsport, PA 17701 (717) 327-3664 |
| Clearfield County Bradford Township | PAG045003 | Jeannie A. Myers R. D. 1, Box 336B West Decatur, PA 16878 | Roaring Run | Northcentral 208 W. Third St. Williamsport, PA 17701 (717) 327-3664 |
| Lycoming County Loyalsock | PAG045016 | Christopher Coder 336 Louisa St. Williamsport, PA 17701 | Unnamed tributary to Mill Creek | Northcentral 208 W. Third St. Williamsport, PA 17701 (717) 327-3664 |

| <i>Facility Location County and Municipality</i> | <i>Permit No.</i> | <i>Applicant Name and Address</i> | <i>Receiving Stream or Body of Water</i> | <i>Contact Office and Telephone No.</i> |
|----------------------------------------------------------|-------------------|-------------------------------------------------------------------------------------|----------------------------------------------|------------------------------------------------------------------------------------------------------------------|
| Pine Grove Township Warren County | PAG048519 | Shirley L. Gertsch 2250 Conewango Ave. Warren, PA 16365 | Unnamed Tributary to Conewango Creek | DEP Northwest Region Water Management 230 Chestnut St. Meadville, PA 16335-3481 (814) 332-6942 |
| Hayfield Township Crawford County | PAG048517 | Russell W. and Ellen D. Byham 14933 State Highway 198 Meadville, PA 16335 | Unnamed Tributary of Cussewago Creek | DEP Northwest Region Water Management 230 Chestnut St. Meadville, PA 16335-3481 (814) 332-6942 |
| Hayfield Township Crawford County | PAG048516 | Dwight R. and Yolanda E. Williams 17027 Townhouse Rd. Saegertown, PA 16433 | Unnamed Tributary of Kerns Run | DEP Northwest Region Water Management 230 Chestnut St. Meadville, PA 16335-3481 (814) 332-6942 |

General Permit Type—PAG 5

| <i>Facility Location County and Municipality</i> | <i>Permit No.</i> | <i>Applicant Name and Address</i> | <i>Receiving Stream or Body of Water</i> | <i>Contact Office and Telephone No.</i> |
|----------------------------------------------------------|-------------------|------------------------------------------------------------|----------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------|
| Ferndale Borough Cambria County | PAG056121 | Chris A. Riley 421 Ferndale Ave. Johnstown, PA 15905 | Stony Creek | Southwest Regional Office: Water Management Program Manager 400 Waterfront Drive Pittsburgh, PA 15222-4745 (412) 442-4000 |

SEWAGE FACILITIES ACT**PLAN APPROVAL**

The Department of Environmental Protection (Department) has taken actions on municipal requests for Act 537 Plan Approval.

Any person 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 are also available in Braille or on audio tape 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 Pennsylvania Sewage Facilities Act (35 P. S. §§ 750.1—750.20).

Southeast Regional Office, Sewage Planning Specialist Supervisor, Lee Park, Suite 6010, 555 North Lane, Conshohocken, PA 19428.

The Plan Approval is granted for a revision to the **Official Sewage Facilities Plan of Thornbury Township, Chester County** to provide for the elimination of the spray irrigation system, the installation of 40,000 gallons per day (gpd) drip irrigation system, and stream discharge of the balance of the 103,000 gpd not being applied to the drip irrigation system at the Brandywine at Thornbury development (AKA Bridlewood Farms). The Department and township commit to future re-evaluation of the drip irrigation system to determine if application rates may be increased. The township commits to further planning to eliminate any of the remaining stream discharge and providing for a 100% land application disposal, should an expansion of the treatment system beyond 103,000 gpd be proposed.

SAFE DRINKING WATER

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

Regional Office: Sanitarian Regional Manager, 909 Elmerton Avenue, Harrisburg, PA 17110-8200, (717) 705-4708.

Permit No. 0597501. Public water supply. **St. Clairsville Area Water Corporation**, East St. Clair

Township, **Bedford County**. *Responsible Official*: Ella Imler, President, P. O. Box 284, Osterburg, PA 16667. *Type of Facility*: Modifications to the system include sedimentation tank, diatomaceous earth filtration, corrosion control treatment, booster pumps, 101,000 gallon storage tank and sludge holding tank.

Permit No. 2298501. Public water supply. **Steelton Borough Authority**, Borough of Steelton, **Dauphin County**. *Responsible Official*: Albert Gornik, Authority Chairperson, 123 N. Front Street, Steelton, PA 17113. *Type of Facility*: Construction of a 150,000 gallon elevated storage tank with a chlorine booster facility.

Regional Office: Northcentral Field Operations, Environmental Program Manager, 208 West Third Street, Suite 101, Williamsport, PA 17701.

A. 4496453-M.A1. The Department issued a construction permit application to **Augusta Boys, Inc.** (P. O. Box 132B, Sunbury, PA 17801; Ralpho Township, **Northumberland County**) for installation of vending machines for drinking water at three locations in the Northcentral Region.

Northwest Regional Office, Regional Manager, 230 Chestnut Street, Meadville, PA (814) 332-6899.

Permit No. 4398501. Public water supply. **Buhl Community Water Company**, 372 Old Ash Road, Mercer, PA 16137 has been issued a Construction Permit for their existing system. Existing pumps are being replaced and also expanding the filtration system in Springfield Township, **Mercer County**. *Type of Facility*: Community Water Supply. *Consulting Engineer*: Daniel F. Schmidt, P. E., Gibson—Thomas Engineering Co., Inc., P. O. Box 853, Latrobe, PA 15650. *Permit to Construct Issued*: July 1, 1998.

Permit No. 1097506. Public water supply. **Lake Arthur Estates**, 2925 New Castle Road, Portersville, PA 16051 has been issued a Construction Permit for a new filtration system with other associated controls, tanks and piping in Muddy Creek Township, **Butler County**. *Type of Facility*: Community Water Supply. *Consulting Engineer*: William P. Deemer, P. E., William P. Deemer & Associates, 205 B S Duffy Road, Butler, PA 16001. *Permit to Construct Issued*: June 30, 1998.

HAZARDOUS SITES CLEAN-UP

Under the Act of October 18, 1988

Prompt Interim Response under the Hazardous Sites Cleanup Act

Susquehanna Road Drum Site Dresher, Montgomery County

The Department of Environmental Protection (Department), under the authority of the Hazardous Sites Cleanup Act (HSCA) (35 P. S. §§ 6020.101—6020.1305), initiated a prompt interim response at the Susquehanna Road Drum Site in June 1998. The Susquehanna Road Drum Site is located at 1668 Susquehanna Road, Dresher, Montgomery County, PA. The site involved releases and potential releases of hazardous substances and materials from deteriorated drums and compressed gas cylinders being improperly stored in a barn. Hazardous substances and materials present included silicon tetrachloride, hydrogen chloride, lithium hydride, and silane. These releases and potential releases posed a substantial danger to the public health and safety of the environment and the Department determined that a prompt interim response was appropriate at this site. The prompt interim

response was implemented under the authority of sections 501(a) and 505(b) of HSCA (35 P. S. §§ 6020.501(a) and 6020.505(b)).

The Department's objective was to eliminate the threats to human health and safety caused by the release of hazardous substances. The Department considered the following alternative responses:

1. No Action.
2. Waste characterization and removal.

Since threats would not be eliminated under the No Action alternative it was rejected. The Department chose Alternative #2, waste characterization and removal, as the preferred course of action. Under this alternative all hazardous substances would be removed from the site for appropriate reuse, recycling, treatment or disposal at an approved facility.

Information pertaining to this site, contained in the administrative record, is available for public inspection and copying from 8 a.m. to 4 p.m. at the Department's Southeast Regional Office, Lee Park, Suite 6010, 555 North Lane, Conshohocken, PA. Please call Kevin Hess at (610) 832-6194 in order to make an appointment to review the administrative record at the Department's Southeast Regional Office.

Written comments concerning the Department's prompt interim response and related to information contained in the administrative record will be accepted in person, if delivered, or by mail, if postmarked, on or before November 2, 1998. Written comments should be directed to the attention of Kevin Hess, PA DEP Project Officer, Suite 6010 Lee Park, 555 North Lane, Conshohocken, PA 19428, (610) 832-6194.

In addition, the public will have an opportunity to present oral comments at a public hearing. The public hearing has been scheduled for September 1, 1998, at 6:30 p.m., at the Upper Dublin Township Building, 801 Loch Alsh Avenue, Fort Washington, PA. The meeting will be held in the Commissioner's Meeting Room. Persons wishing to present oral comments may register on or before the date of the public hearing by contacting John Gerdelmann, DEP Community Relations Coordinator, at (610) 832-6228.

Persons with a disability who wish to attend the public hearing discussed above and require an auxiliary aid, service or other accommodation to participate in the proceedings should contact Kevin Hess directly at (610) 832-6194 or the Pennsylvania AT&T Relay Service at (800) 654-5984 (TDD) to discuss how the DEP may accommodate their needs.

The Department is providing this notice under sections 505(b) and 506(b) of HSCA (35 P. S. §§ 6020.505(b) and 6020.506(b)). The date of publication of this notice in the *Pennsylvania Bulletin* initiates the minimum 90-day public comment period on the administrative record, as provided, under that act.

Notice of Proposed Settlement

Under section 1113 of the Hazardous Sites Cleanup Act (35 P. S. § 6020.1113), notice is given by the Department of Environmental Protection (Department) that the Department has entered into a proposed settlement with the **Estate of H. Leroy Beaver, Shirley Beaver Bowen and Reclamation Resources, Inc. of Hatfield Township, Montgomery County**, for the reimbursement of certain response costs incurred by the Department.

The Department now proposes to enter into a Consent Order and Agreement with the Estate of H. Leroy Beaver, Shirley Beaver Bowen and Reclamation Resources, Inc. which provides for the following:

(1) the Department determined that Settlor cannot fully reimburse the Commonwealth for all response costs incurred; (2) In 1984 Mr. Beaver sold the property and established an escrow account in the amount of approximately \$60,000 to clear up any and all obstructions that clouded the title to the property; (3) the Department and Settlor agreed to enter into this financial-inability-to-pay settlement; (4) Settlor shall authorize the release of all monies remaining in the escrow account to be paid to the Department.

Copies of the Consent Order and Agreement may be obtained from the Department's Project Officer, David Ewald, or counsel to the Department, Anderson Lee Hartzell, at the Department's offices in Lee Park in Conshohocken, PA 19428.

Under section 1113 of HSCA, the Department will provide a 60 day comment period on the proposed settlement commencing on the date of publication of this notice. Interested persons may submit written comments to the Department which shall be addressed to David Ewald, Department of Environmental Protection, Lee Park, Suite 6010, 555 North Lane, Conshohocken, PA 19428. At the close of the comment period, the Department shall file a response to significant public comments. The settlement shall then become final, and this notice, the written comments, and the Department's response thereto shall constitute the written record upon which the settlement may be reviewed.

LAND RECYCLING AND ENVIRONMENTAL REMEDIATION

Under Act 2, 1995

Preamble 3

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 to publish in the *Pennsylvania Bulletin* a notice of submission of any 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 nonresidential exposure factors, a description of the remediation performed, and summaries of sampling methodology and analytical results which demonstrate that the remediation has attained the cleanup standard selected.

For further information concerning the final report, please contact the Environmental Cleanup Program in the Department of Environmental Protection 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 report(s).

Northeast Regional Field Office, Joseph A. Brogna, Regional Environmental Cleanup Program Manager, 2 Public Square, Wilkes-Barre, PA 18711-0790, (717) 826-2511.

Pennsylvania Power & Light Company (PP&L) Distribution Pole #62540S47627, Whitehall Township, **Lehigh County**. PP&L, Environmental Management Division, 2 North Ninth Street, Allentown, PA 18101 has submitted a Final Report concerning the remediation of site soils found to have been contaminated with PCBs (polychlorinated biphenyls). The report was submitted in order to document remediation of the site to meet the Statewide human health standard.

Pennsylvania Power & Light Company (PP&L) Distribution Pole #59930S45020, Lower Macungie Township, **Lehigh County**. PP&L, Environmental Management Division, 2 North Ninth Street, Allentown, PA 18101 has submitted a Final Report concerning the remediation of site soils found to have been contaminated with PCBs (polychlorinated biphenyls). The report was submitted in order to document remediation of the site to meet the Statewide human health standard.

Pennsylvania Power & Light Company (PP&L) Distribution Pole #63219S50608, Allen Township, **Lehigh County**. PP&L, Environmental Management Division, 2 North Ninth Street, Allentown, PA 18101 has submitted a Final Report concerning the remediation of site soils found to have been contaminated with PCBs (polychlorinated biphenyls). The report was submitted in order to document remediation of the site to meet the Statewide human health standard.

SOLID AND HAZARDOUS WASTE

OPERATE WASTE PROCESSING OR DISPOSAL AREA OR SITE

Permits issued under the Solid Waste Management Act (35 P. S. §§ 6018.101—6018.1003), the Municipal Waste Planning, Recycling and Waste Reduction Act (53 P. S. §§ 4000.101—4000.1904) and regulations to operate solid waste processing or disposal area or site.

Regional Office: Regional Solid Waste Manager, Lee Park, 555 North Lane, Suite 6010, Conshohocken, PA 19428.

Permit No. 101659. Champion Recycling, Trestle Business Center, Lot #9, Downingtown, PA 19335. This permit is issued for the construction and operation of a Construction and Demolition Waste transfer and processing facility to be located at Trestle Bridge Business Center in East Caln Township, **Chester County**. Permit was issued in the Southeast Regional Office on June 30, 1998.

Northcentral Regional Office, Regional Solid Waste Manager, 208 West Third Street, Suite 101, Williamsport, PA 17701, (717) 327-3653.

Permit No. 301315. PP&L, Montour SES, Ash Basin No. 1, Pennsylvania Power & Light Co. (Two North 9th Street, Allentown, PA 18101-1179). Permit for Residual Waste disposal impoundment, located in Derry Township, **Montour County**, issued in the regional office on June 29, 1998.

Permits revoked under the Solid Waste Management Act (35 P. S. §§ 6018.101—6018.1003) and regulations to operate solid waste processing or disposal area or site.

Southcentral Regional Office, Regional Solid Waste Manager, 909 Elmerton Avenue, Harrisburg, PA 17110-8200, (717) 705-4706.

Permit No. 602484. Kenneth Andrews Farm, Cumberland Township Authority (1370 Fairfield Road, Gettysburg, PA 17325). This permit has been revoked at the applicants request for a site in Cumberland Township, **Adams County**. Permit revoked in the Regional Office June 23, 1998.

AIR QUALITY

OPERATING PERMITS

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.

Southeast Regional Office, Air Quality Program, 555 North Lane, Conshohocken, PA 19428, (610) 832-6242.

09-313-084: AtoHaas North America, Inc. (Old Route 13 & Route 413, Bristol, PA 19007) issued for the operation of an Acrylic Molding Resin Line 15 in Bristol Township, **Bucks County**.

15-312-029: Sun Company, Inc. (R&M) (601 East Lincoln Highway, Exton, PA 19341) issued for the operation of a Vapor Recovery Unit in West Whiteland Township, **Chester County**.

Operating Permits Minor Modification 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, (717) 826-2531.

40-309-004A: The Celotex Corp. (P. O. Box 663, Pittston, PA 18640) for the minor modification of the mineral wool cupola air pollution control system at Route 92, Exeter Township, **Luzerne County**.

48-310-025A: Eastern Industries, Inc. (Jacoby Creek Road, P. O. Box 207, Mount Bethel, PA 18343) for the minor modification of the stone crushing plant in Upper Mount Bethel Township, **Northampton County**.

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.

Southcentral Regional Office, Air Quality Program, 909 Elmerton Avenue, Harrisburg, PA 17110, (717) 705-4702.

GP3-05-03008: New Enterprise Stone & Lime Co., Inc. (P. O. Box 77, New Enterprise, PA 16648), issued for a Portable Nonmetallic Mineral Processing Plant in Snake Spring Township, **Bedford 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.

Southeast Regional Office, Air Quality Program, 555 North Lane, Conshohocken, PA 19428, (610) 832-6242.

46-320-021: Universal Packaging Corp. (Formerly Flexofirst, Inc.) (1196 Easton Road, Horsham, PA 19044) issued June 30, 1998, for a Flexographic Printing Press in Horsham Township, **Montgomery County**.

46-320-031: Universal Packaging Corp. (Formerly Careco, Inc.) (1196 Easton Road, Horsham, PA 19044) issued July 1, 1998, for Three Flexographic Printing Presses in Horsham Township, **Montgomery County**.

PLAN APPROVALS

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.

Southeast Regional Office, Air Quality Program, 555 North Lane, Conshohocken, PA 19428, (610) 832-6242.

15-0069: Champion Recycling, Inc. (Trestle Place, Downingtown, PA 19335) issued June 30, 1998, for the operation of a Diesel Engine in East Caln Township, **Chester County**.

46-0057: Hale Products, Inc. (433 Washington Street, Conshohocken, PA 19428) issued July 1, 1998, for the operation of a Kloster Sand Heater in Plymouth Township, **Montgomery County**.

46-0060: PA Department of Public Welfare, Norristown State Hospital (1001 East Sterigere Street, Norristown, PA 19401) issued July 6, 1998, for the operation of a #2 Fuel Oil Fired Boilers in Norristown Borough, **Montgomery County**.

Northeast Regional Office, Air Quality Program, Two Public Square, Wilkes-Barre, PA 17811-0790, (717) 826-2531.

40-320-007: Offset Paperback Mfg. Co. (Route 309, P. O. Box N, Dallas, PA 18612) issued June 30, 1998, for the installation of a lithograph non-heat sheet fed press in Dallas Borough, **Luzerne County**.

Southcentral Regional Office, Air Quality Program, 909 Elmerton Avenue, Harrisburg, PA 17110, (717) 705-4702.

21-0521A: Scranton-Altoona Terminals Corp. (P. O. Box 2621) issued June 29, 1998, for construction of three gasoline (or distillate) storage tanks at the Star Mechanicsburg Terminal located in Silver Spring Township, **Cumberland County**. These sources are subject to 40 CFR 60, Subpart Kb, Standards of Performance for New Stationary Sources.

Northwest Regional Office, Air Quality Program, 230 Chestnut Street, Meadville, PA 16335-3481, (814) 332-6940.

61-064A: Con Air Group, Franklin Division (Route 8 North, Franklin, PA 16323) issued July 1, 1998, for the operation of a painting process in Sugar creek Township, **Venango 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.

Southeast Regional Office, Air Quality Program, 555 North Lane, Conshohocken, PA 19428, (610) 832-6242.

15-318-018: Graco Children's Products, Inc. (47 Park Avenue, Elverson, PA 19520) issued June 29, 1998, for the operation of a Powder Coating System in Elverson Borough, **Chester County**.

46-318-051: Wesco Manufacturing Co. (206 Progress Drive, Montgomeryville, PA 18936) issued July 2, 1998, for the operation of a Paint Spray Booth in Montgomery Township, **Montgomery County**.

Southcentral Regional Office, Air Quality Program, 909 Elmerton Avenue, Harrisburg, PA 17110, (717) 705-4702.

06-1023: Maier's Bakery (640 Park Avenue, Reading, PA 19611) issued June 18, 1998, to authorize temporary operation of the bread and hard roll bakery covered by this Plan Approval until October 15, 1998, in Reading, **Berks County**.

07-327-001A: Chicago Rivet & Machine Co., Inc. (Industrial Park, Tyrone, PA 16686) issued May 19, 1998, to authorize temporary operation of the batch vapor degreaser in Tyrone Borough, **Blair County**. This source is subject to 40 CFR 63, Subpart T, National Emission Standards for Hazardous Air Pollutants.

22-02005: Harrisburg Steam Works, Ltd. (P. O. Box 2151, Harrisburg, PA 17105) issued June 13, 1998, to authorize temporary operation of the four No. 6 Oil/Gas boilers in the City of Harrisburg, **Dauphin 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).

Ebensburg District Office, 437 South Center Street, P. O. Box 625, Ebensburg, PA 15931-0625.

Coal Applications Issued:

56880103. Permit Renewal. Future Industries, Inc. (P. O. Box 157, Meyersdale, PA 15552), commencement, operation and restoration of a bituminous strip mine in Summit Township, **Somerset County**, affecting 785.0 acres, receiving stream unnamed tributary to Casselman River, the Casselman River, two unnamed tributaries to Lick Run, Lick Run, two unnamed tributaries to Bigby Creek, and one unnamed tributary to Cranberry Run, application received January 28, 1998, permit issued June 24, 1998.

56920106. Permit Renewal. Cooney Brothers Coal Company (Box 246, Cresson, PA 16630), commencement, operation and restoration of a bituminous strip mine in Shade Township, **Somerset County**, affecting 276.0 acres, receiving stream unnamed tributary to Hinson Run, unnamed tributary to Shade Creek, unnamed tributary to Stony Creek, application received January 21, 1998, permit issued June 29, 1998.

11860104. Permit Renewal. Cooney Brothers Coal Company (Box 246, Cresson, PA 16630), commencement, operation and restoration of a bituminous strip mine in Conemaugh Township, **Cambria County**, affecting 456.0 acres, receiving stream Bear Run and unnamed tributaries to and Little Conemaugh River, application received March 24, 1998, permit issued June 29, 1998.

32970111. Dutch Run Coal, Inc. (R. D. 2, Box 366, Shelocta, PA 15774), commencement, operation and restoration of a bituminous strip mine in Conemaugh Township, **Indiana County**, affecting 48.2 acres, receiving stream unnamed tributaries to and Sulfur Run, application received September 18, 1997, permit issued June 30, 1998.

Hawk Run District Office, P. O. Box 209, Hawk Run, PA 16840.

Coal Permits Issued:

14820103. Al Hamilton Contracting Co. (R. D. 1, Box 87, Woodland, PA 16881), revision to an existing bituminous surface mine permit for a change in Permit Acreage from 335.5 to 379.7 acres, Rush Township, **Clearfield County**, receiving streams: unnamed tributary to Trout Run and unnamed tributary to Moshannon Creek to Moshannon Creek, to West Branch Susquehanna River, to Susquehanna River, application received August 27, 1997, permit issued June 3, 1998.

17970114. Sky Haven Coal, Inc. (R. D. 1, Box 180, Penfield, PA 15849), commencement, operation and restoration of a bituminous surface mine permit in Goshen Township, **Clearfield County** affecting 70 acres, receiving streams: Little Trout Run to the West Branch of the Susquehanna River to the Susquehanna River, application received September 10, 1997, permit issued May 26, 1998.

17960121. K & J Coal Co., Inc. (P. O. Box 189, Westover, PA 16692), revision to an existing bituminous surface mine-auger permit for a Change in Permit Acreage from 290.0 to 297.5 acres, Chest and Ferguson Townships, **Clearfield County**, receiving streams: unnamed tributary to Wilson Run and McMasters Run and its unnamed tributary and an unnamed tributary to Chest Creek, application received February 6, 1998, permit issued June 16, 1998.

17970119. Penn Grampian Coal Company (P. O. Box 249, Clearfield, PA 16830), commencement, operation and restoration of a bituminous surface mine-auger permit in Gulich Township, **Clearfield County**, affecting 52.7 acres, receiving streams: Muddy Run, application received December 23, 1997, permit issued June 11, 1998.

17980902. Moravian Run Reclamation Co., Inc. (605 Sheridan Drive, Clearfield, PA 16830), commencement, operation and restoration of an Incidental Coal Extraction permit in Bigler Township, **Clearfield County** affecting 13.3 acres, receiving streams: Japling Run to Clearfield Creek to West Branch Susquehanna River, application received May 7, 1998, permit issued June 22, 1998.

Greensburg District Office, R. D. 2, Box 603-C, Greensburg, PA 15601.

65920107. M. B. Energy, Inc. (250 Airport Road, P. O. Box 1319, Indiana, PA 15701-1319). Revision issued to change post mining land use from forestland to pastureland, land occasionally cut for hay on the property of Thomas and Nancy Wandrisco, at a surface mining site located in Derry Township, **Westmoreland County**, affecting 86.1 acres. Application received April 3, 1998. Revision issued June 18, 1998.

65950102R. Seven Sisters Mining Co., Inc. (200 U. S. Route 22, Delmont, PA 15626). Renewal issued for continued operation and reclamation of a bituminous surface mine located in Upper Burrell Township, **Westmoreland County**, affecting 82.5 acres. Receiving streams: unnamed tributaries to Pucketa Creek, to Pucketa Creek. Application received March 4, 1998. Renewal issued June 19, 1998.

03960107. Thomas J. Smith, Inc. (R. D. 1, Box 260D, Shelocta, PA 15774). Permit issued for commencement, operation and reclamation of a bituminous surface/auger mine located in Burrell Township, **Armstrong County**, affecting 130.1 acres. Receiving streams: unnamed tributary to Cherry Run to Crooked Creek. Application received December 16, 1996. Permit issued June 19, 1998.

03860111R. State Industries, Inc. (P. O. Box 1022, Kittanning, PA 16201). Renewal permit issued for continued operation and reclamation of a bituminous surface auger mine located in East Franklin Township, **Armstrong County**, affecting 624.2 acres. Receiving streams: unnamed tributaries to the Allegheny River. Renewal application received April 20, 1998. Renewal permit issued June 24, 1998.

03940101R. TDK Coal Sales, Inc. (P. O. Box 627, Clarion, PA 16214). Renewal permit issued for continued operation and reclamation of a bituminous surface mine located in Bradys Bend Township, **Armstrong County**, affecting 129.2 acres. Receiving streams: unnamed tributary to Holder Run and to Holder Run to Sugar Creek. Renewal application received April 17, 1998. Renewal permit issued June 24, 1998.

65910109R. Laurel Land Development, Inc. (P. O. Box 629, Carrolltown, PA 15722). Renewal permit issued for continued operation and reclamation of a bituminous surface mine located in Derry Township, **Westmoreland County**, affecting 60.9 acres. Receiving streams: unnamed tributaries to Saxman Run and one unnamed tributary to Miller Run. Renewal application received April 21, 1998. Renewal permit issued July 1, 1998.

Knox District Office, P. O. Box 669, Knox, PA 16232.

33880109. Colt Resources, Inc. (R. D. 3, Box 48A, Clarion, PA 16214). Renewal of an existing bituminous strip and auger operation in McCalmont Township, **Jefferson County**, affecting 136.5 acres. This renewal is issued for reclamation only. Receiving streams: Four unnamed tributaries of Camp Run. Application received April 27, 1998. Permit issued June 22, 1998.

10820122. Allegheny Mineral Corporation (P. O. Box 1022, Kittanning, PA 16201). Renewal of an existing bituminous strip, auger and limestone removal operation in Mercer and Marion Townships, **Jefferson County**, affecting 598.6 acres. Receiving streams: Two unnamed tributaries to the North Branch Slippery Rock Creek. Application received April 24, 1998. Permit issued June 22, 1998.

37930106. Amerikohl Mining, Inc. (202 Sunset Drive, Butler, PA 16001). Renewal of an existing bituminous strip operation in Shenango Township, **Lawrence County**, affecting 158.0 acres. This renewal is issued for reclamation only. Receiving streams: Five unnamed tributaries to McKee Run. Application received April 27, 1998. Permit issued June 22, 1998.

33930104. John R. Zenzi, Jr. (P. O. Box 287, Anita, PA 15711). Renewal of an existing bituminous strip and auger operation in Winslow Township, **Jefferson County**, affecting 336.0 acres. Receiving streams: Unnamed tributary to Trout Run and Unnamed tributary to Front Run. Application received April 23, 1998. Permit issued June 22, 1998.

10820142. Thomas E. Siegel (208 Woodland Rd., Shipperville, PA 16254). Renewal of an existing bituminous strip and auger operation in Parker Township, **Butler County**, affecting 111.0 acres. Unnamed tributaries of Bear Creek and Bear Creek. Application received March 9, 1998. Permit issued June 19, 1998.

Pottsville District Office, 5 West Laurel Boulevard, Pottsville, PA 17901-2454.

40663024T. Coal Contractors (1991), Inc. (Gowen Mine, Fern Glen, PA 18241), transfer of an existing anthracite surface mine operation in Hazle Township, **Schuylkill County**, affecting 925.0 acres, receiving stream—none. Transfer issued June 30, 1998.

Knox District Office, P. O. Box 669, Knox, PA 16232.
Noncoal Issued:

3175SM11. Medusa Aggregates Company (3008 Monticello Boulevard, Cleveland Heights, OH 44118). Renewal of NPDES #PA0121631, Taylor and Shenango Townships, **Lawrence County**. Receiving streams: Unnamed tributary to McKee Run. Application received May 6, 1998. Permit issued June 22, 1998.

4675SM18. G. L. Carlson, Inc. (Box 97, Turtlepoint, PA 16750). Renewal of NPDES #PA0211222, Annin Township, **McKean County**. Receiving streams: Allegheny River. Application received April 30, 1998. Permit issued June 22, 1998.

Pottsville District Office, 5 West Laurel Boulevard, Pottsville, PA 17901-2454.

40980301. Brdaric Excavating, Inc. (230 Bunkerhill Road, Wyoming, PA 18644), commencement, operation and restoration of a quarry operation in Kingston Township, **Luzerne County**, affecting 44.8 acres, receiving stream—unnamed tributaries to Susquehanna River. Permit issued June 26, 1998.

39870302C3. Haines & Kibblehouse, Inc. (P. O. Box 196, 2052 Lucon Road, Skippack, PA 19474), renewal of NPDES Permit #PA0594326 in South Whitehall Township, **Lehigh County**, receiving stream—Jordan Creek. Renewal issued July 2, 1998.

Hawk Run District Office, P. O. Box 209, Hawk Run, PA 16840.

Small Industrial Mineral Authorizations Granted:

17980801. H & H Clearing & Excavating (R. R. 1, Box 5, DuBois, PA 15801), commencement, operation and restoration of a Small Industrial Mineral (Shale) permit in Sandy Township, **Clearfield County**, affecting 5.2 acres, receiving streams: Clear Run and unnamed tributary to Clear Run, application received January 7, 1998, authorization granted May 26, 1998.

59980801. Terry Jacobson (R. R. 4, Box 1109, Westfield, PA 16950), commencement, operation and restoration of a Small Industrial Mineral (Topsoil, Sand, Gravel) permit in Nelson Township, **Tioga County**, affecting 1.25 acres, receiving streams: Cowanesque, application received April 7, 1998, authorization granted June 2, 1998.

Pottsville District Office, 5 West Laurel Boulevard, Pottsville, PA 17901-2454.

General Small Noncoal Authorizations Granted:

35970801. James T. O'Hara, Inc. (R. R. 9, Box 9433, Moscow, PA 18444), commencement, operation and restoration of a quarry operation in Springbrook Township, **Lackawanna County**, affecting 3.0 acres, receiving stream—none. Authorization granted June 23, 1998.

58970819. Monna and Lynn Adams (R. R. 1, Box 302, Kingsley, PA 18826), commencement, operation and restoration of a bluestone quarry operation in Harford Township, **Susquehanna County**, affecting 1.0 acres, receiving stream—none. Authorization granted June 23, 1998.

58980811. P. Tim McGavin (P. O. Box 312, Meshoppen, PA 18630), commencement, operation and restoration of a small bluestone quarry operation in Bridgewater Township, **Susquehanna County**, affecting 1.0 acre, receiving stream—none. Authorization granted July 1, 1998.

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 Dam Safety and Encroachment 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, 400 Market Street, Floor 2, 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 the 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 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.)

Northeast Regional Office, Regional Soils and Waterways Section, 2 Public Square, Wilkes-Barre, PA 18711-0790, (717) 826-5485.

E39-340. Encroachment. Borough of Emmaus, 28 South Fourth Street, Emmaus, PA 18049. To remove the existing structure and to construct and maintain a 250 foot long, 6-foot × 3-foot concrete box stream enclosure in a Tributary to Little Lehigh Creek. The project is located along the southwestern side of Klines Lane immediately upstream of the intersection of S. R. 2005 (Main Street) and Klines Lane (Allentown East, PA Quadrangle N: 7.3 inches; W: 15.5 inches) in Emmaus Borough, **Lehigh County**.

E40-482. Encroachment. Pennsylvania Department of Transportation, Engineering District 4-0, P. O. Box 111, Scranton, PA 18501-0111. To remove the existing structure and to construct and maintain a road crossing of Big Wapwallopen Creek, consisting of an 18.0-foot by 9.0-foot precast reinforced box culvert, with its invert depressed 1.0-foot below stream bed elevation. The project is located on S. R. 0437, Section 371, Segment 0230, Offset 0000, approximately 1.0 mile southeast of the intersection of S. R. 0437 and S. R. 0309 (Wilkes-Barre East, PA Quadrangle N: 7.3 inches; W: 15.7 inches), in Fairview Township, **Luzerne County**.

E58-227. Encroachment. Pennsylvania Department of Transportation, Engineering District 4-0, P. O. Box 111, Scranton, PA 18501. To remove the existing structure and to construct and maintain a road crossing of Butler Creek, consisting of twin 18.0-foot by 11.25-foot reinforced concrete box culverts, with their inverts depressed 1.0 foot below streambed elevation. One of the culverts will contain a 1.1-foot-high weir at the inlet. The project is located on S. R. 0547, Section 570, Segment 0180, Offset 0067 (Harford, PA Quadrangle N: 9.7 inches; W: 2.7 inches), in Gibson Township, **Susquehanna County**.

Southcentral Regional Office, Section Chief, Water Management Program, Soils and Waterways Section, 909 Elmerton Avenue, 2nd Floor, Harrisburg, PA 17110, (717) 705-4707.

E05-264. Encroachment. Pennsylvania Turnpike Commission, Andrew Lutz, P. O. Box 67676, Harrisburg, PA 17106. To rehabilitate eight existing stream crossings on unnamed tributaries to the Raystown Branch of the Juniata River as part of roadway widening and repaving located between Milepost 133.40 and 138.04 on the Pennsylvania Turnpike (Schellsburg, PA Quadrangle N: 2.0 inches; W: 4.1 inches) in Juniata and Napier Townships, **Bedford County**. This permit was issued under section 105.13(e) "Small Projects." This permit also includes 401 Water Quality Certification.

E22-381. Encroachment Londonderry Township, Brenda Shuey, 783 S. Geyers Church Rd., Middletown, PA 17057. To remove an existing structure and to construct and maintain an 8-foot × 4-foot box culvert in the channel of Iron Run at a point at Snavely Road (Middletown, PA Quadrangle N: 18.1 inches; W: 6.4 inches) in Londonderry Township, **Dauphin County**. This permit was issued under section 105.13(e) "Small Projects." This permit also includes 401 Water Quality Certification.

E36-642. Encroachment. Seyval Sun, Spencer Stober, 5 Market Plaza, Reinholds, PA 17569. To construct and maintain: (1) an 8-inch sanitary sewer main across 670 feet of wetlands and tributary to Little Muddy Creek located between Manholes S-3.1 and S-7; (2) a 10-inch waterline across about 60 feet of wetlands located on south side of SR 272 at the northwest corner of the

Meadows at Adamstown; and (3) to bore an 8-inch waterline under a box culvert on Lancaster Avenue (SR 272) carrying a tributary to Little Muddy Creek. The utilities will serve Seyval Sun (west phase) and The Meadows at Adamstown developments (east phase). This permit also authorizes the filling of 0.11 acre of wetlands for construction of Meadow Drive across two wetland areas located within the Meadows at Adamstown (Terre Hill, PA Quadrangle N: 20.5 inches; W: 9.25 inches) in Adamstown Borough, **Lancaster County**. The permittee is required to provide 0.11 acre of replacement wetlands and to create an additional 0.64 acre of wetlands to compensate for indirect impacts created in The Meadows at Adamstown development. This permit also includes 401 Water Quality Certification.

Northcentral Region, Water Management—Soils and Waterways, F. Alan Sever, Chief, 208 West Third St., Williamsport, PA 17701.

E18-251. Encroachment. **Robert and Darla Aungst**, R. R. 2, Box 252, Mill Hall, PA 17751. To place and maintain fill in the floodway of Bald Eagle Creek for the upgrade of a private aboveground swimming pool. The fill encompassing the above ground swimming pool shall not exceed the dimensions of 30 feet × 70 feet × 5 feet or 648 cubic yards. The project is located along the eastern right-of-way of SR 0150 approximately 2,000 feet east of the intersection of SR 0150 and Crystal Road (Beech Creek, PA Quadrangle N: 19.1 inches; W: 0.5 inch) in Bald Eagle Township, **Clinton County**. This permit was issued under section 105.13(e) "Small Projects."

E18-254. Encroachment. **Sean A. Haines**, 216 East Park St., Lock Haven, PA 17745. To construct an 18 foot by 24 foot by 18.5 foot high pavilion on a 70 acre site adjacent to the West Branch of the Susquehanna River. The proposed pavilion is located off the banks of the east side of the river and Route 120 approximately 4,500 feet north of the intersection of Route 120 with SR 2020 (Lock Haven, PA Quadrangle N: 6.2 inches; W: 13.2 inches) in Woodward Township, **Clinton County**. This permit was issued under section 105.13(e) "Small Projects."

E59-360. Encroachment. **Middlebury Township Supervisors**, R. R. 2, Box 293A, Middlebury Center, PA 16935. To remove two gravel bars (approximately 40 feet wide × 200 feet long and 50 feet wide × 250 feet long) on an as needed basis and to maintain a low flow channel for a period of 5 years in Crooked Creek located upstream and downstream of the bridge on T-613 near the intersection of T-613 with RT 249 (Kenneyville, PA Quadrangle N: 19.5 inches; W: 11.8 inches) in Middlebury Township, **Tioga County**.

E59-361. Encroachment. **Middlebury Township Supervisors**, R. R. 2, Box 293A, Middlebury Center, PA 16935. To remove three gravel bars (400 feet by 50 feet, 400 feet by 70 feet and 200 feet by 50 feet) on an as-needed basis for a period of 5 years and to construct and maintain 100 feet of riprap dike and to operate and

maintain 400 feet of riprap dike along Crooked Creek at the confluence of State Road Creek and Crooked Creek (Kenneyville, PA Quadrangle N: 19.9 inches; W: 6.7 inches) in Middlebury Township, **Tioga County**.

E59-362. Encroachment. **Middlebury Township Supervisors**, R. R. 2, Box 293A, Middlebury Center, PA 16935. To remove two gravel bars (200 feet by 30 feet and 300 feet by 75 feet) on an as-needed basis for a period of 5 years and to operate and maintain approximately 1,575 feet of riprap dike along Locey Creek and Crooked Creek. The project centroid is located at the confluence of Locey Creek and Crooked Creek (Kenneyville, PA Quadrangle N: 19.9 inches; W: 6.7 inches) in Middlebury Township, **Tioga County**.

E59-363. Encroachment. **Middlebury Township Supervisors**, R. R. 2, Box 293A, Middlebury Center, PA 16935. To remove two gravel bars (390 feet by 90 feet and 500 feet by 150 feet) on an as-needed basis for a period of 5 years and to operate and maintain approximately 1,150 feet of riprap dike along Crooked Creek approximately 600 feet upstream of the bridge on Rt. 287 (Kenneyville, PA Quadrangle N: 19.9 inches; W: 4.1 inches) in Middlebury Township, **Tioga County**.

E59-364 Reissuance. Encroachment. **Dept. of Conservation & Natural Resources**, P. O. Box 8451, Harrisburg, PA 17105. To remove an existing structure and to construct, operate and maintain a single span prestressed concrete spread box beam bridge to carry Asaph Run Road across Asaph Run. The bridge shall be constructed with a clear single span of 60 feet, an average underclearance of 5.0 feet and a clear roadway width of 20.1 feet. The project is located along the northern right-of-way of SR 0006 approximately 1.9 miles northwest of the intersection of SR 3022 and Asaph Run Rd. (Asaph, PA Quadrangle N: 5.8 inches; W: 8.0 inches) in Shippen Township, **Tioga County**. This permit was issued under section 105.13(e) "Small Projects." This permit also includes 401 Water Quality Certification.

SPECIAL NOTICES

Certification to Perform Radon-Related Activities in Pennsylvania

In the month of June 1998 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> |
|---------------|-----------------------------------------------|------------------------------|
| Gerald Aubrey | 1517 Daws Road Blue Bell, PA 19422 | Testing |
| Paul Bellina | 199 Duffield Street Willow Grove, PA 19090 | Mitigation |
| Cheryl Chase | P. O. Box 373 Murrysville, PA 15668 | Testing |

| <i>Name</i> | <i>Address</i> | <i>Type of Certification</i> |
|------------------------------|------------------------------------------------|------------------------------|
| James Fitzgerald | P. O. Box 902 Blue Bell, PA 19422 | Testing |
| James F. Andrews Enterprises | 353 Loveville Road Warriors Mark, PA 16877 | Mitigation |
| Paul McGowan | 14520 Otis Drive North Huntingdon, PA 15642 | Mitigation |
| Roman Paul | P. O. Box 731 Valley Forge, PA 19482 | Testing |
| Peter Piazza | 812 Menock Manor Greensburg, PA 15601 | Testing |
| Jeffrey Porte | 1962 Wager Road Erie, PA 16509 | Testing Laboratory |
| Stanley Pryharski | 214 Taft Street Wilkes-Barre, PA 18702 | Testing |
| Michael Tokarczyk | R. D. 1, Box 504B Everett, PA 15537 | Mitigation |

Recycling Grant Awards under the Municipal Waste Planning, Recycling and Waste Reduction Act

The Department of Environmental Protection announces the following grants to municipalities for recycling programs under the Municipal Waste Planning, Recycling and Waste Reduction Act (Act 101) (53 P. S. § 902).

Grant funds are used to develop and implement recycling programs. Municipalities and counties are eligible for up to 90% funding of approved recycling program costs. Municipalities considered financially distressed under the Municipalities Financial Recovery Act (Am 1992-

69) (53 P. S. §§ 11701.101—11701.501), are eligible to receive funding for an additional 10% of approved costs. All grant awards are predicated on the receipt of recycling fees required by sections 701 and 702 of Act 101, and the availability of monies in the Recycling Fund.

Inquiries regarding the grant offerings should be directed to Carl Hursh, Chief of Recycling and Markets, Department of Environmental Protection, Bureau of Land Recycling and Waste Management, Division of Waste Minimization and Planning, Rachel Carson State Office Building, P. O. Box 8472, Harrisburg, PA 17105-8472.

Act 101 Section 902 Grants

| <i>Applicant</i> | <i>Project Type</i> | <i>Award</i> |
|--------------------------------------|--------------------------------------------------------------------------------------------|--------------|
| <i>Southeast Region</i> | | |
| Pennsbury Township Chester County | Leaf Loader and Recycling Education Program | \$16,605 |
| Philadelphia City | Recycling Collection Trucks, Containers and Education | \$1,280,000 |
| Subtotals | 2 | \$1,296,605 |
| <i>Northeast Region</i> | | |
| Moscow Borough Lackawanna County | Recycling Collection Truck and Curbside Collection Containers | \$17,809 |
| Exeter Borough Luzerne County | Front-end Loader for Recycling Center | \$116,694 |
| Subtotals | 2 | \$134,503 |
| <i>Southcentral Region</i> | | |
| Conewago Township Adams County | Recycling Education, Curbside Recycling Containers and Drop-off Recycling Trailer Lease | \$12,459 |
| Menallen Township Adams County | Wood Recycling Equipment | \$16,047 |
| Birdsboro Borough Berks County | Leaf Collection Equipment | \$13,380 |
| Blair County | Composting Site Development and Equipment | \$205,200 |
| Greene Township Franklin County | Yardwaste Composting Site Development, Equipment and Recycling Education Programs | \$182,577 |
| Denver Borough Lancaster County | Leaf Collection Equipment | \$12,082 |

| <i>Applicant</i> | <i>Project Type</i> | <i>Award</i> |
|-------------------------------------------|------------------------------------------------------------------------------|--------------|
| Lancaster County | Wood Recycling Equipment | \$20,746 |
| Lancaster Township Lancaster County | Leaf Collection Equipment and Christmas Tree Chipper Rental | \$33,975 |
| Providence Township Lancaster County | Wood Recycling Equipment | \$25,888 |
| Subtotals | 9 | \$522,354 |
| <i>Northcentral Region</i> | | |
| Lawrence Township Clearfield County | Leaf Collection Equipment | \$20,250 |
| North Centre Township Columbia County | Recycling Education and Drop-off Collection Containers | \$1,817 |
| Montour County | Recycling Collection Truck | \$31,680 |
| Middleburg Borough Snyder County | Leaf Collection Equipment | \$12,960 |
| Mifflinburg Borough Union County | Recycling Education, Collection Containers and Recycling Center Improvements | \$49,147 |
| New Berlin Borough Union County | Recycling Education, Collection Containers and Recycling Center Improvements | \$41,409 |
| Subtotals | 6 | \$157,263 |
| <i>Southwest Region</i> | | |
| Swissvale Borough Allegheny County | Leaf Collection Equipment | \$60,750 |
| New Brighton Borough Beaver County | Recycling Education and Leaf Collection Equipment | \$48,942 |
| Cambria Township Cambria County | Recycling Education and Leaf Collection Equipment | \$39,163 |
| Greene County | Recycling Center Addition and Collection Containers | \$109,950 |
| Sewickley Township Westmoreland County | Recycling Education and Leaf Collection Equipment | \$43,775 |
| Subtotals | 5 | \$302,580 |
| <i>Northwest Region</i> | | |
| Summit Township Erie County | Wood Recycling Equipment and Recycling Education Program | \$28,826 |
| Tionesta Borough Forest County | Backyard Composting Bins and Education Program | \$8,575 |
| Bradford Township McKean County | Curbside Recycling Truck, Containers and Recycling Education Program | \$78,130 |
| Conewango Township Warren County | Leaf Collection Equipment and Wood Recycling Equipment | \$32,504 |
| Subtotals | 4 | \$148,035 |
| TOTAL | 28 | \$2,561,340 |

[Pa.B. Doc. No. 98-1157. Filed for public inspection July 17, 1998, 9:00 a.m.]

Availability of Technical Guidance

Technical guidance documents are on DEP's World Wide Web site (<http://www.dep.state.pa.us>) at the Public Participation Center. The "January 1998 Inventory" heading is the Governor's List of Nonregulatory 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 1998.

Ordering Paper Copies of DEP Technical Guidance

Persons can order a bound paper copy of the latest Inventory or an unbound paper copy of any of the final documents listed on the Inventory by calling DEP at (717) 783-8727.

In addition, bound copies of some of DEP's documents are available as DEP publications. Persons should 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 is listed with each document. Persons who have questions or comments in general should call Jonathan Brightbill at (717) 783-8727.

Final Draft Technical Guidance—New Guidance

DEP ID: 253-0300-100 Title: Land Recycling Program Technical Manual Description: This manual provides suggestions and examples on how to best approach site characterization and remediation under the Land Recycling Program. Effective Date: December 1997 Page Length: 400 pages Location: Vol 05, Tab 32 Contact: Dave Harris at (717) 787-9870

Draft Technical Guidance—New Guidance

DEP ID: 273-4000-008 Title: Policy for Sampling and Determination of Compliance with Low RVP Gasoline Requirements in the Pittsburgh-Beaver Valley Ozone Non-attainment Area Description: Clarifies the procedures to implement the provisions of the low Reid Vapor Pressure (RVP) requirements found under Chapter 126, Subchapter C. Deadline of Submittal of Comments: August 17, 1998 Contact: Scott Kepner at (717) 772-2330

Notice of Intent to Rescind Draft Technical Guidance

DEP ID: 580-2200-005 Title: Section 242(c): Criteria for Authorizing Entries in Common with the Belt Conveyor Entry Under Section 702 Description: DEP determined it will not develop an industry-wide variance for ventilating entries in common with the belt entry. Anticipated Effective Date: July 18, 1998 Contact: Richard E. Stickler at (724) 439-7469

JAMES M. SEIF,
Secretary

[Pa.B. Doc. No. 98-1158. Filed for public inspection July 17, 1998, 9:00 a.m.]

Retention of an Archaeological Consulting Firm

Project Reference No. DEP-BWE-98:1

The Department of Environmental Protection hereby issues this Request for Proposals to retain an Archaeological Consultant to conduct Phase 1, 2 and 3 surveys on proposed water related project sites. The Consultant's area of responsibility shall include projects throughout the entire Commonwealth. The Bureau of Waterways Engineering personnel will identify and assign projects to be reviewed.

The services will include, but are not limited to, a preliminary meeting for each project in the Bureau of Waterways Engineering office in Harrisburg, Pennsylvania, a site visit and the required archeological surveys and subsequent reports with his recommendations for each project. It is important that upon assignment of a specific project, the selected firm must be capable of completing the necessary work and submitting a report in a timely manner. The selected firm may be required to perform work on multiple sites concurrently and complete and submit reports to the Bureau in a format acceptable to the Pennsylvania Historical and Museum Commission. The contract shall be based on the hours of service and qualifying expenses not exceeding the contract amount.

The reports will be reviewed and, when acceptable, will be approved by personnel of the Bureau of Waterways Engineering.

Interested professionals and firms must be listed in the most recent edition of *Archaeological Consultants* as maintained by the Pennsylvania Historical and Museum Commission. Personnel involved in providing these services shall have at least the minimum educational and professional experience requirements as defined by the Pennsylvania Historical and Museum Commission in Appendix B of *A Comprehensive State Plan for the Conservation of Archaeological Resources, Volume 1: PHMC: 1985.*

General Requirements and Information

Firms interested in performing the required services for this project are invited to submit proposals to Michael D. Conway, P.E., Director, Bureau of Waterways Engineering, P. O. Box 8460, Harrisburg, PA 17105-8460. The Bureau of Waterways Engineering is located on the 3rd Floor, Rachel Carson State Office Building, 400 Market Street, Harrisburg, PA.

A complete proposal shall consist of the following:

1. Letter of Interest

Each Letter of Interest must include the firm's Federal Identification Number and the Project Reference Number. The Letter of Interest shall also include three examples and brief descriptions of the most recently completed projects similar to this work being sought. Descriptions shall include the client with contact person and phone number, the cost of the work performed by your firm, the project manager, and names and positions of all personnel who made major contributions to the project.

2. Standard DGS Forms 150 and 150-S

The standard DGS Forms must accompany the Letter of Interest and shall indicate the individual in charge.

3. Serb Information

Commitment to Enhance Socially/Economically Restricted Businesses (SERB).

The Commonwealth of Pennsylvania strongly encourages the submission of proposals by SERBs.

To achieve the objective of enhancing SERB participation, the Commonwealth has established SERG utilization as a selection criteria in the evaluation process.

The Bureau of Contract Administration and Business Development (BCABD) will evaluate the aforementioned criteria and will assign 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. The 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 in 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 million 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.

3. Proposers not considered to be socially/economically restricted businesses seeking to identify such businesses for joint ventures and subcontracting opportunities are encouraged to contact:

Department of General Services
Bureau of Contract Administration and 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 to be SERBs must describe, in a 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 SERB. 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.

Note: Affirmative action and contract compliance statements referring to company equal employment opportunity policies or past contract compliance practices are unacceptable in reference to the following questions.

1. Is the prime proposer a SERB? If yes, provide evidence of SERB status.

2. Does the prime proposer qualify as a Minority Business Enterprise (MBE) or Woman Business Enterprise (WBE)? If yes, provide the BCABD certification number.

3. Is the prime proposer a qualifying SERB as a result of being located in a designated enterprise zone? If yes, provide proof of this status.

4. If the prime proposer is not considered to be a SERB then describe the company's approach/commitment to enhance SERB utilization on a professional level in the implementation of any contract that may result from this RFP.

5. Is the proposal submitted as a joint venture with a Commonwealth-approved SERB as a joint partner. If yes, answer the following:

a. What work, goods, or services will the SERB(s) perform or provide?

b. Where will the SERB(s) perform these services?

c. When will the SERB(s) provide or deliver the goods or services?

d. Why was the SERB(s) selected?

e. Identify each SERB, and provide a contact person and telephone number for each.

f. How will the SERB(s) be compensated?

g. What percentage of the total value of the services or products required by this RFP will be provided by the SERB(s)?

h. In the SERB participation value portion of the proposal, provide the estimated dollar value of the contract to the SERB(s).

6. Is the proposal submitted with subcontracting commitments to SERBs that would be directly associated with the professional performance of any contract that may be entered into as a result of this RFP? If yes, answer the following:

a. What work, goods, or services will the SERB(s) perform or provide?

b. Where will the SERB(s) perform these services?

c. When will the SERB(s) provide or deliver the goods or services?

d. Why was the SERB(s) selected?

e. Identify each SERB, and provide a contact person and telephone number for each.

f. How will the SERB(s) be compensated?

g. What percentage of the total value of the services or products required by this RFP will be provided by the SERB(s)?

h. In the SERB participation value portion of the proposal, provide the estimated dollar value of the contract to the SERB(s), including total estimate and dollar commitment to each SERB.

7. Is the proposal committed to the utilization of SERBs to perform or provide goods or services indirectly associated with the performance of the proposal as a support function, such as general office equipment, office space, transportation, etc.? If yes, answer the following:

a. What work, goods, or services will the SERB(s) perform or provide?

b. Where will the SERB(s) perform these services?

c. When will the SERB(s) provide or deliver the goods or services?

d. Why was the SERB(s) selected?

e. Identify each SERB, and provide a contact person and telephone number for each.

f. How will the SERB(s) be compensated?

g. What percentage of the total value of the services or products required by this RFP will be provided by the SERB(s)?

h. In the SERB participation value portion of the proposal, provide the estimated dollar value of the contract to the SERB(s).

Note: This portion of the proposal must be identified as socially/economically restricted business (SERB) information and bound and sealed separately from the remainder of the proposal.

The dollar value designated for SERB commitment should be placed in a separate sealed envelope and stapled to the SERB section of the proposal. Contractor proposals should also include the SERB value in the Cost and Price Analysis section of the proposal. The applicable items shown in the Cost and Price Analysis section should also be used to prepare and detail the proposed SERB commitment value including, if applicable, fiscal year breakdown. The selected contractor's SERB commitment amount will be included as a contractual obligation when a contract is entered into.

4. *Cost and Price Analysis*

In addition to the Letters of Interest, the DGS Forms 150 and 150-S, and SERB information, a single copy of the hourly rates of the persons who will be working on the projects shall be submitted. Such copy shall be in a sealed envelope clearly identified as to its contents. The contents of this envelope will be opened after the evaluation committee submits its report to the Director on other aspects of the proposal.

The hourly rates shall be itemized to show the basic rates plus fringe benefits, profits, administrative costs, etc., for these persons. Examples of such people shall include a firm principal, professional staff, draftspersons and secretary. Travel expenses shall be based on the current State rates per mile of automobile travel and for subsistence. Miscellaneous expenses such as telephone, printing and mailing shall be reimbursed at cost upon approval by the Department.

This contract will be a multiple year contract for a period of 4 years with an anticipated effective date of July 1, 1998. The extent of work for the second, third and fourth years will be dependent on the availability of additional funds and additional projects. Should hourly rates change during the second, third or fourth year of the contract, these rates must also be included in the sealed proposal on a fiscal year basis.

5. *Criteria for Selection*

The following factors will be considered during the evaluation of the firm's proposal.

a. *Understanding the problem.* This refers to the contractor's understanding of the agency needs that generated the RFP, of the agency's objectives in asking for the services or undertaking the study, and of the nature and scope of the work involved.

b. *Contractor Qualifications.* This refers to the ability of the contractor to meet the terms of the RFP, especially the time constraint and the quality, relevancy, and recency of studies and projects completed by the contractor. This also includes the contractor's financial ability to undertake a project of this size.

c. *Personnel Qualifications.* This refers to the competence of professional personnel who would be assigned to the job by the contractor. Qualifications of professional personnel will be measured by experience and education, with particular reference to experience on studies/services similar to that described in the RFP. Particular emphasis is placed on the qualifications of the project manager.

d. *Soundness of Approach.* Emphasis here is on the techniques for collecting and analyzing data, sequence and relationships of major steps, and methods for managing the study/service. Of equal importance is whether the technical approach is completely responsive to all written specifications and requirements contained in the RFP and if it appears to meet agency objectives.

e. *SERB Participation.* Emphasis here is placed on:

1. Proposals submitted by MWBEO approved SERBs.
2. Commitments by proposers not considered to be SERBs which significantly utilize approved SERBs in joint ventures.

3. Commitments by proposers not considered to be SERBs which aggressively pursue the utilization of approved SERBs in subcontracting opportunities.

f. *Cost.* While this area will be weighted heavily, it will not normally be the deciding factor in the selection process.

Maximum weights for each major criterion have been established by the developers of the RFP prior to the review of the proposals.

The first four criteria will be rated by a panel of at least four members. BCABD will rate the "SERB Participation" criterion. The cost criterion will be rated by the Bureau Director and other Department personnel, independent of the first five criteria.

Five copies of the letter of interest, the required standard DGC forms, and the SERB information, and a single separately sealed copy of the cost and price analysis must be received no later than 4 p.m. on August 18, 1998. The envelope containing the proposal should be clearly marked "PROPOSAL—DEP PROJECT NO. DEP-BWE-98:1."

The Commonwealth reserves the right to reject any and all proposals received as a result of this request, or to negotiate separately with competing contractors.

JAMES M. SEIF,
Secretary

[Pa.B. Doc. No. 98-1159. Filed for public inspection July 17, 1998, 9:00 a.m.]

DEPARTMENT OF GENERAL SERVICES

Insurance Broker Services

Project No. DGS 570-27 Construction of a New Close-Security State Correctional Institution Western Pennsylvania

P. J. Dick Incorporated will receive written proposals for technical qualifications for risk management and insurance broker services for a controlled insurance program (CIP) for the design and construction of the proposed Western Pennsylvania State Correctional Institution. The facility is to be located in the southwestern region of this Commonwealth within approximately 50 miles of the city of Pittsburgh, PA.

Separate and sealed proposals will be received by the Construction Manager, P.J. Dick Incorporated, 1020 Lebanon Road, West Mifflin, PA 15122, until 2 p.m. on Thursday, August 20, 1998. Proposals will be opened privately and reviewed by the Construction Manager. At the Construction Manager's option, one or more of the proposers may be required to make an oral presentation at the offices of the Construction Manager. The presentation will be within 10 calendar days of the date established for receipt of written proposals.

Copies of the Request for Technical Qualifications may be obtained upon written request, on or after July 16, 1998, at the office of: P.J. Dick Incorporated, 1020 Lebanon Road, West Mifflin, PA 15122, Phone—(412) 462-9300, Fax—(412) 462-2588.

A preproposal conference will be held at the office of P. J. Dick Incorporated on Thursday, July 30, 1998, at 2 p.m.

Proposals shall be submitted in the form described in the request for proposal and must include responses to all items described therein in order to be considered.

For purposes of clarification, the following information is provided:

Owner of Project: Commonwealth of Pennsylvania, Department of General Services

Construction Manager: P. J. Dick Incorporated

Design Professional: L. Robert Kimball & Associates

The CM reserves the right to accept or reject any or all proposals.

Work under this aforementioned contract is subject to the requirements of the Pennsylvania Prevailing Wage Act.

P. J. Dick Incorporated is an Equal Opportunity Employer and does not discriminate against an applicant for employment, an independent contractor or any other person because of race, color, religion, creed, ancestry, national origin, age or sex.

GARY E. CROWELL,
Secretary

[Pa.B. Doc. No. 98-1160. Filed for public inspection July 17, 1998, 9:00 a.m.]

DEPARTMENT OF LABOR AND INDUSTRY

Current Prevailing Wage Act Debarments

The contractors referenced as follows have been determined to have intentionally violated the Pennsylvania Prevailing Wage Act (act) (43 P. S. §§ 165-11—165-17). This notice is published for the information and convenience of public bodies subject to the act. Under section 11(e) of the act (43 P. S. § 165-11(e)), this firm or these persons, or any firms, corporations or partnerships in which the firm or persons have an interest, shall be awarded no contract for 3 years after the date listed.

| <i>Contractor</i> | <i>Address</i> | <i>Date of Debarment</i> |
|-----------------------------------------------------------------------------------------------------|------------------------------------------------------------|--------------------------|
| Gregg Uliano | 3465 Central Avenue Huntingdon Valley, PA 19006-4128 | 06/03/98 |
| J. Demby, Sr., Enterprises, and Joseph E. Demby, Sr. (Fed. ER Tax I. D. No. 22-3214361) | 848 Rancocas Road Mt. Holly, NJ 08060 | 06/12/98 |

JOHNNY J. BUTLER,
Secretary

[Pa.B. Doc. No. 98-1161. Filed for public inspection July 17, 1998, 9:00 a.m.]

DEPARTMENT OF REVENUE

Pennsylvania Harley-Davidson Instant Lottery Game

Under the State Lottery Law (72 P. S. §§ 3761-101—3761-314) and 61 Pa. Code § 819.203 (relating to notice of instant game rules), the Secretary of Revenue hereby provides public notice of changes to the Pennsylvania Harley-Davidson instant lottery game rules that were published at 28 Pa.B. 2545 (May 30, 1998).

Due to an overwhelming response to the Pennsylvania Harley-Davidson instant lottery game, the Lottery has determined that an additional 4,080,000 tickets will be printed for the Pennsylvania Harley-Davidson instant lottery game. Accordingly, the Lottery is also increasing the total number of prizes available for the Second Chance drawing.

The total number of winners and a description of prizes for the Second Chance Drawing is as follows:

| <i>Description of Prizes</i> | <i>Number of Winners</i> |
|--------------------------------------------------|--------------------------|
| Harley-Davidson Sportster 1200 Custom Motorcycle | 4 |
| Gift Certificate—\$400 Value | 16 |
| Harley-Davidson Stadium Blanket | 800 |
| Harley-Davidson Telephone | 1,800 |
| Harley-Davidson Umbrella | 3,400 |
| Harley-Davidson Baseball Cap | 4,100 |
| Harley-Davidson Play Cards Set | 9,000 |

ROBERT A. JUDGE, Sr.,
Secretary

[Pa.B. Doc. No. 98-1162. Filed for public inspection July 17, 1998, 9:00 a.m.]

DEPARTMENT OF TRANSPORTATION

Contemplated Sale of Land No Longer Needed for Transportation Purposes

The Department of Transportation under 71 P. S. § 513(e)(7) intends to sell certain land owned by the Department.

The following property is available for sale by the Department. A parcel of unimproved land located in Radnor Township, Delaware County. Vacant land was formerly identified as being owned by Richard G. Lonsdorf and Alice B. Lonsdorf at 110 Willowburn Road, Villanova, Pennsylvania 19085 and consists of 35,452 square feet more or less or Parcel #51 on the highway plan. The Department has determined that the land is no longer needed for present or future transportation purposes. The appraised value is \$36,000.

Interested public entities are invited to express their interest in purchasing this site within thirty (30) calendar days from the date of publication of this notice to Mr. Andrew Warren, District Administrator-Transportation, District 0600, 200 Radnor-Chester Road, St. Davids, PA

19087-5178, ATTENTION: Matthew J. Kulpa, Jr., Real Estate Technician, King of Prussia Annex, Telephone No. (610) 768-3101.

BRADLEY L. MALLORY,
Secretary

[Pa.B. Doc. No. 98-1163. Filed for public inspection July 17, 1998, 9:00 a.m.]

Decentralized Driver Licensing and Vehicle Registration Services by Messenger Service Center Mainframe Connection

In accordance with Act 92-166, the Department of Transportation has installed several types of pilot programs of private sector, decentralized services for motor vehicle and driver license services. As one component of decentralization, the Department is expanding the On-Line Messenger Pilot. The Department will allow authorized messenger services to provide some vehicle registration and driver licensing services via a mainframe connection with the Department at up to 50 additional sites. Each of the service vendors will provide face-to-face decentralized services via at least one site. Applicants must be currently authorized messenger services who have been actively engaged in messenger services in Pennsylvania since October 16, 1995. Applicants shall not have been sanctioned by the Department for violations of 75 Pa.C.S. or Department regulations since October 16, 1995. The term of the project will be January 4, 1999 to January 4, 2004.

Interested messenger services may obtain a copy of the application procedures and program requirements by contacting Donna Moyer, 1101 South Front Street, 4th Floor, Harrisburg, PA, 17104, Phone Number (717) 783-5923. Questions should be submitted in writing to Donna Moyer by 4:00 PM, August 3, 1998. In addition, a meeting will be held at 10:00 AM on August 13, 1998 on the second floor of the Rachel Carson Building, 400 Market Street, Harrisburg, PA 17101 to address all questions from prospective applicants. Completed applications must be received by 4:00 PM, October 16, 1998. Applications should be mailed to Driver and Vehicle Program Services, Attention: Donna Moyer, 1101 South Front Street, Fourth Floor, Riverfront Office Center, Harrisburg, PA 17104, or should be delivered to Ms. Moyer at 1101 South Front Street, Fourth Floor, Riverfront Office Center, Harrisburg. Late applications will not be considered.

BRADLEY L. MALLORY,
Secretary

[Pa.B. Doc. No. 98-1164. Filed for public inspection July 17, 1998, 9:00 a.m.]

Retention of Engineering Firms

Beaver County Project Reference No. 08430AG2218

The Department of Transportation will retain an engineering firm to perform preliminary engineering, environmental studies, final design, shop drawing review and consultation during construction for the replacement of the Herman Road Bridge (S. R. 0588, Section B05). The structure being replaced is a seventy-eight foot simple span pony truss over Brush Creek. This project will also

involve approximately one thousand feet of roadway realignment in order to meet current design criteria. The project is located on S. R. 0588 over Brush Creek in Marion Township approximately 300 feet west of the intersection with S. R. 1019 in Beaver County.

Required services will include preliminary and final geotechnical engineering, right-of-way investigation and final right-of-way plan, hydrologic and hydraulic report, type, size and location submission, Step 9 submission, field survey in preliminary and final design, final bridge design plans, value engineering, utility coordination and investigation, final roadway design, also plans (lighting, pavement marking and signing), Maintenance and Protection of Traffic, final P. S. & E. submission construction consultation and shop drawing review.

The design of this project will be developed in metric units.

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. Ability to package and present the letter of interest in accordance with the "General Requirements and Information" section.
- b. Specialized experience and technical competence of firm.
- c. Experience and abilities to key personnel (project manager, bridge engineer, etc.) that will be assigned to the project.
- d. Past record of performance for similar type projects with respect to cost control, work quality and ability to meet schedules.
- e. Subconsultants assigned to this project.
- f. Special requirements of project.
- g. Other factors, if any, specific to the project.

The District will announce the firms that have been shortlisted at an open public meeting to be held at Engineering District 11-0, 45 Thoms Run Road, Bridgeville, PA 15017 at 10 a.m. on Thursday September 10, 1998. Please specify a contact person, phone number and address in the letter of interest.

The goal for Disadvantaged Business Enterprise (DBE) participation in this Agreement shall be fifteen (15%) percent of the total contract price. Additional information concerning DBE participation in this Agreement is contained in the General Requirements and Information section after the advertised project(s).

Limits to the letter of interest submittals in addition to the General Requirements and Information are as follows:

- a. Resumes five (5) total pages of resumes, one-sided.
- b. Standard Form 255, Item 8 (Number of project descriptions which demonstrate the firm's competence) five (5) project descriptions.

The District's copy of the Letter of Interest and required forms (see general requirements and information section) shall be sent to: Mr. Henry Nutbrown, P.E., District Engineer, District 11-0, 45 Thoms Run Road, Bridgeville, PA 15017, Attention Mr. Richard T. Curry, P.E.

Any technical questions concerning the requirements for this project should be directed to: Mr. Robert Collins, P.E., District 11-0, at (412) 429-4928.

Any questions concerning the submittal of the letter of interest can be directed to the Consultant Agreement Division at (717) 783-9309.

**Bradford, Tioga, Lycoming, Sullivan,
Columbia, Montour, Northumberland,
Snyder, and Union Counties
Project Reference No. 08430AG2219**

The Department of Transportation will retain two (2) engineering firms for two (2) Open-End Contracts for various engineering and/or environmental services on various projects located in Engineering District 3-0, that is Bradford, Tioga, Lycoming, Sullivan, Columbia, Montour, Northumberland, Snyder and Union Counties. Each Contract will be for a sixty (60) month period with projects assigned on an as-needed basis. The maximum amount of each Open-End Contract will be \$1.0 million.

The Department will establish an order of ranking of a minimum of five (5) firms for the purpose of negotiating two (2) Open-End Contracts 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. Ability to package and present the Letter of Interest in accordance with the "General Requirements and Information" section.
- b. Past record of performance with respect to cost control, work quality, ability to meet schedules, and previous experience on Open-End Contracts. The specific experience of individuals who constitute the firms shall be considered.
- c. Project workload for the next two (2) years.
- d. Available staffing for this assignment.
- e. Specialized experience and technical competence of firm.
- f. Location of consultant in respect to the District.
- g. Resumes of all *key* personnel.
- h. Relative size of firm to size of projects that may be completed under these contracts.
- i. Capability for fast response time.

The work and services required under these Contracts 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 or bridge rehabilitation with minor approach work, environmental studies, roadway betterments (3R type,) minor capital improvement projects (bridges or roadway), railroad grade crossing projects, and minor location studies, etc.

The engineering work and services which may be required under these Contracts include, but are not limited to, 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 right of way plans; complete structure designs including type, size and location reports, core boring

layouts and foundation designs and reports; develop traffic control plans with narratives; conduct soils investigations and prepare soils reports; investigate utility involvement on projects; provide material for and participate in value engineering reviews; 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 these Contracts may include, but are not limited to: air quality; noise; energy; vibration; hazardous waste; surface water and ground water quality; surface water and ground water hydrology; 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; 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; 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 these Open-End Contracts. A more specific and project-related Scope of Work will be outlined for each individual Work Order developed under these Open-End Contracts.

The District's copy of the letter of interest and required forms (see "General Requirements and Information" section) shall be sent to: Mr. Paul E. Heise, P.E., District Engineer, District 3-0, 715 Jordan Avenue, Montoursville, PA 17754.

Any technical questions concerning the requirements for this project should be directed to: Mr. Robert M. Hippenstiel, P.E., District 3-0, at (717) 368-4346.

Any questions concerning the submittal of the letter of interest for this Open-End Contract can be directed to the Consultant Agreement Division at (717) 783-9309.

**Bucks County
Project Reference No. 08430AG2220**

The Department of Transportation will retain an engineering firm to perform environmental mitigation design, final design, and construction consultation for S. R. 0202, Section 721, U.S. 202 Relocation in Doylestown Township and Warrington Township, Bucks County. This project involves final design and construction of a portion of the New Alignment Alternative for U.S. 0202 between Warrington and Doylestown, Bucks County as outlined in the U.S. 0202, Section 700, Final Environmental Impact Statement (October, 1997).

The limits of the design project are U.S. 0202 at Pickertown Road in Warrington Township, Bucks County to a point just north of the S. R. 0611 interchange in Doylestown Township, Bucks County, a distance of approximately four (4) miles. The estimated construction cost of this portion is \$70 million.

The selected firm will be required to provide environmental mitigation services to complete the following:

groundwater protection; and noise abatement. These services will be conducted to complete the design and construction proposals. The selected firm will be required to provide all necessary environmental services, material and equipment necessary to collect, analyze and organize data, assess impacts, conduct agency and public involvement activities, and prepare reports and plans. The reports and other written graphic material to be prepared may include, but are not limited to, meeting minutes; and coordinating the development of the design with various agencies and special interest groups.

The selected firm will be required to provide the following engineering and design services: surveys; roadway design; pavement design; preparation of cross sections; soils and geological investigations; erosion and sedimentation control design; highway lighting design; right-of-way investigation and plan preparation; structure design; hydrologic and hydraulic analysis; preparation of traffic control, pavement marking and signing plans; traffic signal design; sign lighting plans; utility coordination and design; highway lighting; coordination with PUC, PennDEP, US Army Corps of Engineers, municipal officials, and the public; preparation of final plans, specifications and estimates; shop drawing reviews; alternate design review; and construction consultation.

Firms that are currently serving, or are being considered for selection as municipal engineer in the municipalities listed in the project description will not be considered for this assignment. Also, firms that are under contract, or are being considered, to provide engineering services to a land developer for a site located along the project will likewise not be considered for this assignment. Firms should state in the letter of interest that they are not serving in either capacity as a municipal engineer or as a representative of a site developer. Any questions concerning this requirement should be directed to Mr. Tim O'Brien, at the telephone number listed below.

The consultant selection meeting will be held in the District 6-0 Engineering Office, 200 Radnor-Chester Road, St. Davids, PA on August 14, 1998.

The goal for Disadvantaged Business Enterprise (DBE) participation in this Agreement shall be fifteen (15%) percent of the total contract price. Additional information concerning DBE participation in this Agreement is contained in the General Requirements and Information section after the advertised project(s).

The District's copy of the Letter of Interest and required forms (see general requirements and information section) shall be sent to: Mr. Andrew Warren, District Administrator, Engineering District 6-0, 200 Radnor-Chester Road, St. Davids, Pa 19087.

Any technical questions concerning the requirements for this project should be directed to: Mr. Tim O'Brien, P.E., District 6-0, at (610) 964-6526, or Mr. Randy Wanger, P.E., District 6-0, at (610) 964-6548.

Any questions concerning the submittal of the letter of interest can be directed to the Consultant Agreement Division at (717) 783-9309.

**Westmoreland and Fayette Counties
Project Reference No. 08430AG2221**

The Department of Transportation will retain an engineering firm to provide supplementary construction inspection staff of approximately fifteen (15) inspectors, under the Department's Inspector(s)-in-Charge, for construction inspection and documentation services for the following two (2) projects in Engineering District 12-0:

1. S. R. 0022, Section B03, Westmoreland County This project involves the construction of a new interchange at the intersection of Traffic Route 22 with Traffic Route 66 in Delmont Borough.
2. S. R. 0031, Section 122, Fayette County This project involves the construction of turning lanes on Traffic Route 31 at the intersection with Traffic Route 982 in Laurelville.

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. Ability to package and present the Letter of Interest in accordance with the "General Requirements and Information" section.
- b. Number of available inspectors in each payroll classification.
- c. Number of NICET certified inspectors in each payroll classifications.
- d. Review of inspectors' resumes with emphasis on construction inspection capabilities.
- e. CDS Experience.
- f. Past Performance.

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 Ins. Super. (TCIS) (NICET Highway Construction Level 3 or equivalent) | 3 (3) |
| Transportation Construction Inspector (TCI) (NICET Highway Construction Level 2 or equivalent) | 9 (6) |
| Technical Assistant (TA) (NICET Highway Construction Level 1 or equivalent) | 3 (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 1998:

| <i>Payroll Classification</i> | <i>Maximum Straight Time Reimbursement Per Hour Of Inspection</i> |
|-------------------------------|---------------------------------------------------------------------------|
| (TCIS) | \$38.21 |
| (TCI) | \$33.44 |
| (TA) | \$22.98 |

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 will be required to supply the following equipment at no direct cost to the Department:

- 2 Nuclear Densometer Gauges/License
- 2 Vehicles for the Transportation of Nuclear Gauges

The goal for Disadvantaged Business Enterprise (DBE) participation in this Agreement shall be fifteen (15%) of the total contract price. Additional information concerning DBE participation in this Agreement is contained in the General Requirements and Information section after the advertised project(s).

Letters of interest for this project must include a letter, signed by the individuals you propose for all 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> |
|-----------------------|-----------------------|
| TCIS | 4 |
| TCI | 11 |

No resumes are required for the TA Classification.

The District's copy of the letter of interest and required forms, (see general requirements and information section

shall be sent to: Mr. Michael H. Dufalla, P.E., District Engineer, Engineering District 12-0, P. O. Box 459, Uniontown, PA 15401.

Any technical questions concerning the requirements for this project should be directed to: Mr. Anthony M. Dzurko, P.E., District 12-0 at (724) 439-7137.

Any questions concerning the submittal of the letter of interest can be directed to the Consultant Agreement Division at (717) 783-9309.

**Washington County
Project Reference No. 08430AG2222**

The Department of Transportation will retain an engineering firm to provide supplementary construction inspection staff of approximately twelve (12) inspectors, under the Department's Inspector(s)-in-Charge, for construction inspection and documentation services on S. R. 0079, Section N11 in Washington County. This project involves the reconstruction of Interstate 79 in the Meadow Lands area.

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. Ability to package and present the Letter of Interest in accordance with the "General Requirements and Information" section.
- b. Number of available inspectors in each payroll classification.
- c. Number of NICET certified inspectors in each payroll classifications.
- d. Review of inspectors' resumes with emphasis on construction inspection capabilities.
- e. CDS Experience.
- f. Past Performance.

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 Ins. Super. (TCIS) (NICET Highway Construction Level 3 or equivalent) | 3 (3) |
| Transportation Construction Inspector (TCI) (NICET Highway Construction Level 2 or equivalent) | 7 (5) |
| 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 1998:

| <i>Payroll Classification</i> | <i>Maximum Straight Time Reimbursement Per Hour Of Inspection</i> |
|-------------------------------|---------------------------------------------------------------------------|
| (TCIS) | \$38.21 |
| (TCI) | \$33.44 |
| (TA) | \$22.98 |

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 will be required to supply the following equipment at no direct cost to the Department:

- 1 Nuclear Densometer Gauges/License
- 1 Vehicles for the Transportation of Nuclear Gauges

The goal for Disadvantaged Business Enterprise (DBE) participation in this Agreement shall be fifteen (15%) of the total contract price. Additional information concerning DBE participation in this Agreement is contained in the General Requirements and Information section after the advertised project(s).

Letters of interest for this project must include a letter, signed by the individuals you propose for all 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> |
|-----------------------|-----------------------|
| TCIS | 4 |
| TCI | 9 |

No resumes are required for the TA Classification.

The District's copy of the letter of interest and required forms, (see general requirements and information section shall be sent to: Mr. Michael H. Dufalla, P.E., District Engineer, Engineering District 12-0, P. O. Box 459, Uniontown, PA 15401.

Any technical questions concerning the requirements for this project should be directed to: Mr. Anthony M. Dzurko, P.E., District 12-0 at (724) 439-7137.

Any questions concerning the submittal of the letter of interest can be directed to the Consultant Agreement Division at (717) 783-9309.

General Requirements and Information

Firms interested in providing the above work and services are invited to submit two copies of a Letter of Interest are required information for each Project Reference Number for which the applicant wishes to be considered.

The first copy of the Letter of Interest and required information must be submitted to: Mr. Charles W. Alwein, P.E., Chief, Consultant Selection Committee, 7th Floor, Forum Place, 555 Walnut Street, P. O. Box 3060, Harrisburg, Pennsylvania 17105-3060. Note: The Zip Code for express Mailing is 17101-1900.

The Letter of Interest and required information must be received within twenty (20) calendar days of this Notice. The Deadline for receipt of a Letter of Interest at the above address is 4:30 p.m. prevailing time of the twentieth day.

The second copy of the letter of interest and required information must be submitted to the appropriate District Engineer/Administrator or the Bureau Director as indicated in the individual advertisement. This copy must be postmarked or delivered on or before the deadline indicated above.

If an individual, firm, or corporation not authorized to engage in the practice of engineering desires to submit a Letter of Interest, said individual, firm, or corporation may do so as part of a Joint Venture with an individual, firm, or corporate which is permitted under the state law to engage in the practice of engineering.

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 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 Intermodal Surface Transportation Efficiency Act of 1991 and currently certified by the Department of Transportation shall have the maximum opportunity to participate in any subcontracting or furnishing supplies or services approved under Form 442, Section 1.10(a). The Act requires that firms owned and controlled by women (WBEs) be included, as a presumptive 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 were 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.

Each Letter of Interest must include the following information and the information *must be* packaged and presented in the following order:

1. Transmittal Letter (Maximum of two (2) 8 1/2" x 11" typed pages, one side)

The subject heading of the transmittal letter must include the project reference number for which the applicant wishes to be considered, the firm's legal name, fictitious name (if applicable), and the firm's federal identification number. If the project advertisement indicated the Department will retain an engineering firm for the project, the applicant must indicate in the body of their transmittal letter the names and Professional Engineer License Number of individuals who are directing heads or employees of the firm who have responsible charge of the firm's engineering activities, and whose names and seals shall be stamped on all plans, specifications, plats, and reports issued by the firm.

2. Project Organizational Chart (one page, one side, maximum size 11" x 17")

This Chart must show key staff from the prime and each subconsultant and their area of responsibility.

3. Standard Form 255, "Architect-Engineer and Related Services Questionnaire for Specific Project" (one Form 255 for the project team)

The Standard Form 255 must be signed, dated, and filled out in its entirety, including Item No. 6 listing the proposed subconsultants and the type of work or service they will perform on the project.

Under Item 4 of this form, Column A must specify only the number of subconsultant personnel and Column B must specify only the number of prime consultant personnel to be assigned to work on this project reference number. Do *not* include the total personnel for either the subconsultant or prime consultant under Item 4 unless the total personnel are necessary to provide the required work and services.

The prime and each subconsultant may include no more than one page each for Items 10 and 11.

If a Disadvantaged Business Enterprise (DBE) goal is specified for the project, the DBE must be currently certified by the Department of Transportation, and the name of the DBE and the work to be performed must be indicated in Item No. 6. If a Woman Business Enterprise (WBE) firm is substituted for the DBE, the WBE firm must also be presently certified by the Department of Transportation and indicated in Item 6.

4. Standard Form 254, "Architect-Engineer for Related Services Questionnaire"

A Standard Form 254, not more than one (1) year old as of the date of this advertisement, must accompany each Letter of Interest for the firm, each party to a Joint Venture, and for each subconsultant the firm or Joint Venture is proposing to use for the performance of professional services regardless of whether the subconsultant is an individual, a college professor, or a Company, unless an acceptable Standard Form 254 for the prime and *each* subconsultant/subcontractor is on file in both the Bureau of Design and the Engineering District Office or Central Office Bureau identified in the individual project advertisement.

If the Standard Form 254 is not submitted with the Letter of Interest, the transmittal letter shall indicate the dates that the Standard Forms 254 were submitted to the Bureau of Design and appropriate Engineering District/Central Office Bureau.

These Forms must be assembled with the prime's form first, followed by the form for each subconsultant in the same order as the subconsultants appear in Item 6 of Form 255.

5. Workload Projection Graph (Not required for Construction Inspection Services)

Separate Workload Projection Graphs for the prime and each subconsultant shown in Item 6 of the Form 255 must be included and must indicate the firm's current and anticipated workload compared to the anticipated capacity available for the next two-year time frame. The Workload Projection Graphs must be submitted for the office(s) where the work would be performed and must only include the personnel classifications required for providing the advertised services and work.

6. Authorization Letters (For Construction Inspections Services, if required)

If the advertisement requires a letter signed by individuals giving their approval to use their name in the Letter of Interest, the letters from proposed prime employees must be first, followed by subconsultant employees, in the same order as shown in Item 6 of Form 255.

7. Registration To Do Business

Firms with out-of-state headquarters or corporations not incorporated in Pennsylvania must include, with each Letter of Interest, a copy of their registration to do business in the Commonwealth as provided by the Department of State. Firms who are not registered to do business in Pennsylvania at the time of this advertisement must document that they have applied for registration to the Department of State, Corporation Bureau. The telephone number for the Corporation Bureau is (717) 787-1057 or (717) 787-2004.

8. Overhead Rates (one page)

A single page summary must indicate the latest audited overhead rate developed in accordance with Federal Acquisition Regulations (FAR) for the prime consultant and each subconsultant. If a FAR rate is not available, the

latest rate available from a Certified Public Accountant must be indicated. New firms should indicate how long the firm has been in existence and when an audited overhead rate would be available.

9. Additional Information

Additional information, not to exceed ten (10) one sided 8 1/2" x 11" pages or five (5) double sided 8 1/2" x 11" pages may be included at the discretion of the submitting firm.

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. 98-1165. Filed for public inspection July 17, 1998, 9:00 a.m.]

Retention of Engineering Firms

Lawrence County Project Reference No. 08430AG2223

The Department of Transportation will retain an engineering firm to perform preliminary engineering, environmental studies, final design, shop drawing review and consultation during construction for the replacement of the Vangorder Mill Road Bridge (S. R. 2005, Section L02). The structure being replaced is a 277 foot simple span over the Slippery Rock Creek. This project will also require roadway realignment in order to meet current design. This project is located on S. R. 2005 in Perry and Wayne Townships approximately 1.5 miles north of S. R. 0488 in Lawrence County.

Required services will include Preliminary and Final Geotechnical Engineering, Right-of-Way Investigation and Final Right-of-Way Plan, Hydrologic and Hydraulic Report, Type, Size and Location Submission, Step 9 Submission, Field Survey in Preliminary and Final Design, Final Bridge Design Plans, Value Engineering, Utility Coordination and Investigation, Final Roadway Design, Also Plans (lighting, pavement marking and signing), Maintenance and Protection of Traffic, Final P. S. & E. Submission, Construction Consultation and Shop Drawing Review.

The design of this project will be developed in metric units.

The following factors, listed in order of importance, will be considered by the Department during the evaluation of the firms submitting Letters of Interest:

1. Ability to package and present the letter of interest in accordance with the "General Requirements and information" section.
2. Specialized experience and technical competence of firm.
3. Experience and abilities of key personnel (project manager, bridge engineer, etc.) that will be assigned to this project.
4. Past record of performance for similar type projects with respect to cost control, work quality and ability to meet schedules.

5. Subconsultants assigned to this project.
6. Special requirements of project.
7. Other factors, if any, specific to the project.

The District will announce the firms that have been shortlisted at an open public meeting to be held at Engineering District 11-0, 45 Thomas Run Road, Bridgeville, PA 15017 at 10:00 AM on Thursday, September 10, 1998. Please specify a contact person, phone number and address in the letter of interest.

The goal for Disadvantaged Business Enterprise (DBE) participation in the Agreement shall be 15% of the total contract price. Additional information concerning DBE participation in this Agreement is contained in the General Requirements and Information section after the advertised projects.

Limits to the letter of interest submittals in addition to the General Requirements and Information are as follows:

- a. Resumes—five total pages of resumes, one-sided
- b. Standard Form 255, Item 8 (Number of project descriptions which demonstrate the firm's competence)—five (5) project descriptions

The second copy of the letter of interest and required forms (see general requirements and information section) shall be sent to: Henry Nutbrown, P.E. District Engineer, District 11-0, 45 Thoms Run Road, Bridgeville, PA 15017, Attention: Richard T. Curry, P.E.

Any technical questions concerning the requirements for this project should be directed to Robert Collins, P.E., District 11-0, at (412) 429-4928.

Any question concerning the submittal of the letter of interest can be directed to the Consultant Agreement Division at (717) 783-9309.

General Requirements and Information

Firms interested in providing the above work and services are invited to submit two copies of a Letter of Interest are required information for each Project Reference Number for which the applicant wishes to be considered.

The first copy of the Letter of Interest and required information must be submitted to: Mr. Charles W. Alwein, P.E., Chief, Consultant Selection Committee, 7th Floor, Forum Place, 555 Walnut Street, P. O. Box 3060, Harrisburg, Pennsylvania 17105-3060. Note: The Zip Code for express Mailing is 17101-1900.

The Letter of Interest and required information must be received within twenty (20) calendar days of this Notice. The Deadline for receipt of a Letter of Interest at the above address is 4:30 P.M. prevailing time of the twentieth day.

The second copy of the letter of interest and required information must be submitted to the appropriate District Engineer/Administrator or the Bureau Director as indicated in the individual advertisement. This copy must be postmarked or delivered on or before the deadline indicated above.

If an individual, firm, or corporation not authorized to engage in the practice of engineering desires to submit a Letter of Interest, said individual, firm, or corporation may do so as part of a Joint Venture with an individual, firm, or corporate which is permitted under the state law to engage in the practice of engineering.

If a Joint Venture responds to a project advertisement, the Department of Transportation will not accept sepa-

rate Letters of Interest from the Joint Venture constituents. A firm will not be permitted to submit 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 Intermodal Surface Transportation Efficiency Act of 1991 and currently certified by the Department of Transportation shall have the maximum opportunity to participate in any subcontracting or furnishing supplies or services approved under Form 442, Section 1.10(a). The Act requires that firms owned and controlled by women (WBEs) be included, as a presumptive 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 were 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.

Each Letter of Interest must include the following information and the information *must be* packaged and presented in the following order:

1. Transmittal Letter (Maximum of two (2) 8 1/2" x 11" typed pages, one side)

The subject heading of the transmittal letter must include the project reference number for which the applicant wishes to be considered, the firm's legal name, fictitious name (if applicable), and the firm's federal identification number. If the project advertisement indicated the Department will retain an engineering firm for the project, the applicant must indicate in the body of their transmittal letter the names and Professional Engineer License Number of individuals who are directing heads or employees of the firm who have responsible charge of the firm's engineering activities, and whose names and seals shall be stamped on all plans, specifications, plats, and reports issued by the firm.

2. Project Organizational Chart (one page, one side, maximum size 11" x 17")

This Chart must show key staff from the prime and each subconsultant and their area of responsibility.

3. Standard Form 255, "Architect-Engineer and Related Services Questionnaire for Specific Project" (one Form 255 for the project team)

The Standard Form 255 must be signed, dated, and filled out in its entirety, including Item No. 6 listing the

proposed subconsultants and the type of work or service they will perform on the project.

Under Item 4 of this form, Column A must specify only the number of subconsultant personnel and Column B must specify only the number of prime consultant personnel to be assigned to work on this project reference number. Do *not* include the total personnel for either the subconsultant or prime consultant under Item 4 unless the total personnel are necessary to provide the required work and services.

The prime and each subconsultant may include no more than one page each for Items 10 and 11.

If a Disadvantaged Business Enterprise (DBE) goal is specified for the project, the DBE must be currently certified by the Department of Transportation, and the name of the DBE and the work to be performed must be indicated in Item No. 6. If a Woman Business Enterprise (WBE) firm is substituted for the DBE, the WBE firm must also be presently certified by the Department of Transportation and indicated in Item 6.

4. Standard Form 254, "Architect-Engineer for Related Services Questionnaire"

A Standard Form 254, not more than one (1) year old as of the date of this advertisement, must accompany each Letter of Interest for the firm, each party to a Joint Venture, and for each subconsultant the firm or Joint Venture is proposing to use for the performance of professional services regardless of whether the subconsultant is an individual, a college professor, or a Company, unless an acceptable Standard Form 254 for the prime and *each* subconsultant/subcontractor is on file in both the Bureau of Design and the Engineering District Office or Central Office Bureau identified in the individual project advertisement.

If the Standard Form 254 is not submitted with the Letter of Interest, the transmittal letter shall indicate the dates that the Standard Forms 254 were submitted to the Bureau of Design and appropriate Engineering District/Central Office Bureau.

These Forms must be assembled with the prime's form first, followed by the form for each subconsultant in the same order as the subconsultants appear in Item 6 of Form 255.

5. Workload Projection Graph (Not required for Construction Inspection Services)

Separate Workload Projection Graphs for the prime and each subconsultant shown in Item 6 of the Form 255 must be included and must indicate the firm's current and anticipated workload compared to the anticipated capacity available for the next two-year time frame. The Workload Projection Graphs must be submitted for the office(s) where the work would be performed and must only include the personnel classifications required for providing the advertised services and work.

6. Authorization Letters (For Construction Inspections Services, if required)

If the advertisement requires a letter signed by individuals giving their approval to use their name in the Letter of Interest, the letters from proposed prime employees must be first, followed by subconsultant employees, in the same order as shown in Item 6 of Form 255.

7. Registration To Do Business

Firms with out-of-state headquarters or corporations not incorporated in Pennsylvania must include, with each Letter of Interest, a copy of their registration to do

business in the Commonwealth as provided by the Department of State. Firms who are not registered to do business in Pennsylvania at the time of this advertisement must document that they have applied for registration to the Department of State, Corporation Bureau. The telephone number for the Corporation Bureau is (717) 787-1057 or (717) 787-2004.

8. Overhead Rates (one page)

A single page summary must indicate the latest audited overhead rate developed in accordance with Federal Acquisition Regulations (FAR) for the prime consultant and each subconsultant. If a FAR rate is not available, the latest rate available from a Certified Public Accountant must be indicated. New firms should indicate how long the firm has been in existence and when an audited overhead rate would be available.

9. Additional Information

Additional information, not to exceed ten (10) one sided 8 1/2" x 11" pages or five (5) double sided 8 1/2" x 11" pages may be included at the discretion of the submitting firm.

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. 98-1166. Filed for public inspection July 17, 1998, 9:00 a.m.]

HEALTH CARE COST CONTAINMENT COUNCIL

Mandated Benefits

Section 9 of Act 34 of 1993 requires that the Health Care Cost Containment Council (Council) review existing or proposed mandated health benefits on request of the executive and legislative branches of government. The Council has been requested by Senator Edwin G. Holl, Chairperson of the Senate Banking and Insurance Committee, to review Senate Bill 499, Printers Number 526 (O'Pake), the Home Health Care Reimbursement Act, which would require all health insurance policies providing reimbursement for medically necessary services to also offer "optional health insurance benefits payable with respect to home health care in accordance with a home health care plan of treatment prescribed by a physician."

Initial notification of request for information and documentation was published in the *Pennsylvania Bulletin* on May 2, 1998, with documentation due to the Council by July 2, 1998.

Following is a list of the documentation received. This information is available for public review and comment at the Council offices during regular business hours (8:30 a.m. to 5 p.m.) until August 7, 1998. Any additional comments on this information must be received by this time. Council offices are located at: 225 Market Street,

Suite 400, Harrisburg, PA 17101. Send comments (six copies) to Flossie Wolf at this address.

Senate Bill 499 Submissions

1. Managed Care Association of Pennsylvania (Kimberly Kockler, Executive Director)

- Letter addressing Section 9 requirements, opposing Senate Bill 499.

- Attachments addressing home health care and long term care.

2. The Insurance Federation of Pennsylvania (John R. Doubman, Secretary and Counsel)

- Letter addressing Section 9 requirements and opposing Senate Bill 499.

3. Highmark (Bruce R. Hironimus, Vice President, Government Affairs)

- Statement addressing Section 9 requirements and opposing Senate Bill 499.

- Attachments addressing home health care and long term care.

4. AFLAC—American Family Life Assurance Company of Columbus (Richard J. Gmerek and Elvira O. Guida from the Law Offices of Maley, Williamson, Hayden & Gmerek)

- Statement of AFLAC requesting that language be added to Senate Bill 499 excluding certain types of supplemental policies.

5. Pennsylvania Business Roundtable (Michael T. McCarthy, President)

- Letter opposing mandates in general, including those proposed in Senate Bill 499.

MARC P. VOLAVKA,
Executive Director

[Pa.B. Doc. No. 98-1167. Filed for public inspection July 17, 1998, 9:00 a.m.]

Mandated Benefits

Section 9 of Act 34 of 1993 requires that the Health Care Cost Containment Council (Council) review existing or proposed mandated health benefits on request of the executive and legislative branches of government. The Council has been requested by Senator Edwin G. Holl, Chairperson of the Senate Banking and Insurance Committee, to review Senate Bill 590, Printers Number 622 (Williams), which requires health insurance companies and private and public health programs to provide coverage of acupuncture services at the same reimbursement whether the provider is a licensed physician or licensed acupuncturist.

Initial notification of request for information and documentation was published in the *Pennsylvania Bulletin* on May 2, 1998, with documentation due to the Council by July 2, 1998.

Following is a list of the documentation received. This information is available for public review and comment at the Council offices during regular business hours (8:30 a.m. to 5 p.m.) until August 7, 1998. Any additional comments on this information must be received by this time. Council offices are located at: 225 Market Street, Suite 400, Harrisburg, PA 17101. Send comments (six copies) to Flossie Wolf at this address.

Senate Bill 590 Submissions

1. American Academy of Medical Acupuncture (Dr. Marshall H. Sager, D.O., Board Member)

- Letter addressing Section 9 requirements and opposing Senate Bill 590.

2. The Insurance Federation of Pennsylvania, Inc. (John R. Doubman, Secretary and Counsel)

- Letter addressing Section 9 requirements and opposing Senate Bill 590.

3. Highmark (Bruce R. Hironimus, Vice President, Government Affairs)

- Statement addressing Section 9 requirements and opposing Senate Bill 590.
- Attachments addressing acupuncture.

4. AFLAC—American Family Life Assurance Company of Columbus (Richard J. Gmerek and Elvira O. Guida from the Law offices of Maley, Williamson, Hayden & Gmerek)

- Statement of AFLAC requesting that language be added to Senate Bill 590 to exclude certain types of supplemental policies.

5. Pennsylvania Business Roundtable (Michael T. McCarthy, President)

- Letter opposing mandated benefits in general, including those proposed in Senate Bill 590.

MARC P. VOLAVKA,
Executive Director

[Pa.B. Doc. No. 98-1168. Filed for public inspection July 17, 1998, 9:00 a.m.]

Mandated Benefits

Section 9 of Act 34 of 1993 requires that the Health Care Cost Containment Council (Council) review existing or proposed mandated health benefits on request of the executive and legislative branches of government. The Council has been requested by Senator Edwin G. Holl, Chairperson of the Senate Banking and Insurance Committee, to review Senate Bill 1183, Printers Number 1449 (Greenleaf), which would require every health insurance policy that provides pregnancy-related benefits to also provide coverage for the expenses of diagnosis and treatment of infertility, including, but not limited to, in vitro fertilization, uterine embryo lavage, embryo transfer, artificial insemination, gamete intrafallopian tube transfer, zygote intrafallopian tube transfer and low tubal ovum transfer, under certain medical conditions.

Initial notification of request for information and documentation was published in the *Pennsylvania Bulletin* on May 2, 1998, with documentation due to the Council by July 2, 1998.

Following is a list of the documentation received. This information is available for public review and comment at the Council offices during regular business hours (8:30 a.m. to 5 p.m.) until August 7, 1998. Any additional comments on this information must be received by this time. Council offices are located at: 225 Market Street, Suite 400, Harrisburg, PA 17101. Send comments (six copies) to Flossie Wolf at this address.

Senate Bill 1183 Submissions

1. Highmark (Bruce R. Hironimus, Vice President, Government Affairs)

- Statement addressing Section 9 requirements and opposing Senate Bill 1183.

- Attachments addressing costs, effectiveness and social issues surrounding infertility.

2. Independence Blue Cross (Mary Ellen McMillen, Vice President, Legislative Policy)

- Letter opposing Senate Bill 1183.
- Attachments about the cost/prevalence of health insurance.

3. The Managed Care Association of Pennsylvania (Kimberly J. Kockler, Executive Director)

- Letter addressing Section 9 requirements and opposing Senate Bill 1183.
- Attachments addressing costs, effectiveness and social issues surrounding infertility.

4. The Insurance Federation of Pennsylvania (John R. Doubman, Secretary and Counsel)

- Letter addressing Section 9 requirements and opposing Senate Bill 1183.
- Attachments addressing insurance costs and coverage for infertility.

5. AFLAC—American Family Life Assurance Company of Columbus (Richard J. Gmerek and Elvira Guida of the Law Office of Maley, Williamson, Haley & Gmerek)

- Statement addressing Senate Bill 1183 and requesting exemptions for certain supplemental policies.

6. The American Society for Reproductive Medicine (Sean Tipton, Public Affairs Administrator)

- Letter and attachments addressing infertility services and treatments.

7. Pennsylvania Reproductive Associates (Dr. Andrea Braverman, Director of Psychological Services)

- Letter and attachments addressing the psychological aspects of infertility.

8. RESOLVE of Philadelphia (Patti Gellman, Advocacy Committee Co-Chair)

- Statement supporting Senate Bill 1183.
- Attachments addressing effectiveness and costs of infertility.

9. RESOLVE of South Central PA (Tara Mayes)

- Letter addressing infertility issues.

10. RESOLVE, The National Infertility Association (Deborah Wachenheim, Government Affairs Director)

- Information on infertility, infertility treatment costs and insurance coverage.

11. Serono Laboratories (Nicholas L. Ruggieri, Vice President, Government Affairs)

- Information on the cost of infertility insurance benefits.

12. Dr. William F. Panak, Martha Griffin, Dr. M. Shelton Smith, Brandie Dennler, Jennifer Erickson

- Statement addressing Section 9 requirements and supporting Senate Bill 1183.
- Attachments addressing costs and effectiveness of infertility treatments.

MARC P. VOLAVKA,
Executive Director

[Pa.B. Doc. No. 98-1169. Filed for public inspection July 17, 1998, 9:00 a.m.]

Special Reports and Requests for Data

The Health Care Cost Containment Council, according to its enabling legislation, is to publish a listing of all special reports and data that have been prepared during the previous fiscal year period. The following represents a summary of the reports and requests for data generated by the Council in calendar years 1996 and 1997. Questions about these reports and procedures for obtaining access to data should be addressed to Tina Haines, Supervisor, Special Requests Unit, Health Care Cost Containment Council, 225 Market Street, Suite 400, Harrisburg, PA 17101, (717) 232-6787, www.PHC4.org.

- Agency for Health Care Policy and Research** 1994 and 1995 inpatient discharge data will be used for the HCUP-3 Project.
- Allied Services** 1994 inpatient discharge data will be used for strategic planning and competitive analysis of rehabilitation hospital referrals and potential referrals from acute care facilities statewide.
- APM, Incorporated** Second, third and fourth quarters 1994 and first quarter 1995 inpatient discharge data will be used in a benchmarking analysis for a women's hospital in Toronto, Canada. The following hospital's data will be used as reference points in this analysis: Allegheny General Hospital, University of Pittsburgh, Mercy Hospital of Pittsburgh, St. Francis Medical Center and West Penn Hospital.
- Center for Healthcare Industry Performance Studies** 1994 and 1995 inpatient discharge data will be used in a commercial software product.
- Chambersburg Hospital** The third and fourth quarters of 1994 and the first quarter of 1995 data will be used to facilitate a better understanding of the acute care needs of residents in their service area and to identify outmigration of quantitatively evaluating the number of patients and types of services patients require, and where these patients are receiving that care.
- Chester County Memorial Hospital** First and second quarters 1994 inpatient discharge data for Regions 5, 7, 8 and 9 will be used as part of market analysis in preparation for filing merger documents between Chester County and Brandywine Hospitals. It is for research purposes only.
- Chi Systems, Inc.** 1994 inpatient discharge data will be used to look at patient migration patterns for a client.
- Children's Hospital of Philadelphia** 1990-1993 inpatient discharge data will be used for a grant proposal for an epidemiological study of meningioma.
- Cochran Research Center** 1992 and 1994 inpatient data for Regions 8 and 9 will be used by faculty in the School of Business and Management, Department of Health Administration for academic research. The Cochran Research Center is the Center which coordinates all School of Business and Management faculty research.
- Cochran Research Center** 1992 inpatient discharge data will be used by faculty in the School of Business and Management, Department of Health Administration for research (academic).
- Community General Osteopathic Hospital** 1994 and 1995 inpatient discharge data will be used to analyze the market share for hospitals in the greater Harrisburg area.
- Cooper Health System** 1992-1994 inpatient discharge data for Regions 8 and 9 will be used for public health research.
- Coopers & Lybrand** 1994 inpatient discharge data will be used to create an internal database related to market share and utilization by DRG.
- Deloitte & Touche** Third and fourth quarters of 1993 and first and second quarters of 1994 inpatient discharge data will be used to assess which counties belong together based on patient migration to hospitals.
- Eastern Mercy Health Systems** 1994 and first quarter 1995 inpatient discharge data will be used for strategic planning.
- Eastern Mercy Health Systems** Third and fourth quarter of 1995 inpatient discharge data for Regions 8 and 9 is used for the strategic planning and development process in the regional EMHS facilities. Admission patterns, utilization, competitor analysis, and some quality measurements are examined. The data is always used in a summary basis, grouped by DRG, zip code, ICD9 codes.
- Easton Hospital** 1994 inpatient discharge data will be used for internal strategic planning including market share analysis.

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|----------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Easton Hospital | 1995 inpatient discharge data for a specific list of zip codes will be used in internal strategic market planning. |
| Economists Incorporated | A report for 1990 data record counts by hospital will be used to perform an analysis of geographic markets for hospital cardiovascular surgery services. |
| Economists Incorporated | The request for 1990 inpatient discharge data will be used to perform an analysis of the geographic area from which Wyoming Valley Health Care received patients by different payor types. |
| Federal Trade Commission | First quarter 1995 inpatient discharge data for Region 2 will be used as a geographic market definition for a hospital merger investigation. |
| First Chesapeake Group | 1994 and 1995 Regions 4 & 6 inpatient discharge data will be used for consulting on behalf of Guthrie Healthcare System. |
| First Chesapeake Group | 1995 inpatient discharge data for Region 7 general acute care hospitals will be used to challenge local Pennsylvania taxing authorities when trying to change local hospitals from tax-exempt to non-exempt. |
| Ford Research Laboratory | 1989, 1990, and 1991 inpatient discharge data for Allegheny County will be used to determine whether there is an association between particular matter in the atmosphere and hospital admissions. |
| Gilead Community House | 1989-1994 inpatient discharge data for a selected group of DRG's will be used for conducting a capitol campaign planning study for Gilead Community House and for marketing information. |
| Goldberg Enterprise Services | 1995 inpatient discharge data for Region 8 will be used for a market share analysis for a physician group to support development of a capitation rate. |
| Graduate Health System | 1994 inpatient discharge data will be used for comparison between our facilities and other regional hospitals. |
| Hamot Medical Center | The 1993 AMI data set will be used to produce a custom market share report on average length of stay for the Medicor Cardiology Group. |
| Harvard School of Public Health | 1993 inpatient discharge data will be used for research purposes using aggregated admissions data. |
| Hay Health Care Consulting Group | Second, third and fourth quarters of 1994 and first quarter 1995 inpatient discharge data will be used as part of a hospital database. |
| HBS International | 1994 data will be used in a commercial software product. |
| HBS International | 1995 revenue code detail will be used in a commercial software product. |
| HealthAmerica | 1994 inpatient discharge data will be used for internal database purposes. |
| Healthcare Research Affiliates, Inc. | 1992, 1993 and the first and second quarters of 1994 will be used to provide hospitals, physician groups, managed care organizations and other health care decision makers with quality, charge and utilization statistics and market share figures. |
| Healthsouth Rehabilitation Hospital of York | The 1994 inpatient discharge data will be used to determine the relationship that exists between a patient's underlying health status and the outcomes they achieve in rehab. medicine. Specifically, this project will examine the relationship between a patient's health status, as evidenced by the presence of co-morbid diseases (ICD-9-CM codes) and inpatient admission MedisGroup score, and outcome measures such as length of stay and total charges for the rehab. care. |
| Hershey Medical Center | 1994 inpatient discharge data will be used for research purposes. |
| Highmark | 1994 and 1995 inpatient discharge data will be used to conduct account and community reporting and consulting, selective contracting, utilization review, and applied health services research. In these instances we expect to release only aggregate data, if at all, and to credit HC4 as a data source. |
| Hospital Association of Pennsylvania | 1994 and 1995 inpatient discharge data will be used to produce internal reports for Association members. The primary use will be to generate a report on payor mix by facility and by groupings of facilities. |

- Hospital Council of Western Pennsylvania** 1994 inpatient discharge data will be used for two purposes: 1) for incorporation into HCMAS-PA software, and 2) to prepare reports based on HC4 data to provide or sell to other entities.
- Hospital Council of Western Pennsylvania** The 1991, 1992 and 1993 inpatient discharge data will be used to allow health providers and other organizations who use HCMAS to plan and design health care services more efficiently.
- Hospital Executive Council** Third and fourth quarters of 1994 and first quarter 1995 inpatient discharge data were used in a customized report of all acute discharges and patient days for a select group of DRG's. These data will be used to conduct a comparative analysis of hospital admission/discharge rates and length of stay for a specific area.
- Iameter, Inc.** 1994 inpatient discharge data will be used for internal research.
- Iameter, Inc.** 1995 inpatient discharge data is used to develop severity-adjusted NORMS for length of stay, charges and mortalities. It is also for use in analyzing the severity-adjusted outcomes of client hospitals in the state of Pennsylvania.
- Institute for Health Care Research and Policy** 1994 inpatient discharge data will be used to construct aggregate tabulations and multivariate statistical analyses. As part of a study of academic health center hospitals supported by The Commonwealth Fund, we will calculate relative odds of HMO patients' use of academic health centers and other hospitals categorized by teaching status and size across market areas that contain an academic health center hospital.
- Intellimed International Corporation** 1994 inpatient discharge data for two hospitals will be used for consulting purposes.
- Intellimed International Corporation** 1995 inpatient discharge data will be used in a commercial software product.
- Jefferson Medical College** The 1993 AMI data set will be used for an analysis of the PHC4 database.
- Lehigh Valley Hospital** 1994 -1996 inpatient discharge data will be used for market share analysis and released marketing research.
- Lower Extremity Amputation State Group** Third and fourth quarters of 1994 and first and second quarters of 1995 inpatient discharge data will be used to investigate geographical variations in the number of lower extremity amputations.
- Marian Community Hospital** 1993 and 1994 inpatient discharge data for Region 6 will be used for internal analysis.
- Marianne Patrylak Consulting** 1995 inpatient discharge data for a specific list of zip codes will be used by Hazleton - St. Joseph Hospital for market share analysis.
- Market Insights** 1994 inpatient discharge data will be used for internal benchmarking.
- Massachusetts Health Research Institute** 1994 and 1995 inpatient discharge data will be used to measure the "value" of particular non-profit hospital's tax exemption and to compare it to various definitions of community benefits including free care provided and debt incurred.
- McBride, Baker and Coles** 1993 and 1994 inpatient discharge data will be used by Dr. Dench to determine where patients obtain surgical services. An economist may assist in the analysis of the data.
- Medical Advisors, Inc.** 1993, 1994, and 1995 inpatient data for a specific list of zip codes and DRG's will be used to conduct analysis regarding historical trends, identify the existing market for cardiac surgical cases, project growth in cardiac surgery and assess opportunities for market expansion.
- MEDIQ Consulting Group** 1995 inpatient discharge data for Regions 8 and 9 will be used in consulting projects.
- MediQual Systems, Inc.** 1994 inpatient discharge data will be used by anyone purchasing a Pennsylvania state database for use with Atlas Market View. Usually those purchasers are Pennsylvania hospitals.
- MediQual Systems, Inc.** 1995 inpatient discharge data will be used for research purposes.

- Milliman and Robertson, Inc.** 1994 and 1995 inpatient discharge data will be used to 1) determine the level of efficiency for a hospital or payor as compared to well-managed efficient experience as defined by M&R's HealthCare Management Guidelines; 2) compare the cost and utilization by geographic region to other reporting data sources (that is, HCFA, AHA, and the like), and reconcile any discrepancies; 3) research migration patterns of patients (that is, how far do they travel for care and which hospitals do they choose); and 4) determine length of stay and charges by DRG.
- Morrison Informatics, Inc.** 1995 inpatient discharge data for a specific list of hospitals will be used in a market analysis for one hospital in the group. The results will allow the determination of the market share of patients sent to post acute care.
- Newcomb Medical Center** 1992, 1993 and 1994 inpatient discharge data will be used to identify the number of Southern New Jersey residents who travel to Delaware Valley Hospitals for cardiac catheterization procedures.
- Oconco Healthcare Consultants** The Pennsylvania 1995 inpatient discharge data will be used to investigate utilization rates and trends by zip code. It is also used to study trends in patient migration in the tri-state region.
- Oxford Health Plans** 1994 and 1995 inpatient discharge data will be used to analyze severity adjusted lengths of stay, charges, and costs across hospitals, for various clinical specialties, to determine market share for hospitals in the greater Harrisburg area.
- PA Department of Agriculture** The 1995 data on chlorine gas exposures is needed for regulatory review of Department's swimming pool certification requirements.
- PA Department of Health** The 1994 inpatient discharge data will be linked to the Pennsylvania Department of Health Emergency Medical Services data and the PA Department of Transportation Accident Reporting System data. The linked data set will be used to carry out specific research interests of all participating agencies and Departments in the 1994 Crash Outcomes and Data Evaluation Set Project (CODES '94).
- PA Department of Health** The 1993, 1994, and 1995 statewide inpatient discharge data will be used to update a comprehensive report of baseline data for Pennsylvania that corresponds to many of the several hundred public health objectives for the year 2000 as defined by the US Public Health Service in Healthy People 2000, National Health Promotion and Disease Prevention Objectives.
- PA Department of Labor and Industry** First quarter 1995 inpatient discharge data will be used to complete a workers' compensation study for the Department of Labor and Industry.
- PA Department of Public Health** Custom data for 1995 will be used to prepare annual reports of injury related data, special topical monographs, and respond to requests for aggregate data at the local level. Subcontractor will be the University of Pittsburgh, Center for Injury Research and Control.
- PA Department of Public Welfare** 1994 inpatient discharge data will be used for patient origin and market share information as part of a DPW commercial study.
- PA Office of the Attorney General** Third and fourth quarters of 1994 and first and second quarters of 1995 inpatient discharge data for 29 counties will be used to investigate the proposed merger between the University of Pittsburgh Medical Center and Shadyside Hospital in Pittsburgh, PA. Requested data will be used to determine the relevant product and geographic markets within which to analyze the competitive effect of the proposed merger.
- PA Office of the Attorney General** 1995 inpatient data will be used by Dr. Gary Bowman who is a Temple University economist we retain to help us determine the relevant geographic and product markets in reference to hospital merger cases. Dr. Bowman's analysis is utilized by the Pennsylvania Office of Attorney General only, to evaluate the competitive or anticompetitive effects of hospital mergers.
- PA Department of Aging/PACE** First and second quarters of 1993 and first through fourth quarters of 1994 data will be used in a research study of outcomes of polypharmacy in elderly persons enrolled in PACE. The Department of Aging will provide a file containing Social Security Numbers for PACE enrollees. HC4 data, matched by Social Security Number will be linked with PACE pharmacy claims and with mortality data provided by the Department of Health.
- Philadelphia Department of Public Health** The 1994 hospital discharge data set, with social security number identifiers represents an important source of information for us since it will help us to document improved outcomes and/or cost savings associated with our Title V programs.
- Philipsburg Area Hospital** 1993 inpatient discharge data for a specific range of zip codes and facilities will be used to strategically evaluate their market share in the Moshannon Valley for internal planning purposes.

- Philipsburg Area Hospital** 1995 inpatient discharge data will be used to assess the admission trends of rural PA hospitals over the past several years.
- Premier, Inc.** 1995 and 1996 inpatient discharge data will be placed into a comparative analytical tool. Current Premier member hospitals, which include approximately 30% of all PA short term hospitals, may have access to use this tool to perform various comparative analyses.
- Sachs Group, Inc.** 1994 and 1995 inpatient discharge data will be used in a commercial software product.
- Saint Vincent Health Center** 1990, 1991, 1992 and 1993 inpatient discharge data will be used, in conjunction with other community providers, to assess community health. By reviewing this information we hope to be able to determine if there is adequate access to primary care in our area. The health center and other providers will then determine the health indicators which we are lacking and as a community should begin working on.
- Sharon Regional Health System** 1994 inpatient discharge data for a specific list of zip codes will be used to study out migration in order to evaluate the number of patients from the hospitals' service area and determine what patients are seeking services in the state of Ohio.
- Soldiers and Sailors Memorial Hospital** The 1994 and 1995 inpatient data will be used to determine Tioga County residents that were discharged from a provided list of hospitals, by DRG, by physician.
- St. Joseph's University** The 1995 market report to be generated from the data will be used for educational purposes.
- St. Francis Medical Center** 1994 inpatient discharge data will be used for internal benchmarking.
- St. Luke's Hospital** 1994 inpatient discharge data for selected regions will be used as part of a market analysis in preparation for filing merger documents between St. Luke's Hospital and Allentown Osteopathic Medical Center. The data is for research purposes only.
- Sunbury Hospital** 1994 inpatient discharge data for a specific list of hospitals will be used for internal benchmarking.
- The APEX Management Group, Inc.** 1993 inpatient discharge data will be used to complete a hospital inpatient utilization analysis for a client in the Lancaster County area. We will be studying aggregate hospital utilization patterns in the Lancaster area and comparing those statistics to hospitals in other regions.
- The APEX Management Group, Inc.** 1995 inpatient discharge data will be used for hospital inpatient utilization analyses.
- The MEDSTAT Group** 1993 through 1996 inpatient discharge data will be used in a commercial software product.
- U.S. Quality Algorithms, Inc.** 1994 and 1995 inpatient discharge data will be used in a commercial software product.
- University Hospital of Cleveland** 1995 inpatient discharge data for Regions 1 and 2 will be used for analyses of total hospital usage by residents of NE Ohio.
- University of Delaware** 1992, 1993, and 1994 inpatient discharge data will be used in conjunction with the Delaware, Maryland, and NJ discharge data to try to estimate the appropriate market for the Medical Center of Delaware.
- University of Pennsylvania** 1991 through 1995 inpatient discharge data will be used for a research project, "Effectiveness of Regional Trauma Care for Children" funded by the Center for Control and Prevention.
- University of Pittsburgh Medical Center** First and second quarters of 1994 inpatient discharge data will be used to compare the cost and outcome of care at UPMC with other PA hospitals. The purpose is to enable UPMC physicians to reduce the cost and improve the quality of care.
- University of Pittsburgh Medical Center** 1993 inpatient discharge data will be used to determine whether there are differences in the outcomes (mortality rates) for patients with AMI focusing on the differences between those who live in urban and rural areas. In addition to mortality, cost differences, and length of stay, care for the individuals will also be examined.
- Valley Health** 1993 Pandora market share reports will be used for market research.
- Washington County Hospital** 1993 inpatient discharge data will be used to determine the amount of Maryland residents that are going to four PA hospitals.

Wayne Memorial Hospital 1994 and 1995 inpatient discharge data for Region 6 will be used to conduct a market analysis.

MARC P. VOLAVKA,
Executive Director

[Pa.B. Doc. No. 98-1170. Filed for public inspection July 17, 1998, 9:00 a.m.]

INDEPENDENT REGULATORY REVIEW COMMISSION

Notice of Filing of Final-Form Rulemakings

The Independent Regulatory Review Commission received, on the dates indicated, the following final-form 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.

| <i>Reg. No.</i> | <i>Agency/Title</i> | <i>Received</i> |
|-----------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------|
| 14-444 | Department of Public Welfare General Eligibility Provisions; Allowances And Benefits; Resources; Income | 7/6/98 |
| #14-439 | Department of Public Welfare General Provisions; Application Process; Redetermining Eligibility; General Eligibility Provisions; Age; Residence; Employment and Community Work Experience Program; Transitional Child Care; Budget Group Provisions for AFDC/GA | 7/6/98 |

JOHN R. MCGINLEY, Jr.,
Chairperson

[Pa.B. Doc. No. 98-1171. Filed for public inspection July 17, 1998, 9:00 a.m.]

INSURANCE DEPARTMENT

Appeal of Aetna Life Insurance Company, et al.; Pennsylvania Life and Health Insurance Guaranty Association; Doc. No. FC98-07-002

Under the Administrative Rules of Practice and Procedure, 1 Pa. Code § 31.1, et seq., a prehearing/settlement conference shall be held on August 12, 1998, at 11 a.m. in Room 200, Administrative Hearings Office, Capitol Associates Building, 901 North Seventh Street, Harrisburg, PA 17102. Motions preliminary to those at hearing, protest petitions to intervene, or notices of intervention, if any, must be filed with the Docket Clerk on or before August 3, 1998. A party, person or entity petitioning to intervene, shall show cause by filing objections in writing on or before August 3, 1998, why this matter should not be consolidated with Doc. No. FC98-07-001, Appeal of Canada Life Assurance Company. A date for a hearing shall be determined, if necessary, at the August 12, 1998 prehearing/settlement conference.

This is an appeal by members of the Pennsylvania Life and Health Insurance Guaranty Association (PLHIGA)

from determinations of the Board of Directors of PLHIGA dated May 1, 1998 and June 26, 1998, in which the Board declined to act on the members' appeal from PLHIGA's 1997 Assessment and Recalculated Annuity Assessment. The appeal seeks recalculation of certain assessments, prohibition of PLHIGA from retrospective recalculation or reassessments, modification of the assessment scheme and segregation of certain paid assessments into a dedicated interest-bearing escrow account.

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. 98-1172. Filed for public inspection July 17, 1998, 9:00 a.m.]

Appeal of Canada Life Assurance Company; Penn- sylvania Life and Health Insurance Guaranty Association; Doc. No. FC98-07-001

Under the Administrative Rules of Practice and Procedure, 1 Pa. Code § 31.1, et seq., a prehearing/settlement conference shall be held on August 12, 1998, at 11 a.m. in Room 200, Administrative Hearings Office, Capitol Associates Building, 901 North Seventh Street, Harrisburg, PA 17102. Motions preliminary to those at hearing, protest petitions to intervene, or notices of intervention, if any, must be filed with the Docket Clerk on or before August 3, 1998. A party, person or entity petitioning to intervene, shall show cause by filing objections in writing on or before August 3, 1998, why this matter should not be consolidated with Doc. No. FC98-07-002, Appeal of Aetna Life Insurance Company, et al. A date for a hearing shall be determined, if necessary, at the August 12, 1998 prehearing/settlement conference.

This is an appeal by a member of the Pennsylvania Life and Health Insurance Guaranty Association (PLHIGA) from a determination of the Board of Directors of PLHIGA dated May 1, 1998, in which the Board declined to act on the member's appeal from PLHIGA's 1997 Assessment and Recalculated Annuity Assessment. The appeal seeks recalculation of Canada Life Assurance Company's assessments, modification of the assessment scheme as applied to Canada Life, award of interest and costs to Canada Life and other relief.

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. 98-1173. Filed for public inspection July 17, 1998, 9:00 a.m.]

Eligible Surplus Lines Insurer List

In accordance with section 1605(b) of The Insurance Company Law of 1921 (40 P. S. § 991.1605(b)), the Insurance Department hereby publishes the most recent Eligible Surplus Lines Insurer List. This list replaces in its entirety the Eligible Surplus Lines Insurer List as of January 1, 1998, published at 28 Pa.B. 170 (January 10, 1998).

Persons who have questions concerning this notice should contact Cressinda Bybee, Company Licensing Division, Insurance Department, 1345 Strawberry Square, Harrisburg, PA 17120, (717) 787-2735.

As of: July 1, 1998

| <i>Key Number</i> | <i>Company Name</i> | <i>Statutory Home Address</i> |
|-------------------|----------------------------------------------------------|-----------------------------------------------------------------------------------------|
| 4001 | Acceptance Insurance Company | 222 South 15th Street Suite 600 North Omaha, NE 68102-1616 |
| 4002 | Admiral Insurance Company | 1209 Orange Street Wilmington, DE 19801 |
| 4005 | Adriatic Insurance Company | 314 East Thayer Avenue Bismarck, ND 58501 |
| 4010 | Agricultural Excess and Surplus Insurance Company | The Corporation Trust Company 1209 Orange Street Wilmington, DE 19801 |
| 4014 | Alliance General Insurance Company | 6 West Hubbard Chicago, IL 60610 |
| 4017 | Allianz Underwriters Insurance Company | 3400 Riverside Drive Suite 300 Burbank, CA 91505-4669 |
| 4047 | American Dynasty Surplus Lines Insurance Company | The Corporation Trust Company 1209 Orange Street Wilmington, DE 19801 |
| 4050 | American Empire Surplus Lines Insurance Company | 1209 Orange Street Wilmington, DE 19801 |
| 4052 | American Equity Insurance Company | 7676 East Pinnacle Peak Road Scottsdale, AZ 85255 |
| 4055 | American International Specialty Lines Insurance Company | 550 West 7th Street Anchorage, AK 99501 |
| 4062 | American Western Home Insurance Company | 600 Fidelity Plaza Oklahoma City, OK 73102 |
| 4070 | Americas Insurance Company | 400 Poydras Street Suite 2200 New Orleans, LA 70130 |
| 4081 | Appalachian Insurance Company | Allendale Park P. O. Box 7500 Johnston, RI 02919-0500 |
| 4085 | Assicurazioni Generali Di Trieste | Piazza Duca Degli Abruzzi, 2 Trieste, 34132 Italy |
| 4090 | Associated Electric & Gas Insurance Services Limited | Argus Insurance Building P. O. Box HM1064 Hamilton, HMEX Bermuda |
| 4095 | Associated International Insurance Company | 21820 Burbank Boulevard, #330 Woodland Hills, CA 91367 |
| 4100 | Audubon Indemnity Company | 2829 Lakeland Drive Suite 1400 Jackson, MS 39208 |
| 4000 | AXA Reinsurance UK plc | London Underwriting Centre 3 Minster Court, Mincing Lane London, EC3R 7DD England |
| 4135 | British Aviation Insurance Company Limited | Fitzwilliam House 10 St. Mary's Axe London, EC3A 8EQ England |
| 4145 | Caliber One Indemnity Company | 1209 Orange Street Wilmington, DE 19801 |

| <i>Key Number</i> | <i>Company Name</i> | <i>Statutory Home Address</i> |
|-------------------|---------------------------------------------|------------------------------------------------------------------------------------------|
| 4150 | Canal Indemnity Company | 400 East Stone Avenue Greenville, SC 29601 |
| 4158 | Centennial Casualty Company | 2200 Woodcrest Place Suite 200 Birmingham, AL 35209 |
| 4159 | Century American Insurance Company | 3401 West End Avenue Suite 600 Nashville, TN 37209 |
| 4160 | Century Surety Company | 2400 Corporate Exchange Drive Columbus, OH 43231 |
| 4170 | Chubb Custom Insurance Company | 32 Loockeman Square Dover, DE 19901 |
| 4140 | CNA Reinsurance Company Limited | Fountain House 125—135 Fenchurch Street London, EC3M 5DJ England |
| 4180 | Colony Insurance Company | 9201 Forest Hill Avenue Suite 200 Richmond, VA 23235-6865 |
| 4193 | Columbia Casualty Company | CNA Plaza Chicago, IL 60685 |
| 4196 | Commercial Underwriters Insurance Company | 200 Corporate Pointe Suite 300 Culver City, CA 90230 |
| 4200 | Commercial Union Assurance Company plc | St. Helen's 1 Undershaft London, EC3P 3DQ England |
| 4210 | Commonwealth Insurance Company | 595 Burrard Street, Suite 1500 Bentall Centre III Vancouver, B. C., V7X 1G4 Canada |
| 4213 | Connecticut Specialty Insurance Company | 9 Farm Springs Road Farmington, CT 06032 |
| 4216 | Copenhagen Reinsurance Company (UK) Limited | 25/26 Lime Street London, EC3M 7HR England |
| 4215 | Copenhagen Reinsurance Company Limited | 4, Lyngby Hovedgade P. O. Box 325 Lyngby, DK-2800 Denmark |
| 4220 | Coregis Indemnity Company | 181 West Madison Avenue Suite 2600 Chicago, IL 60602 |
| 4225 | Crusader Insurance Company | 23251 Mulholland Drive Woodland Hills, CA 91364 |
| 4232 | Diamond State Insurance Company | 1600 Capital Ctr. S. 201 N. Illinois Street Indianapolis, IN 46204 |
| 4245 | Eden Park Insurance Company | One Indiana Square Suite 1800 Indianapolis, IN 46204 |
| 4255 | Empire Indemnity Insurance Company | 809 Northwest 36th Street Oklahoma City, OK 73118 |
| 4268 | Essex Insurance Company | 1209 Orange Street Wilmington, DE 19801 |
| 4270 | Evanston Insurance Company | Shand Morahan Plaza Evanston, IL 60201 |
| 4275 | Everest Indemnity Insurance Company | Corporation Trust Center 1209 Orange Street Wilmington, DE 19801 |
| 4280 | Executive Risk Specialty Insurance Company | 82 Hopmeadow Street Simsbury, CT 06070-7683 |

| <i>Key Number</i> | <i>Company Name</i> | <i>Statutory Home Address</i> |
|-------------------|---------------------------------------------------|---------------------------------------------------------------------------------|
| 4315 | Fidelity Excess and Surplus Insurance Company | 515 Main Street Cincinnati, OH 45202 |
| 4317 | Fireman's Fund Insurance Company of Ohio | 312 Walnut Street Suite 1100 Cincinnati, OH 45202 |
| 4319 | First Financial Insurance Company | 528 South Fifth Street Suite 210 Springfield, IL 62701-1822 |
| 4320 | First Mercury Insurance Company | 525 West Monroe Street, Suite 1600 Chicago, IL 60661 |
| 4321 | First Specialty Insurance Corporation | 237 East High Street Jefferson City, MO 65102 |
| 4329 | Frontier Pacific Insurance Company | 4250 Executive Square Suite 200 La Jolla, CA 92037 |
| 4331 | Fulcrum Insurance Company | 199 Water Street New York, NY 10038-3526 |
| 4332 | Gan Insurance Company Limited | Gan House 12 Arthur Street London, EC4R 9BJ England |
| 4335 | General Agents Insurance Company of America, Inc. | 4308 North Classen Boulevard Oklahoma City, OK 73118 |
| 4338 | General Star Indemnity Company | 695 East Main Street P. O. Box 10354 Stamford, CT 06904-2354 |
| 4345 | Generali-France Assurances | 5, rue de Londres Paris, 75009 France |
| 4350 | Genesis Indemnity Insurance Company | 316 North Fifth Street Bismarck, ND 58501 |
| 4360 | Gotham Insurance Company | 330 Madison Avenue New York, NY 10017 |
| 4370 | Great Lakes Reinsurance (UK) PLC | Upper Ground Floor, 1 Minster Court Mincing Lane London, EC3R 7AA England |
| 4390 | Gulf Underwriters Insurance Company | 9200 Watson Road St. Louis, MO 63101 |
| 4395 | Hallmark Insurance Company, Inc. | Three Bala Plaza, East Suite 300 Bala Cynwyd, PA 19004 |
| 4420 | Houston Casualty Company | 13403 Northwest Freeway Houston, TX 77040-6094 |
| 4427 | Illinois Emcasco Insurance Company | 815 Commerce Drive Oak Brook, IL 60521-1978 |
| 4432 | Illinois Union Insurance Company | 8755 West Higgins Road Chicago, IL 60631 |
| 4438 | Indemnity Marine Assurance Company Limited | St. Helen's 1 Undershaft London, EC3P 3DQ England |
| 4441 | Indian Harbor Insurance Company | One Greenwich Plaza P. O. Box 2568 Greenwich, CT 06836-2568 |
| 4430 | INEX Insurance Exchange | 1 South Wacker Drive Suite 2720 Chicago, IL 60606-4617 |
| 4444 | Insurance Company of North America (UK) Limited | Cigna House 8 Lime Street London, EC3M 7NA England |

| <i>Key Number</i> | <i>Company Name</i> | <i>Statutory Home Address</i> |
|-------------------|------------------------------------------------|--------------------------------------------------------------------------|
| 4451 | Interstate Fire & Casualty Company | 55 East Monroe Street Chicago, IL 60603 |
| 4453 | Investors Insurance Company of America | 200 Schulz Drive Red Bank, NJ 07701-6741 |
| 4425 | ITT Pacific Insurance Company, Limited | Hartford Plaza Hartford, CT 06115 |
| 4471 | Landmark American Insurance Company | 9800 South Meridian Boulevard Englewood, CO 80112 |
| 4472 | Landmark Insurance Company | 777 South Figueroa Street Los Angeles, CA 90017 |
| 4475 | Legion Indemnity Company | 190 S. LaSalle Street Chicago, IL 60603 |
| 4478 | Lexington Insurance Company | 1209 Orange Street Wilmington, DE 19801 |
| 4482 | Liberty Mutual Insurance Company (UK) Limited | 4th Floor, One Minster Court Mincing Lane London, EC3R 7AA England |
| 4492 | Lloyd's (Underwriters at) | One Lime Street London, EC3M 7HA England |
| 4510 | London and Edinburgh Insurance Company Limited | Excess House 13 Fenchurch Avenue London, EC3M 5BT England |
| 4530 | Marine Insurance Company Limited | 34/36 Lime Street London, EC3M 7JE England |
| 4540 | Maritime Insurance Company Limited | P. O. Box 6 Surrey Street Norfolk, NR1 3NS England |
| 4565 | Monticello Insurance Company | 1209 Orange Street Wilmington, DE 19801 |
| 4575 | Mt. Hawley Insurance Company | 7400 College Boulevard Suite 330 Overland Park, KS 66210 |
| 4590 | NAMIC Insurance Company, Inc. | 3601 Vincennes Road Indianapolis, IN 46268 |
| 4598 | National Fire & Marine Insurance Company | 3024 Harney Street Omaha, NE 68131-3580 |
| 4605 | Nautilus Insurance Company | 7273 East Butherus Drive Scottsdale, AZ 85260 |
| 4595 | NIC Insurance Company | 123 William Street New York, NY 10038-3871 |
| 4637 | North American Capacity Insurance Company | 650 Elm Street Manchester, NH 03101-2524 |
| 4645 | Northern Assurance Company Limited | St. Helen's 1 Undershaft London, EC3P 3DQ England |
| 4652 | Northfield Insurance Company | 12935 North Forty Drive St. Louis, MO 63141 |
| 4665 | Nutmeg Insurance Company | Hartford Plaza Hartford, CT 06115 |
| 4667 | Ocean Marine Insurance Company Limited | St. Helen's 1 Undershaft London, EC3P 3DQ England |
| 4840 | Odyssey Re (London) Limited | 52—54 Leadenhall Street London, EC3A 2BJ England |
| 4668 | Old Republic Union Insurance Company | 307 North Michigan Avenue Chicago, IL 60601 |

| <i>Key Number</i> | <i>Company Name</i> | <i>Statutory Home Address</i> |
|-------------------|--------------------------------------------------------|--------------------------------------------------------------------------|
| 4700 | Pacific Insurance Company | c/o CT Corp 818 West 7th Street Los Angeles, CA 90017 |
| 4710 | Paradigm Insurance Company | 2450 One Indiana Square Indianapolis, IN 46204 |
| 4720 | Phoenix Assurance plc | 1 Bartholomew Lane London, EC2N 2AB England |
| 4730 | Preferred National Insurance Company | 210 University Drive Suite 900 Coral Springs, FL 33071 |
| 4735 | Princeton Excess and Surplus Lines Insurance Company | 1013 Centre Road Wilmington, DE 19805 |
| 4740 | Professional Underwriters Liability Insurance Company | 50 West Broadway Salt Lake City, UT 84101 |
| 4755 | QBE International Insurance Limited | 14 Fenchurch Avenue London, EC3M 5BS England |
| 4756 | Queensway International Indemnity Company | 27 East Robinson Street Orlando, FL 32801 |
| 4757 | Realm National Insurance Company | 125 Maiden Lane New York, NY 10038 |
| 4760 | Reliance Insurance Company of Illinois | 233 South Wacker Drive Suite 9220 Chicago, IL 60606 |
| 4787 | Rock River Insurance Company | 3400 80th Street Moline, IL 61265-5886 |
| 4793 | Royal Surplus Lines Insurance Company | 500 Winding Brook Drive Glastonbury, CT 06033 |
| 4802 | SAFECO Surplus Lines Insurance Company | SAFECO Plaza Seattle, WA 98185 |
| 4810 | Savers Property & Casualty Insurance Company | 700 West 47th Street Kansas City, MO 64112-1802 |
| 4816 | Scottsdale Insurance Company | One Nationwide Plaza Columbus, OH 43215 |
| 4819 | Sheffield Insurance Corporation | 3760 River Run Drive Birmingham, AL 35243 |
| 4823 | Skandia International Insurance Corporation | S-103 50 Stockholm Sweden |
| 4804 | SR International Business Insurance Company Limited | 71—77 Leadenhall Street London, EC3A 2PQ England |
| 4806 | St. Paul Reinsurance Company Limited | 51 Lime Street London, EC3M 7BS England |
| 4807 | St. Paul Surplus Lines Insurance Company | 32 Loockerman Square Dover, DE 19901 |
| 4845 | Steadfast Insurance Company | Suite 202 32 Loockerman Square Dover, DE 19901 |
| 4849 | Stonewall Insurance Company | 31 Inverness Center Parkway Suite 200 Birmingham, AL 35242 |
| 4860 | Storebrand Skadeforsikring AS | P. O. Box 1380 Vika Oslo, 0114 Norway |
| 4875 | Terra Nova Insurance Company Limited | 41/43 Mincing Lane London, EC3R 7SP England |
| 4880 | Through Transport Mutual Insurance Association Limited | Windsor Place, Queen Street P. O. Box HM655 Hamilton, HMCX Bermuda |

| <i>Key Number</i> | <i>Company Name</i> | <i>Statutory Home Address</i> |
|-------------------|---------------------------------------------------|---------------------------------------------------------------------------------------------|
| 4870 | TIG Specialty Insurance Company | 444 Market Street San Francisco, CA 94111 |
| 4882 | Travelers Excess and Surplus Lines Company | One Tower Square Hartford, CT 06183 |
| 4884 | Tudor Insurance Company | 91 Court Street Keene, NH 03431 |
| 4893 | U. S. Underwriters Insurance Company | 316 North Fifth Street Sixth Floor Bismarck, ND 58501 |
| 4887 | ULICO Indemnity Company | 320 West Capital Street Suite 1000 Little Rock, AR 72201-3525 |
| 4889 | Underwriters Indemnity Company | 8 Greenway Plaza Suite 400 Houston, TX 77046 |
| 4890 | Unionamerica Insurance Company Limited | The London Underwriting Centre 3 Minster Court, Mincing Lane London, EC3R 7DD England |
| 4897 | United Capitol Insurance Company | 400 Perimeter Center Terrace Atlanta, GA 30346 |
| 4900 | United Coastal Insurance Company | 40 North Central Avenue Phoenix, AZ 85004 |
| 4925 | Vanguard Underwriters Insurance Company | 5810 East Skelly Drive Suite 700 Tulsa, OK 74135 |
| 4930 | Vesta Insurance Company Limited | Folke Bernadottes vei 50 Bergen, 5020 Norway |
| 4935 | Voyager Indemnity Insurance Company | 5950 Live Oak Parkway Suite 300 Norcross, GA 30093 |
| 4950 | WASA International (UK) Insurance Company Limited | WASA House 26/27 Regency Square Brighton, E. Sussex, BN1 2FX England |
| 4955 | Wausau General Insurance Company | 1431 Opus Place Downers Grove, IL 60515-1169 |
| 4957 | Westchester Surplus Lines Insurance Company | Six Concourse Parkway Suite 2500 Atlanta, GA 30328-5346 |
| 4962 | Western Heritage Insurance Company | 6263 N. Scottsdale Road Suite 240 Scottsdale, AZ 85250 |
| 4963 | Western Indemnity Insurance Company | 820 Gessner Suite 1200 Houston, TX 77024 |
| 4966 | Western World Insurance Company | 91 Court Street Keene, NH 03431 |
| 4980 | Yorkshire Insurance Company Limited | Pitheavlis Perth, PH2 0NH Scotland |
| 4985 | ZC Specialty Insurance Company | 400 West 15th Street Suite 7 Austin, TX 78701 |
| 4990 | Zurich International (Bermuda) Ltd. | Crawford House 50 Cedar Avenue Hamilton, HM 11 Bermuda |
| 4995 | Zurich Reinsurance (London) Limited | The Zurich Building 90 Fenchurch Street London, EC3M 4JX England |

Since publication of the January 1, 1998 eligible surplus lines insurer list, the following significant changes have occurred:

| | (Key Number) | (Company Name) | (Date) |
|---------------|-----------------------------|------------------------------------------------------|----------|
| Additions: | 4595 | NIC Insurance Company | 04/23/98 |
| | 4275 | Everest Indemnity Insurance Company | 06/09/98 |
| | 4735 | Princeton Excess and Surplus Lines Insurance Company | 06/18/98 |
| | 4215 | Copenhagen Reinsurance Company Limited | 06/19/98 |
| Deletions: | 4025 | Alpine Insurance Company | 04/20/98 |
| Name Changes: | | | |
| | From: 4430 | Illinois Insurance Exchange | 04/20/98 |
| | To: 4430 | INEX Insurance Exchange | |
| | From: 4840 | Sphere Drake Insurance plc | 05/05/98 |
| To: 4840 | Odyssey Re (London) Limited | | |

M. DIANE KOKEN,
Insurance Commissioner

[Pa.B. Doc. No. 98-1174. Filed for public inspection July 17, 1998, 9:00 a.m.]

Review Procedure Hearings; Cancellation or Refusal of Insurance

The following insureds have requested a hearing, as authorized by section 9(a) of the act of June 5, 1968 (P. L. 140, No. 78) (40 P. S. § 1008.9(a)) in connection with their company's termination of the insured's automobile policies.

The hearings will be held in the Capitol Associates Building, 901 North Seventh Street, Second Floor Hearing Room, Harrisburg, PA 17102.

Appeal of Mark M. Moyer; file no. 98-210-32159; State Farm Mutual Automobile Ins. Co.; doc. no. PH98-07-004; August 12, 1998, at 1 p.m.;

Appeal of Esther L. Schneier; file no. 98-121-04123; Erie Insurance Group; doc. no. P98-07-003; August 13, 1998, at 2 p.m.;

Appeal of Geoffrey M. Smith; file no. 98-280-32326; State Farm Fire and Casualty Co.; doc. no. PH98-07-006; August 18, 1998, at 11 a.m.

Parties may appear with or without counsel and offer relevant testimony or evidence to support their respective positions. The representative of the company must bring relevant claims files, documents, photographs, drawings, witnesses and the like necessary to substantiate the case. The insured must bring any evidence which the insured may want to offer at the hearing. The hearing will be held in accordance with the requirements of sections 9 and 10 of the act (40 P. S. §§ 1008.9 and 1008.10) and 1 Pa. Code Part II (relating to the General Rules of Administrative Practice and Procedure).

After the hearing, 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 is 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. 98-1175. Filed for public inspection July 17, 1998, 9:00 a.m.]

Appeal of Saucon Valley School District under the Storage Tank and Spill Prevention Act; Underground Storage Tank Indemnification Fund; Doc. No. UT98-06-033

A prehearing conference shall be held on July 30, 1998 at 2 p.m. in Room 200, Administrative Hearings Office, Capitol Associates Building, 901 North Seventh Street, Harrisburg, PA 17102. Motions preliminary to those at hearing, protest petitions to intervene, or notices of intervention, if any, must be filed with the Docket Clerk on or before July 23, 1998.

The hearing shall occur on August 13, 1998 at 10 a.m. in Room 200, Administrative Hearing Office, Capitol Associates Building, 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. 98-1176. Filed for public inspection July 17, 1998, 9:00 a.m.]

LEGISLATIVE REFERENCE BUREAU

Documents Filed But Not Published

The Legislative Reference 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, please call (717) 783-1530.

Executive Board

Resolution #CB-98-119, Dated, June 4, 1998. The Commonwealth of Pennsylvania entered into a Collective

Bargaining Agreement with the American Federation of State, County, and Municipal Employees, AFL-CIO, Pennsylvania Game Commission Act 111 bargaining unit; the arbitration award encompasses approximately 195 employees in a bargaining unit certified by the Pennsylvania Labor Relations Board, PF-R-92-122-E.

Governor's Office

Manual M315.1—Municipal Tax Rate Schedules—Revision No. 6—Dated June 1, 1998.

Management Directive No. 220.5—Payment of Inter-agency Billings for Centralized Services—Amended—May 21, 1998.

Management Directive No. 230.14—Foreign Areas Sub-sistence Allowances—Amended—June 1, 1998.

Management Directive No. 315.28—Taxability of State-Provided Parking—Revision No. 2—Dated—June 1, 1998.

Management Directive No. 505.11—Emergency Assignments of Employees During Emergencies—Amended—June 17, 1998.

Management Directive No. 615.3—Rates and Billing for Motor Vehicles of the Commonwealth Automotive Fleet—Amended—June 5, 1998.

Administrative Circular No. 98-14—Submission of Construction Requisitions Financed by Lapsing Funds—Dated—June 1, 1998.

Administrative Circular No. 98-15—Closing Instruction No. 3, Prior Encumbrances for Act 57 Waivers and Contracted Repairs—June 1, 1998.

Administrative Circular No. 98-16—Use of Seat Belts in Commonwealth Fleet Vehicles—June 5, 1998.

Administrative Circular No. 98-17—State Employees Purchasing Vehicles at the Commonwealth Auction—June 5, 1998.

Administrative Circular No. 98-18—Workers' Compensation Rates—June 8, 1998.

Administrative Circular No. 98-19—Relocation of the Office of Inspector General—June 17, 1998.

GARY R. HOFFMAN,
Director
Pennsylvania Bulletin

[Pa.B. Doc. No. 98-1177. Filed for public inspection July 17, 1998, 9:00 a.m.]

PENNSYLVANIA PUBLIC UTILITY COMMISSION

Electric and Steam Service
Without Hearing

P-00981405. PEI Power Corporation. Petition of PEI Power Corporation for a declaratory order concluding that the provision of electric and steam services by PEI Power Corporation to prospective property owners and tenants located within a fixed geographic area does not constitute the provision of public utility service under 66 Pa.C.S. § 102.

This Petition may be considered without a hearing. Comments may be filed with the Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265, with a copy served on the petitioner on or before July 28, 1998, under 52 Pa. Code (relating to public utilities).

Petitioner: PEI Power Corporation.

Through and By Counsel: Norman J. Kennard, Esquire, Lillian S. Harris, Esquire, Malatesta, Hawke and McKeon, Harrisburg Energy Center, 100 North Tenth Street, Harrisburg, PA 17101.

JAMES J. MCNULTY,
Secretary

[Pa.B. Doc. No. 98-1178. Filed for public inspection July 17, 1998, 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". A qualified small business concern is an independently owned, operated for profit, business employing 100 or fewer employes and is not a subsidiary or affiliate of a corporation otherwise not qualified.

Such 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. The small business concern must include on every invoice submitted to the Commonwealth: "(name of vendor) is a qualified small business concern as defined at 4 Pa. Code § 2.32".

For information on the required payment date and annual interest rate, please call the Pennsylvania Department of Commerce, Small Business Action Center, 483 Forum Building, 783-5700.

Reader's Guide

- ① Service Code Identification Number
- ② Commodity/Supply or Contract Identification No.
- ③ Contract Information
- ④ Department
- ⑤ Location
- ⑥ Duration
- ⑦ (For Commodities: Contact: Vendor Services Section 717-787-2199 or 717-787-4705)

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

Online Subscriptions At <http://www.statecontracts.com> 1-800-334-1429 x340

Commodities

1040208 Aircraft and airframe structural components—2 each engines, aircraft, new or remanufactured to include all manufacturer's warranties; engine must be a Textron Lycoming Model, 10-360-A1B6 Part No. 8622 no substitute; 2 each two exchange engines will be provided upon receipt of the new engines.

Department: State Police
Location: New Cumberland, Cumberland County, PA
Duration: FY 98—99
Contact: Vendor Services, fax request to (717) 787-0725 or call (717) 787-2199

3930-01 Annual Contract—Forklifts, walkie stackers and other related items.

Department: Various
Location: Various
Duration: 10/01—09/30
Contact: Vendor Services, fax request to (717) 787-0725 or call (717) 787-2199

5630-01 Annual Contract—Reinforced cement concrete pipe.

Department: Various
Location: Various
Duration: 12/01—11/30
Contact: Vendor Services, fax request to (717) 787-0725 or call (717) 787-2199

5660-01 Annual Contract—Deer/Elk deterrent fence components (GAME).

Department: Game Commission
Location: Various
Duration: 11/01—10/31
Contact: Vendor Services, fax request to (717) 787-0725 or call (717) 787-2199

5660-03 Annual Contract—Guide rail and accessories.

Department: Various
Location: Various
Duration: 11/01—10/31
Contact: Vendor Services, fax request to (717) 787-0725 or call (717) 787-2199

6505-08 Annual Contract—Infant feeding and food supplements.

Department: Various
Location: Various
Duration: 11/15—11/14
Contact: Vendor Services, fax request to (717) 787-0725 or call (717) 787-2199

6510-01 Annual Contract—Surgical dressings and miscellaneous hospital supplies.

Department: Various
Location: Various
Duration: 11/01—10/31
Contact: Vendor Services, fax request to (717) 787-0725 or call (717) 787-2199

6675-01 Annual Contract—Drafting equipment and supplies.

Department: Various
Location: Various
Duration: 11/15—11/14
Contact: Vendor Services, fax request to (717) 787-0725 or call (717) 787-2199

7111-02 Annual Contract—Diskettes, SD, DD, SS, DS.

Department: Various
Location: Various
Duration: 11/01—10/31
Contact: Vendor Services, fax request to (717) 787-0725 or call (717) 787-2199

7370-01 Annual Contract—Disposable dietary products/aprons, bibs, etc.

Department: Various
Location: Various
Duration: 11/01—10/31
Contact: Vendor Services, fax request to (717) 787-0725 or call (717) 787-2199

7910-02 Annual Contract—Floor polishers, vacuum cleaners and related equipment and accessories.

Department: Various
Location: Various
Duration: 11/01—10/31
Contact: Vendor Services, fax request to (717) 787-0725 or call (717) 787-2199

8010-04 Annual Contract—White and yellow traffic line paint/low heat/rapid dry.

Department: Various
Location: Various
Duration: 12/01—11/30
Contact: Vendor Services, fax request to (717) 787-0725 or call (717) 787-2199

8540-01 Annual Contract—Paper towels, tissues, dietary napkins.

Department: Various
Location: Various
Duration: 11/01—10/31
Contact: Vendor Services, fax request to (717) 787-0725 or call (717) 787-2199

1085128 Communication equipment—1 each Display Maker 6000 62" printer/accessory kit, Display Maker 6000 52" printer/accessory kit.

Department: Labor and Industry
Location: Harrisburg, Dauphin County, PA
Duration: FY 98—99
Contact: Vendor Services, fax request to (717) 787-0725 or call (717) 787-2199

PSU 4375-g Computer and related equipment—UPS systems.

Department: Penn State University
Location: University Park, Centre County, PA
Duration: FY 98—99
Contact: Steve Blazer, fax (814) 865-3028 or call (814) 865-1402

8139330 Construction and building materials—53 each 6" x 6" x 16' treated No. 2 or better Southern Yellow Pine; 538 each 2" x 4" x 12' Purlins and Girts No. 2 or better Spruce, Pine or Fir; 73 each 2" x 4" x 6' Purlins and Girts No. 2 or better Spruce, Pine or Fir; 18 each 2" x 8" x 12' fascia board No. 2 or better Southern Yellow Pine; 100 feet 12" soffit aluminum .019 gauge vented, color white; 180 feet fascia aluminum 0.019 gauge color white; 28 each 2" x 6" x 12' truss knee brace No. 2 or better Spruce, Pine or Fir; 2 each 2" x 6" x 20' door opening header No. 2 or better Spruce, Pine or Fir; 2 each 2" x 6" x 16' lateral truss ties and Na door framing No. 2 or better Spruce, Pine or Fir; 164 each 5/8" x 4" x 8' OSB roof sheathing, APA Performance Rating marked; 7 each 1/2" x 4" x 8' wall cap pressure treated plywood; 32 each 2" x 4" x 6' wall cap, pressure treated No. 2 or better Southern Yellow Pine; 14 each 2" x 4" x 6' wall cap, pressure treated No. 2 or better Southern Yellow Pine; 4 each 2" x 8" x 10' sill plate, treated No. 2 or better Southern Yellow Pine w/minimum retention of 0.40 pounds per cubic foot CCa; 91 each 10' drip edge, standard color white; 300 each H-clips Stell 5/8"; 13 rolls felt paper 15 lbs. 4 square/roll; 53 square 5,300 sq. ft. 25 year shingle fiberglass tan weight 270 lbs.; 170 each 5/8" x 4" x 8' T1-11 Southern Yellow Pine 8" on center grooves; 12 each 1" x 4" x 16' trim boards No. 2 or better Spruce, Pine or Fir; 18 each 10' gutters, aluminum 5-in K design; 3 each white gutter sealant tube; 92 each aluminum gutter fascia brackets for aluminum 5"; 4 each aluminum gutter end caps for 5" aluminum gutters; 80 lf downspout 3" x 4" aluminum; 25 each aluminum downspouts band for 3" x 4" aluminum downspout; 2 boxes aluminum rivets for aluminum downspouts, gutters and accessories; 12 each 3" x 4" aluminum downspouts elbows; 16 each 36" wood truss with 1' overhang and 4 1/2 pitch and 2" x 4" construction; 48 each 16' 1/2 wood truss w/1' overhang and 4/12 pitch and 2" x 4" construction; 48 each 3/4" x 8" carriage bolts, standard commercial grade; 48 each 3/4" lock washers; 96 each 3/4" washers; 48 each 3/4" hex nuts; 53 each 6" x 6" post deck bracket; 2 lbs. galvanized roofing nails 50 lb. 1 1/4"; 2 lbs. galvanized nails 50 lb. 16D; 1 lb. aluminum nails 10 lb.; 1 lb. galvanized nails 10 lb.; 1 each commercial main door and frame steel 36" x 84"; 1 each panic hardware for 36" x 84" door; 1 each lockset commercial grade for 36" x 84" door; 1 each hydraulic closer; 15 each 2' x 8" x 16' garage framing and 1/2 truss support ledge; 1 each skylight white aluminum frame clear non opening 4" x 8" x 2'.

Department: Transportation
Location: Washington, Washington County, PA
Duration: FY 98-99
Contact: Vendor Services, fax request to (717) 787-0725 or call (717) 787-2199

1083238 Hardware and abrasives—39 roll Game Bird netting, polypropylene, made of synthetic Olefin fibers.

Department: Game Commission
Location: Harrisburg, Dauphin County, PA
Duration: FY 98-99
Contact: Vendor Services, fax request to (717) 787-0725 or call (717) 787-2199

1050238 Paper and printing—10M deer tapes size 50 inches long by 1 1/2" wide, Tyvek 1073 to be printed on one side; solid daylight fluorescent orange background w/black logo, letter and numbers.

Department: Game Commission
Location: Harrisburg, Dauphin County, PA
Duration: FY 98-99
Contact: Vendor Services, fax request to (717) 787-0725 or call (717) 787-2199

1080128 Paper and printing—750M UC-640/640A easy mailer monthly notice of compensation charge employees report on conflict between wages and benefits.

Department: Labor and Industry
Location: Harrisburg, Dauphin County, PA
Duration: FY 98-99
Contact: Vendor Services, fax request to (717) 787-0725 or call (717) 787-2199

1089168 Paper and printing—50M envelopes size 10" x 13" booklet side seam w/regular flap No. 32 white Kraft, print black ink.

Department: Education
Location: Harrisburg, Dauphin County, PA
Duration: FY 98-99
Contact: Vendor Services, fax request to (717) 787-0725 or call (717) 787-2199

1105048 Paper and printing—Various quantities dog license for the years 1999 and 2000.

Department: Agriculture
Location: Harrisburg, Dauphin County, PA
Duration: FY 98-99
Contact: Vendor Services, fax request to (717) 787-0725 or call (717) 787-2199

1097208 Photographic equipment—1,500 packages alcohol breath testing simulator solution 500 ml size 2 bottles per package; 750 packages alcohol breath testing simulator solution 500 ml Aie 2 bottles per package.

Department: State Police
Location: Harrisburg, Dauphin County, PA
Duration: FY 98-99
Contact: Vendor Services, fax request to (717) 787-0725 or call (717) 787-2199

1047158 Prefab structures and scaffolding—1 each greenhouse, furnish only, Janco Greenhouse Model Highlander, straight eave, glass to ground.

Department: Youth Development Center
Location: Loysville, Perry County, PA
Duration: FY 98-99
Contact: Vendor Services, fax request to (717) 787-0725 or call (717) 787-2199

1024118 Textiles—5,000 yards flannel color snow white (Pantone Color No. 11-0602 TC).

Department: Corrections
Location: Dallas, Luzerne County, PA
Duration: FY 98-99
Contact: Vendor Services, fax request to (717) 787-0725 or call (717) 787-2199

1030118 Textiles—20,000 yards raincoating material 100Y nylon 200 denier durable water repellent.

Department: Corrections
Location: Huntingdon, Huntingdon County, PA
Duration: FY 98-99
Contact: Vendor Services, fax request to (717) 787-0725 or call (717) 787-2199

1058118 Textiles—10,000 yards flannel color gray (Pantone Color No. 15-4503TC).

Department: Corrections
Location: Dallas, Luzerne County, PA
Duration: FY 98-99
Contact: Vendor Services, fax request to (717) 787-0725 or call (717) 787-2199

1066118 Textiles—4,000 yards interlock stretch knit, 50/50 polyester/cotton blend.

Department: Corrections
Location: Dallas, Luzerne County, PA
Duration: FY 98-99
Contact: Vendor Services, fax request to (717) 787-0725 or call (717) 787-2199

1079118 Textiles—20,000 yards Stahcek XL 54" wide 105 oz/sq. yd. 100 yards/roll color Fawn flame retardant antibacterial fluid proof antistatic to meet Flammability Standard DOFFF 4-72 as manufactured by Herculite Products, Inc.

Department: Corrections
Location: Dallas, Luzerne County, PA
Duration: FY 98-99
Contact: Vendor Services, fax request to (717) 787-0725 or call (717) 787-2199

SERVICES

Advertising, Public Relations—01

ENT-1 The Bureau of State Parks requires various promotional items to be purchased from vendor catalogs. To be awarded to vendors meeting bid requirements.

Department: Conservation and Natural Resources
Location: Various locations throughout PA
Duration: 2 years from execution w/renewal options
Contact: Corey Gaiski, (717) 783-0760

Audio/Video—04

060206 Telephone Answering Service. The objective of this project is to provide answering services for the Department of Transportation (District 6-0) Maintenance offices in Bucks, Chester, Delaware and Montgomery Counties during off hours and State holidays.

Department: Transportation
Location: PennDOT Maintenance Office, 200 Radnor-Chester Road, St. Davids, PA 19087-5178; District 6-0 various counties
Duration: August 20, 1998 to August 19, 2000
Contact: Charles Stone, (610) 964-6520

Computer Related Services—08

RFP No. IT0898 The State System of Higher Education is soliciting proposals for subscriptions and/or licensing of disciplined base electronic databases for library and research purposes. Please contact Linda Venneri at (717) 720-4135, fax (717) 720-4136 to receive an RFP package. Proposals must be submitted by 8/17/98, 4 p.m.

Department: State System of Higher Education
Location: 2986 North 2nd Street, Harrisburg, PA 17110
Duration: Indeterminate 1998—99
Contact: Linda Venneri, (717) 720-4135

ITQ—Consulting Reissue 001 The OA/OIT is requesting vendors to submit a response to ITQ-Consulting Reissue 001. The intent of this ITQ is to continue to provide Commonwealth agencies with IT Consulting services which will include operational, organizational, financial, planning, electronic commerce/EDI, telecommunications, help desk, research and analysis and consulting support services. In addition, the current services provide under the Statewide Independent Research Analysis and Consulting support multiple award contract ME 781303 will be merged into this proposed ITQ.

Department: OA/Office for Information Technology
Location: Statewide Services will be delivered to any requesting Commonwealth Agency
Duration: Initial three (3) year agreement with two (2) one (1) year renewal options
Contact: Katie Williams or Karen Redclift, (717) 772-8046

Construction—09

0211 Repair to the University's waste water treatment plant's rotating biological contactor. Repair the south RBC shaft; inspection and repair of the RBC drive and installation of shaft bearings. Fax request to: Office of Contracts, (610) 399-2128.

Department: State System of Higher Education
Location: Cheyney University, Cheyney and Creek Roads, Cheyney, PA 19319
Duration: 90 days
Contact: Antonia Williams, Contract Administrator, (610) 399-2360

0212 Demolition of plaster ceiling system at Marian Anderson Music Center. Work consists of all labor, tools, materials, equipment, PPE, clean-up and removal of approximately 2,100 sf of ceiling and plaster. Fax request to: Office of Contracts, (610) 399-2128.

Department: State System of Higher Education
Location: Cheyney University, Cheyney and Creek Roads, Cheyney, PA 19319
Duration: 60 days
Contact: Antonia Williams, Contract Administrator, (610) 399-2360

DGS A 251-470 Project title: New Fuel Facility. Brief description: Install two 10,000 gallon diesel underground storage tanks (UST) with fuel island and canopy and associated control and monitor and electrical systems. Electrical and UST/AST construction. Plans deposit: \$25 per set. Payable to: The Commonwealth of Pennsylvania. 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 below to arrange for delivery of documents. A separate check must be submitted to cover the cost of delivery. Mail requests to: The Department of General Services, Room 107, Headquarters Building, 18th and Herr Streets, Harrisburg, PA 17125, (717) 787-3923. Bid date: Wednesday, July 29, 1998 at 11 a.m.

Department: General Services
Location: Pennsylvania Department of Transportation, Kittanning, Armstrong County, PA
Duration: 120 calendar days from date of initial job conference
Contact: Contract Bidding Unit, (717) 787-6556

DGS A251-486 Project title: Salt Storage Building. Brief description: Provide a complete salt storage building with a wooden material structure on concrete walls. General construction. Plans deposit: \$25 per set. Payable to: The Commonwealth of Pennsylvania. 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 below to arrange for delivery of documents. A separate check must be submitted to cover the cost of delivery. Mail requests to: The Department of General Services, Room 107, Headquarters Building, 18th and Herr Streets, Harrisburg, PA 17125, (717) 787-3923. Bid date: Wednesday, August 12, 1998 at 2 p.m.

Department: General Services
Location: PennDOT Maintenance District 2-2, Chestnut Grove, Clearfield County, PA
Duration: 120 calendar days from date of initial job conference
Contact: Contract Bidding Unit, (717) 787-6556

DGS A 970-135 Project title: Furnace Replacement. Brief description: Replacement of existing oil-fired furnace with new indirect-fired space heater. Testing, balancing and placing entire heating system into operation. Heating construction. Plans deposit: \$25 per set. Payable to: The Commonwealth of Pennsylvania. 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 below to arrange for delivery of documents. A separate check must be submitted to cover the cost of delivery. Mail requests to: The Department of General Services, Room 107, Headquarters Building, 18th and Herr Streets, Harrisburg, PA 17125, (717) 787-3923. Bid date: Wednesday, August 12, 1998 at 1 p.m.

Department: General Services
Location: PAARNG Armory, Building 55, Fort Mifflin, Philadelphia County, PA
Duration: 75 calendar days from date of initial job conference
Contact: Contract Bidding Unit, (717) 787-6556

Demolition—11

0500. Right of Way Contracting for demolition and/or removal of structures. Notice is hereby given by the Department of Transportation, that it is seeking bids for the demolition and/or removal of certain residential and commercial structures in conjunction with the construction of S. R. 222, Sections 001/002/003 in the County of Berks, Townships of Brecknock, Cumru, Spring and Borough of Wyomissing. There is asbestos in some or all of the structures. For bid forms, date of the inspections, specifications and further information contact:

Department: Transportation
Location: Engineering District 5-0, 2460 Parkwood Drive, Allentown, PA 18103
Duration: As specified in contract
Contact: John David, Property Manager, (610) 791-6027

Engineering Services—14

08430AG2218 To provide preliminary engineering, environmental studies, final design, shop drawing, review and consultation during construction on S. R. 0588-B05, Herman Road Bridge, in Beaver County.

Department: Transportation
Location: Engineering District 11-0
Duration: Thirty (30) months
Contact: Consultant Agreement Division, (717) 783-9309

08430AG2220 To perform environmental mitigation design, final design, shop drawing review and consultation during construction for S. R. 0202, Section 721, Bucks County.

Department: Transportation
Location: Engineering District 6-0
Duration: Thirty (30) months
Contact: Consultant Agreement Division, (717) 783-9309

08430AG2221 To provide supplementary construction inspection staff of approximately 15 inspectors, under the Department's Inspector-in-Charge, for construction inspection and documentation services on S. R. 0022, Section B03 in Westmoreland County and S. R. 0031, Section 122, in Fayette County.

Department: Transportation
Location: Engineering District 12-0
Duration: Twenty-four (24) months
Contact: Consultant Agreement Division, (717) 783-9309

08430AG2219 Two open-end contracts for various engineering and environmental services on various projects in Engineering District 3-0, that is Bradford, Columbia, Lycoming, Montour, Northumberland, Snyder, Sullivan, Tioga and Union Counties.
Department: Transportation
Location: Engineering District 3-0
Duration: Sixty (60) months
Contact: Consultant Agreement Division, (717) 783-9309

08430AG2222 To provide supplementary construction inspection staff at approximately 12 inspectors, under the Department's Inspector-in-Charge, for construction inspection and documentation services on S. R. 0079, Section N11 in Washington County.
Department: Transportation
Location: Engineering District 12-0
Duration: Eighteen (18) months
Contact: Consultant Agreement Division, (717) 783-9309

08430AG2223 To provide preliminary engineering, environmental studies, final design, shop drawing, review and consultation during construction on S. R. 2005-L02, Van Gorden Mill Road Bridge in Lawrence County.
Department: Transportation
Location: Engineering District 11-0
Duration: Thirty-six (36) calendar months
Contact: Consultant Agreement Division, (717) 783-9309

DEP-BWE-98:1 Retain services of an archaeological consultant to provide Phase 1, 2 and 3 archaeological surveys for our flood protection, stream improvement and wetland creation projects on a Statewide basis as needed. For further information, refer to the notice section, Department of Environmental Protection, located in the front of this bulletin.
Department: Environmental Protection
Location: Waterways Engineering throughout Pennsylvania
Duration: 4 years after Notice to Proceed (to June 30, 2002)
Contact: Dale A. Hamlen, (717) 787-3411

X2695 Provide facilitator/consultant to conduct and obtain a consensus from stakeholders on ways to control air pollution in two locations of Pennsylvania (Susquehanna Valley and the Greater Lehigh Valley).
Department: Environmental Protection
Location: Bureau of Air Quality, 12th Floor, Rachel Carson State Office Building, 400 Market Street, Harrisburg, PA
Duration: Through June 30, 2000, with option to renew
Contact: Ally Hubler, (717) 787-2471

Environmental Maintenance—15

OSM 49(3205)101.1 Backfilling strip pits and openings, Shamokin South involves clearing and grubbing, backfilling, grading an estimated 659,500 c. y. and 82 acres of seeding. One hundred percent (100%) of this project is financed by the Federal Government. Federal funds available for this program total \$20.4 million for Pennsylvania's 1997 AML Grant.
Department: Environmental Protection
Location: Mount Carmel Township, Northumberland County, PA
Duration: 400 days after Notice to Proceed
Contact: Construction Contracts Unit, (717) 783-7994

Food—19

B-2 Fresh produce—to be delivered 2 times weekly during contract period.
Department: Military Affairs
Location: Southeastern PA Veterans Center, Spring City, Chester County, PA 19475
Duration: October 1, 1998—December 31, 1998
Contact: Theresa Barthel, Purchasing Agent, (610) 948-2493

B-3 Bread and rolls—to be delivered 3 times weekly during contract period.
Department: Military Affairs
Location: Southeastern PA Veterans Center, Spring City, Chester County, PA 19475
Duration: October 1, 1998—December 31, 1998
Contact: Theresa Barthel, Purchasing Agent, (610) 948-2493

B-5 Meat—to be delivered weekly during contract period.
Department: Military Affairs
Location: Southeastern PA Veterans Center, Spring City, Chester County, PA 19475
Duration: October 1, 1998—December 31, 1998
Contact: Theresa Barthel, Purchasing Agent, (610) 948-2493

B-6 Poultry—to be delivered weekly during contract period.
Department: Military Affairs
Location: Southeastern PA Veterans Center, Spring City, Chester County, PA 19475
Duration: October 1, 1998—December 31, 1998
Contact: Theresa Barthel, Purchasing Agent, (610) 948-2493

B-7 Frozen foods—to be delivered weekly during contract period.
Department: Military Affairs
Location: Southeastern PA Veterans Center, Spring City, Chester County, PA 19475
Duration: October 1, 1998—December 31, 1998
Contact: Theresa Barthel, Purchasing Agent, (610) 948-2493

S-9 Milk, 2%, 1/2 pint containers—500,000 container; skim milk, 1/2 pint containers—30,000 containers. To be bid out by institution as needed.
Department: Corrections
Location: State Correctional Institution at Coal Township, 1 Kelley Drive, Coal Township, PA 17866
Duration: August 1, 1998 through June 30, 1999
Contact: Nancy A. Lasko, Purchasing Agent II, (717) 644-7890, Ext. 142

HVAC—22

Project No. 159-097 Project title: Electrical and Plumbing Construction. Project description: Install electrical and plumbing systems in existing Building No. SB-722. Plumbing includes well pump, piping, tanks and fixtures. Electrical includes service entrance, load center, wiring devices and lighting.
Department: Game Commission
Location: State Game Lands No. 159, Lebanon Township, Wayne County, PA
Duration: 60 calendar days from contract issuance
Contact: Engineering and Contract Management Division, (717) 787-9620

Project No. 172-149 Project title: Installation of HVAC Systems. Project description: Install ground source HVAC system in Building No. SB-113 and Building No. SB-722. Installation in Building No. SB-113 includes selecting and installing a ground source heat pump unit and ductwork. Installation in Building No. 722 includes vertical bore holes, closed loop piping, ground source heat pump unit and ductwork.
Department: Game Commission
Location: SGL 172, Building No. SB-113, Wilmot Township, Bradford County; SGL 159, Building No. SB-722, Lebanon Township, Wayne County, PA
Duration: 60 calendar days from contract issuance
Contact: Engineering and Contract Management Division, (717) 787-9620

WC 686 West Chester University is soliciting sealed bids for food service work in the main kitchen, fast food serving and fast food dining areas. Work in the fast food serving and fast food dining areas includes new ventilation, millwork and new food service counters. Work in the main kitchen includes new ventilators, kettles, fryers, griddles, hand sinks and supporting work. Prevailing wages apply. Contract bonds will be required. The bid package will be available from L. Robert Kimball & Associates, Washington Square Suite F, 21 West Washington Street, West Chester, PA 19380 and will cost \$60.19 if picked up, \$76.09 for standard ground mail and \$97.29 for overnight mail.

Department: State System of Higher Education
Location: West Chester University, 210 East Rosedale Avenue, West Chester, PA 19383
Duration: All work to be completed by January 15, 1999
Contact: L. Robert Kimball & Associates, (610) 692-2232

Janitorial Services—23

JC-14-98 Janitorial services: to be provided on a daily basis, Monday through Friday, except State holidays, after 5 p.m. Involves 10,707 square feet of office space.

Department: Labor and Industry
Location: JCFO, Hazleton Job Center, 75 North Laurel Street, Hazleton, Luzerne County, PA
Duration: Two years (October 1, 1998 through September 30, 2000)
Contact: Robert J. Kozak, Manager, (717) 459-3855

Lodging/Meeting—27

SP-367653 Second Annual Conference for the Pennsylvania Against Underage Drinking Coalition to be held on Thursday, October 22, 1998 and Friday, October 23, 1998 in the Greater Harrisburg Area. (Approximately 300 attendees).

Department: Liquor Control Board
Location: Greater Harrisburg Area, PA
Duration: October 22—23, 1998
Contact: Debra Brinser, (717) 772-2043

Medical Services—29

RFP 97-07-20 Request for Proposal to perform newborn screening tests on blood filter paper specimens for the following disorders: phenylketonuria (pku), congenital hypothyroidism, hemoglobinopathies and maple syrup urine disease (msud).

Department: Health
Location: Statewide
Duration: 3 years
Contact: Jack Means, (717) 783-8143

N11697 Contractor to provide pharmaceutical services (filling of prescriptions) and related medical and health supplies for student residents at YDC New Castle, to include: 1) filling of prescriptions; 2) delivery of drugs 7 days weekly to the YDC medical department; 3) contractor maintenance of a drug file on all clients for whom prescriptions were issued; 4) 24 hour on call emergency service, if required. Specifications available upon request from the YDC New Castle purchasing department, (724) 656-7310.

Department: Public Welfare
Location: Youth Development Center, Frew Mill Road, R. R. 6, Box 21A, New Castle, Lawrence County, PA 16101
Duration: January 1, 1999 through December 31, 2001
Contact: T. F. Mateja, Purchasing Agent, (724) 656-7310

N11797 Contractor to provide general medical services of a licensed physician. Services are to be provided generally on the grounds of YDC at New Castle. Licensed physician must have privileges to practice the medical arts at St. Francis Hospital and Jameson Hospital, New Castle, PA, both of which are contracted to provide services to YDC New Castle. Interested parties should call the YDC New Castle purchasing department for contract specifications, (724) 656-7310.

Department: Public Welfare
Location: Youth Development Center, Frew Mill Road, R. R. 6, Box 21A, New Castle, Lawrence County, PA 16101
Duration: January 1, 1999 through December 31, 2001
Contact: T. F. Mateja, Purchasing Agent, (724) 656-7310

Property Maintenance—33

013 Remove and replace existing garage windows.

Department: Transportation
Location: District 12-4, Washington County Garage, Murtland Avenue, Route 19 South, Washington, Washington County, PA
Duration: August 31, 1998 to November 30, 1998
Contact: Liberty Hill, (724) 439-7361

Project No. 815 Installation of concrete pad.
Department: Military and Veterans Affairs
Location: OMS, 324 Emerson Street, Pittsburgh, Allegheny County, PA
Duration: August 1, 1998—September 30, 1999
Contact: Emma Schroff, (717) 861-8518

0210-Roof Repair Repair the flat portion of Marcus Foster roof. Repair includes the application of a sprayed polyurethane silicon roofing coating or approved polymer to approximately 5,600 sq. ft. of roof. Repair or replacement to specialties and trim are included. Fax requests to: Office of Contracts, (610) 399-2128.

Department: State System of Higher Education
Location: Cheyney University, Cheyney and Creek Roads, Cheyney, PA 19319
Duration: 30 days
Contact: Antonia Williams, Contract Administrator, (610) 399-2360

120R-018 Tree trimming and removal along various routes in Fayette County. Contract will be bid on a per mile basis, payment will be made lump sum per line item. Department of Agriculture Business License number for pesticide application is required at the time of the bid.

Department: Transportation
Location: Fayette County various State Routes as identified in Bid Package
Duration: Variable
Contact: Michael D. Maurer, (724) 439-7374

Project No. 9933 Exterior stair cover.
Department: Military and Veterans Affairs
Location: PAARNG, 23rd and Randstead Streets, Philadelphia, Philadelphia County, PA
Duration: August 1, 1998—June 30, 1999
Contact: Emma Schroff, (717) 861-8518

Project No. 9934 Guard railing and water pit cover.
Department: Military and Veterans Affairs
Location: PAARNG Armory, 1046 Belvoir Road, Norristown, Montgomery County, PA
Duration: August 1, 1998—September 30, 1999
Contact: Emma Schroff, (717) 861-8518

Project No. 9935 Fence repairs.
Department: Military and Veterans Affairs
Location: PAARNG Armory, 280 Market Street, Wilkes-Barre, Luzerne County, PA
Duration: August 1, 1998—June 30, 1999
Contact: Emma Schroff, (717) 861-8518

CL-482—Renovations, Keeling Health Center Clarion University of the State System of Higher Education is soliciting bids for construction of a new entrance, renovation of portions of the interior for offices and other uses which includes modifications to plumbing, mechanical and electrical systems, with four prime contracts to be awarded. Pre-bid conference: 10 a.m., July 28, 1998. Bids due: 2 p.m., August 11, 1998. Plans available from the architect: Foreman Architects/Engineers, Inc., Box 189, 525 West New Castle Street, Zelienople, PA 16063. Contact: Karen Hicks, (724) 452-9690. \$60 nonrefundable deposit required by check made payable to architect.

Department: State System of Higher Education
Location: Clarion University, Clarion, Clarion County, PA
Duration: 90 days from Notice to Proceed
Contact: Judy McAninch, Contract Manager, (814) 226-2240

JC-13-98 Snow/ice removal services: to be provided on an as needed basis. Area involves 20,332 square feet (parking lot, driveway and sidewalks).

Department: Labor and Industry
Location: JCFO, Hazleton Job Center, 75 North Laurel Street, Hazleton, Luzerne County, PA
Duration: Two years (October 1, 1998 through April 30, 2000)
Contact: Robert J. Kozak, Manager, (717) 459-3855

WC 693 West Chester University is soliciting sealed bids for the supply and installation of new substrate, color acrylic playing surface, repair of retaining walls, and provision of lighting and associated electrical conduit and wiring for six tennis courts at South Campus, South New Street, West Chester University. Prevailing wages apply. Performance and payment bonds will be required.

Department: State System of Higher Education
Location: West Chester University, 210 E Rosedale Avenue, West Chester, PA 19383
Duration: 60 days from Notice to Proceed
Contact: Jacki Marthinsen, Contracts Manager, (610) 436-2705

Real Estate Services—35

74A Lease Office Space to the Commonwealth of Pennsylvania. Proposals are invited to provide the Department of Public Welfare with 13,062 useable square feet of new or existing office space in Franklin, Venango County, PA, parking for 35 vehicles, within the City limits of Franklin. In areas where street or public parking is not available, an additional 45 parking spaces are required. Preference will be given to the downtown business district.

Department: General Services
Location: Real Estate, 505 North Office Building, Harrisburg, PA 17105
Duration: Indeterminate 1998—99
Contact: Cynthia T. Lentz, (717) 787-4394, Ext. 3108

Sanitation—36

98-521 Refuse and trash removal service: one 8-cubic yard dumpster to be provided at each of the following locations within Carbon County with the number of pickups designated: Stockpile No. 01/SR 0902, Leighton—60; Stockpile No. 02/SR 0093, Hudsonale—52; Stockpile No. 03/SR 0534, East Side Borough—26; Stockpile No. 05/SR 0902, Leighton—52. Bids will be opened 2 weeks after publication date.

Department: Transportation
Location: Above-referenced locations within Carbon County, PA
Duration: One year with four 1-year renewals
Contact: Bob Rutko, (610) 377-1880

321162 Rebid Contractor shall be responsible for removal of trash (solid waste) throughout the facility. Contract shall call for placement of 4, 6 and 8 cubic yard containers. 30 cubic yard roll-offs will be required on an as needed basis.

Department: Public Welfare
Location: Bensalem Youth Development Center, 3701 Old Trevoese Road, Bensalem, PA 19020
Duration: October 1, 1998 through June 30, 2001
Contact: Mary Jo Scanlon, (215) 953-6405

Miscellaneous—39

01 Conservation treatment of two historic vehicles, a hearse and a funeral carriage, currently located at the Commonwealth Conservation Center, 908 Market Street, Harrisburg, PA 17101. Bids are to be broken down by the following costs: treatment and documentation, analysis, material costs, purchase or fabrication of missing elements, shipping of vehicles, travel (at State rates) and insurance. Bids due before August 24, 1998. Bidder must meet certain qualification criteria, for example, must be a practicing professional artifact conservator, member in good standing of AIC, possess prior experience in vehicle conservation.

Department: Historical and Museum Commission
Location: Commonwealth Conservation Center, 908 Market Street, 3rd Floor, Harrisburg, PA 17101
Duration: 2 years from award of contract
Contact: E. John Hartmann, Jr., (717) 787-2292

98-04 The Department of Corrections is soliciting proposals to provide drug and alcohol treatment and continuing care planning services in a correctional institution therapeutic community setting. Services will be for female clients with substance abuse problems who are returned to the Department as technical parole violators and continuing care while clients reside in a community corrections setting.

Department: Corrections
Location: 2520 Lisburn Road, Camp Hill, PA 17011
Duration: Up to 3 years
Contact: Suzanne Malhenzie, RFP Coordinator, (717) 975-4973

010341 District 1-0 is requesting proposals to develop, install and deliver data to a system to display NWS radar and satellite images. The system is to operate on a Windows NT based token ring network. The system will be used by District 1-0 to manage snow removal and anti-icing operations.

Department: Transportation
Location: Engineering District 1-0, 1140 Liberty Street, Franklin, PA 16323
Duration: 3 years
Contact: Doug Schofield, District 1-0, (814) 437-4238

IFB No. PPSS98 The State System of Higher Education is soliciting bids for the purchase of a pressure activated paper/folder/sealer system. Please contact Linda Venneri at (717) 720-4135, fax (717) 720-4136 to receive an IFB package. Bids must be submitted by August 21, 1998, 4 p.m.

Department: State System of Higher Education
Location: 2986 North 2nd Street, Harrisburg, PA 17110
Duration: Indeterminate 1998—99
Contact: Linda Venneri, (717) 720-4135

Lumber-HN-WPL-No. 2 Supply 13,000 1" x 6" x 6' White Pine lumber No. 2 or better, S4SKD (may substitute w/spruce or fir). Approximate quantity, actual amount received may be greater or less than what was bid, but no more than 10%.

Department: Game Commission
Location: Howard Nursery, Centre County, PA
Duration: August 1, 1998 to October 5, 1998
Contact: Roger L. Lehman, (717) 787-9613

[Pa.B. Doc. No. 98-1179. Filed for public inspection July 17, 1998, 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 # | Awarded On | To | In the Amount Of |
|------------------------------------------|-----------------------|-------------------------------------------------------|-----------------------------|
| 6530-07 Rebid | 07/01/98 | Jordan-Reses Home Health Care | 225,000.00 |
| 7110-07 | 07/01/98 | Indiana Chair and Frame Co. | 5,000.00 |
| 7110-07 | 07/01/98 | OEI Krueger International | 5,000.00 |
| 7110-07 | 07/01/98 | CPSI | 5,000.00 |
| 7110-07 | 07/01/98 | John R. Wald Company | 5,000.00 |
| 7110-07 | 07/01/98 | Moduform | 5,000.00 |
| 7110-07 | 07/01/98 | Carlisle Industries | 5,000.00 |
| 7930-06 Rebid | 07/01/98 | Diamond Chemical Co., Inc. | 363,247.47 |
| 8960-01 | 07/01/98 | Cloister Pure Spring Water Co. | 198,720.00 |
| 9905-10 | 07/01/98 | Trafcon Industries | 73,500.00 |
| 1011118-01 | 07/07/98 | Tyson Fence Co. | 53,100.00 |
| 1032158-01 | 07/07/98 | Supply Source, Inc. | 152,690.85 |
| 1339117-01 | 07/07/98 | Atlantic Textiles Co. | 160,800.00 |
| 1647217-01 | 07/07/98 | Bognet, Inc. | 31,976.00 |
| 1751117-01 | 07/07/98 | Tri-State Trailer Sales, Inc. | 133,999.40 |
| 1918117-01 | 07/07/98 | Atlantic Textiles Co. | 34,400.00 |
| 1953167-01 | 07/07/98 | Southwestern Industries, Inc. | 16,425.00 |
| 1995387-01 | 07/07/98 | Chas S. Winner, Inc. d/b/a Winner Ford of Cherry Hill | 4,941.00 |

| Requisition or Contract # | Awarded On | To | In the Amount Of |
|------------------------------------------|-----------------------|-----------------------------------------------|-----------------------------|
| 1995387-02 | 07/07/98 | Pennsylvania Police Supply, Inc. | 4,591.62 |
| 2006357-01 | 07/07/98 | M. G. Industries | 173,646.25 |
| 2011117-01 | 07/07/98 | Pinnacle Electronic Systems, Inc. | 95,834.00 |
| 2018137-01 | 07/07/98 | Curran-Taylor, Inc. | 35,818.20 |
| 2020157-03 | 07/07/98 | King Video Associates, Inc. | 3,063.00 |
| 2040117-01 | 07/07/98 | Raytex Fabrics, Inc. | 40,250.00 |
| 2066117-01 | 07/07/98 | Howard Uniform Co. | 865,439.40 |
| 2067117-01 | 07/07/98 | Outdoor Outfits Limited | 888,501.60 |
| 2067117-02 | 07/07/98 | Starr Uniform | 253,846.04 |
| 2068207-01 | 07/07/98 | Survivalink | 114,337.00 |
| 7314060-01 | 07/07/98 | Norcom Resources, Inc. | 56,400.00 |
| 8122270-01 | 07/07/98 | KMEL Corp. dba Keystone Precision Instruments | 172,440.00 |
| 8234590-01 | 07/07/98 | Manheim Chrysler Plymouth GMC Truck | 1,053,600.00 |
| 8920-06 | 07/07/98 | Good Source, Inc. | 50,000.00 |
| 8920-06 | 07/07/98 | Somerset Farms, Inc. | 50,000.00 |
| 8920-06 | 07/07/98 | Berkshire Dairy and Food Products, Inc. | 10,000.00 |

GARY E. CROWELL,
Secretary

[Pa.B. Doc. No. 98-1180. Filed for public inspection July 17, 1998, 9:00 a.m.]