



Volume 46 (2016)

Pennsylvania Bulletin
Repository

8-6-2016

August 6, 2016 (Pages 4811-4938)

Pennsylvania Legislative Reference Bureau

Follow this and additional works at: https://digitalcommons.law.villanova.edu/pabulletin_2016

Recommended Citation

Pennsylvania Legislative Reference Bureau, "August 6, 2016 (Pages 4811-4938)" (2016). *Volume 46 (2016)*. 32.

https://digitalcommons.law.villanova.edu/pabulletin_2016/32

This August is brought to you for free and open access by the Pennsylvania Bulletin Repository at Villanova University Charles Widger School of Law Digital Repository. It has been accepted for inclusion in Volume 46 (2016) by an authorized administrator of Villanova University Charles Widger School of Law Digital Repository.

PENNSYLVANIA BULLETIN

Volume 46

Number 32

Saturday, August 6, 2016 • Harrisburg, PA

Pages 4811—4938

Agencies in this issue

The Courts
Department of Agriculture
Department of Banking and Securities
Department of Environmental Protection
Department of General Services
Department of Health
Department of Human Services
Department of Transportation
Game Commission
Independent Regulatory Review Commission
Insurance Department
Pennsylvania Public Utility Commission
Philadelphia Parking Authority
State Board of Nursing
Treasury Department

Detailed list of contents appears inside.



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

No. 501, August 2016

CUT ON DOTTED LINES AND ENCLOSE IN AN ENVELOPE

CHANGE NOTICE/NEW SUBSCRIPTION

If information on mailing label is incorrect, please email changes to info@pabulletin.com or mail to:

FRY COMMUNICATIONS, INC.
Attn: *Pennsylvania Bulletin*
800 W. Church Rd.
Mechanicsburg, PA 17055-3198

CUSTOMER NUMBER (6 digit number above name on mailing label)

NAME OF INDIVIDUAL

OFFICE NAME—TITLE

ADDRESS (Number and Street)

(City) (State) (Zip Code)

TYPE OR PRINT LEGIBLY

PENNSYLVANIA



BULLETIN

(ISSN 0162-2137)

The *Pennsylvania Bulletin* is published weekly by Fry Communications, Inc. for the Commonwealth of Pennsylvania, Legislative Reference Bureau, 641 Main Capitol Building, Harrisburg, Pennsylvania 17120, under the policy supervision and direction of the Joint Committee on Documents under 4 Pa.C.S. Part II (relating to publication and effectiveness of Commonwealth documents). The subscription rate is \$82.00 per year, postpaid to points in the United States. Individual copies are \$2.50. Checks for subscriptions and individual copies should be made payable to "Fry Communications, Inc." Periodicals postage paid at Harrisburg, Pennsylvania.

Postmaster send address changes to:

FRY COMMUNICATIONS, Inc.
Attn: *Pennsylvania Bulletin*
800 West Church Road
Mechanicsburg, Pennsylvania 17055-3198
(717) 766-0211 ext. 2340
(800) 334-1429 ext. 2340 (toll free, out-of-State)
(800) 524-3232 ext. 2340 (toll free, in State)

Orders for subscriptions and other circulation matters should be sent to:

Fry Communications, Inc.
Attn: *Pennsylvania Bulletin*
800 West Church Road
Mechanicsburg, Pennsylvania 17055-3198

Copyright © 2016 Commonwealth of Pennsylvania

Editorial preparation, composition, printing and distribution of the *Pennsylvania Bulletin* is effected on behalf of the Commonwealth of Pennsylvania by FRY COMMUNICATIONS, Inc., 800 West Church Road, Mechanicsburg, Pennsylvania 17055-3198.

CONTENTS

THE COURTS

JUDICIAL SYSTEM GENERAL PROVISIONS

Proposed amendments to the Rules of Professional Conduct regarding statements concerning judges and other adjudicatory officers and impartiality and decorum of the tribunal 4820

LOCAL COURT RULES

Armstrong County

Adoption of new local orphans' court rules; No. CP-03-AD-0000001-2016 4821

Cumberland County

Rules of the court of common pleas; No. 21-95-945 orphans court 4826

Lebanon County

Orphans' court rules 4829

Montgomery County

Adoption of orphans' court rules chapters 1 through 9 4833

Mortgage foreclosure conciliation program—masters; administrative order 2016-00004 4848

EXECUTIVE AND INDEPENDENT AGENCIES

DEPARTMENT OF AGRICULTURE

Notices

Addendum to the order of quarantine; spotted lanternfly 4849

DEPARTMENT OF BANKING AND SECURITIES

Notices

Actions on applications 4849

DEPARTMENT OF ENVIRONMENTAL PROTECTION

Notices

Agricultural Advisory Board meeting cancellation . . . 4893

Applications, actions and special notices 4851

Availability of technical guidance 4893

Planning grant awards under section 901 of the Municipal Waste Planning, Recycling and Waste Reduction Act, Act 101 of 1988 4894

DEPARTMENT OF GENERAL SERVICES

Notices

Lease office space to the Commonwealth 4894

DEPARTMENT OF HEALTH

Notices

Ambulatory surgical facilities; requests for exceptions 4894

Hospitals; requests for exceptions 4895

Long-term care nursing facilities; requests for exception 4895

Newborn Screening and Follow-Up Technical Advisory Board meeting 4896

DEPARTMENT OF HUMAN SERVICES

Notices

Changes to the All Patient Refined-Diagnosis Related Groups classification system 4896

Medical Assistance coverage of services related to gender transition 4896

DEPARTMENT OF TRANSPORTATION

Notices

Contemplated sale of land no longer needed for transportation purposes 4897

Green Light—Go: Pennsylvania's Municipal Signal Partnership Program; invitation to submit applications 4897

GAME COMMISSION

Notices

Chronic wasting disease—cervid parts importation ban # 9 4898

INDEPENDENT REGULATORY REVIEW COMMISSION

Notices

Action taken by the Commission 4899

INSURANCE DEPARTMENT

Notices

Review procedure hearings; cancellation or refusal of insurance 4899

United Security Assurance Company of Pennsylvania (USPA-130657975); rate increase filing for several individual LTC forms 4900

PENNSYLVANIA PUBLIC UTILITY COMMISSION

Notices

Electric generation supplier license cancellations of companies with an expired financial security 4900

Implementation of section 1329 of the Public Utility Code 4901

Petition of Valley Energy, Inc. for delay in logo portion of joint natural gas distribution company—natural gas supplier bill format; investigation of Pennsylvania's retail natural gas market: joint natural gas distribution company—natural gas supplier bill 4906

Pro forma corporate restructuring 4909

Service of notice of motor carrier applications 4909

Service of notice of motor carrier formal complaints . 4910

Telecommunications services 4935

PHILADELPHIA PARKING AUTHORITY

Notices

Request for proposals (4 documents) 4935

Service of notice of motor carrier applications in the City of Philadelphia 4935

Transportation network service temporary authorization; doc. No. 16-002 4936

Available Online at <http://www.pabulletin.com>

STATE BOARD OF NURSING

Notices

Bureau of Professional and Occupational Affairs v.
Brian F. Jackson, RN; file No. 13-51-05767; doc.
No. 1021-51-2013 4937

TREASURY DEPARTMENT

Notices

Unclaimed property owners; correction 4937

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

Pennsylvania Bulletin

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

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

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

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

Adoption, Amendment or Repeal of Regulations

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

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

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

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

Citation to the *Pennsylvania Bulletin*

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

Pennsylvania Code

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

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

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

How to Find Documents

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

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

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

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

**SUBSCRIPTION INFORMATION: (717) 766-0211
GENERAL INFORMATION AND FINDING AIDS: (717) 783-1530**

Printing Format

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

Fiscal Notes

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

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

Reproduction, Dissemination or Publication of Information

Third parties may not take information from the *Pennsylvania Code* and *Pennsylvania Bulletin* and reproduce, disseminate or publish such information except as provided by 1 Pa. Code § 3.44. 1 Pa. Code § 3.44 reads as follows:

§ 3.44. General permission to reproduce content of Code and Bulletin.

Information published under this part, which information includes, but is not limited to, cross references, tables of cases, notes of decisions, tables of contents, indexes, source notes, authority notes, numerical lists and codification guides, other than the actual text of rules or regulations may be reproduced only with the written consent of the Bureau. The information which appears on the same leaf with the text of a rule or regulation, however, may be incidentally reproduced in connection with the reproduction of the rule or regulation, if the reproduction is for the private use of a subscriber and not for resale. There are no other restrictions on the reproduction of information published under this part, and the Commonwealth hereby consents to a reproduction.

List of Pa. Code Chapters Affected

The following numerical guide is a list of the chapters of each title of the *Pennsylvania Code* affected by documents published in the *Pennsylvania Bulletin* during 2016.

4 Pa. Code (Administration)

Adopted Rules

1	1529, 1891, 2027, 2029
6	440, 853
7a	2268, 2271

Proposed Rules

245	354
247	354

Statements of Policy

9	22, 219, 1027, 1808, 2065, 2318, 2858, 3072, 3259, 3961, 4185, 4189
58	3660

7 Pa. Code (Agriculture)

Proposed Rules

149	3655
-----	------

10 Pa. Code (Banking and Securities)

Proposed Rules

1	3420
102	3420
202	3420
203	3420
204	3420
205	3420
206	3420
207	3420
208	3420
209	3420
210	3420
211	3420
301	3420
302	3420
303	3420
304	3420
305	3420
401	3420
404	3420
501	3420
504	3420
513	3420
601	3420
602	3420
603	3420
604	3420
605	3420
606	3420
609	3420
610	3420
701	3420
901	3420
1001	3420

12 Pa. Code (Commerce, Trade and Local Government)

Proposed Rules

31	221
81	3069
151	4179

Statements of Policy

31	2171, 2423
----	------------

22 Pa. Code (Education)

Adopted Rules

12	3815
14	3815
16	3815
49	3815

Proposed Rules

11	1806
73	1555

25 Pa. Code (Environmental Protection)

Adopted Rules

121	2036
129	2036
215	446
806	17
901	1417

Proposed Rules

93	1205, 1324, 2970
109	857
208	1421
210	996
211	996
218	3509
240	3509
901	2967

28 Pa. Code (Health and Safety)

Adopted Rules

1131	3254
------	------

Proposed Rules

23	1798
----	------

31 Pa. Code (Insurance)

Adopted Rules

84	3645
161	2415

Proposed Rules

84	460
147	458

34 Pa. Code (Labor and Industry)

Adopted Rules

401	2315
403	2315
405	2315

40 Pa. Code (Liquor)

Adopted Rules

1	352
7	2553
13	352

Proposed Rules

9	1652
11	1652

49 Pa. Code (Professional and Vocational Standards)

Adopted Rules

25	1316
36	447

Proposed Rules

40 2417
 42 886, 888

52 Pa. Code (Public Utilities)

Adopted Rules

53 449, 1791
 1017 1203

Proposed Rules

1 1016
 3 1016
 5 1016
 23 1016
 29 1016
 57 654
 61 658
 67 658

Statements of Policy

69 1902

55 Pa. Code (Human Services)

Adopted Rules

13 3177
 14 3177
 20 3177
 2380 3177
 2390 3177
 2600 3177
 2800 3177
 3800 3177
 4200 3177
 4210 3177
 4215 3177
 4220 3177
 4230 3177
 4300 3177
 4305 3177
 4310 3177
 6201 3177
 6210 3177
 6211 3177
 6250 3177
 6350 3177
 6400 3177
 6500 3177
 6600 3177

Statements of Policy

1101 2683
 1150 3262

58 Pa. Code (Recreation)

Adopted Rules

53 1549
 65 1650
 105 1549
 111 1549
 131 2664
 139 2665, 2671
 141 2674, 2675
 143 2676

Proposed Rules

65 2557
 93 2555
 111 2555
 131 1426
 133 2680

135 2679, 3258
 139 1427, 1553
 141 1423, 1425, 1552
 143 1423
 147 2678
 681a 1433

61 Pa. Code (Revenue)

Adopted Rules

701 3646
 702 3646
 703 3646

67 Pa. Code (Transportation)

Proposed Rules

189 991
 403 3957

201 Pa. Code (Rules of Judicial Administration)

Adopted Rules

1 3790
 7 1781
 19 330, 3790

204 Pa. Code (Judicial System General Provisions)

Adopted Rules

83 1642, 2163

Proposed Rules

81 2274, 2407, 4820
 83 978, 2407

207 Pa. Code (Judicial Conduct)

Adopted Rules

3 2033
 4 2033
 5 2033
 33 553
 51 553
 105 2167

210 Pa. Code (Appellate Procedure)

Adopted Rules

3 8
 5 3231
 9 8
 17 3232

Proposed Rules

1 2518
 3 2518
 5 2518
 7 2518
 9 2518
 13 2518
 15 2518
 16 2518
 17 2518
 19 2518
 27 2518
 33 2518

225 Pa. Code (Rules of Evidence)

Adopted Rules

83 2409

Proposed Rules

Article IX 3793, 3795

231 Pa. Code (Rules of Civil Procedure)

Adopted Rules

200 332, 2409, 3797
 1000 1895, 2409, 3797
 1915 1412, 2854
 1920 3233
 Part II 3804

Proposed Rules

200 982
 1650 3635
 1910 2275
 1915 3932
 Part II 332, 2306

234 Pa. Code (Rules of Criminal Procedure)

Adopted Rules

1 3806
 4 1532, 3235
 5 1532, 3414
 7 1532
 8 554
 10 1532, 3235

Proposed Rules

1 1643
 5 1643, 3636, 3935
 7 3637

237 Pa. Code (Juvenile Rules)

Adopted Rules

1 2411, 3808
 11 2411, 3808
 16 3415

Proposed Rules

1 555, 3939
 2 3940
 4 1782
 5 3944
 6 3944
 11 555
 12 3940
 13 3949
 15 3951
 16 3951

246 Pa. Code (Minor Court Civil Rules)

Adopted Rules

100 2412
 200 3811
 300 2412

Proposed Rules

500 984
 1000 984

249 Pa. Code (Philadelphia Rules)

Unclassified 445, 1541, 2855, 2953, 3416, 4048

252 Pa. Code (Allegheny County Rules)

Unclassified 1542, 4078

255 Pa. Code (Local Court Rules)

Unclassified .. 209, 558, 560, 647, 651, 652, 759, 854, 855, 856, 987, 988, 989, 1192, 1201, 1311, 1312, 1314, 1412, 1414, 1415, 1416, 1542, 1787, 1789, 1896, 1897, 1898, 2034, 2035, 2314, 2413, 2549, 2551, 2660, 2966, 3064, 3239, 3240, 3243, 3245, 3250, 3417, 3418, 3640, 3641, 3642, 3643, 3644, 3813, 3954, 3956, 4119, 4120, 4129, 4135, 4142, 4144, 4147, 4148, 4155, 4159, 4161, 4172, 4821, 4826, 4829, 4833, 4848

THE COURTS

Title 204—JUDICIAL SYSTEM GENERAL PROVISIONS

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

Proposed Amendments to the Rules of Professional Conduct Regarding Statements Concerning Judges and Other Adjudicatory Officers and Impartiality and Decorum of the Tribunal

Notice is hereby given that The Disciplinary Board of the Supreme Court of Pennsylvania is considering recommending to the Pennsylvania Supreme Court that it adopt amendments to Pennsylvania Rules of Professional Conduct (RPC) 3.5 relating to Impartiality and Decorum of the Tribunal and RPC 8.2 relating to Statements Concerning Judges and Other Adjudicatory Officers, as set forth in Annex A.

RPC 3.5 pertains to impartiality and decorum of the tribunal and prohibits improper influence, *ex parte* contacts, improper contacts with jurors, and conduct disruptive to the tribunal. In furtherance of ethical practice, lawyers should be familiar with the codes regulating the judiciary. Current Comment (1) to RPC 3.5 states “Many forms of improper influence upon a tribunal are proscribed by criminal law. Others are specified in the ABA Model Code of Judicial Conduct, with which an advocate should be familiar.” Proposed changes to Comment (1) provide that an advocate should be familiar with the Code of Judicial Conduct and the Rules Governing Standards of Conduct of Magisterial District Justices. These sets of rules are specific to Pennsylvania and replace the reference to the ABA Model Code.

In addition to the substantive changes, the Board takes this opportunity to make a typographical correction to RPC 3.5(c)(3).

RPC 8.2(b) states “A lawyer who is a candidate for judicial office shall comply with the applicable provisions of the Code of Judicial Conduct.” Comment (2) explains that “When a lawyer seeks judicial office the lawyer should be bound by applicable limitations on political activity.” This subdivision provides a jurisdictional link to applicable codes of judicial conduct, to assure continuous authority over lawyers in transition from one status to another. In addition to the Code of Judicial Conduct, the Rules Governing Standards of Conduct of Magisterial District Justices (“MDJ Conduct Rules”) also proscribe certain conduct by candidates for the office of magisterial district judge. Proposed amendments to subdivision (b) will reflect the provisions of both the Code of Judicial Conduct and the MDJ Conduct Rules. Specifically, the language “or who is a candidate for magisterial district judge” and “and/or the Rules Governing Standards of Conduct for Magisterial District Judges, as applicable” will be added to 8.2(b) to ensure that those lawyers who are judicial candidates comply fully with all applicable rules.

Interested persons are invited to submit written comments by mail or facsimile regarding the proposed amendments to the Office of the Secretary, The Disciplinary Board of the Supreme Court of Pennsylvania, 601 Commonwealth Avenue, Suite 5600, PO Box 62625, Harrisburg, PA 17106-2625, Facsimile number (717)-231-

3382), Email address Dboard.comments@pacourts.us on or before September 16, 2016.

By the Disciplinary Board of the Supreme Court of Pennsylvania

ELAINE M. BIXLER,
Secretary

Annex A

TITLE 204. JUDICIAL SYSTEM GENERAL PROVISIONS

PART V. PROFESSIONAL ETHICS AND CONDUCT

Subpart A. PROFESSIONAL RESPONSIBILITY

CHAPTER 81. RULES OF PROFESSIONAL CONDUCT

Subchapter A. RULES OF PROFESSIONAL CONDUCT

§ 81.4. Rules of Professional Conduct.

The following are the Rules of Professional Conduct:

ADVOCATE

Rule 3.5. Impartiality and Decorum of the Tribunal.

A lawyer shall not:

- (a) seek to influence a judge, juror, prospective juror or other official by means prohibited by law;
- (b) communicate *ex parte* with such a person during the proceeding unless authorized to do so by law or court order;
- (c) communicate with a juror or prospective juror after discharge of the jury if:
 - (1) the communication is prohibited by law or court order;
 - (2) the juror has made known to the lawyer a desire not to communicate; or
 - (3) the communication involves misrepresentation, coercion, duress [of] or harassment; or
- (d) engage in conduct intended to disrupt a tribunal.

Comment:

(1) Many forms of improper influence upon a tribunal are proscribed by criminal law. Others are specified in the [ABA Model] Code of Judicial Conduct and/or the Rules Governing Standards of Conduct for Magisterial District Judges, with which an advocate should be familiar. A lawyer is required to avoid contributing to a violation of such provisions.

* * * * *

MAINTAINING THE INTEGRITY OF THE PROFESSION

Rule 8.2. Statements Concerning Judges and Other Adjudicatory Officers.

(a) A lawyer shall not make a statement that the lawyer knows to be false or with reckless disregard as to its truth or falsity concerning the qualifications or integrity of a judge, adjudicatory officer or public legal officer, or of a candidate for election or appointment to judicial or legal office.

(b) A lawyer who is a candidate for judicial office, or who is a candidate for magisterial district justice, shall comply with the applicable provisions of the Code of Judicial Conduct and/or the Rules Governing Standards for Magisterial District Judges, as applicable.

* * * * *

[Pa.B. Doc. No. 16-1346. Filed for public inspection August 5, 2016, 9:00 a.m.]

Title 255—LOCAL COURT RULES

ARMSTRONG COUNTY

Adoption of New Local Orphans' Court Rules; No. CP-03-AD-0000001-2016

Order of Court

And Now, this 21st day of July, 2016, the following rules are hereby *Adopted* as the Local Orphans' Court Rules of the Court of Common Pleas and its Orphans' Court Division, effective thirty (30) days after the date of publication in the *Pennsylvania Bulletin*:

CHAPTER I. PRELIMINARY RULES

Rule 1.1.1. Short Title and Citation.

These Rules shall be known as the Local Orphans' Court Rules, shall be referred to individually as "Rule," and cited as "L.O.C. Rule _____."

Rule 1.6.1. Court-Ordered Mediation.

The Court, upon motion of an interested party or upon its own motion, may order parties in a particular matter to participate in private mediation or in court-supervised mediation. The Court shall determine who shall bear the costs thereof, either prior to such mediation or afterwards. The Court may direct an interested party to advance the costs of such mediation and direct reimbursement to such interested party as may be appropriate under the circumstances.

Rule 1.8(c). Cover Sheet.

A cover sheet in the following form shall be attached to every petition filed pursuant to Chapter III of the Pennsylvania Orphans' Court Rules; every set of objections to an account filed pursuant to Pa.O.C. Rule 2.7; and every set of objections to an inventory filed pursuant to 20 Pa.C.S. § 3305:

IN THE COURT OF COMMON PLEAS OF ARMSTRONG COUNTY, PENNSYLVANIA ORPHANS' COURT DIVISION

COVER SHEET

for a Petition, for an Objection to an Account, or for an Objection to an Inventory

Basis of Orphans' Court Jurisdiction (Check One)			
<input type="checkbox"/> Decedent's Estate	<input type="checkbox"/> Trust	<input type="checkbox"/> TPR or Adoption	<input type="checkbox"/> Incapacitated Person
<input type="checkbox"/> Minor	<input type="checkbox"/> Power of Attorney		<input type="checkbox"/> Non-Profit Corporation
<input type="checkbox"/> Other (specify) _____			

Filing Party's Relationship to Entity or Person checked above		
<input type="checkbox"/> Personal Representative	<input type="checkbox"/> Parent or Guardian	<input type="checkbox"/> Trustee
<input type="checkbox"/> Heir	<input type="checkbox"/> Adopting Parent	<input type="checkbox"/> Trust Beneficiary
<input type="checkbox"/> Creditor	<input type="checkbox"/> Corporate Officer	<input type="checkbox"/> Agent (POA)
<input type="checkbox"/> Other: _____		

Court Paper Being Filed

Name of Filing Party

Address of Filing Party

To the Clerk of Orphans' Court Division: Please enter my appearance on behalf of the Filing Party	
_____ Signature of Filing Attorney or Party	Date:

Name of Filing Attorney

Address of Filing Attorney

Telephone Number/Fax Number

On the reverse side, indicate the name and address of each interested party in this proceeding, as well as the name and address of each such party's attorney of record, if any.

Has any proceeding connected to this estate been heard by a judge of this Court?

- Yes No

If yes, which judge:

Is there any proceeding connected to this estate now pending before a judge of this Court?

- Yes No

If yes, which judge:

CHAPTER II. ACCOUNTS, OBJECTIONS AND DISTRIBUTIONS

Rule 2.4.1. Decree Confirming Account and Petition, and Approving Proposed Distribution, if any. Form.

(a) A decree which will confirm the account and approve the petition for adjudication/statement of proposed distribution shall accompany the papers filed pursuant to Pa.O.C. Rule 2.4.

(b) The decree shall be in the following form, but it shall be modified appropriately if no distribution is being proposed:

[CAPTION]

DECREE CONFIRMING ACCOUNT AND APPROVING AND DIRECTING DISTRIBUTION

AND NOW, this ___ day of ___, 2___, it appearing to the Court that no objection has been filed to the Account or Petition for Adjudication/Statement of Proposed Distribution; NOW, THEREFORE, the Account is confirmed, the Petition and Statement are approved, and the accountant is hereby directed to make distribution in accordance therewith.

BY THE COURT, _____ J.

Rule 2.5.1. Time for Filing Account.

(a) An account must be filed with the Clerk of the Orphans' Court Division no later than thirty (30) days before the regularly scheduled confirmation date published in the annual Court calendar upon which the accountant desires to have the account presented to the Court for confirmation.

(b) Notice of the filing with the Clerk shall be given by the accountant to all interested parties at least twenty (20) days prior to the date when the same will be presented to the Court for confirmation and approval.

Rule 2.5.2. Notice of Filing. Form.

Notice of the filing of an account, a petition for adjudication/statement of proposed distribution, and a proposed decree shall be substantially in the following form:

[CAPTION]

NOTICE

Attached is a true and correct copy of the account of _____ and a proposed decree, which was filed in the Office of the Clerk of the Orphans' Court Division on _____, 2___.

Also filed on the same date and attached hereto is the following (check one):

- Petition for Adjudication
Petition for Adjudication including Statement of Proposed Distribution

All these legal papers will be presented to the Court for approval and confirmation on _____, 2___, unless written objections to one or more of them is filed before such date with the Clerk of the Orphans' Court Division.

Date: _____

Attorney

Address: _____

Rule 2.9.1. Distribution Determined by Auditor.

After confirmation of an account when no distribution has been proposed, an accountant may petition the Court for the appointment of an auditor to determine distribution.

CHAPTER III. PETITION PRACTICE AND PLEADING

Rule 3.2.1. Headings; Captions.

(a) Pleadings shall be captioned "Court of Common Pleas of Armstrong County, Orphans' Court Division".

(b) The heading of any petition, pleading or other court paper shall identify with particularity the nature of the paper being filed.

(c) The caption and heading shall be substantially in the following form:

**IN THE COURT OF COMMON PLEAS OF
ARMSTRONG COUNTY, PENNSYLVANIA
ORPHANS' COURT DIVISION**

ESTATE OF JANE SMITH : No. _____
(Petition for Removal of :
Co-Executors, filed by John Doe) :

**ANSWER OF CO-EXECUTORS TO
PETITION FOR THEIR REMOVAL**

As noted in the parenthetical material set forth in the required format, the caption must identify the petition which commenced the proceeding.

Comment

“Petition for Citation”, “Answer”, “Preliminary Objections”, and “Exceptions” are examples of headings that will not be in compliance with this Rule.

Rule 3.4.1. Preliminary Decree Where Citation is Sought.

In the case of a petition requiring a citation under Pa.O.C. Rule 3.5(a), the petition shall have attached thereto a proposed preliminary decree substantially in the following form:

[CAPTION]

PRELIMINARY DECREE AWARDING CITATION

AND NOW, this _____ day of _____, 2____, upon presentation and consideration of the foregoing Petition (for) (to) _____, it is hereby ORDERED that a citation be awarded, directed to _____, to show cause why the relief prayed for therein should not be granted. The citation shall be returnable within twenty (20) days of the date of its service upon the person cited.

BY THE COURT, _____ J.

Comment

In the Orphans' Court, a citation is the proper process by which initial personal jurisdiction over the person is obtained. *In re: Hicks' Estate*, 414 Pa. 131, 199 A.2d 283 (1964).

Rule 3.5.1. Mode of Proceeding on Petition When No Answer is Filed.

(a) If a respondent fails to file an answer to a petition, the averments of fact set forth in the petition shall be deemed to have been admitted and the Court may enter a decree granting the prayer of the petition, subject to the provisions of subsection (c), below.

(b) In any proceeding in which an answer to a petition is not filed, after the passing of the return date or notice period, as applicable, a petitioner may file a praecipe with the Clerk directing the Clerk forthwith to transmit the file to the Court for review and possible adjudication. The praecipe shall be in the following form:

[CAPTION]

PRAECIPE TO TRANSMIT RECORD

TO THE CLERK OF THE ORPHANS' COURT DIVISION:

I, the undersigned, hereby direct the Clerk of the Orphans' Court Division forthwith to transmit the record of this matter, including this praecipe, to the Court for review and action. I certify that notice of (type of petition) was served upon all parties in interest and that the required proofs of service have been filed.

The date of service of the last notice to be served was _____, 2____.

Attorney for Petitioner

(c) After receipt of the record transmitted to the Court pursuant to subsection (b), above, the Court will review the record to determine its adequacy and will review the proposed prayer for relief to determine its appropriateness. The Court may enter an appropriate order thereafter or it may cause a pre-hearing conference or hearing to be scheduled.

(d) This Rule applies both to proceedings requiring personal jurisdiction and those that do not.

**CHAPTER V. RULES GOVERNING SPECIFIC
TYPES OF PETITIONS**

Rule 5.1.1. Declaratory Judgment.

Comment

The declaratory judgment action is the preferred way to resolve disputes involving interpretation of wills, trusts, or other instruments.

Rule 5.6.1. Appointment of a Guardian for the Estate or Person of a Minor.

(a) A hearing shall be held upon every petition filed for the appointment of a guardian of the person or the estate of a minor, even if the consents of all parties in interest are attached and even if no objection to the petition is filed by any party in interest.

(b) The petitioner shall proceed by notice as set forth in subsection (c) of the Rule.

(c) If a living parent of the minor is not one of the petitioners in the petition for appointment, the petitioner shall serve notice of the hearing upon such parent. The notice shall also be served on any adult who has had physical custody of the minor within the one-year period immediately prior to the filing of the petition. The notice must be served at least twenty (20) days prior to the hearing.

(d) The proposed guardian and any minor age six (6) or older shall appear at the hearing.

(e) All bonds shall be filed with the Clerk within thirty (30) days of the date of appointment. Failure to file the bond may be deemed to be a refusal of the appointment.

(f) The notice required by subsection (b) of this Rule shall be in the following form:

[CAPTION]

**NOTICE OF HEARING FOR APPOINTMENT
OF GUARDIAN OF MINOR**

TO: Name of Person

TAKE NOTICE that a Petition for the Appointment of a Guardian of (the person, the estate or both) has been filed by (name of petitioner) seeking the appointment of (name of proposed appointee). A hearing will be held on (day of week), _____, 2____ at _____ M. in Courtroom No. _____ of the Armstrong County Courthouse in Kittanning, Pennsylvania.

You may file written objections to the Petition with the Clerk of the Orphans' Court Division at any time before the hearing is held. Even if you do not file written objections, you may appear at the hearing and be heard if you wish.

Attorney
Address
Telephone Number

Rule 5.16.1. Form of Petition—Settlement of Small Estate.

(a) This Rule applies to all petitions filed pursuant to 20 Pa.C.S. § 3102, pertaining to settlement of small estates upon petition.

(b) A petition for settlement of a small estate shall include the following:

- (1) the name and address of each petitioner;
- (2) the decedent's date of death and domicile at the time of death, together with a statement that an original death certificate is attached;
- (3) a statement whether the decedent died testate or intestate and, if testate, that the original copy of the will is attached; or that it cannot be produced and the reason therefor and that a photocopy of it is attached.
- (4) the name and address of each testate or intestate heir, as applicable.
- (5) the name and addresses of all claimants known by the petitioner, including creditors of the decedent on the date of death, providers of funeral services, providers of goods and services to the petitioner arising from settlement of the estate, together with the amounts claimed by each, even if the claims have been satisfied before the filing of the petition, together with a notation of which such claims remain unsatisfied;
- (6) all assets of decedent's estate, other than real estate, and the value of each;
- (7) in the event that it appears that all claimants cannot be paid in full, all assets in which the decedent had an interest as a joint tenant with right of survivorship, together with the value of each such asset and decedent's fractional interest therein;
- (8) a statement that a Pennsylvania inheritance tax return need not be filed and the reason therefor; or, in the alternative, that one has been filed, that all taxes due thereon have been paid, and that proof of such payment is attached to the petition; or, in the alternative, the reason why the same has not occurred;
- (9) the name of each proposed distributee and their respective proposed distributions;
- (10) the name of each person who has consented to or joined in the prayer of the petition, together with a statement that the consent is attached; and
- (11) any other relevant information.

(c) The following items shall be attached to a petition for settlement of a small estate:

- (1) an original death certificate;
- (2) the decedent's will, if any;
- (3) proof of payment of the Pennsylvania inheritance due under the return actually filed;
- (4) original copies of consents, joinders, and statements of no objection signed by interested parties; and
- (5) a proposed decree of distribution.

CHAPTER IX. AUDITORS AND MASTERS**Rule 9.1.1. Notice of Hearings.**

(a) The auditor or master shall fix a date, time and place for hearing and shall give written notice of the hearing to the accountant, objector or petitioner and to all interested parties or their counsel of record by first class mail at least twenty (20) days prior thereto. In the event notice cannot be given in such manner, notice shall be

given by advertisement one time in the Armstrong County Legal Journal and one time in a newspaper of general circulation in the county where the decedent resided. The date of publication shall be at least twenty (20) days prior to the hearing.

(b) the notice shall include the following:

- (i) the caption and number of the case;
- (ii) the fact and date of appointment;
- (iii) the name of the personal representative of the estate
- (iv) the time and place of hearing;
- (v) a general statement of the matters to be determined; and
- (vi) the signature and the typewritten name, address and telephone number of the auditor or master.

Rule 9.1.2. Conduct of Hearing.

(a) All hearings before an auditor or master shall be conducted in accordance with the Pennsylvania Rules of Evidence.

(b) The hearings may be continued or adjourned from time to time by the auditor or master for cause shown or upon agreement of all parties present, but each continuance or adjournment shall be to a day certain not more than thirty days distant.

(c) Auditors and masters shall have the authority to administer oaths to witnesses.

(d) Auditors and masters shall have the authority to issue subpoenas, including subpoenas duces tecum.

(e) With leave of court, the auditor or master may retain experts as an aid in the performance of appointed duties. Leave may be obtained by motion presented in Motions Court pursuant to the Local Rules of Civil Procedure. All parties in interest shall receive notice of the presentation of such a motion.

(f) Evidentiary hearings before an auditor or master shall be recorded by stenographic and not electronic means.

Rule 9.6.1. Notice of Filing of Report. Form of Notice.

(a) An auditor or master shall timely file the report with the Clerk and simultaneously serve notice thereof upon the accountant or objector and all other interested parties who appeared at the hearing. The notice shall be given by first class mail. A copy of the report shall be attached to the notice. Proof of service of the notice shall be filed immediately after mailing of the same. A copy of the notice shall be attached to the proof.

(b) The notice shall be in the following form:

[CAPTION]

**NOTICE OF FILING AUDITOR'S (MASTER'S)
REPORT**

TAKE NOTICE, that the undersigned, the duly appointed auditor, (master,) filed his (her) Report with the Clerk of the Orphans' Court Division on _____, 2____. A copy of the Report is attached.

Under the Local Orphans' Court Rules, you have twenty (20) days from the date the Report was filed to file written exceptions to it with the Clerk of the Orphans'

Court Division. If you fail to do so, the Court may confirm the Report (may adopt the recommendations of the Report).

Auditor (Master)

Rule 9.7.1. Confirmation of Auditor’s Report.

Unless exceptions to an auditor’s report are timely filed, the report will be confirmed by the Court. The Clerk shall transmit the report as of course so it may be so confirmed.

Rule 9.7.2. Confirmation of Master’s Report.

Unless exceptions to a master’s report are timely filed, the Court will adopt its recommendations. The Clerk shall transmit the report to the Court as of course so its recommendations may be so adopted.

Rule 9.7.3. Exceptions to Auditor’s Report or Master’s Report Time.

(a) Exceptions to an auditor’s report or a master’s report, must be filed within twenty (20) days after its date of filing. If a party files timely exceptions, any other party may file cross exceptions within twenty (20) days after the filing of exceptions.

Rule 9.7.4. Form of Exceptions. Place of Filing.

(a) Exceptions to an auditor’s report, or master’s report, shall be in writing filed with the Clerk.

(b) Exceptions shall be set forth in consecutively numbered paragraphs, each paragraph raising but one issue, and stating the ground or grounds therefor. Exceptions shall be signed by the exceptant or the exceptant’s attorney.

Rule 9.8.1. Security for Expenses and Fees.

An auditor or master, the accountant, or any interested party may apply to the Court at any time for leave to require security for the payment of the auditor’s or master’s expenses and fees, and, when such leave is granted, the auditor or master may decline to proceed until security is entered.

CHAPTER X. REGISTER OF WILLS

Rule 10.3.1. Hearings.

Evidentiary hearings before the Register shall be recorded by stenographic means and not by electronic means.

Rule 10.4.1. Appeals from the Register of Wills. Petition. Citation.

(a) Appeals from a judicial act or decision of the Register of Wills shall be by petition directed to the Court.

(b) When a petition for appeal has been filed with the Court, the Register of Wills shall cause the record to be certified to the Court and properly docketed in the Orphans’ Court Division dockets.

(c) After the record has been certified and docketed as required in subparagraph (c) of this rule, the Court will award a citation directed to all parties in interest.

Rule 10.7. Petition to Compel Filing of Inventory or Supplemental Inventory. Objections to Inventory.

(a) All petitions to compel the filing of an inventory or a supplemental inventory required by 20 Pa.C.S. § 3301 and § 3303, respectively, shall be filed with the Clerk of the Orphans’ Court Division, and not with the Register of Wills.

(b) All objections to an inventory or supplemental inventory filed pursuant to 20 Pa.C.S. § 3305 shall be filed with the Clerk of Orphans’ Court Division, and not with the Register of Wills. All such objections shall be in writing with consecutively numbered paragraphs, signed by counsel, or it not represented by counsel, or if not represented by counsel, then by all the objectors. Objections must be verified by at least one of the objectors. Each objection shall be specific. The pleadings allowed after the filing of such objections shall be governed by Pa.O.C. Rule 2.8(a) and (b).

CHAPTER XIV. GUARDIANSHIPS OF INCAPACITATED PERSONS

Rule 14.2.1. Petition for Appointment of Guardian of Incapacitated Person. Preliminary Order.

The petition for appointment of guardian of incapacitated person shall have attached thereto a preliminary order of Court in the following form:

[CAPTION]

PRELIMINARY ORDER

AND NOW, this _____ day of _____, _____, the foregoing Petition for Appointment of Guardian having been presented to the Court, upon consideration thereof, it is ORDERED that a Citation be awarded, directed to the above-named alleged incapacitated person, to show cause why he/she should not be adjudged an incapacitated person and a plenary/limited guardian of his/her person and estate be appointed.

The time and place of hearing on the petition are fixed for _____, _____, _____, at _____ M. in Courtroom No. _____ of the Armstrong County Courthouse, Kittanning, Pennsylvania.

The petitioner shall give notice to all persons who are residing within the Commonwealth of Pennsylvania who are sui juris and would be entitled to share in the estate of the alleged incapacitated person if he died intestate at that time; to the person or institution providing residential services to the alleged incapacitated person.

In addition, the petitioner shall also give notice to the following persons: _____

BY THE COURT, _____ J.

Rule 14.2.2. Service of Notice of Filing of Petition and Hearing Upon Persons Other than the Alleged Incapacitated. Proof of Service. Form.

(a) Notice of the petition for appointment of guardian and hearing shall be served upon all persons who are residing within the Commonwealth of Pennsylvania who are sui juris and would be entitled to share in the estate of the alleged incapacitated person if he died intestate at that time; to the person or institution providing residential services to the alleged incapacitated person; and to such other parties as the Court may direct, including services providers. Service of such notice must be given at least twenty (20) days in advance of the hearing.

(b) Proof of service of the notice shall be presented to the Court at time of hearing.

(c) The notice required by this Rule shall be in the following form:

[CAPTION]

NOTICE OF PETITION FOR APPOINTMENT OF GUARDIAN AND HEARING

TO: (Name of Person)

TAKE NOTICE that a Petition for Appointment of Guardian of the Person and/or the Estate has been filed by (name of petitioner) in connection with this matter. A copy of the petition is attached.

The Court will hold a hearing upon the petition on (day of week), _____, 2____ at ____M. in Courtroom No. ____ of the Armstrong County Courthouse, Kittanning, Pennsylvania. You may appear at that time and be heard if you wish.

 Attorney
 Address
 Telephone Number

Rule 14.2.3. Appointment of Counsel. Application.

The petitioner shall notify the Court at least seven (7) days prior to the final hearing upon the petition if counsel has not been retained by or on behalf of the alleged incapacitated person. Such notification shall consist of an application alleging the same and requesting the appointment of an attorney. Notice in advance of the presentation of such application is not required.

Rule 14.2.4. Emergency Guardian.

(a) A separate petition for appointment of an emergency guardian shall be filed.

(b) After a petition for the appointment of an emergency guardian has been filed, the matter shall proceed on citation and hearing. The provisions of 20 Pa.C.S. § 5511, including those relating to counsel, shall be applicable, except when the Court has found that such provisions are not feasible under the circumstances. If a petitioner believes that one or more provisions of 20 Pa.C.S. § 5511 are not feasible under the circumstances, the petitioner shall state the factual basis for the same, and the Court may, in its discretion, dispense with compliance in the order awarding the citation. If not all required provisions have been complied with by the time of the hearing upon the petition, the Court may, in its discretion at the hearing, further dispense with compliance, if compliance is shown to have been unfeasible.

(c) The citation issued in connection with a petition for appointment of emergency guardian shall be modeled after the citation prescribed by Pa.O.C. Rule 14.5, with appropriate changes. A proposed citation shall be presented to the Court for review at the time the petition is presented.

(d) The petition shall have attached to it a preliminary order of court (emergency guardian) in following form:

[CAPTION]

PRELIMINARY ORDER (Emergency Guardian)

AND NOW, this _____ day of _____, _____, the foregoing Petition for Appointment of Emergency Guardian having been presented in open Court, upon consideration thereof, it is ORDERED that a Citation be awarded, directed to the above-named alleged incapacitated person, to show cause why an emergency plenary/limited guardian of his/her person and estate should not be appointed.

The time and place of hearing on the petition are fixed for _____, _____, 2____, at ____M. in Courtroom No. ____ of the Armstrong County Courthouse, Kittanning, Pennsylvania.

The Court finds that

[] Service of notice of the hearing on the petition for emergency guardian is not feasible under the circumstances and is waived.

[] Notice of the hearing to the following persons is feasible under the circumstances and directs that the same be given as indicated:

[] Strict compliance with 20 Pa.C.S. § 5511(e); relating to contents of the petition, is not feasible under the circumstances and is waived.

[] Strict compliance with 20 Pa.C.S. § 5511(a), pertaining to the right to counsel, is not feasible under the circumstances and is waived in connection with the petition for appointment of emergency guardian only.

BY THE COURT, _____ J.

Rule 14.2.5. Telephone Testimony.

If all parties or their attorneys of record agree, the Court will receive the testimony of a physician or other expert witness by telephone. In the event there is no such agreement, the Court will nonetheless consider permitting the same upon motion of any party presented at Motions Court in accordance with the Local Rules of Civil Procedure.

CHAPTER XV. ADOPTION

Rule 15. Petitions Filed Pursuant to Chapter XV of the Pennsylvania Orphans' Court Rules.

No more than one child may be the subject of a petition for voluntary relinquishment to an agency; for voluntary relinquishment to adult intending to adopt child; to confirm consents for an adoption; or for adoption.

Rule 15.4.1. Petition for Involuntary Termination of Parental Rights. Form of Notice.

The notice required by 23 Pa.C.S. § 3513(b) shall designate the "Prothonotary of Armstrong County, Room 103, Armstrong County Courthouse, Kittanning, PA 16201 (telephone: 724-548-3252)" as the person from whom information can be obtained about legal help.

By the Court

KENNETH G. VALASEK,
President Judge

[Pa.B. Doc. No. 16-1347. Filed for public inspection August 5, 2016, 9:00 a.m.]

CUMBERLAND COUNTY

Rules of the Court of Common Pleas; No. 21-95-945 Orphans Court

Order of Court

And Now, this 25th day of July, 2016, the following Rules of the Court of Common Pleas of Cumberland

County, Pennsylvania, are hereby promulgated and adopted for use, effective September 6, 2016.

Pursuant to R.J.A. 103(d), the Court Administrator is directed to distribute two (2) paper copies of the rules and a copy on a computer diskette, CD-ROM, or other agreed upon alternate format that complies with the requirements of 1 Pa. Code § 13.11(b) to the Legislative Reference Bureau for publication in the *Pennsylvania Bulletin*, file one (1) copy of the rules with the Administrative Office of Pennsylvania Courts, publish a copy of the rules on the county website, incorporate the rules in the complete set of local rules no later than 30 days following publication in the *Pennsylvania Bulletin*, and forward one (1) copy to the *Cumberland Law Journal*.

The rules shall be kept continuously available for public inspection and copying in the office of the prothonotary and on the county website.

By the Court

EDWARD E. GUIDO,
President Judge

RULES OF THE COURT OF THE NINTH JUDICIAL DISTRICT, COURT OF COMMON PLEAS, ORPHANS' COURT DIVISION

CHAPTER I. PRELIMINARY RULES

Rule 1.1. Short Title and Citation.

These Rules shall be known as Cumberland County Orphans' Court Rules and shall be cited as C.C.O.C.R.

Rule 1.6. Mediation by Agreement, Local Rule, or Court Order.

All interested parties in a matter may use mediation to resolve issues pending before the Court, and, upon either partial or complete resolution, may petition the Court to approve the agreement of all interested parties as an order or decree of the Court.

(a) The interested parties may engage the services of a mediator, either prior to or after any interested party has filed a Pleading before the Court, including an account filed by a fiduciary.

(b) Upon the filing of a Pleading before the Court, including an account filed by a fiduciary, the Clerk may provide the filing party with generic information, regarding availability of mediation for the resolution of disputes prior to adjudication by the Court.

(c) The filing party may provide such information to other interested parties. The information, which does not bind the Court, and which may be in the form of a standard brochure, should include:

- (1) A brief description of the mediation process;
 - (2) The anticipated benefits of mediation for litigants and associated professionals; and
 - (3) Contact information to initiate mediation.
- (d) All the interested parties in a matter docketed before the Court may request to engage in mediation at any time during the pendency of the matter.

(e) In such request for mediation, all interested parties shall identify:

- (1) The proposed mediator and the proposed source of payment of fees and costs of the mediator;
- (2) Names and contact information of all interested parties and any counsel who shall participate in the mediation;

(3) Names and information regarding any interested parties having diminished capacity or a legal disability, whose interests must be adequately protected; and

(4) The scheduled date for the initial mediation conference.

(f) All interested parties shall execute an agreement for confidential mediation, which is not inconsistent with this local rule, and which shall remain confidential.

(g) Mediation shall not delay the required filing of any Pleading or ordered return dates, or the scheduling of Court hearings, unless specifically requested by joinder of the interested parties and so ordered by the Court.

(h) The Court will respect the confidentiality of the mediation process and of the mediator's obligation of confidentiality.

(i) Upon completion of mediation, all interested parties shall sign a memorandum of principal terms, which either shall acknowledge that no resolution was reached, or shall embody the resolutions attained. This memorandum of principal terms shall clearly state partial resolutions or complete resolution attained. The memorandum of principal terms shall include a list of unresolved issues to be determined by the Court. Where appropriate, the principal terms could provide for future review in light of changed circumstances or a change in the operative facts. The memorandum of principal terms agreed upon, or the statement of no resolution, shall be filed with the Court.

(j) In no event shall the terms agreed upon depart from or violate any provisions of applicable law, specifically including the Older Adults Protective Services Act, the Act of Dec. 18, 1996, P.L. 1125, No. 169 (35 P.S. §§ 10225.101—10225.5102), as may be amended.

(k) The interested parties may request that the Court approve the final mediated agreement, which embodies the principal terms agreed upon in the memorandum referenced above. The Court may grant approval in an order or decree. Alternatively, the Court may recommend any changes that the Court deems appropriate for approval. The parties to the mediation may accept the Court's recommendations, in which event the terms agreed upon, as modified, shall be approved, or the parties may decline to accept the Court's recommendations, in which event the matter is deemed not to have resulted in an agreement.

Note: Local rule based on proposed Model Local OC Rule 1.6 recommended by Subcommittee of PBA's Alternative Dispute Resolution Committee.

CHAPTER II. ACCOUNTS, OBJECTIONS AND DISTRIBUTIONS

Rule 2.6. Filing with the Clerk.

(a) Accounts to be confirmed shall be filed not later than 4:30 p.m. (Eastern Prevailing Time) of the fifth Friday preceding the date fixed for confirmation of accounts.

(b) The Court Calendar, including the dates for confirmation of accounts, shall be determined in accordance with C.C.R.P. 551.

(c) Advertisement by the Clerk as required by PEF Code § 745, shall be in the *Cumberland Law Journal* and *The Sentinel*.

(d) The advertisement of the account shall indicate whether a statement of proposed distribution is included.

Note: Formerly Local Rule 6.4-1., 1.2-3., and 6.9-3. No equivalent Pa.O.C. Rules.

Rule 2.9. Confirmation of Accounts; Awards.

(c) If no objections are filed to the statement of proposed distribution, the Court may, on the day fixed for the presentation thereof, make a final decree directing distribution in accordance with the statement of proposed distribution.

Note: Local rule based on former C.C.O.C.R. 6.11-1.

Rule 2.11. Appointment of Official Examiners.

Rules pertaining to auditors and masters in Chapter IX of Pa.O.C. Rules shall extend to official examiners insofar as applicable.

Note: Local rule based on former C.C.O.C.R. 9.1-1. See PEF Code § 751.

CHAPTER III. PETITION PRACTICE AND PLEADING**Rule 3.4. Form of Petition; Exhibits; Consents; Signing and Verification.**

(b) Where notice of the entry of any decree is required, the petitioner or moving party shall include in the proposed decree, the names of all parties or their counsel, if represented, who are required to be notified of the proposed decree, and shall provide the Clerk with stamped envelopes addressed to the said parties or their counsel, if represented.

Rule 3.7. Time for Filing and Service of Responsive Pleadings.

(e) *Disposition of Matters after Pleadings are Closed—No Answer.* If no responsive pleading is filed, upon proof of service of the citation or notice and the petition, the Court may grant the desired relief requested.

CHAPTER V. RULES GOVERNING SPECIFIC TYPES OF PETITIONS**Rule 5.16. Small Estates.**

Petitions for settlement of small estates under PEF Code § 3102 shall set forth:

(a) The name and address of the petitioner and petitioner's relationship to the decedent;

(b) The name, date of death and domicile of decedent;

(c) Whether the decedent died testate or intestate, the date of the probate of the will, if applicable, and the date of grant of letters, if any, and whether the personal representative has been required to give bond and, if so, the amount of the bond;

(d) The name and relationship of all beneficiaries entitled to any part of the estate under the will or intestate laws, a brief description of their respective interests, whether any of them has received or retained any property of the decedent by payment of wages under PEF Code § 3101, or otherwise, and whether any of them is a minor, incapacitated or deceased with the name of his fiduciary, if any;

(e) The person(s), if any, entitled to the family exemption and, if a claim therefore is made in the petition, any additional facts necessary to establish the right to the family exemption;

(f) An inventory of the real and personal estate of the decedent, the value ascribed to each item, either incorporated in the petition or attached as an exhibit;

(g) A list showing the nature, amounts and preferences of all unpaid claimants against the estate and indicating which claims are admitted;

(h) If any unpaid beneficiary, heir or claimant has not joined in the petition, a statement that notice of the intention to present the petition has been given as required by Pa.O.C. Rule 4.2; and

(i) A prayer for distribution of the personal property to those entitled, and in appropriate cases, for the discharge of the personal representative.

(j) There shall be attached to the petition the following exhibits:

(1) The original of the decedent's will if it has not been probated, or a copy thereof if it has been probated;

(2) The joinders or consents of unpaid beneficiaries, heirs and claimants insofar as they are obtainable;

(3) An itemized list of disbursements made prior to the filing of the petition, indicating the payee and whether the disbursements were in payment of administration expenses, preferred or ordinary debts, items of distribution or the family exemption; and

(4) A certificate of the Register showing the status of payment of the inheritance tax.

(k) No appraisal shall be required unless ordered by the Court.

Note: Formerly Local Rule 6.11-2. No equivalent in Pa.O.C. Rules.

CHAPTER VII. RULES RELATING TO PRE-HEARING AND HEARING PROCEDURE**Rule 7.5. Argument Court.**

The procedure for disposition of matters at argument court shall be as follows:

(a) The matter shall be listed by filing a praecipe with the Clerk. The party listing the case for argument shall serve a copy of the praecipe on all counsel or any unrepresented party.

(b) The Clerk shall promptly coordinate with the Prothonotary's Office to place the matter on the next regularly scheduled session of argument court.

(c) Otherwise, C.C.R.P. 1028(c) shall be applicable.

Note: No prior equivalent C.C.O.C.R. The rule is recommended to coordinate the procedure for Orphans' Court matters with C.C.R.P. and to codify local practice.

CHAPTER IX. AUDITORS AND MASTERS**Rule 9.1. Notice of Hearings.**

(a) On appointment, the auditor shall schedule a hearing and give notice thereof to all parties in interest at least twenty days prior to the hearing in accordance with Chapter IV of Pa.O.C. Rules.

(b) Rules pertaining to auditors shall extend to masters insofar as applicable.

Note: Local rule based on former C.C.O.C.R. 8.1-1 and 8.1-2. See PEF Code § 751.

Rule 9.2. Filing of Report.

Reports of auditors and masters shall be filed with the Clerk.

Note: Local rule based on former C.C.O.C.R. 8.2-1.

Rule 9.6. Notice of Filing of Report.

The auditor or master shall give notice of filing the report to all interested parties.

Note: Local rule based on former C.C.O.C.R. 8.6-1. See also Chapter IV of Pa.O.C. Rules, and PEF Code §§ 764, 766, 767 and 768.

Rule 9.7. Confirmation of Report.

(a) If no objections are filed, the Clerk shall transmit the auditor’s report to the Court for confirmation. If objections are filed, the Court shall, after argument, make such disposition as the Court shall determine.

(b) Objections to the auditor’s report shall be filed with the Clerk within twenty days after service of the notice of filing of said report. Objections shall be specific as to the basis of the objections whether as to the findings of fact or conclusions of law, or both.

(c) If objections are filed, any interested party may list the matter for argument in accordance with C.C.O.C.R. 7.5.

Note: Local rule based on former C.C.O.C.R. 8.7-1, 8.7-2 and 8.7-3.

CHAPTER X. REGISTER OF WILLS

Rule 10.2. Petition Practice.

When offering for probate a holographic will or will containing alterations from the original instrument, petitioner shall attach a typewritten version of what petitioner proffers the will to read.

Rule 10.4. Appeals from the Register of Wills.

Appeals taken from the judicial acts or proceedings of the Register shall be filed with the Register, addressed to the Court and shall set forth the following information insofar as appropriate:

- (a) The nature of the proceedings before the Register;
- (b) The basis for the appeal, including the facts or circumstances upon which the appeal is based; and
- (c) The names and addresses of all interested parties, including any not a party of record.

Note: Local rule based on former C.C.O.C.R. 10.2-1. See PEF Code § 908.

[Pa.B. Doc. No. 16-1348. Filed for public inspection August 5, 2016, 9:00 a.m.]

**LEBANON COUNTY
Orphans’ Court Rules**

**CHAPTER 1. LOCAL RULES OF ORPHANS’ COURT
DIVISION**

1.1. Short Title and Citation.

These rules adopted by the Court of Common Pleas—Orphans’ Court Division of Lebanon County, Pennsylvania, as amended or supplemented, shall be known as the Lebanon County Orphans’ Court Rules and may be cited as “Leb.Co.O.C.R. No. _____.”

1.7. Attorneys: Members of the Bar and Practice.

No person, other than attorneys who have been admitted to the Bar of the Supreme Court of Pennsylvania, shall be permitted to enter an appearance on behalf of any party. The entry of appearance by counsel shall be in accordance with Leb.Co.C.C.P. Rule 52-1012.

**CHAPTER 2. ACCOUNTS, OBJECTIONS AND
DISTRIBUTIONS**

2.9. Confirmation of Accounts. Awards.

Unless the Court directs otherwise all accounts and statements of proposed distribution shall be presented to the proper Court for confirmation Nisi on the first Monday of each month, except during the month of July. If no objections are filed thereto, the Clerk of the proper Court shall confirm said accounts twenty (20) days thereafter, which confirmation shall constitute an adjudication of such accounts, and a final decree approving the statements of proposed distribution and directing distribution in accordance therewith, shall thereupon be made and entered by the Clerk of the respective Court. In the event the first Monday of the month falls on a holiday or if the dates of confirmation fall on a holiday the accounts and statements of proposed distribution shall be confirmed the following day. In the case of the request for the appointment of an Auditor, the auditor shall not be appointed until twenty (20) days after the account or statement of proposed distribution would have been confirmed had no objections been filed.

2.11. Appointment of Official Examiners.

The Court, by Special Order, may appoint an official examiner or examiners who shall examine the assets held by any fiduciary in his fiduciary capacity.

CHAPTER 3. RESPONSIVE PLEADINGS

3.5. Rule to Show Cause.

(A) A rule to show cause shall be issued as of course upon the filing of a contested petition. The rule shall direct that an answer be filed to the petition within twenty (20) days after service of the petition on Respondent.

(B) The Court may grant a stay of proceedings.

(C) The Petitioner shall attach to the petition a proposed order substantially in the following form:

(CAPTION)

ORDER OF COURT

AND NOW, this _____ day of _____, 20____, upon consideration of the foregoing petition, it is **HEREBY ORDERED** as follows:

- 1. A Rule is issued upon the Respondent to show cause why the Petitioner is not entitled to the relief requested;
- 2. The Respondent shall file an answer to the petition within twenty (20) days of service upon the Respondent;
- 3. The petition shall be decided under PA.R.C.P. No. 206.7;
- 4. Depositions shall be completed within _____ days of this date;
- 5. Argument shall be held on _____, 20____ in Courtroom ____ of the Lebanon County Court-house; and
- 6. Notice of the entry of this order shall be provided to all parties by the Petitioner.

BY THE COURT:

_____ J.

(D) If an answer is not filed, all averments of fact in the petition may be deemed admitted for the purposes of this subdivision and the Court may enter an appropriate order upon request of the Petitioner.

(E) If an answer is filed raising no disputed issues of material fact, the Court upon filing of a praecipe for disposition shall decide the petition on the petition and answer.

(F) If an answer is filed raising disputed issues of material fact, the Petitioner may take depositions on those issues, or such other discovery as the Court allows, within the time set forth in the order of the Court or the Court may schedule a hearing on the disputed facts. If the Court does not schedule a hearing and the Petitioner does not take depositions or conduct such other discovery, the petition shall be decided, upon the filing of a praecipe for disposition, on the petition and answer and all averments of fact responsive to the petition and properly pleaded in the answer shall be deemed admitted for the purpose of this subdivision.

(G) The Respondent may take depositions, or such other discovery as the Court allows.

CHAPTER 5. RULES GOVERNING SPECIFIC TYPES OF PETITIONS

5.2. Family Exemption.

A. *Time for Filing.* Unless the Court extends the time for so doing, all claims for the family exemption shall be made within one (1) year after the death of the decedent or within one (1) year after letters have been first advertised if a personal representative is appointed. A personal representative may petition the Court for a rule upon any person prima facie entitled to the family exemption to show cause why the said claim should not be made prior to the expiration of the aforesaid one year period.

B. Personal Property.

1. Any person or persons who are entitled to retain or claim any personal property for or on account of the family exemption under Chapter 31, Section 3121 of the Decedents, Estates and Fiduciaries, P.L. 508 (20 Pa.C.S.A. § 3121) and its amendments may retain or claim cash and such other property as may qualify for said exemption at the values fixed by the inventory and appraisal, by mailing or delivering written notice of such retention or claim to the personal representative or representatives of the estate; to the attorney for the estate, if any; to the person having possession of said property if the possessor is other than the claimant or personal representative; and to all interested parties.

2. If no inventory and appraisal has been filed or if said articles claimed do not appear on the inventory and appraisal, any adult person or persons who desire to retain or claim personal property for or on account of said family exemption shall file a petition to the Court which shall set forth sufficient facts establishing a prima facie right of the Petitioner or Petitioners to the exemption and the articles claimed and the values of all articles claimed which have indefinite values and the manner by which the said value were ascertained. The Petitioner may attach an affidavit of one or more qualified persons as to the values of said articles.

3. Notice of the filing of any such petition shall be mailed or delivered to the personal representative or representatives of the decedent's estate, if any; to the attorney for the estate, if any; to the person having possession of the personal property claimed if the possessor is other than the Petitioner or the personal representative; and to all interested parties in said estate as surviving spouse, beneficiary or next of kin. A copy of said notice shall be attached to said petition. Such notice

need not be given to any person whose waiver of said notice is attached to the petition.

4. If no objection or answer containing objections to the allowance of said claim is filed with said Court within twenty (20) days after the filing of said petition, the Court may grant the prayer of the petition and fix a time and place for a hearing on said petition and thereafter proceed to determine the matter, with or without the appointment of appraisers to determine the value of said articles.

5. A form of order of Court or decree corresponding with the prayer of the petition shall be attached to any petition presented to the Court.

6. Any person or persons who desire to object to the retention of any personal property, or to the claiming of any personal property, for or on account of the family exemption by any person or persons, shall file a petition with the Court pursuant to the provisions of Section 3122, Chapter 31 of the Decedents, Estates and Fiduciaries (20 Pa.C.S.A. § 3122) and its amendments, within twenty (20) days after receipt of said notice of retention or claim, and shall serve a copy of said petition upon the personal representative or representatives of the estate of decedent; upon the attorney representing the estate of said decedent; and upon the person or persons making said retention or claim of said property, or the attorney for said person or persons.

7. A claim for personal property for or on account of the family exemption may be made in a petition filed under Chapter 31, Section 3102 of the Decedents, Estates and Fiduciaries (20 Pa.C.S.A. § 3102) and its amendments.

C. Real Estate.

1. Any person who desires to claim the family exemption provided for under Chapter 31, Section 3121 of the Decedents, Estates and Fiduciaries, and its amendments, in whole or in part out of real estate, shall present a petition to the Court which shall set forth:

- (a) The name and address of the Petitioner and his relationship with the decedent;
- (b) The name, domicile and date of death of the decedent and whether decedent died testate or intestate.
- (c) Whether or not letters on the estate have been granted and the date of issuance of said letters, if granted.
- (d) The name and address of the personal representative, if any.
- (e) The name, address, relationship, and interest of all beneficiaries or heirs at law of decedent.
- (f) The name and address of the person in possession of the real property claimed by the Petitioner.
- (g) Facts establishing a prima facie right of the Petitioner to claim said family exemption.
- (h) A description of the real property claimed and its location.
- (i) The names, addresses and respective interests of all other owners of said real property, if any.
- (j) A list of all costs of administration and a statement as to the status thereof.
- (k) Whether the Petitioner requests the allowance prior to the confirmation of the account filed in said estate or to the audit thereof.

(l) An averment as to the capacity of all other known interested parties either as spouse, devisee or heir at law and the existence of a fiduciary or the necessity of an appointment of a fiduciary for any such other party.

(m) Averments of such other additional facts as Petitioner deems appropriate to aid the Court in passing upon the petition.

(n) A request to the Court to appoint two appraisers to appraise the value of the real property claimed for or on account of the family exemption and to set apart said real property to the Petitioner for or on account of said exemption.

2. Upon the presentation of any petition for the family exemption in whole or in part out of real estate, the Court shall direct the petition to be filed and shall fix the time and place for a hearing of said petition. Written notice of the filing of said petition and of the time and place of hearing thereof shall be given to the personal representative of the estate, or his attorney, and to all interested parties in accordance with Pa.O.C. Rule 3.5(b).

3. At the hearing of said petition, the Court, if it deems proper, shall appoint two appraisers to appraise the value of the real property claimed for or on account of the family exemption, who shall then proceed, with due diligence to appraise the value of said real property and thereafter file a written report, under oath, with the Court.

4. The appraisers shall notify the claimant or his attorney of the place, time and date of said appraisal not less than fifteen (15) days prior to said appraisal and the said claimant or his attorney shall then give written notice thereof in such manner and to such persons as the Court shall direct.

5. If the appraisers cannot agree upon a value of said real property or if they fail to perform their duties with due diligence, the claimant shall report such facts in writing to the Court and the Court shall then appoint two other appraisers.

6. The appraisers shall notify the claimant, or his attorney of their value of said real property, and the claimant, or his attorney shall then proceed to prepare and file a report of said appraisal for said appraisers, which report shall set forth:

- (a) the names and addresses of the appraisers;
- (b) the place, time and date of said appraisal;
- (c) the description of the property appraised;
- (d) the approximate time consumed by the appraisers to perform all their duties pertaining to said appraisal;
- (e) such additional facts as may be necessary to acquaint the Court with all information and date necessary for the Court to act upon said report.

7. The claimant or his attorney shall give not less than five (5) days' written notice of the time the appraiser's report will be filed for confirmation, which notice shall contain a statement that if no objections are filed to said report within twenty (20) days after the filing thereof, the report will be confirmed Absolutely by the Court and the said real estate set apart to the claimant. Said notice shall be given in such manner and to such persons as the Court shall direct.

8. If objections are filed to said report prior to the confirmation thereof, the Court shall fix a time and place for the hearing of said objections and then either dismiss said objections and set apart said real estate or sustain

the objections and appoint two other appraisers or take such action as the Court may deem just and appropriate.

9. If no objections are filed to said report within twenty (20) days after the filing thereof, the Court shall, on motion of the claimant or his attorney, confirm said report and set apart said real estate to the claimant.

10. Upon confirmation of the report of appraisers of real estate claimed in whole or in part for or on account of the family exemption, the Court shall determine and fix the compensation of said appraisers and direct the payment thereof out of the estate of the decedent as general administration expenses.

11. A certified copy of the decree confirming an appraisal of real property and setting it apart for or on account of the family exemption shall be recorded and registered in accordance with Chapter 31, Section 312 of the Decedents, Estates and Fiduciaries (20 Pa.C.S.A. § 3123) and its amendments.

5.3. Intestate Share to Surviving Spouse.

If an appraisal of property is needed, the manner of appraising the property, of filing and confirming the appraisal, and of advertising or giving notice thereof, shall be by Special Order in each case.

5.6. Appointment of a Guardian for the Estate or Person of a Minor.

Written consent of the parents or surviving parent of the minor to the appointment of a guardian for his estate or person shall be attached to the petition unless a reason is set forth in the petition why the said consent is not attached. If none of the parents have given their written consent, the consent of the adult or adults who stand in loco parentis shall be attached. If none of the aforesaid consents are obtained, the Petitioner shall set for the reasons therefore and shall give such prior notice of the presentation of the petition as the Court shall direct.

CHAPTER 7. RULES RELATING TO PRE-HEARING AND HEARING PROCEDURE

7.1. Depositions, Discovery and Production of Documents.

The Rules pertaining to Depositions, Discovery and Production of Documents as contained in the Pennsylvania Rules of Civil Procedure shall be applicable to the Orphans' Court Division of the Court of Common Pleas of Lebanon County.

7.2. Motion for Judgment on the Pleadings.

In order to obtain a decision from the Court on any contested legal issue, a party must file a Praecipe for Disposition accordance with Leb.Co.C.C.P. Rule 52-205.4.

7.3. Motion for Summary Judgment.

In order to obtain a decision from the Court on any contested legal issue, a party must file a Praecipe for Disposition accordance with Leb.Co.C.C.P. Rule 52-205.4.

CHAPTER 9. AUDITORS AND MASTERS

9.0. Appointment and Compensation of Auditors and Masters.

A. The Court may, on its own motion, or upon petition of the accountant or his attorney, or of any other interested party, appoint an Auditor or Master, who shall be, in the absence of special circumstances to be determined solely by the Court, a member of the Bar of Lebanon County, Pennsylvania. However, the Court may, in its sole

discretion, at any time after the appointment of an Auditor or Master, recall the matter for attention by the Court.

B. The Petition for the Appointment of an Auditor or Master shall contain the following information when applicable:

1. The identity and residence of the Petitioner;
 2. The relationship if any of the Petitioner to the decedent;
 3. In the event the decedent left a Will, a copy of the Will or deed of trust is to be attached as an exhibit to the petition;
 4. In the case of intestacy, the identity and address of all of the heirs of the decedent entitled to share in the estate;
 5. A statement disclosing the gross amount of the estate and the net amount available for distribution;
 6. A brief statement as to the legal or factual issues to be determined by the Auditor or Master; and
 7. The identity of all local counsel as attorney for any interested parties.
- C. No suggestion, stipulation, motion or agreement by the parties or their counsel as to the identity of the person to be appointed Auditor will be considered under any circumstances.

D. Any person appointed by the Court as an Auditor or Master under these rules shall be compensated by reasonable and customary fees as are agreed upon by the attorneys of all interested parties, or as fixed by the Court and paid from such sources as the Auditor or Master shall direct.

E. The Auditor's or Master's hearing shall be held at a time and place indicated by the Auditor or Master not later than forty-five (45) days after the Auditor's or Master's appointment, unless such time be extended by stipulation of all counsel of record or by Order of Court. The Auditor's or Master's hearing shall be held in the room or place assigned by the Court Administrator.

F. The report of the Auditor or Master shall be returnable within ninety (90) days after his appointment. The return date shall be extended only upon application to the Court and for good and sufficient cause shown.

9.1. Notice of Hearing.

Twenty (20) days prior written notice of the time and place of the Auditor's or Master's hearing shall be given by the Auditor or Master to all counsel of record and all interested parties not represented by counsel, known to the Auditor or Master; and in addition thereto, by advertising the time and place of hearing once a week for two (2) consecutive weeks, within a period of one (1) month immediately prior to the hearing, in a newspaper of general circulation in Lebanon County and in the *Lebanon County Legal Journal*. The Auditor or Master shall give evidence of such advertisement by attaching proofs of such publication to the Auditor's or Master's Report and making them a part thereof.

9.5. Transcript of Testimony.

A. The Auditor's or Master's hearing shall be held continuously from day to day for a full Court day or its equivalent, where possible, during each day in which it is held, and shall not finally be adjourned by the Auditor or Master until the testimony of all the witnesses and

parties to the case shall have been fully and completely presented and the reception of evidence closed.

B. Testimony given at an Auditor's hearing shall be stenographically recorded.

C. The transcript of testimony taken before an Auditor or Master shall be filed with his report.

D. The Auditor or Master shall, in the first instance, pass on questions of evidence. If the Auditor or Master is of the opinion that the testimony is clearly frivolous and irrelevant, or that the witness is clearly incompetent, he need not take the testimony, but the Record shall show the offer and the purpose of it, the objection and the ground of it, as well as the decision of the Auditor or Master, so that if objection be taken to the report of the Auditor or Master on this ground his decision may be properly reviewed by the Court. However, if the Auditor or Master is in doubt, the testimony shall be taken subject to exception and the question may be raised upon exception to his Report.

9.6. Notice of Filing Report.

A. *Notice of Filing Report.* The Auditor or Master shall give three (3) days' prior written notice of his intention to file the report and to apply to the Court for confirmation thereof to each attorney of record and to all parties not represented by counsel, and shall make a copy of his report available for their inspection during such notice period.

B. *Objection.* Any interested party shall have the right to file objections to the report of an Auditor or Master within twenty (20) days after the filing and confirmation thereof. If objections are filed, the issue shall be referred to the Court for placement on the argument list. In order to obtain a decision from the Court on any contested legal issue, a party must file a Praecipe for Disposition accordance with Leb.Co.C.C.P. Rule 52-205.4.

C. *Re-Examination by Auditor or Master.* In the event that objections are filed, the Auditor or Master shall have a period of twenty (20) days prior to argument to re-examine the subject of the objections and to amend the report if, in the Auditor's or Master's opinion, the objections are in whole or in part well-founded.

D. *Argument.* Argument before the Court shall be confined to the objections filed to the Auditor's or Master's report, either as originally submitted or amended; and the Court may, in its sole discretion, remand the report of the Auditor or Master for further hearing.

9.7. Confirmation of Report.

The report of an Auditor or Master shall be confirmed as of course, unless objections have been filed thereto pursuant to these rules.

CHAPTER 10. REGISTER OF WILLS

10.4. Appeals from the Register of Wills.

A. *Filing.* Appeals taken from the judicial acts or proceedings of the Register shall be addressed to the Orphans' Court but filed with the Register.

B. *Petition sur Appeal.* After an appeal has been taken to the Orphans' Court from any judicial act, proceeding or decree of the Register, the appellant shall present a petition to the said Court within thirty (30) days after filing such appeal and shall allege that an appeal has been filed and bond approved by the Register and filed in his office within ten (10) days thereafter.

C. Upon the filing of a petition, the Court will award a Citation to all interested parties, including the Register,

to show cause why the appeal should not be sustained and the decision complained of set aside, and in cases where issues of fact exist, why the disputed issues of fact should not be submitted to a jury. The Citation, with a copy of the appeal, shall be served in the manner provided by the Orphans' Court Act of 1951. Such Citation will be made returnable to a day certain but not less than twenty (20) days after issuance.

D. Appeals from the appraisal of the property of a resident decedent for Transfer Inheritance Tax purposes shall be taken pursuant to the provisions of the Act of June 20, 1919, P.L. 921, Section 23, as amended, by filing such appeal, together with specifications of objections and together with security approved by the Orphans' Court in the offices of the Clerk of the Orphans' Court.

CHAPTER 15. ADOPTION

15.1. Hearings.

A. At the hearing on a petition for voluntary relinquishment or abandonment, the presence of the Petitioners is required, and they shall be examined under oath to ascertain the truth of the facts set forth in the petition. The presence of the minor shall not be required.

B. Hearings on a petition for adoption, voluntary relinquishment and/or abandonment shall be private and not in open Court, unless otherwise ordered by the Court.

C. At the hearing on a petition for adoption, the presence of the following is required except by special order:

1. The Petitioners.
 2. The person whose adoption is sought.
 3. All persons whose consent is necessary under the adoption laws, except the natural parent or parents who have executed a proper legal consent and specifically waive their right to be present.
 4. Such other persons as the Court may direct by special order.
- D. Those required to be present at an adoption hearing shall be examined under oath to ascertain the truth of the facts set forth in the petition and a record made of their testimony. The record shall not be transcribed unless ordered by the Court.

CHAPTER 18. MARRIAGE

18.1. Waiver of Waiting Period.

The presence of the Petitioners shall be required at the hearing on a petition to waive the three day waiting period, unless excused by the Court.

18.2. Minors Under the Age of Sixteen.

No petition for issuance of a license to marry to a person under the age of sixteen (16) years shall be presented without the written consent of the parents or surviving parent or legally appointed guardian, without leave of Court for cause shown. The minor, the intended spouse and a parent, surviving parent or guardian of all parties under the age of 16 years shall be present at the time of the presentation of the petition for examination by the Court, other than such parties as may be excused by the Court.

CHAPTER 19. PROMPT DISPOSITION OF MATTERS AND TERMINATION OF INACTIVE CASES

19.1. The Clerk of Court—Orphans' Court Division, shall list for general call at the first civil argument court

held in September of each year, all Orphans' Court matters in which no steps or proceedings have been taken for two years or more. Prior thereto, they shall give notice thereof to counsel of record and to the parties for whom no appearance has been entered as provided by Pa.R.J.A.1901(c). If no action is taken or written objection is filed in such matter prior to the commencement of the general call, the Clerk of Court—Orphans' Court Division, shall strike the matter from the list and enter an order as of course, dismissing the matter with prejudice for failure to prosecute under the provisions of this Rule. If no good cause for continuing the matter is shown at the general call, an order shall be entered forthwith by the Clerk for dismissal.

[Pa.B. Doc. No. 16-1349. Filed for public inspection August 5, 2016, 9:00 a.m.]

MONTGOMERY COUNTY

Adoption of Orphans' Court Rules Chapters 1 through 9

Administrative Order

And Now, this 27th day of July, 2016, the Court hereby adopts Montgomery County Orphans' Court Rules, Chapters one (1) through nine (9), which replace the existing Montgomery County Orphans' Court Rules, with the exception of Chapters fourteen (14), fifteen (15) and sixteen (16). A copy of these Rules follows as Exhibit A to this Order. These Rules shall become effective September 6, 2016 in accordance with Pennsylvania Rule of Judicial Administration, Rule 103(d)(5)(iii).

The Clerk of the Orphans' Court is directed to publish this Order, along with a copy of the adopted Montgomery County Local Orphans' Court Rules ("Local Rules") on the Montgomery County Orphans' Court website and incorporate the Local Rules in the complete set of local rules no later than thirty (30) days following publication in the *Pennsylvania Bulletin*, in accordance with Pa.R.J.P., Rule 103(d)(6)(ii—iii). In further conformity with the Pennsylvania Rules of Judicial Administration, Rule 103(d)(6)(i), one (1) certified copy shall be filed with the Clerk of the Orphans' Court and the Clerk of the Orphans' Court shall forward one (1) certified copy of this Order and the Local Rules to the Administrative Offices of Pennsylvania Courts.

The Clerk of the Orphans' Court is further directed, pursuant to Pa.R.J.P., Rule 103(d)(7), to keep a compilation of these Local Rules continuously available for public inspection and copying in the respective filing office and on the website of the Montgomery County Orphans' Court. Upon request and payment of reasonable costs of reproduction and mailing, the Montgomery County Orphans' Court shall furnish a person with a copy of any local rule.

In addition, the Clerk of the Orphans' Court shall deliver one (1) copy to the Court Administrator of Montgomery County, one (1) copy to the Law Library of Montgomery County and one (1) copy to each Judge of the Orphans' Court Division of this Court.

By the Court

WILLIAM J. FURBER, Jr.,
President Judge
LOIS E. MURPHY,
Administrative Judge

EXHIBIT A
MONTGOMERY COUNTY LOCAL ORPHANS'
COURT RULES

CHAPTER I. PRELIMINARY RULES

Local Rule 1.1A.

These rules shall be known as the Montgomery County Orphans' Court Rules, and shall be referred to individually herein as "Local Rule" and cited as "Pa.Mont.O.C. Local Rule _____."

Local Rule 1.7A. Officers Not Eligible To Practice.

The following officers shall not practice as an attorney before this court: the clerk of this court; any law clerk of this court; the Register of Wills and the sheriff of this County; the official stenographer; and their assistants, deputies and clerks.

Local Rule 1.8A. Cover Sheet.

Every legal paper filed (unless filed electronically) shall be accompanied by a completed cover sheet, in the form available from the Clerk of the Orphans' Court of Mont-

gomery County and available on the Montgomery County Website at the following link: <http://www.montcopa.org/DocumentCenter/View/418>. The cover sheet must be typed or printed and must include the address and signature of the attorney for the filing party. If the party is not represented by any attorney, the party must sign the cover sheet and include his or her address. Where an attorney or party has not previously entered his or her appearance with respect to the matter, the cover sheet for a pleading shall be deemed to be an entry of appearance by the attorney or party who signs the cover sheet.

Local Rule 1.8(c). Checklists.

Every account, petition for adjudication of account, and petition for appointment of a plenary permanent guardian of the estate of an incapacitated person must be accompanied by a completed checklist, in the form available on the Montgomery County website at the following link: <http://www.montcopa.org/206/Orphans-Court-Adoption-Information>. The checklist must be typed or printed and must list the required documents attached.

See Proposed Checklists Below

COURT OF COMMON PLEAS OF MONTGOMERY COUNTY • ORPHANS' COURT DIVISION		
ACCOUNT FILING CHECKLIST • DECEDENT'S ESTATE		
ESTATE OF <i>DECEASED</i>	PREPARER: ATTORNEY/ACCOUNTANT	TELEPHONE NUMBER
O.C. NUMBER	ADDRESS	
INSTRUCTIONS: Persons wishing to file an account must first complete this form, indicating in "preparer" column (YES or N/A) whether the items listed are included in the audit papers and/or the account. Items that are required in all cases are printed in BOLD . Upon review by the staff of the Clerk's Office, the account and related audit papers may be accepted for filing if complete or rejected if incomplete.		
PREPARER	ITEM	O.C. CLERK
	1a) ACCOUNT COVERSHEET and SUMMARY PAGE [O.C. Rule 2.1]	
	1b) ACCOUNT SIGNED by ALL ACCOUNTANTS/VERIFIED by at LEAST ONE ACCOUNTANT [O.C. Local Rule 2.4B.]	
	2a) PETITION for ADJUDICATION/STATEMENT of PROPOSED DISTRIBUTION filed [O.C. Rule 2.4]	
	2b) PETITION for ADJUDICATION/ STATEMENT of PROPOSED DISTRIBUTION SIGNED by EACH ACCOUNTANT [O.C. Rule 2.4 and Local Rule 2.4B]	
	2c) PETITION for ADJUDICATION/STATEMENT of PROPOSED DISTRIBUTION VERIFIED by at LEAST ONE ACCOUNTANT [O.C. Rule 2.4 and Local Rule 2.4B]	
	3a) IF WILL, TYPED COPY of WILL & CODICILS	
	3b) IF WILL, CERTIFIED CORRECT	
	4) ORIGINAL LETTERS TESTAMENTARY or LETTERS OF ADMINISTRATION	
	5) PROOF of ADVERTISEMENT of LETTERS [20 Pa. C.S. § 745] (unless filed by order of Court)	
	6a) TYPED COPY of INVENTORY	
	6b) CERTIFIED CORRECT	
	7a) STATEMENT of METHOD of NOTICE	
	7b) NOTICE OF CHARITABLE GIFT TO ATTORNEY GENERAL [O.C. Rule 4.4]	
	8) PETITION to APPOINT/REQUEST to WAIVE GUARDIAN/TRUSTEE AD LITEM [O.C. Rule 2.4.]	
	9) INHERITANCE TAX RECEIPTS	
	10) AGREEMENT of COMPROMISE and SETTLEMENT	
	11) AGREEMENT REGARDING ACCOUNTANT'S COMPENSATION	
	12a) CERTIFICATE of APPOINTMENT OF FOREIGN FIDUCIARY	
	12b) AFFIDAVIT by FOREIGN FIDUCIARY	
	13) CERTIFICATION REGARDING PRIOR FILED ORIGINALS	
	14) INCOME ACCOUNTING WAIVERS	
<input type="checkbox"/> ACCEPTED <input type="checkbox"/> REJECTED	REVIEWED BY	DATE

	ACCOUNT SHOWS GROSS ESTATE [O.C. Local Rule 1.8(c)]	
	NOTICE OF AUDIT [O.C. Rule 2.5(d)]	
	NOTICE TO APPROPRIATE REPRESENTATIVES OF PERSONS WHO ARE NOT SUI JURIS. [O.C. Rule 2.4]	
	NOTICE OF REPRESENTATION [20 P.S. §7725]	
	CERTIFICATE OF SERVICE OF NOTICE OF AUDIT[O.C. Rule 2.5(g)]	
	WAIVERS OF NOTICE OF AUDIT	
	ENTRY OF APPEARANCE OF ATTORNEY	
	CHARITABLE GIFT CLEARANCE CERTIFICATE/LETTER OF NO OBJECTION FROM ATTORNEY GENERAL	
	ELECTION TO TAKE AGAINST WILL	
	ASSIGNMENTS	
	RENUNCIATIONS	
	DISCLAIMERS	
	ATTACHMENTS	
	INSTRUMENT OR MATERIAL PARTS CONTAINING ANY PROVISION WHICH FORMS THE BASIS OF A DISPUTE, A QUESTION FOR ADJUDICATION, OR OTHER ISSUES FOR ADJUDICATION	
	LIST OF ADDITIONAL RECEIPTS AND DISBURSEMENTS SINCE CLOSING OF ACCOUNT [O.C. Local Rule 2.4(C)]	
	MEDICAL ASSISTANCE RECOVERY ACT LETTER	
	FOR INSOLVENT ESTATE: SCHEDULE WITH ORDER OF PREFERENCE UNDER 20 PA §3392 AND PROPOSED PAYMENTS	
	IF DECEDENT ADJUDICATED INCAPACITATED, COPY OF ORDER IF AVAILABLE; OTHERWISE COURT, TERM, NUMBER, DATE AND NAME OF HEARING JUDGE	
	IF DISTRIBUTION TO BE MADE TO PERSONAL REPRESENTATIVE OF A DECEASED PARTY, COPY OF WILL OR OTHER INSTRUMENT APPOINTING SAME	
	CERTIFICATE OF REGISTER OF WILLS SHOWING STATUS OF INHERITANCE TAX	

COURT OF COMMON PLEAS OF MONTGOMERY COUNTY • ORPHANS' COURT DIVISION		
ACCOUNT FILING CHECKLIST • TRUST (TESTAMENTARY/INTER VIVOS)		
ESTATE OF <i>DECEASED/SETTLOR</i>	PREPARER: ATTORNEY/ACCOUNTANT	TELEPHONE NUMBER
O.C. NUMBER	ADDRESS	
INSTRUCTIONS: Persons wishing to file an account must first complete this form, indicating in "preparer" column (YES or N/A) whether the items listed are included in the audit papers and/or the account. Items that are required in all cases are printed in BOLD . Upon review by the staff of the Clerk's Office, the account and related audit papers may be accepted for filing if complete or rejected if incomplete.		
PREPARER	ITEM	O.C. CLERK
	1a) ACCOUNT COVERSHEET and SUMMARY PAGE	
	1b) ACCOUNT SIGNED by ALL ACCOUNTANTS/VERIFIED by at LEAST ONE ACCOUNTANT	
	2a) PETITION for ADJUDICATION/STATEMENT of PROPOSED DISTRIBUTION filed	
	2b) PETITION for ADJUDICATION/STATEMENT of PROPOSED DISTRIBUTION SIGNED by EACH ACCOUNTANT	
	2c) PETITION for ADJUDICATION/STATEMENT of PROPOSED DISTRIBUTION VERIFIED by at LEAST ONE ACCOUNTANT	
	3a) TYPED COPY of TRUST INSTRUMENT (DEED OR WILL)	
	3b) CERTIFIED CORRECT	
	4a) ORIGINAL TRUST INSTRUMENT/ORIGINAL LETTERS TESTAMENTARY	
	4b) CERTIFIED CORRECT	
	5a) STATEMENT of METHOD of NOTICE	
	5b) NOTICE OF CHARITABLE GIFT TO ATTORNEY GENERAL	
	6 PETITION to APPOINT/REQUEST to WAIVE GUARDIAN/TRUSTEE AD LITEM	
	7 INHERITANCE TAX RECEIPTS	
	8) AGREEMENT of COMPROMISE and SETTLEMENT	
	9) AGREEMENT REGARDING ACCOUNTANT'S COMPENSATION	
	10a) CERTIFICATE of APPOINTMENT OF FOREIGN FIDUCIARY	
	10b) AFFIDAVIT by FOREIGN FIDUCIARY	
	11) CERTIFICATION REGARDING PRIOR FILED ORIGINALS	
	12) INCOME ACCOUNTING WAIVERS	
	13)	
	14)	
<input type="checkbox"/> ACCEPTED <input type="checkbox"/> REJECTED	REVIEWED BY	DATE

2.3.8.3. If rejected, the email from the Clerk, and OCEFS acknowledgment, will indicate the reason(s) for the rejection. **You do not need to recreate the filing process to re-submit the rejected pleading.**

	ACCOUNT SHOWS GROSS ESTATE	
	NOTICE OF AUDIT	
	NOTICE TO APPROPRIATE REPRESENTATIVES OF PERSONS WHO ARE NOT SUI JURIS.	
	CERTIFICATE OF SERVICE OF NOTICE OF AUDIT	
	WAIVERS OF NOTICE OF AUDIT	
	NOTICE OF REPRESENTATION [20 P.S. §7725]	
	ENTRY OF APPEARANCE OF ATTORNEY	
	CHARITABLE GIFT CLEARANCE CERTIFICATE/LETTER OF NO OBJECTION	
	ELECTION TO TAKE AGAINST WILL	
	ASSIGNMENTS	
	RENUNCIATIONS	
	DISCLAIMERS	
	ATTACHMENTS	
	INSTRUMENT OR MATERIAL PARTS CONTAINING ANY PROVISION WHICH FORMS THE BASIS OF A DISPUTE, A QUESTION FOR ADJUDICATION, OR OTHER ISSUES FOR ADJUDICATION	
	RESIGNATIONS OF TRUSTEES	
	APPOINTMENT OF SUCCESSOR TRUSTEES	
	ACCEPTANCE OF APPOINTMENT OF SUCCESSOR TRUSTEES	
	LIST OF ADDITIONAL RECEIPTS AND DISBURSEMENTS SINCE CLOSING OF ACCOUNT	
	CERTIFICATE OF REGISTER OF WILLS SHOWING STATUS OF INHERITANCE TAX	

All accounts must conform to the Pennsylvania Orphans' Court Rules and the Local Rules of the Orphans Court Division of the Court of Common Pleas of Montgomery County.

MONTGOMERY COUNTY ORPHANS' COURT CHECKLIST - SCHEDULE OF DISTRIBUTION

Decedent's/Settlor's/Principal's/Incapacitated Person's/Minor's Name:

Case Number:

Audit Date:

Attorney:

Attorney Address:

Attorney ID Number:

Attorney Phone Number:

*****DOCUMENTS MUST BE ASSEMBLED ACCORDING TO THE ORDER ON THIS CHECKLIST*****

Preparer (mark 'X' if provided)	DOCUMENT	AUDITOR
	1. Schedule Signed by ALL Fiduciaries	
	2. Schedule Certified by Attorney to be True and Correct and in Conformity with Adjudication	
	3. Approvals of ALL Beneficiaries	
	<i>OR</i>	
	1. Copy of Notice of Filing Schedule of Distribution	
	2. Proof of Service of Sending Notice of Filing of Schedule of Distribution	

CHAPTER II. ACCOUNTS, OBJECTIONS AND DISTRIBUTIONS

Local Rule 2.4A. Audit List—When Called.

The audit list will be called on the first Monday of every month except September and in September on the Tuesday after Labor Day. Each audit list shall include accounts continued from previous audit lists, and new accounts eligible for audit.

Local Rule 2.4B. Signatures.

All accountants or personal representatives shall sign the account and petition for adjudication/statement of proposed distribution in accordance with Rule 3.12. At least one accountant or personal representative shall verify the account and petition for adjudication/schedule of distribution in accordance with Rule 3.13.

Local Rule 2.4C. Additional Receipts and Disbursements.

Receipts and disbursements after the date to which the account was stated and to be included in the adjudication, shall be set forth in the petition for adjudication or in a separate statement attached thereto.

Local Rule 2.5A. Notice following continuance.

When an account is scheduled to be called or is called for audit on a particular date and the matter is requested to be continued to a subsequent audit date, the accountant is required to notify all interested parties of the new date in accordance with Rule 2.5.

Local Rule 2.6A. Index of Proceedings.

The clerk shall assign to each new matter a file number. The file number and the name of the matter shall be included in the caption of all papers filed in the clerk's office.

Local Rule 2.6B. Holidays.

Whenever a session of court, a return day, or any time fixed for performing any judicial or clerical duty, falls on a holiday, Saturday, or a Sunday, the next day not a holiday, a Saturday, or a Sunday shall be the day for the session of court, the return day, or the time for performance of the judicial or clerical act, unless otherwise provided by these rules.

Local Rule 2.6C. For a Particular Audit.

Accounts to appear on a particular audit list must be filed not later than the fifth Wednesday preceding the date when that audit list will be called, except when that Wednesday falls on a holiday, in which event accounts must be filed not later than the next preceding non-holiday.

Local Rule 2.7A. Hearings on Objections to Accounts, Claims or Questions of Law.

(a) When objections to an account have been filed, a hearing on the objections will be held on a day fixed by the court.

(b) *Claimant's Statement.* The attorney for claimant shall file with the clerk, prior to the hearing, a written statement of all material facts relied upon and shall serve a copy thereof on the attorney for accountant or other contesting parties at least twenty days prior to the hearing in the manner provided in Rule 4.2.

Local Rule 2.9A. Schedules of Distribution.

(a) *Filing.* The court, when it appears advisable or when requested, will direct the attorney for accountant to prepare and file a schedule of distribution. Schedules

shall be certified by the attorney for accountant to be correct and in conformity with the adjudication, and shall be filed with the clerk in duplicate. When a schedule is approved in writing by interested parties the attorney for accountant shall also certify whether or not such parties constitute all those affected thereby.

(b) *Confirmation.* If no objections are filed by the twentieth day after the schedule was filed, it will be confirmed, as of course. Schedules approved in writing by all interested parties affected thereby will be confirmed, as of course, on the day filed. Thereupon the accountant shall have authority to make necessary assignments and transfers of any securities awarded in kind, and the schedule will be attached to and become part of the adjudication.

(c) *Objections.* Objections to unconfirmed schedules of distribution shall be filed with the clerk, and may be filed not later than the twentieth (20th) day after the schedule was filed. Such objections may raise questions relating only to the schedule itself, and shall in no event raise questions which actually were or else could have been raised previously, by claims, or by objections to the account.

Local Rule 2.9B. Schedules of Distribution (Notice of Filing).

(a) *When Notice Given.* Notice of filing the schedule of distribution shall be given to all interested parties affected thereby who do not attach to it or submit with it their written approval, but only when the schedule contains:

1) items of additional receipts or disbursements not included in the adjudication; or

2) distribution of assets which were awarded in kind in the adjudication, but which were neither specifically bequeathed to the distributee nor elected by him to be taken in kind or which were revalued.

(b) *Time of Notice.* Such notice shall be given no later than the day of the filing of the schedule, by letter addressed to the last known address of the party in interest or his attorney.

(c) *Return of Notice.* The attorney for accountant shall certify on the schedule that due notice of the filing thereof was given as required by this rule and shall attach a copy of the notice and a list of those to whom such notice was sent.

Local Rule 2.9C. Distribution of Real Estate.

(a) *When No Partition or Allotment Required or When Distributees Agree to Schedule.* No schedules of distribution shall include separate awards of real estate to the parties entitled thereto, whether individually, or, where the circumstances require, in undivided interests. The real estate so awarded shall be described in the same detail and with the same particularity as is commonly required to be included in deeds and may recite how title was acquired. Approval of schedules of distribution shall be in the nature of confirmation of title in the respective distributees and the clerk is authorized to certify to integral excerpts or extracts from such schedules, so approved, for purposes of recording such devolutions of real estate in the office of the recorder of deeds.

(b) *Partition or Allotment of Real Estate Requested by Accountant or a Party in Interest.* Whenever partition or allotment of real estate is requested by the accountant or a party in interest, the request shall be made at the audit and the auditing judge shall make such order, including a

direction to submit an information certificate, issued by an attorney or a responsible title insurance company, showing the current state of the title, if required, provisions for owelty, if any, the preparation of a schedule of distribution, notice to the parties and fixing the dates of further hearings, as may be necessary under the circumstances to protect all interested parties.

(c) *Form of Clerk's Certificate.* The following form shall be prepared by the attorney for the accountant, and submitted to the clerk for execution on final confirmation of an adjudication awarding real estate:

CERTIFICATE OF AWARD OF REAL ESTATE

ESTATE OF _____

Late of the Borough of Norristown, Deceased

No. ____

Award of Real Estate to:

(1) _____ of _____

(2) _____ of _____ .

Commonwealth of Pennsylvania

ss:

County of Montgomery

I, _____, Assistant Clerk of the Orphans' Court Division of the Court of Common Pleas for the County of Montgomery, in the Commonwealth of Pennsylvania, do hereby certify the attached to be a true and correct excerpt from the schedule of distribution filed in conformity with adjudication of the Orphans' Court Division of the Court of Common Pleas of Montgomery County upon the first and final account of _____ and _____, Executors of the Will of _____, late of the Borough of Norristown, deceased, filed and confirmed nisi _____, _____, 20____, and confirmed absolutely _____, _____, 20____, as the same remains on file and is of record in said court.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed the seal of said Court at Norristown this _____, day of _____, 20____.

Assistant Clerk of the
Orphans' Court Division

(SEAL)

CHAPTER III. PETITION PRACTICE AND PLEADING

Local Rule 3.4A. Trust Inter Vivos.

The original, or a copy certified by counsel to be true and correct, of the trust instrument and any amendments thereto, shall be filed or e-filed with the clerk when the court is first required to exercise its jurisdiction over the inter vivos trust. The instrument shall be indexed and recorded by the clerk. Any revocation shall be likewise filed, indexed and recorded. The rules of court applicable to testamentary trusts shall apply to trusts inter vivos as far as appropriate.

Local Rule 3.4B. Sureties.

(a) *Individual Sureties.* Individuals proposed as sureties on bonds of fiduciaries shall take an affidavit on the printed form supplied by the clerk, setting forth the facts required thereby. Such affidavit shall be filed together with the bond when that is filed for approval, and shall be renewed annually thereafter as long as the bond shall remain in effect. A member of the Bar or any employee of

this court shall not act as surety in any proceeding in this court, except by special leave of court.

(b) *Corporate Sureties.* Every surety company duly authorized to do business in Pennsylvania may become surety on any bond or obligation required to be filed in this court; provided that a currently effective certificate issued to it by the Insurance Department of the Commonwealth of Pennsylvania, evidencing such right, shall be on file with the clerk, and that no bond shall be executed by any surety company after May 1 of any year until such certificate issued after March 31 of the same year shall have been filed with the clerk.

Local Rule 3.5A. Petition Requesting a Rule Setting a Date and Time for Response.

(a) Where a citation is not required, in lieu of proceeding by notice practice under Rule 3.5(b), the Court, upon its own motion or the request of the petitioner, may enter a preliminary decree, in the form provided in subparagraph (d), providing for the issuance of a rule to show cause and the scheduling of a date and time for appearance and response to the petition.

(b) If a petitioner requests that a preliminary decree be entered issuing a rule to show cause and setting a date and time for appearance and response to the petition, the petitioner shall attach a proposed preliminary decree to the petition in the form provided at subparagraph (d); the petitioner shall not include any proposed injunctive relief in a proposed preliminary decree.

(c) If a preliminary decree establishing a rule to show cause and setting a date and time for appearance and response to a petition is entered the following procedure shall apply:

1) The petitioner must file a certificate of service, listing the names and addresses of those individuals and entities to whom petitioner has sent a copy of the preliminary decree and the petition by first-class United States mail sent at least twenty (20) days before the response date set in the preliminary decree;

2) If an answer is not filed on or before the date scheduled in the preliminary decree, all averments of facts in the petition may be deemed admitted and the court shall enter an appropriate order;

3) If an answer is filed raising no disputed issues of material fact, the court, may decide the petition on the basis of the petition and answer;

4) If an answer is filed raising disputed issues of material fact, the court shall authorize such discovery as the court deems appropriate under the circumstances and shall set a schedule for a hearing and any briefing that the court shall require and for disposition of the petition.

(d) The preliminary decree described in paragraphs (a) and (b) shall be substantially in the following form:

[CAPTION]

PRELIMINARY DECREE

AND NOW, this _____ day of _____, 20____, upon consideration of the attached petition, it is hereby ordered that:

A Rule is hereby issued upon the respondent(s) _____ [insert name or names of respondents] to appear and show cause why the petitioner is not entitled to the following relief requested in the petition:

[Insert paragraph or paragraphs restating relief requested in wherefore clause of Petition]

(2) The respondent shall file an answer to the petition on or before the ___ day of _____, 20___, and shall appear on that date at 9:30 am. in Courtroom ___, One Montgomery Plaza, Norristown, PA.

(3) The petition may be disposed of by the Court on that date, or the Court may set a schedule for such further proceedings as may be necessary.

By the Court

Local Rule 3.9A. Disposition of Preliminary Objections.

(a) At any time after twenty (20) days have passed following the filing of preliminary objections, if no amended petition has been filed, the court may set a schedule for briefing and argument, if necessary, or may rule on the preliminary objections and any answer thereto without argument or briefing.

(b) Briefs or memoranda of law shall be required only by special order of the court in every case.

CHAPTER IV. FORMAT AND SERVICE OF LEGAL PAPER BY PARTIES AND COURT; ELECTRONIC FILING

Local Rule 4.7A. Electronic Filing of Legal Papers.

(a) *Authorization for Electronic Filing.* Effective January 6, 2014, the Clerk of the Orphans' Court of Montgomery County shall accept all legal papers and exhibits either by paper filing or by electronic filing through the Clerk of the Orphans' Court of Montgomery County Electronic Filing System ("Electronic Filing System").

(b) *Electronic Filing of Legal Paper.*

1) *Format of legal papers.* Legal papers and exhibits to be filed by electronic filing shall be filed in portable document format (.pdf or "PDF"). Any legal paper submitted to the Clerk of the Orphans' Court as a paper filing shall be converted to PDF and the Clerk of the Orphans' Court shall maintain the legal paper in PDF format.

2) *Original legal papers.* The Clerk of the Orphans' Court may return the original legal paper to the filing party, for retention by the filing party as required by Pennsylvania Supreme Court Orphans' Court Rule 4.7(c)(3), provided that the Clerk of the Orphans' Court shall maintain a complete and accurate paper copy of every legal paper filed in the Clerk of the Orphans' Court file.

3) *Exhibits.* Each exhibit to a legal paper shall be filed as a separate PDF document but as part of the same docket entry filed electronically, each exhibit shall be uploaded by the filing party as a separate PDF document, associated with the same filing as the legal paper. If a paper filing, each exhibit shall be entered on the docket by the Clerk of the Orphans' Court as a separate PDF document as part of the same docket entry as the legal paper.

4) *Subsequent filing.* A party filing a legal paper that is responsive to or related to an earlier filed legal paper in the same matter shall specify the 'Suffix number' (which can be found in the third column on the electronic docket), date and title of the prior legal paper at the time of filing the subsequent legal paper; the suffix number shall be provided either on the Orphans' Court Cover Sheet or in the Electronic Filing System.

(c) *Signature, Verification and Retention of Legal Paper.*

1) The original signature page or pages of any document filed electronically shall be retained by the filing party as required by Supreme Court Orphans' Court Rule 4.7(c) and shall be produced upon request the court.

2) The electronic filing of any legal paper that is required to be verified or signed (including, but not limited to a consent, waiver, joinder, settlement agreement or stipulation), acts as certification by the filing party that a paper copy of the filing was properly signed by attorneys and parties, in all places necessary, and where applicable, that the legal paper has been verified, and that the filing party has retained the signed original.

(d) *Website, Access to Website and Filing Date.*

1) *Website.* All legal papers to be filed electronically shall be filed through the Clerk of the Orphans' Court Electronic Filing System which shall be accessible through the website of Montgomery County Courts, <https://www.courtsapp.montcopa.org/ROWEfiling> or at such other website as may be designated from time to time.

2) *Access to Website.* To obtain access to the Electronic Filing System, counsel and any unrepresented party must register with a User Name and Password and must provide a valid e-mail address to which official notices will be sent, and must expressly consent to the receipt of official notices, orders and decrees from the Clerk of the Orphans' Court at the e-mail address or addresses provided.

3) *Access available at all times.* As required by the Supreme Court Orphans' Court Rule 4.7(d)(2), the Clerk of the Orphans' Court shall provide electronic filing access at all times.

4) *Acknowledgement of Receipt of E-filing.* Upon receipt of a legal paper through the Electronic Filing System, the Clerk of the Orphans' Court shall provide the filing party with an electronic acknowledgement that includes the date and time that the legal paper was received by the Electronic Filing System. This receipt does not constitute acceptance (see paragraph 5, below).

5) *Notification of Acceptance or Rejection of Filing.* Upon review, the Clerk of the Orphans' Court will promptly notify the filing party either that the legal paper was accepted for filing or that the legal paper was rejected and the reason for rejection.

(e) *Intentionally omitted.*

(f) *Fees.* The Clerk of the Orphans' Court will accept for payment of all filing fees the following credit and debit cards: American Express, Discover, MasterCard and Visa.

(g) *Required redaction.* Unless required by an applicable law, rule or order of court, any party or non-party filing a legal paper, as defined in Supreme Court Orphans' Court Rule 1.3, with the Clerk of the Orphans' Court must redact identifying information appearing in the legal paper filed, including in any attachments or exhibits thereto, as follows:

1) An individual's social security number or taxpayer identification number (other than the social security number of a deceased individual);

2) An individual's date of birth, provided that the filing may include the year of an individual's birth; provided that any filing related to a guardianship of a minor's person or estate or approval of a minor's compromise may include the date of birth of the minor;

3) With respect to any financial account number, including but not limited to any bank account, investment account, or credit card account, the account number must be redacted, as well as any PIN, password or other number used to secure such account, provided that the filing may include the last four digits of the account number;

4) The court may, for good cause shown in a specific case, order that additional information must be redacted from any filing, including but not limited to the home street address or driver's license number of a specified individual or the names of minor children;

5) The court may order the person making a redacted filing to file, in addition, an unredacted copy under seal; and

6) Where the court has permitted a filing to be made under seal, the court may later unseal the filing and may order the filing party to redact the filing at that time.

7) The responsibility for redacting the identifying information rests with the party or non-party making the filing and his or her counsel and the party or non-party will be responsible for certifying to the Clerk of the Orphans' Court that this Rule has been complied with. Documents will not be reviewed by the Clerk of the Orphans' Court for compliance with this Rule.

8) This rule shall not prevent a filer from providing information to the Clerk of the Orphans' Court required by the Electronic Filing System, including, for example, the social security number of a decedent or personal representative, provided that the information shall be redacted from all attached PDF documents.

9) Any information required to be redacted under this rule, or by court order, shall not be entered in the "Docket Text" field by the filing party during electronic filing.

CHAPTER V. RULES GOVERNING SPECIFIC TYPES OF PETITIONS

Local Rule 5.2A. Notice.

(a) *When No Petition.* When the procedure is without petition no notice other than that to the personal representative need be given of the claim for exemption.

(b) *When Petition Filed.* When the procedure is by petition, notice of the filing thereof, and of the date fixed by the court for confirmation and allowance which shall not be less than twenty days after providing notice of the filing of the petition, shall be given by actual notice to the personal representative, if any, and to all persons other than creditors adversely affected by allowance of the exemption who do not join in the prayer of the petition, and by petition,

(c) *After Appraisalment.* When it is necessary for the court to appoint appraisers, the notice shall be given after the appraisalment has been made and filed.

Local Rule 5.2B. Objections.

(a) *Voluntary Distribution.* Questions regarding disbursements claimed in the personal representative's account for assets delivered or permitted to be retained for or on account of the exemption may be raised only by objections to the account, which shall be filed with the clerk in compliance with Rule 2.7.

(b) *When Petition Filed.* When the procedure is by petition, questions as to the appraisalment or allowance, or both, may be raised only by objections filed with the clerk on or before the time fixed for confirmation and allowance.

(c) *Higher Bid.* Objections which relate only to the amount of the appraisalment will be dismissed unless a definite and bona fide higher bid for the property is made, or facts warranting consideration by the court appear.

Local Rule 5.2C. Final Decree.

When the procedure is by petition, if no objections are filed on or before the time fixed in the preliminary decree, confirmation of the appraisalment and allowance of the exemption may be obtained by submitting to the court the return to notices and a form of final decree.

Local Rule 5.4A. Extension of Time.

A petition for the extension of time in which the surviving spouse may file an election to take against the will shall include the requirements of subparagraphs (1) through (5) for a petition under Rule 5.4 and a request for a citation upon the interested parties who have not joined in the petition or who have not consented thereto to show cause why an extension of time to file an election should not be granted.

Local Rule 5.6A. Appearance at Presentation of Petition.

A minor shall appear at the hearing on all petitions for the appointment of a guardian of their person. A minor who is fourteen years old or older at the time of the hearing shall appear at the hearing on all petitions for the appointment of a guardian of his/her estate; unless the minor has consented to the proposed guardian and the consent is attached to the petition.

Local Rule 5.6B. Minor's Estate. Restricted Accounts. Waiver of Bond.

In lieu of the entry of bond, the court in appropriate cases may authorize the guardian to deposit the funds of the minor in an interest bearing account or to purchase shares of a building and loan association or Federal savings and loan association which has an office located in Montgomery County, in accordance with the provisions of Probate, Estates and Fiduciaries Code § 5103, subject to the express restriction, to be noted on the records of the institution, that no withdrawals shall be made therefrom without order of court, and that the evidence of the deposit or investment, marked to indicate the restriction, shall be promptly exhibited to the clerk. If the minor is sixteen (16) years of age or over, or if the funds of the minor are \$10,000 or less, the requirement of a bond will be waived unless specially required by the Court. The Court may also waive the requirement of a bond in such other cases as the Court, for cause shown, finds that no bond is necessary.

Local Rule 5.6C. Minor's Estate. Guardian. Certificate of Appointment. Security.

If bond is required of a guardian, the clerk shall not issue the certificate of his or her appointment until the bond and surety have been approved by the court.

Local Rule 5.6D. Minor's Estate. Allowances.

When a petition is necessary for an allowance from a minor's estate, the petition shall set forth:

(a) the manner of the guardian's appointment and qualification, and the dates thereof;

(b) the name, age and residence of the minor;

(c) the name of the person with whom the minor resides, the name and age(s) of that person's spouse and children and/or dependents, if any;

- (d) whether or not the minor's parents are living;
- (e) the value of the minor's estate, real and personal, and the net annual income;
- (f) the circumstances of the minor, whether employed or attending school; if the minor's parents, or any other person charged with the duty of supporting him or her, is living, the financial condition and income of such person and why he or she is not discharging his or her duty to support the minor; and whether there is adequate provision for the support and education of the minor;
- (g) the date and amount of any previous allowance by the court; and
- (h) the financial requirements of the minor and his or her family unit, in detail, and the circumstances making such allowance necessary.

Local Rule 5.8A. Discharge of Fiduciary—Exhibits.

Written consent of the surety, if any, shall be attached to the petition, and orders to satisfy awards from all other parties shall be submitted therewith.

Local Rule 5.8B. Discharge of Personal Representative, Estates Not Exceeding \$50,000.

A petition with account annexed for the discharge of a personal representative under Rule 5.8 shall also conform as far as practicable to the requirements of a petition under Rule 5.16 for the settlement of a small estate under the provisions of Section 3102 of Probate, Estates and Fiduciaries Code.

Local Rule 5.10A. Public Sale. Contents of Petition Additional Requirements.

(a) When it is required that a personal representative, trustee or guardian petition the court to sell real property at public sale, the petition (in addition to requirements of Rule 5.10) shall also set forth in separate paragraphs:

- 1) With respect to a decedent's estate, the name, residence and date of death of the decedent; whether the decedent died testate or intestate; and the date of the grant of letters;
- 2) With respect to a minor's estate, the age of the minor;
- 3) With respect to a minor's estate or an incapacitated person's estate, the nature and extent of the interest of the ward, and of other persons in the real property;
- 4) With respect to property of an incapacitated person, the guardian shall include an averment whether the guardian knows or has reason to know of any objection of the ward to the sale of the real property, and shall describe the nature and circumstances of any such objection, whether stated before or after the adjudication of incapacity;
- 5) how title to the real property was acquired, stating the date and place of probate of the will or recording of the deed;
- 6) a recital of the relevant provisions of the will, trust or deed pertaining to the real property to be sold, and of the history of the trust;
- 7) that the fiduciary is not otherwise authorized to sell the real estate by the Act; or is not authorized or is denied the power to do so by the will or trust, or that it is desirable that the sale have the effect of a judicial sale, stating the reasons;

8) whether an inventory and appraisal has been filed; the total value of the property shown therein; and the value at which the real property to be sold was included therein;

9) if the fiduciary entered bond, the name of the surety and the amount of such bond;

10) the names and relationships of all interested parties, including the next of kin of any minor or incapacitated person, a brief description of their respective interests; whether any of them are minors, incapacitated persons or deceased, and if so, the names of their fiduciaries, if any; and the notice given to each such party in interest of the filing of the petition;

11) the improvements on the property, by whom it is occupied, its rental value and current tax assessment; and

12) sufficient facts to enable the court to determine that the sale is desirable for the proper administration and distribution of the estate.

Local Rule 5.10B. Public Sale. Exhibits.

The following exhibits shall be attached to a petition by a personal representative, trustee or guardian, to sell real property at public sale:

- (a) a copy of the will, deed, or decree by which the fiduciary was appointed; and
- (b) any consents or joinders of interested parties, and the names and a copy of the notice which has been given to those parties who do not consent or join; and
- (c) consent by any mortgagee whose lien would otherwise not be discharged by the sale.

Local Rule 5.10C. Public Sale of Real Property. Notice. Return.

(a) *Notice.* After the allowance of a petition for public sale, public notice of the proposed sale shall be given by advertisement once a week for three successive weeks in the *Montgomery County Law Reporter* and in one other newspaper of general circulation in Montgomery County and by posting a notice on the premises, and as far as possible, at least twenty (20) days prior notice of the time and place of the proposed sale shall be given to all interested parties, by personal service or registered mail.

(b) *Return.* Returns of public sale of real property for the purpose of approval or confirmation by the court shall be in the form of an affidavit, which shall set forth

- 1) the information required by Local Rule 5.10A and the advertisement made;
- 2) the price obtained; and
- 3) the name and address of the purchaser and that he was highest bidder.

Local Rule 5.10D. Public Sale. Security.

On the return day of the sale, the court, in the decree approving, or confirming the sale, will fix the amount of bond or additional security which the personal representative, trustee or guardian shall be required to enter, or will excuse the fiduciary from entering additional security.

Local Rule 5.10E. Petition to Fix or Waive Additional Security. Personal Representative. Trustee.

(a) *Form of Petition.* In a sale, whether public or private, of real estate by a personal representative or trustee without benefit of an order of court directing or authorizing such sale, where the fiduciary was required

to give bond as such personal representative or trustee, he or she shall present a petition to the court before the proceeds of the sale are paid to him or her by the purchaser, setting forth:

- 1) the date of death of the decedent;
- 2) the date of the petitioner's appointment;
- 3) the amount of the bond or bonds filed by him or her, and the date of such filing and the name or names of his surety;
- 4) the total valuation of the personal estate as shown in the inventory and appraisal, if any; and the total proceeds of any real estate sold previously;
- 5) a short description of the real property sold, the name of the purchaser and the amount of the consideration to be paid; and
- 6) a prayer for an order fixing the amount of additional security or for an order excusing him from filing additional security, as the case may be.

(b) *Surety on Additional Bond.* The surety on any additional bond except for cause shown shall be the same as on the original bond.

Local Rule 5.11A. Private Sale, Exchange or Option Exhibits.

(a) *Personal Representative, Trustee, Guardian.* The following exhibits shall be attached to the petition by a personal representative trustee, or guardian, to sell real property at private sale or to exchange real property or give an option therefor:

- 1) a copy of the will, deed, or decree by which the fiduciary was appointed;
- 2) any consents or joinders of interested parties and the names and a copy of the notice which has been given to those parties who do not consent or join;
- 3) a copy of the agreement of sale or exchange or option agreement;
- 4) affidavits as to value as to the property to be optioned or exchanged or sold and, in the case of an exchange, of the property to be received, made by two real estate appraisers; and
- 5) with respect to a sale of real property of an incapacitated person, the guardian of estate of the incapacitated person shall include in the petition for approval of the sale an averment concerning whether the guardian knows or has reason to know of any objection of the incapacitated person to the sale of the real property, and shall describe the nature and circumstances of any such objection, whether stated before or after the adjudication of incapacity.

Local Rule 5.11B. Procedure.

(a) *Private Sale.* Whenever on the day fixed for approval of a private sale a person other than the proposed purchaser named in the petition, or more than one such other person, shall appear for the purpose of offering a higher price than that to be paid by the proposed purchaser named in the petition, the following procedure shall be followed unless otherwise directed by the court;

- 1) No offer from any proposed purchaser other than the one named in the petition will be considered unless it is at least ten (10) percent higher and is payable in cash.
- 2) If one or more interested purchasers other than the proposed purchaser named in the petition do appear and state their willingness to offer at least ten (10) percent

more, the Court will conduct an informal auction. The proposed purchaser named in the petition and all other interested purchasers shall have the opportunity to make offers at least ten (10) percent higher than the offer of the original proposed purchaser, until the highest price offered by any interested purchaser shall be determined.

3) The Court will then entertain the highest offer made by an interested purchaser and will enter an appropriate decree.

(b) *Option for Private Sale.* Part (a) of this rule shall apply to the approval of grant of an option for private sale, and in addition to the provisions of clause (1) thereof, the other proposed purchaser must also offer a consideration for the option itself which is at least one hundred (100) percent higher and is payable in cash.

(c) *Private Exchange.* The procedure in the event another person appears, on the day fixed for approval of an exchange, for the purpose of offering a different consideration, shall be as the court directs by special order.

Local Rule 5.11C. Private Sale, Exchange or Option.

The court, in the decree approving or confirming the sale, exchange, or grant of option, will fix the amount of bond or additional security which the personal representative, trustee or guardian shall be required to enter, or will excuse the fiduciary from entering bond or additional security.

Local Rule 5.11D. Petition to Fix or Waive Additional Security. Personal Representative, Trustee.

(a) *Form of Petition.* In a sale, whether public or private, of real estate by a personal representative or trustee without benefit of an order of court directing or authorizing such sale, where the fiduciary was required to give bond as such personal representative or trustee, he or she shall present a petition to the court before the proceeds of the sale are paid to the fiduciary by the purchaser, setting forth:

- 1) the date of death of the decedent;
- 2) the date of the petitioner's appointment;
- 3) the amount of the bond or bonds filed and the date of such filing and the name or names of the surety;
- 4) the total valuation of the personal estate as shown in the inventory and appraisal, if any; and the total proceeds of any real estate sold previously;
- 5) a short description of the real property sold, the name of the purchaser and the amount of the consideration to be paid; and
- 6) a prayer for an order fixing the amount of additional security or for an order excusing the fiduciary from filing additional security, as the case may be.

(b) *Surety on Additional Bond.* The surety on any additional bond except for cause shown shall be the same as on the original bond.

Local Rule 5.12A. Mortgage of Real Property—Additional Requirements or Lease.

(a) *Contents of Petition.* A petition to mortgage or lease real property by a personal representative, trustee or guardian, shall conform as closely as practicable to the requirements of these Rules with regard to a petition to sell real property at public sale; shall set forth the amount and terms of the proposed mortgage loan or terms of lease; and shall set forth sufficient facts to enable the court to determine whether the proposed mortgage or lease should be approved.

(b) *Exhibits.* The following exhibits shall be attached to the petition:

1) A copy of the will, deed or decree by which the fiduciary was appointed:

2) Any consents or joinders of interested parties, and the names and a copy of the notice which has been given to those parties who do not consent or join.

(c) *Security.* The amount of the bond or additional security required to be entered, or the waiver thereof, will be determined by the court in its decree approving the proposed mortgage or lease.

Local Rule 5.16. Settlement of Small Estates.

(a) *Form of Petitions.* Contents. A petition under Probate, Estates and Fiduciaries Code § 3102 for distribution of small estates shall set forth:

1) The name and address of the petitioner and his or her relationship to the decedent.

2) The name, date of death and domicile of decedent, whether he or she died testate or intestate, the dates of the probate of the will and of the grant of letters if any and whether the personal representative has been required to give bond, and in what amount.

3) The names and relationships of all beneficiaries entitled to any part of the estate under the will or intestate laws, a brief description of their respective interests, whether any of them has received or retained any property of the decedent by payment of wages under Probate, Estates and Fiduciaries Code § 3101, or otherwise, and whether any of them are minors, incapacitated persons or deceased with the names of their fiduciaries, if any.

4) The person or persons, if any, entitled to the family exemption and, if a claim therefor is made in this petition, any additional facts necessary to establish the prima facie right thereto, as required by Rule 5.2.

5) An inventory of the real and personal estate of the decedent, with values ascribed to each item, either incorporated in the petition or attached as an exhibit.

6) A list showing the nature, amount and preference of all unpaid claims against the estate and indicating which are admitted.

7) If any unpaid beneficiary, heir, or claimant has not joined in the petition, a statement that twenty days' notice of filing of the petition has been given in accordance with these rules.

8) A prayer for distribution of the personal property to those entitled, and in appropriate cases for the discharge of the personal representative.

(b) *Exhibits.* There shall be attached to the petition the following exhibits:

1) The original of the decedent's will if it has not been probated, or a copy of the will if it has been probated.

2) Joinders of unpaid beneficiaries, heirs and claimants insofar as they are obtainable.

3) An itemized list of disbursements made prior to the filing of the petition, indicating the payee and whether the disbursements were in payment of administration expenses, preferred or ordinary debts, item of distribution or the family exemption.

4) Certificate of Register of Wills showing status of the inheritance tax.

(c) *Appraisements.* No appraisal shall be required unless ordered by the Court.

Local Rule 5.17A. Petition to Convert to Unitrust.

(a) *Contents of Petition*

1) The name, address and interest of petitioner in the trust.

2) How and when the trust was created, attaching a copy of the trust document and any amendments thereto to the petition as an exhibit.

3) The facts establishing Montgomery County as a proper venue for the trust.

4) Statement of how the trustee received the funds (e.g. by gift, by award from a prior adjudication, etc.).

5) A description of the dispositive provisions of the trust.

6) The terms of the trust.

7) Names of all beneficiaries.

i. Beneficiaries who are currently eligible to receive income from the trust.

ii. Names of any successor beneficiaries or representatives of beneficiaries.

iii. The names of all beneficiaries entitled to distribution of principal in the absence of exercise of any powers of appointment.

iv. Petition shall identify any beneficiary who has been declared incapacitated, is believed not to be sui juris or is a minor, including the age of the minor, and including the names of any fiduciary representing a beneficiary

(b) *Asset information related to the assets of the trust.*

1) The current market value of the trust principal.

2) The current annual fiduciary income accounting of the trust without regard to the power to adjust under Probate, Estates and Fiduciaries Code § 8104.

3) The current percentage yield of the trust based on trust principal and trust income.

4) The current percentage of the trust invested in fixed income investments and the current percentage of the trust invested in equities.

5) The current percentage of trust assets not invested but producing income or unfixed in equities.

(c) Facts supporting why the conversion will enable the trustee to better carry out the intent of the settlor or testator and the purpose of the trust.

(d) Copies of all notices sent to beneficiaries shall be attached as an exhibit to the petition.

(e) Statement as to why there is a need for court approval of the requested conversion.

(f) Specific language relating to the relief being requested shall be included in both the petition and the order to be attached to the petition.

CHAPTER VII. RULES RELATING TO PRE-HEARING AND HEARING PROCEDURE

Local Rule 7.1A. Practice as to Depositions, Discovery, Production of and Perpetuation of Testimony.

(a) The parties may agree to the scope and deadlines for discovery, and may agree to any or all of the following: responses to written interrogatories, document production, requests for admissions and depositions, including

depositions to preserve testimony for trial, and may agree to the specific dates, times and places for depositions.

(b) The parties may, upon agreement, request the entry of a court order setting a deadline for the completion of discovery, or the court may set a deadline for completion of discovery on its own motion.

(c) In the absence of an agreement, leave to take any form of discovery or to preserve testimony shall be granted only by court order following a petition setting forth the nature of the proposed discovery, the scope of the proposed discovery, and the need for the proposed discovery, and shall describe the good faith efforts made to reach an agreement regarding discovery. A petition seeking leave to take discovery shall include the notice required under rule 3.5(b) and an answer to the petition shall be filed within twenty (20) days of service of the petition. The court may set a schedule for briefing or argument, if necessary, following the filing of an answer to the petition, or may rule on the petition and answer without argument or briefing.

(d) Discovery material shall not be filed with the court unless relevant to a motion or petition or other pre-trial proceeding, ordered by the court or required by statute.

Local Rule 7.2A. Motion for Judgment on the Pleadings.

(a) A memorandum of law in support of a motion for judgment on the pleadings shall be filed simultaneously with the motion;

(b) An answer to a motion for judgment on the pleadings shall be filed within twenty (20) days of service of the motion and a memorandum of law in opposition to the motion shall be filed simultaneously with the answer;

(c) The court may schedule oral argument on a motion for judgment on the pleadings or may dispose of the motion without argument.

Local Rule 7.3A. Motion for Summary Judgment.

(a) A memorandum of law in support of a motion for summary judgment shall be filed simultaneously with the motion;

(b) An answer to a motion for summary judgment shall be filed within thirty (30) days of service of the motion and a memorandum of law in opposition to the motion shall be filed simultaneously with the answer;

(c) The court may schedule oral argument on a motion for summary judgment or may dispose of the motion without argument.

Local Rule 7.5A. Conference.

In any action the court, of its own motion or on motion of any party, may direct the attorneys for the parties to appear for a conference to consider:

- (a) The simplification of the issues;
- (b) The necessity or desirability of amendments to the pleadings;
- (c) The possibility of obtaining admissions or stipulations of fact and of documents which will avoid unnecessary proof;
- (d) The limitation of the number of expert witnesses; and
- (e) Such other matters as may aid in the disposition of the action.

Local Rule 8.2A. Motion For Reconsideration.

(a) Any motion for reconsideration filed pursuant to Pennsylvania Supreme Court Orphans' Court Rule 8.2

must be filed within twenty (20) days after the date of the filing of any order, decree or adjudication as to which reconsideration is sought.

(b) The motion for reconsideration must state how the grounds for reconsideration were previously asserted in the proceedings. Grounds not specified are deemed waived unless leave is granted upon cause shown to specify additional grounds.

(c) If a party has filed a timely motion for reconsideration, any other party may file a motion for reconsideration within twenty (20) days after the date on which the first motion for reconsideration was filed.

(d) Any party filing a motion for reconsideration shall serve a copy promptly upon every other party to the action, or upon counsel for any party represented by counsel. Prompt service may be accomplished by electronic delivery to any party or counsel who has agreed, with respect to the specific case pending, to receive electronic delivery of documents and to any party or counsel who has registered as an e-filer in the e-filing system of the Clerk of the Orphans' Court, or by U.S. first-class mail to any other party or counsel.

Local Rule 9.1A. Auditor or Master Notice of Scheduled Hearings.

(a) An auditor or master appointed pursuant to 20 Pa.C.S. § 751 shall give written notice of scheduled hearings:

- 1) by service upon the attorney appearing of record for a party;
- 2) if there is no such attorney, by U.S. first-class mail, if the party's residence is known; or
- 3) if a party's residence is not known, by publication once a week during two successive calendar weeks in the *Montgomery County Law Reporter*; or by such method of alternative service as is authorized by the court.

Local Rule 9.6A. Notice of Auditor or Master Report.

(a) An auditor or master appointed pursuant to 20 Pa.C.S. § 751 shall give written notice of the filing of a report:

- 1) by service upon the attorney appearing of record for a party; or
- 2) if there is no such attorney, by U.S. first-class mail, if the party's residence is known.
- 3) if a party's residence is not known, by publication once a week during two successive calendar weeks in the *Montgomery County Law Reporter*; or by such method of alternative service as is authorized by the court.

(b) Any party in interest shall have the right to file objections to an auditor's or master's report within twenty (20) days of the filing thereof.

(c) If objections are filed, the court shall schedule a date for a hearing or argument.

Local Rule 9.7A. Confirmation of Auditor or Master Report.

If no objections, as allowed under Local Rule 9.6A, are filed within twenty (20) days of the filing of an auditor's or master's report, the court may enter a decree confirming the auditor's report or adopting the master's report.

[Pa.B. Doc. No. 16-1350. Filed for public inspection August 5, 2016, 9:00 a.m.]

MONTGOMERY COUNTY**Mortgage Foreclosure Conciliation Program—
Masters; Administrative Order 2016-00004****Memorandum and Order**

The Montgomery County Mortgage Foreclosure Conciliation Program (the “Program”) was initiated to promote discussion and facilitate resolution between lenders and owners of certain residential properties subject to foreclosure proceedings. Since the inception of the Program, it has been administered and presided over by Judges of the Court. The Court has determined that it is necessary and appropriate to delegate certain aspects of the Program to the authority of court appointed Masters. This will permit the Court to continue to address the large number of cases and to better serve the interests of the parties involved.

The Masters will be granted the authority to preside over all Program proceedings, as well as to act as

facilitators in the exchange of documentation, the modification of terms, or, some other resolution of the litigation. The Masters may authorize the continuance of matters to allow for additional time for appropriate reasons. When appropriate, the Masters may prepare recommendations on the form of proposed Orders for review by the Judge or Judges assigned to preside over the Program.

And Now, this 21st day of July, 2016, following a review of qualifications, it is *Ordered* that the following individuals are appointed as Masters to act in accordance with the provisions set forth previously and to serve until resignation or further Order of this Court: Rochelle N. Bobman, Esquire, Pamela M. Tobin, Esquire and Bernadette A. Kearney, Esquire.

By the Court

WILLIAM J. FURBER, Jr.,
President Judge

[Pa.B. Doc. No. 16-1351. Filed for public inspection August 5, 2016, 9:00 a.m.]

NOTICES

DEPARTMENT OF AGRICULTURE

Addendum to the Order of Quarantine; Spotted Lanternfly

Recitals

A. Spotted lanternfly, *Lycorma delicatula*, is a new pest to the United States and has been detected in the Commonwealth. This is a dangerous insect to forests, ornamental trees, orchards and grapes and not widely prevalent or distributed within or throughout the Commonwealth or the United States. Spotted lanternfly has been detected in the Commonwealth and has the potential to spread to uninfested areas by natural means or through the movement of infested articles.

B. The Plant Pest Act (Act) (3 P.S. §§ 258.1—258.27) empowers The Department of Agriculture (Department) to take various measures to detect, contain and eradicate plant pests. A plant pest is defined as an organism, including other plants, causing or capable of causing injury or damage to plants or plant products (3 P.S. § 258.2). These powers include the authority, set forth at section 258.21 of the Act (3 P.S. § 258.21), to establish quarantines to prevent the spread of plant pests within this Commonwealth.

C. Under the authority of section 258.20 of the Act (3 P.S. § 258.20) the Department may declare a pest to be a public nuisance when the Department determines a plant pest to be dangerous or destructive to the agriculture, horticulture or forests of this Commonwealth. For the reasons set forth in Paragraph A above, the Department declares Spotted lanternfly, *Lycorma delicatula*, to be a public nuisance.

D. Consistent with the Order of Quarantine published at 44 Pa.B. 6947 issued Saturday, November 1, 2014, where the Department detects or confirms any of the plant pests established in this Order of Quarantine—Spotted lanternfly, *Lycorma delicatula*—the place or area in which any of these plant pests are detected or con-

firmed shall be subject to the provisions of that Order of Quarantine published at 44 Pa.B. 6947 issued Saturday, November 1, 2014.

E. The place or area in which the plant pest is detected or confirmed shall be added to the Order of Quarantine, published at 44 Pa.B. 6947 issued Saturday, November 1, 2014, through an addendum delineating the specific location and geographic parameters of the area or place. Such Addendum shall be published in the *Pennsylvania Bulletin* and enforcement of the Addendum to the Order of Quarantine, published at 44 Pa.B. 6947 issued Saturday, November 1, 2014, with regard to that place or area shall become effective immediately.

Order

Under authority of section 21 of the act (3 P.S. § 258.21), and with the Recitals previously listed incorporated into and made a part hereof this Addendum to the Order of Quarantine published at 44 Pa.B. 6947 issued Saturday, November 1, 2014 by reference, the Department orders the following:

1. *Establishment of Quarantine.*

A quarantine is hereby established with respect to Maxatawny Township and Kutztown Borough, Berks County and Upper Millford Township and Emmaus Borough, Lehigh County. This is in addition to, and does not replace, any townships and areas already subject to the Spotted Lanternfly Quarantine Order published at 44 Pa.B. 6947 issued Saturday, November 1, 2014, and any previous Addendums to that Quarantine Order.

2. *All Provisions Apply.*

All of the provisions established in the Spotted Lanternfly Quarantine Order published at 44 Pa.B. 6947 issued Saturday, November 1, 2014, are hereby incorporated herein and made a part hereof this Addendum as if fully set forth herein and shall hereby be made applicable to Maxatawny Township and Kutztown Borough, Berks County and Upper Millford Township and Emmaus Borough, Lehigh County.

RUSSELL C. REDDING,
Secretary

[Pa.B. Doc. No. 16-1352. Filed for public inspection August 5, 2016, 9:00 a.m.]

DEPARTMENT OF BANKING AND SECURITIES

Actions on Applications

The Department of Banking and Securities (Department), under the authority contained in the act of November 30, 1965 (P.L. 847, No. 356), known as the Banking Code of 1965; the act of May 15, 1933 (P.L. 565, No. 111), known as the Department of Banking Code; and the act of December 19, 1990 (P.L. 834, No. 198), known as the Credit Union Code, has taken the following action on applications received for the week ending July 26, 2016.

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

BANKING INSTITUTIONS**Interim Incorporations**

<i>Date</i>	<i>Name and Location of Applicant</i>	<i>Action</i>
7-15-2016	CNB Interim Bank Clearfield Clearfield County The purpose of CNB Interim Bank, Clearfield, PA, is to facilitate the proposed merger of Lake National Bank, Mentor, OH, with and into CNB Bank, Clearfield, PA, with CNB Bank surviving.	Effective
7-22-2016	Monument Interim Bank Doylestown Bucks County The purpose of Monument Interim Bank, Doylestown, is to merge with Monument Bank, Doylestown, to facilitate the proposed reorganization of Monument Bank into a bank holding company structure whereby Monument Bank will become the wholly-owned subsidiary of Monument Bancorp, Inc., a new holding company in formation.	Filed

Holding Company Acquisitions

<i>Date</i>	<i>Name and Location of Applicant</i>	<i>Action</i>
7-26-2016	Prudential Bancorp, Inc. Philadelphia Philadelphia County Application for approval to acquire 100% of Polonia Bancorp, Inc., Huntingdon Valley, and thereby indirectly acquire 100% of Polonia Bank, Huntingdon Valley.	Filed

Consolidations, Mergers and Absorptions

<i>Date</i>	<i>Name and Location of Applicant</i>	<i>Action</i>
7-15-2016	CNB Bank Clearfield Clearfield County Merger of Lake National Bank, Mentor, OH, with and into CNB Bank, Clearfield, PA.	Effective
7-26-2016	Prudential Savings Bank Philadelphia Philadelphia County Application for approval to merge Polonia Bank, Huntingdon Valley, with and into Prudential Savings Bank, Philadelphia.	Filed

Branch Applications**De Novo Branches**

<i>Date</i>	<i>Name and Location of Applicant</i>	<i>Location of Branch</i>	<i>Action</i>
7-7-2016	Meridian Bank Malvern Chester County	1719A Easton Road Doylestown Bucks County	Opened
7-20-2016	Mid Penn Bank Millersburg Dauphin County	1817 Oregon Pike Lancaster Lancaster County	Filed

CREDIT UNIONS**Articles of Amendment**

<i>Date</i>	<i>Name and Location of Institution</i>	<i>Action</i>
7-25-2016	Fairless Credit Union Morrisville Bucks County Amendment to Article I of the institutions Articles of Incorporation provides for change in their corporate title to "Spirit Financial Credit Union." Amendment to Article 3, provides for a change in location. Amendment to Article 5 changes the par value of shares.	Effective

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

ROBIN L. WIESSMANN,
Secretary

[Pa.B. Doc. No. 16-1353. Filed for public inspection August 5, 2016, 9:00 a.m.]

DEPARTMENT OF ENVIRONMENTAL PROTECTION

Applications, Actions and Special Notices

APPLICATIONS

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

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

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

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

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

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

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

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

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

I. NPDES Renewal Applications

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

<i>NPDES No. (Type)</i>	<i>Facility Name & Address</i>	<i>County & Municipality</i>	<i>Stream Name (Watershed No.)</i>	<i>EPA Waived Y/N?</i>
PA0004685 (Industrial)	Penna Flame Industries, Inc. 1856 Route 588 Zelienople, PA 16063-3902	Beaver County Franklin Township	Unnamed Tributary to Connoquenessing Creek (20-C)	Yes

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

<i>NPDES No. (Type)</i>	<i>Facility Name & Address</i>	<i>County & Municipality</i>	<i>Stream Name (Watershed #)</i>	<i>EPA Waived Y/N?</i>
PA0221023 (Sewage)	Christopher S. Arford SRSTP 4660 Hatch Run Road Warren, PA 16365-4232	Warren County Glade Township	Hatch Run (16-B)	Yes
PA0103411 (Industrial)	Ellwood Quality Steels 700 Moravia Street New Castle, PA 16101	Lawrence County New Castle City	Shenango River (001) and Neshannock Creek (002) (20-A)	Yes

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

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

PA0204935, Industrial, SIC Code 3273, **New Enterprise Stone & Lime Co. Inc.**, PO Box 77, New Enterprise, PA 16664-0077. Facility Name: New Enterprise Stone & Lime Ebensburg Plant. This existing facility is located in Cambria Township, **Cambria County**.

Description of Existing Activity: The application is for a renewal of an NPDES permit for an existing discharge of treated Industrial Waste and Stormwater.

The receiving stream(s), Unnamed Tributary to South Branch Blacklick Creek, is located in State Water Plan watershed 18-D and is classified for Cold Water Fishes, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

The proposed effluent limits for Outfall 001 are based on a design flow of 0.02 MGD.

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>			<i>Concentrations (mg/L)</i>		
	<i>Average Monthly</i>	<i>Daily Maximum</i>	<i>Instant. Minimum</i>	<i>Average Monthly</i>	<i>Daily Maximum</i>	<i>Instant. Maximum</i>
Flow (MGD)	Report	Report	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	XXX	9.0
Total Suspended Solids	XXX	XXX	XXX	Report	XXX	50.0
Total Dissolved Solids	XXX	XXX	XXX	Report	Report	XXX
Oil and Grease	XXX	XXX	XXX	Report	Report	XXX
Aluminum, Total	XXX	XXX	XXX	Report	Report	XXX
Iron, Total	XXX	XXX	XXX	Report	Report	XXX
Manganese, Total	XXX	XXX	XXX	Report	Report	XXX

You may make an appointment to review the DEP files on this case by calling the File Review Coordinator at 412-442-4000.

The EPA Waiver is not in effect.

PA0024252, Storm Water, SIC Code 5171, **Sunoco Partners Mktg & Terms LP**, 525 Fritztown Road, Sinking Spring, PA 19608. Facility Name: Sunoco Partners Mktg & Terms LP Delmont Terminal. This existing facility is located in Salem Township, **Westmoreland County**.

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

The receiving stream(s), Thorn Run and Unnamed Tributary of Beaver Run, is located in State Water Plan watershed 18-B and is classified for High Quality Waters—Cold Water Fishes, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

The proposed stormwater effluent limits for Outfall 001 are:

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>			<i>Concentrations (mg/L)</i>		
	<i>Average Monthly</i>	<i>Daily Maximum</i>	<i>Instant. Minimum</i>	<i>Average</i>	<i>Daily Maximum</i>	<i>Instant. Maximum</i>
Flow (MGD)	Report	Report	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	XXX	9.0
Total Suspended Solids	XXX	XXX	XXX	Report	Report	XXX
Oil and Grease	XXX	XXX	XXX	15.0	XXX	30.0
Aluminum, Total	XXX	XXX	XXX	XXX	Report	XXX
Iron, Dissolved	XXX	XXX	XXX	XXX	Report	XXX
Iron, Total	XXX	XXX	XXX	XXX	Report	XXX
Manganese, Total	XXX	XXX	XXX	XXX	Report	XXX

The proposed stormwater effluent limits for Outfall 002 and 003 are:

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>			<i>Concentrations (mg/L)</i>		
	<i>Average Monthly</i>	<i>Daily Maximum</i>	<i>Instant. Minimum</i>	<i>Average Monthly</i>	<i>Daily Maximum</i>	<i>Instant. Maximum</i>
Flow (MGD)	Report	Report	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	XXX	9.0
Total Suspended Solids	XXX	XXX	XXX	Report	Report	XXX
Oil and Grease	XXX	XXX	XXX	Report	Report	XXX
Aluminum, Total	XXX	XXX	XXX	XXX	Report	XXX
Iron, Dissolved	XXX	XXX	XXX	XXX	Report	XXX
Iron, Total	XXX	XXX	XXX	XXX	Report	XXX
Manganese, Total	XXX	XXX	XXX	XXX	Report	XXX

The proposed hydrostatic test water effluent limits for Internal Monitoring Point 201 and 301 are:

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>			<i>Concentrations (mg/L)</i>		
	<i>Daily Maximum</i>	<i>Average Weekly</i>	<i>Minimum</i>	<i>Average Monthly</i>	<i>Daily Maximum</i>	<i>Instant. Maximum</i>
Flow (GPM)	Report	XXX	XXX	XXX	XXX	XXX
Internal Monitoring Point Duration of Discharge (hours)	Report	XXX	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	XXX	9.0
Dissolved Oxygen	XXX	XXX	5.0	XXX	XXX	XXX
Total Residual Chlorine (TRC)	XXX	XXX	XXX	XXX	0.02	XXX
Internal Monitoring Point Total Suspended Solids	XXX	XXX	XXX	XXX	60.0	XXX
Oil and Grease	XXX	XXX	XXX	XXX	30.0	XXX
Internal Monitoring Point Iron, Dissolved	XXX	XXX	XXX	XXX	7.0	XXX
Benzene	XXX	XXX	XXX	XXX	0.0025	XXX
Internal Monitoring Point BTEX, Total	XXX	XXX	XXX	XXX	0.25	XXX

You may make an appointment to review the DEP files on this case by calling the File Review Coordinator at 412-442-4000.

The EPA Waiver is not in effect.

PA0000566, Industrial, SIC Code 3351, **Libertas Copper, LLC (d.b.a. Hussey Copper)**, 100 Washington Street, Leetsdale, PA 15056-1000. Facility Name: Libertas Copper, LLC. This existing facility is located in Leetsdale Borough, **Allegheny County**.

Description of Existing Activity: The application is for a renewal of an NPDES permit for an existing discharge of treated industrial wastewater, non-contact cooling water, and stormwater associated with industrial activity.

The receiving streams, Ohio River and Big Sewickley Creek, are located in State Water Plan watershed 20-G and are classified as a Warm Water and Trout Stock Fishery respectively, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

The proposed effluent limits for Outfall 001 are based on a design flow of 0.9 MGD.

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>			<i>Concentrations (mg/L)</i>		
	<i>Average Monthly</i>	<i>Daily Maximum</i>	<i>Minimum</i>	<i>Average Monthly</i>	<i>Daily Maximum</i>	<i>Instant. Maximum</i>
Flow (MGD)	Report	Report	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	9.0	XXX
Total Residual Chlorine (TRC)	XXX	XXX	XXX	0.5	1.0	XXX
Temperature (deg F) (°F)	XXX	XXX	XXX	XXX	XXX	110
Total Suspended Solids	XXX	XXX	XXX	30.0	60.0	XXX
Oil and Grease	XXX	XXX	XXX	15.0	30.0	XXX
Copper, Total	XXX	XXX	XXX	0.4	0.8	XXX

The proposed effluent limits for Outfall 002. Design flow varies (stormwater).

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>			<i>Concentrations (mg/L)</i>		<i>Instant. Maximum</i>
	<i>Average Monthly</i>	<i>Daily Maximum</i>	<i>Minimum</i>	<i>Average Monthly</i>	<i>Daily Maximum</i>	
pH (S.U.)	XXX	XXX	XXX	XXX	Report	XXX
Chemical Oxygen Demand	XXX	XXX	XXX	XXX	Report	XXX
Total Suspended Solids	XXX	XXX	XXX	XXX	Report	XXX
Oil and Grease	XXX	XXX	XXX	XXX	Report	XXX
Aluminum, Total	XXX	XXX	XXX	XXX	Report	XXX
Copper, Total	XXX	XXX	XXX	XXX	Report	XXX
Iron, Total	XXX	XXX	XXX	XXX	Report	XXX
Lead, Total	XXX	XXX	XXX	XXX	Report	XXX
Nickel, Total	XXX	XXX	XXX	XXX	Report	XXX
Zinc, Total	XXX	XXX	XXX	XXX	Report	XXX

The proposed effluent limits for Outfall 003. Design flow varies (stormwater).

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>			<i>Concentrations (mg/L)</i>		<i>Instant. Maximum</i>
	<i>Average Monthly</i>	<i>Daily Maximum</i>	<i>Minimum</i>	<i>Average Monthly</i>	<i>Daily Maximum</i>	
pH (S.U.)	XXX	XXX	XXX	XXX	Report	XXX
Chemical Oxygen Demand	XXX	XXX	XXX	XXX	Report	XXX
Total Suspended Solids	XXX	XXX	XXX	XXX	Report	XXX
Oil and Grease	XXX	XXX	XXX	XXX	Report	XXX
Aluminum, Total	XXX	XXX	XXX	XXX	Report	XXX
Copper, Total	XXX	XXX	XXX	XXX	Report	XXX
Iron, Total	XXX	XXX	XXX	XXX	Report	XXX
Lead, Total	XXX	XXX	XXX	XXX	Report	XXX
Nickel, Total	XXX	XXX	XXX	XXX	Report	XXX
Zinc, Total	XXX	XXX	XXX	XXX	Report	XXX

The proposed effluent limits for Outfall 004. Design flow varies (stormwater).

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>			<i>Concentrations (mg/L)</i>		<i>Instant. Maximum</i>
	<i>Average Monthly</i>	<i>Daily Maximum</i>	<i>Minimum</i>	<i>Average Monthly</i>	<i>Daily Maximum</i>	
pH (S.U.)	XXX	XXX	XXX	XXX	Report	XXX
Chemical Oxygen Demand	XXX	XXX	XXX	XXX	Report	XXX
Total Suspended Solids	XXX	XXX	XXX	XXX	Report	XXX
Oil and Grease	XXX	XXX	XXX	XXX	Report	XXX
Aluminum, Total	XXX	XXX	XXX	XXX	Report	XXX
Copper, Total	XXX	XXX	XXX	XXX	Report	XXX
Iron, Total	XXX	XXX	XXX	XXX	Report	XXX
Lead, Total	XXX	XXX	XXX	XXX	Report	XXX
Nickel, Total	XXX	XXX	XXX	XXX	Report	XXX
Zinc, Total	XXX	XXX	XXX	XXX	Report	XXX

The proposed effluent limits for Outfall 005. Design flow varies (stormwater).

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>			<i>Concentrations (mg/L)</i>		<i>Instant. Maximum</i>
	<i>Average Monthly</i>	<i>Daily Maximum</i>	<i>Minimum</i>	<i>Average Monthly</i>	<i>Daily Maximum</i>	
pH (S.U.)	XXX	XXX	XXX	XXX	Report	XXX
Chemical Oxygen Demand	XXX	XXX	XXX	XXX	Report	XXX
Total Suspended Solids	XXX	XXX	XXX	XXX	Report	XXX
Oil and Grease	XXX	XXX	XXX	XXX	Report	XXX
Aluminum, Total	XXX	XXX	XXX	XXX	Report	XXX
Copper, Total	XXX	XXX	XXX	XXX	Report	XXX
Iron, Total	XXX	XXX	XXX	XXX	Report	XXX
Lead, Total	XXX	XXX	XXX	XXX	Report	XXX
Nickel, Total	XXX	XXX	XXX	XXX	Report	XXX
Zinc, Total	XXX	XXX	XXX	XXX	Report	XXX

The proposed effluent limits for Outfall 101 are based on a design flow of 0.293 MGD.

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>			<i>Concentrations (mg/L)</i>		<i>Instant. Maximum</i>
	<i>Average Monthly</i>	<i>Daily Maximum</i>	<i>Minimum</i>	<i>Average Monthly</i>	<i>Daily Maximum</i>	
Flow (MGD)	Report	Report	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	7.5	XXX	10.0	XXX
Total Suspended Solids	90	189	XXX	12.0	15.0	30.0
Oil and Grease	57	105	XXX	10.0	10.0	XXX

Parameters	Mass Units (lbs/day)			Concentrations (mg/L)		Instant. Maximum
	Average Monthly	Daily Maximum	Minimum	Average Monthly	Daily Maximum	
Chromium, Total	0.229	0.561	XXX	0.15	0.37	0.463
Copper, Total	1.59	3.034	XXX	0.61	1.28	1.6
Lead, Total	0.398	0.669	XXX	0.13	0.28	0.35
Nickel, Total	1.40	2.12	XXX	0.37	0.55	0.69
Zinc, Total	1.02	2.50	XXX	0.42	1.02	1.28

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

- Permittee is required to complete and submit a Storm Water Pollution Prevention Plan.
- Instantaneous maximum limitations at Outfall 101 are imposed to allow for a grab sample to be collected by the appropriate regulatory agency to determine compliance. The permittee is not required to monitor the instantaneous maximum limitations. However, if grab samples are collected by the permittee, the results must be reported.

You may make an appointment to review the DEP files on this case by calling the File Review Coordinator at 412-442-4000.

The EPA Waiver is not in effect.

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

PA0053384, Sewage, SIC Code 1542, **Buckingham Assembly Hall Of Jehovah's Witnesses**, 4414 New Hope Road, Furlong, PA 18925-1306. Facility Name: Jehovah's Witnesses STP. This existing facility is located in Buckingham Township, **Bucks County**.

Description of Existing Activity: The application is for a renewal of an NPDES permit for discharge of treated sewage from a facility known as Jehovah's Witnesses.

The receiving stream(s), Unnamed Tributary of Mill Creek (Pa. Stream Code 02612), is located in State Water Plan watershed 2-F and is classified for Migratory Fishes and Warm Water Fishes, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

The proposed effluent limits for Outfall 001 are based on a design flow of 0.008 MGD.

Parameters	Mass Units (lbs/day)			Concentrations (mg/L)		
	Average Monthly	Daily Maximum	Instanta- neous Minimum	Average Monthly	Maximum	Instant. Maximum
Flow (GPD)	Report	Report	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	XXX	9.0
Dissolved Oxygen	XXX	XXX	4.0	XXX	XXX	XXX
Total Residual Chlorine (TRC)	XXX	XXX	XXX	0.13	XXX	0.30
Carbonaceous Biochemical Oxygen Demand (CBOD ₅)						
Nov 1 - Apr 30	XXX	XXX	XXX	20	XXX	40
May 1 - Oct 31	XXX	XXX	XXX	10	XXX	20
Total Suspended Solids	XXX	XXX	XXX	10	XXX	20
Fecal Coliform (CFU/100 ml)	XXX	XXX	XXX	200	XXX	1,000
Total Nitrogen	XXX	XXX	XXX	Geo Mean Report	XXX	XXX
Ammonia-Nitrogen						
Nov 1 - Apr 30	XXX	XXX	XXX	6.0	XXX	12
May 1 - Oct 31	XXX	XXX	XXX	2.0	XXX	4
Total Phosphorus	XXX	XXX	XXX	Report	XXX	XXX

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

- No Stormwater to Sewers
- Obtain Necessary Property Rights
- Proper Sludge Disposal
- Abandon STP when Public Sewer Available
- Chlorine Minimization
- Small Stream Discharge
- Designation of Responsible Operator

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

The EPA Waiver is in effect.

PA0244180, Sewage, SIC Code 4952, **Jennifer & Dirk Quan Holden**, 2559 Wayland Road, Berwyn, PA 19312. Facility Name: Holden Residence STP. This existing facility is located in Easttown Township, **Chester County**.

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

The receiving stream(s), Unnamed Tributary to Crum Creek, is located in State Water Plan watershed 3-G and is classified for High Quality—Cold Water and Migratory Fish, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

The proposed effluent limits for Outfall 001 are based on a design flow of 0.0005 MGD.

Parameters	Mass Units (lbs/day)			Concentrations (mg/L)		
	Average Monthly	Average Weekly	Instantaneous Minimum	Average Monthly	Maximum	Instant. Maximum
Flow (GPD)	Report	XXX	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	XXX	9.0
Carbonaceous Biochemical Oxygen Demand (CBOD ₅)	XXX	XXX	XXX	10	XXX	20
Total Suspended Solids	XXX	XXX	XXX	10	XXX	20
Fecal Coliform (CFU/100 ml)	XXX	XXX	XXX	200	XXX	XXX
Ammonia-Nitrogen	XXX	XXX	XXX	Geo Mean 3.0	XXX	6

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

The EPA Waiver is in effect.

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

PA0060089A-2, Sewage, SIC Code 4952, **Middle Smithfield Township**, 147 Municipal Drive, East Stroudsburg, PA 18302. Facility Name: Middle Smithfield Township Fernwood WWTP. This existing facility is located in Middle Smithfield Township, **Monroe County**.

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

The receiving stream, Bush Kill, is located in State Water Plan watershed 1-D and is classified for High Quality Trout Stocking Fishery, Migratory Fish, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

The proposed effluent limits for Outfall 001 are based on a design flow of 1.0 MGD.

Parameters	Mass Units (lbs/day)			Concentrations (mg/L)		
	Average Monthly	Weekly Average	Minimum	Average Monthly	Weekly Average	Instant. Maximum
Flow (MGD)	Report	Report Daily Max	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	XXX	9.0
Dissolved Oxygen	XXX	XXX	6.0	XXX	XXX	XXX
Carbonaceous Biochemical Oxygen Demand (CBOD ₅)	205	330	XXX	25	40	50
Biochemical Oxygen Demand (BOD ₅) Influent	Report	Report Daily Max	XXX	Report	XXX	XXX
Total Suspended Solids	250	375	XXX	30	45	60
Total Suspended Solids Influent	Report	Report Daily Max	XXX	Report	XXX	XXX
Total Dissolved Solids	XXX	XXX	XXX	1,000	XXX	XXX
				Avg Quarterly		
Fecal Coliform (CFU/100 ml)						
May 1 - Sep 30	XXX	XXX	XXX	200	XXX	1,000
				Geo Mean		
Oct 1 - Apr 30	XXX	XXX	XXX	2,000	XXX	10,000
				Geo Mean		
UV Transmittance (%)	XXX	XXX	XXX	Report	XXX	XXX
Nitrate-Nitrite as N	XXX	XXX	XXX	Report	XXX	XXX
Total Nitrogen	XXX	XXX	XXX	Report	XXX	XXX

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>		<i>Minimum</i>	<i>Concentrations (mg/L)</i>		<i>Instant. Maximum</i>
	<i>Average Monthly</i>	<i>Weekly Average</i>		<i>Average Monthly</i>	<i>Weekly Average</i>	
Ammonia-Nitrogen						
May 1 - Oct 31	25	XXX	XXX	3.0	XXX	6.0
Nov 1 - Apr 30	75	XXX	XXX	9.0	XXX	18.0
Total Kjeldahl Nitrogen	XXX	XXX	XXX	Report	XXX	XXX
Total Phosphorus	XXX	XXX	XXX	Report	XXX	XXX
Copper, Total	XXX	XXX	XXX	Report	Report Daily Max	XXX

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

- Solids Management, Toxics Reduction Evaluation, Whole Effluent Toxicity, Schedule of Compliance.

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

The EPA Waiver is not in effect.

PA0024716, Sewage, SIC Code 4952, **Borough of Freeland Municipal Authority**, 711 Birkbeck Street, Freeland, PA 18224. Facility Name: Borough of Freeland Municipal Authority WWTP. This existing facility is located in Foster Township, **Luzerne County**.

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

The receiving stream, Pond Creek, is located in State Water Plan watershed 02A and is classified for High Quality—Cold Water Fishes, and Migratory Fishes, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

The proposed effluent limits for Outfall 001 are based on a design flow of 1.2 MGD.

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>		<i>Minimum</i>	<i>Concentrations (mg/L)</i>		<i>Instant. Maximum</i>
	<i>Average Monthly</i>	<i>Daily Maximum</i>		<i>Average Monthly</i>	<i>Daily Maximum</i>	
Flow (MGD)	Report	Report	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	XXX	9.0
Dissolved Oxygen	XXX	XXX	5.0	XXX	XXX	XXX
Total Residual Chlorine (TRC)	XXX	XXX	XXX	XXX	XXX	1.6
Carbonaceous Biochemical Oxygen Demand (CBOD ₅)	250	400	XXX	25	40	50
		Wkly Avg			Wkly Avg	
Biochemical Oxygen Demand (BOD ₅)						
Influent	Report	Report	XXX	Report	Report	XXX
		Wkly Avg			Wkly Avg	
Total Suspended Solids						
Influent	Report	Report	XXX	Report	Report	XXX
		Wkly Avg			Wkly Avg	
Total Suspended Solids	300	450	XXX	30	45	60
		Wkly Avg			Wkly Avg	
Total Dissolved Solids	10,000	XXX	XXX	1,000	XXX	2,000
Fecal Coliform (CFU/100 ml)						
Oct 1 - Apr 30	XXX	XXX	XXX	2,000 Geo Mean	XXX	10,000
May 1 - Sep 30	XXX	XXX	XXX	200 Geo Mean	XXX	1,000
Nitrite-Nitrate as N	Report	XXX	XXX	Report	XXX	XXX
Total Nitrogen	Report	XXX	XXX	Report	XXX	XXX
Ammonia-Nitrogen	200	XXX	XXX	20	XXX	40
Total Kjeldahl Nitrogen	Report	XXX	XXX	Report	XXX	XXX
Total Phosphorus	Report	XXX	XXX	Report	XXX	XXX
Copper, Total	Report	Report	XXX	Report	Report	XXX
Bis(2-Ethylhexyl)Phthalate	Report	Report	XXX	Report	Report	XXX
Aluminum, Total	Report	Report	XXX	Report	Report	XXX
Iron, Total	Report	Report	XXX	Report	Report	XXX
Manganese, Total	Report	Report	XXX	Report	Report	XXX

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

- Solids Management
- Combined Sewer Overflows
- Whole Effluent Toxicity Testing
- POTW Pretreatment Program Development and Implementation

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

The EPA Waiver is not in effect.

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

PA0021563, Sewage, SIC Code 4952, **Gettysburg Municipal Authority**, 601 East Middle Street, PO Box 3307, Gettysburg, PA 17325-3307. Facility Name: Gettysburg STP. This existing facility is located in Cumberland Township, **Adams County**.

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

The receiving stream, Rock Creek, is located in State Water Plan watershed 13-D and is classified for Warm Water Fishes, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

The proposed effluent limits for Outfall 001 are based on a design flow of 3.0 MGD.

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>			<i>Concentrations (mg/L)</i>		<i>Instant. Maximum</i>
	<i>Average Monthly</i>	<i>Daily Maximum</i>	<i>Minimum</i>	<i>Average Monthly</i>	<i>Weekly Average</i>	
Flow (MGD)	Report	Report	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	XXX	9.0
Dissolved Oxygen	XXX	XXX	5.0	XXX	XXX	XXX
Carbonaceous Biochemical Oxygen Demand (CBOD ₅)	250	375 Wkly Avg	XXX	10.0	15.0	20
Biochemical Oxygen Demand Raw Sewage Influent	Report	Report	XXX	Report	XXX	XXX
Total Suspended Solids Raw Sewage Influent	Report	Report	XXX	Report	XXX	XXX
Total Suspended Solids	375	563 Wkly Avg	XXX	15.0	22.5	30
Fecal Coliform (CFU/100 ml) Oct 1 - Apr 30	XXX	XXX	XXX	2,000 Geo Mean	XXX	10,000
May 1 - Sep 30	XXX	XXX	XXX	200 Geo Mean	XXX	1,000
Ultraviolet light intensity (mW/cm ²)	XXX	XXX	Report	Report	XXX	XXX
Ammonia-Nitrogen Nov 1 - Apr 30	75	XXX	XXX	3.0	XXX	6
May 1 - Oct 31	25	XXX	XXX	1.0	XXX	2
Total Phosphorus	8.5	XXX	XXX	0.6	XXX	1.2

The proposed monitoring requirements and, where appropriate, effluent limits for implementation of the Chesapeake Bay Tributary Strategy are as follows for Outfall 001.

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>			<i>Concentrations (mg/L)</i>		<i>Instant. Maximum</i>
	<i>Monthly</i>	<i>Annual</i>	<i>Monthly</i>	<i>Monthly Average</i>	<i>Maximum</i>	
Ammonia—N	Report	Report	XXX	Report	XXX	XXX
Kjeldahl—N	Report	XXX	XXX	Report	XXX	XXX
Nitrate-Nitrite as N	Report	XXX	XXX	Report	XXX	XXX
Total Nitrogen	Report	Report	XXX	Report	XXX	XXX
Total Phosphorus	Report	Report	XXX	Report	XXX	XXX
Net Total Nitrogen	Report	44,748	XXX	XXX	XXX	XXX
Net Total Phosphorus	Report	5,966	XXX	XXX	XXX	XXX

* This permit contains conditions which authorize the permittee to apply nutrient reduction credits to meet the Net Total Nitrogen and the Net Total Phosphorus effluent mass limits, under the Department's Chapter 96 regulations. The condition includes the requirement to report the application of these credits in Supplemental Discharge Monitoring Reports (DMRs) submitted to the Department.

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

- To implement requirements applicable to stormwater outfalls.
- 1,100 lbs/year of Total Nitrogen offsets was approved to be used for compliance with TN Cap Load.

You may make an appointment to review the DEP files on this case by calling the File Review Coordinator at 717-705-4732.

The EPA Waiver is not in effect.

III. WQM Industrial Waste and Sewerage Applications Under the Clean Streams Law (35 P.S. §§ 691.1—691.1001)

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

WQM Permit No. 0270464 A-2, Sewage, **Robinson Township Municipal Authority**, 4200 Campbells Run Road, Pittsburgh, PA 15205.

This existing facility is located in Robinson Township, **Allegheny County**.

Description of Proposed Action/Activity: Addition of a sludge holding tank.

WQM Permit No. 6316400, Sewage, **Peters Creek Sanitary Authority**, 3502 Lincoln Avenue, Finleyville, PA 15332.

This proposed facility is located in Peters Township, **Washington County**.

Description of Proposed Action/Activity: Realignment of Lower McCombs Road Sanitary Sewer.

Southeast Region: Clean Water Program Manager, 2 East Main Street, Norristown, PA 19401, 484.250.5900

WQM Permit No. 0903416, Sewage, Amendment, **Bucks County Water & Sewer Authority**, 1275 Almshouse Road, Warrington, PA 18976.

This proposed facility is located in Richland Township, **Bucks County**.

Description of Action/Activity: Upgrade existing wastewater pump station capacity average daily flow to 65,800 gpd.

WQM Permit No. 2316402, Sewage, **Middletown Township Sewer Authority**, P.O. Box 9, Lima, PA 19037.

This proposed facility is located in Middletown Township, **Delaware County**.

Description of Action/Activity: Extension of existing Chester Creek Interceptor Phase 2.

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

WQM Permit No. 0197405, Amendment No. 1, Sewerage, **Timeless Towns of the Americas, Inc.**, 2636 Emmitsburg Road, Gettysburg, PA 17325.

This proposed facility is located in Cumberland Township, **Adams County**.

Description of Proposed Action/Activity: Seeking permit approval for the construction/operation of a new package wastewater treatment plant to replace the existing treatment plant.

WQM Permit No. 6716404, Sewerage, **Roundtop Mountain Resort**, 925 Roundtop Road, Lewisberry, PA 17339.

This proposed facility is located in Warrington Township, **York County**.

Description of Proposed Action/Activity: Seeking permit approval to replace existing on-lot sanitary sewer systems serving Roundtop Mountain Resort with a large volume on-lot system.

WQM Permit No. 3816401, Sewerage, **South Annville Township Authority**, 811 Church Road, Lebanon, PA 17042.

This proposed facility is located in South Annville Township, **Lebanon County**.

Description of Proposed Action/Activity: Seeking permit approval for the construction/operation a sewage pump station to serve their mixed use development on the south side of SR-0422 just west of the town of Annville, PA. The pump station will be built and then dedicated to the South Annville Township Authority.

WQM Permit No. 0188405, Amendment #2, Sewerage, **Round Top Campground, LLC**, 6701 Democracy Blvd., Suite 300, Bethesda, MD 20817.

This proposed facility is located in Cumberland Township, **Adams County**.

Description of Proposed Action/Activity: Seeking permit approval for equipment replacement and upgrades to the existing wastewater treatment system at Round Top Campground.

WQM Permit No. 2816401, Sewerage, **Guilford Township Authority**, 115 Spring Valley Road, Chambersburg, PA 17202.

This proposed facility is located in Guilford Township, **Franklin County**.

Description of Proposed Action/Activity: Seeking permit approval for the Route 11 Sanitary Sewer Interceptor Project.

WQM Permit No. 2890201, Amendment No. 2, Industrial Waste, **Letterkenny Army Depot**, 1 Overcash Avenue, Building #14, Chambersburg, PA 17201-4150.

This proposed facility is located in Greene Township, **Franklin County**.

Description of Proposed Action/Activity: Seeking permit approval to change to precipitation chemicals feed system from solid to liquid and add an end of process pH adjustment system.

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

WQM Permit No. 0416201, Industrial, **Center Township Municipal Water Authority Beaver County**, 224 Center Grange Road, Aliquippa, PA 15501.

This proposed facility is located in Center Township, **Beaver County**.

Description of Proposed Action/Activity: Construction of a permanent waste treatment system replacing the temporary residuals treatment system.

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

WQM Permit No. 6216403, Sewage, **Libby Lauffenburger**, 2867 Cobham Park Road, Warren, PA 16365.

This proposed facility is located in Glade Township, **Warren County**.

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

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

Southeast Region: Waterways & Wetlands Program Manager, 2 East Main Street, Norristown, PA 19401. Telephone 484-250-5160.

<i>NPDES Permit No.</i>	<i>Applicant Name & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI01151505032	28 Industrial Boulevard, LLC 2701 Renaissance Boulevard Fourth Floor King of Prussia, PA 19406	Chester	Willistown Township Tredyffrin Township	Little Valley Creek EV

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

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

<i>NPDES Permit No.</i>	<i>Applicant Name & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI023912012(3)	Jason Christoffersen Nestle Purina Petcare 2050 Pope Road Allentown, PA 18104	Lehigh	South Whitehall Township	Jordan Creek (TSF, MF) UNT to Jordan Creek (HQ-CWF, MF)
PAI023916015	Colleen Kester PPL Electric Utilities Corporation 2 North 9th St, GENN4 Allentown, PA 18101-1179	Lehigh	City of Allentown and Salisbury Township	Trout Creek (HQ-CWF, MF) UNT to Trout Creek (HQ-CWF, MF)

Monroe County Conservation District, 8050 Running Valley Rd., Stroudsburg, PA 18360-0917

<i>NPDES Permit No.</i>	<i>Applicant Name & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI024516006	Margaret & Christopher Kinsley 149 Kinsley Lane East Stroudsburg, PA 18301	Monroe	Pocono Township	Bulgurs Run (HQ-CWF, MF) Butz Run (HQ-CWF, MF)

Northampton County Conservation District, 14 Gracedale Avenue Greystone Bldg., Nazareth, PA 18064-9211

<i>NPDES Permit No.</i>	<i>Applicant Name & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI024814022R	GeorgeAnn Custom Homes, Inc. 230 East Dell Road Bath, PA 18014	Northampton	Moore and Bushkill Townships	Bushkill Creek (HQ-CWF, MF)
PAI024816011	Green Knight Economic Development Corp. 2147 Pen Argyl Road Pen Argyl, PA 18072	Northampton	Bushkill Township, Plainfield Township and Wind Gap Borough	UNT to the Little Bushkill Creek (HQ-CWF, MF)

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

PAG-12 CAFOs

General Permit Type—PAG096117

Facility Location:

<i>Municipality and County</i>	<i>Permit No.</i>	<i>Applicant Name and Address</i>	<i>Site Name & Location</i>	<i>Contact Office & Phone Number</i>
Fallowfield Township, Washington County	PAG096117	Kirk Melenyzer Melenyzer Farms 828 Center Ave Charleroi, PA 15022	Melenyzer Farms, Bentleyville, Washington County	DEP—SWRO— Clean Water Program 400 Waterfront Drive Pittsburgh PA 15222

STATE CONSERVATION COMMISSION

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

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

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

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

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

APPLICATIONS

NUTRIENT MANAGEMENT PLAN—PUBLIC NOTICE SPREADSHEET

<i>Agricultural Operation Name and Address</i>	<i>County</i>	<i>Total Acres</i>	<i>Animal Equivalent Units</i>	<i>Animal Type</i>	<i>Special Protection Waters (HQ or EV or NA)</i>	<i>Renewal / New</i>
Joe Jurgielewicz Cheese Lane Shartlesville, PA 19554	Berks	261.6	446.51	Ducks	NA	Renewal
Melvin Huber 457 Cold Sprngs Road Elizabethhtown, PA 17022	Lancaster	53.3	437.69	Layers	None	R
Doug Wetzel Site Address: 2450 Mummasburg Road Gettysburg, PA 17325	Adams	115	415.22	Turkeys	NA	New
Mailing Address: PO Box 55 Aspers, PA 17304						
Mercer Vu Farms, Inc. 12275 Mt. Pleasant Road Mercersburg, PA 17236	Franklin	2,299	2,612	Dairy	NA	Renewal
Arlin Weaver 201 Bullshead Road Newville, PA 17241	Cumberland	416.1	687.6	Swine/ Beef	NA	New
Jonathan Stauffer Stauffer Farm 6430 Route 225 Elizabethville, PA 17023	Northumberland	184	260.4	Poultry	NA	Renewal

<i>Agricultural Operation Name and Address</i>	<i>County</i>	<i>Total Acres</i>	<i>Animal Equivalent Units</i>	<i>Animal Type</i>	<i>Special Protection Waters (HQ or EV or NA)</i>	<i>Renewal/ New</i>
Jerry Martin Hillcrest Swine Farm 121 Paradise Lane Lewisburg, PA 17837	Union	730.3	873.4	Swine	NA	Renewal
Andrew Reiff 8245 Buffalo Road Mifflinburg, PA 17844	Union	235	684.89	Swine	HQ	Renewal

PUBLIC WATER SUPPLY (PWS) PERMITS

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

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

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

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

Persons with a disability that require an auxiliary aid, service or other accommodations to participate during the 30-day public comment period should contact the office listed before the application. TDD users may contact the Department through the Pennsylvania AT&T Relay Service at (800) 654-5984.

SAFE DRINKING WATER

Applications Received Under the Pennsylvania Safe Drinking Water Act

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

Permit No. 4616514, Public Water Supply.

Applicant	Upper Dublin School District
Township	Upper Dublin
County	Montgomery
Responsible Official	Brenda Bray Business Administrator 1580 Fort Washington Avenue Maple Glen, PA 19002

Type of Facility	PWS
Consulting Engineer	Benjamin Foster, P.E. Keystone Engineering Group 590 Lancaster Avenue Suite 200 Frazier, PA 19355
Application Received Date	July 6, 2016
Description of Action	Installation of caustic soda and orthophosphate at Fort Washington Elementary School.
Permit No. 4616515 , Public Water Supply.	
Applicant	Upper Dublin School District
Township	Upper Dublin
County	Montgomery
Responsible Official	Brenda Bray Business Administrator 1580 Fort Washington Avenue Maple Glen, PA 19002
Type of Facility	PWS
Consulting Engineer	Benjamin Foster, P.E. Keystone Engineering Group 590 Lancaster Avenue Suite 200 Frazier, PA 19355
Application Received Date	July 6, 2016
Description of Action	Installation of caustic soda and orthophosphate at Upper Dublin High School.

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

Permit No. 2616507, Public Water Supply.

Applicant	Municipal Authority of Westmoreland County 124 Park & Pool Road New Stanton, PA 15672
[Township or Borough]	Upper Tyrone Township
Responsible Official	William Castelli, Distribution Facility Superintendent Municipal Authority of Westmoreland County 124 Park & Pool Road New Stanton, PA 15672
Type of Facility	Water system

Consulting Engineer Gibson-Thomas Engineering Co., Inc.
1004 Ligonier Street
Box 853
Latrobe, PA 15650

Application Received Date July 25, 2016

Description of Action Installation of the new Upper Tyrone pump station.

Permit No. 0216521, Public Water Supply.

Applicant **Harmar Water Authority**
200 Pearl Avenue
Cheswick, PA 15024

[Township or Borough] Harmar Township

Responsible Official John B. Colpo, Vice Chairman
Harmar Water Authority
200 Pearl Avenue
Cheswick, PA 15024

Type of Facility Water system

Consulting Engineer Gannett Fleming, Inc.
554 South Erie Street
Mercer, PA 16137

Application Received Date July 20, 2016

Description of Action Installation of the Guys Run booster pump station.

MINOR AMENDMENT

Applications Received under the Pennsylvania Safe Drinking Water Act

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

Application No. 0216520MA, Minor Amendment.

Applicant **Pittsburgh Water & Sewer Authority**
Penn Liberty Plaza I
1200 Penn Avenue
Pittsburgh, PA 15222

[Township or Borough] City of Pittsburgh

Responsible Official Robert A. Weimar, Interim Director of Engineering and Construction
Pittsburgh Water & Sewer Authority
Penn Liberty Plaza I
1200 Penn Avenue
Pittsburgh, PA 15222

Type of Facility Water system

Consulting Engineer Hatch, Mott, MacDonald
1600 West Carson Street
Pittsburgh, PA 15219

Application Received Date July 19, 2016

Description of Action Installation of approximately 1,238 feet of waterline.

WATER ALLOCATIONS

Applications received under the act of June 24, 1939 (P.L. 842, No. 365) (35 P.S. §§ 631—641) relating to the Acquisition of Rights to Divert Waters of the Commonwealth

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

WA56-1010, Water Allocations. **Conemaugh Township Municipal Authority**, 113 South Main Street, Davidsville, PA 15928, **Somerset County**. The applicant is requesting the right to purchase 100,000 gallons of water per day, peak month, from the Somerset County General Authority.

WA56-1011, Water Allocations. **Municipal Authority of the Borough of Somerset**, PO Box 71, Somerset, PA 15501, **Somerset County**. The applicant is requesting the right to purchase a minimum of 900,000 gallons of water per day, peak month, from the Somerset County General Authority.

WA2-920B, Water Allocations. **Aleppo Township Authority**, 100 North Drive, Sewickley, PA 15143, **Allegheny County**. The applicant is requesting the right to purchase 1,000,000 gallons of water per day, peak day, from the West View Water Authority.

WA2-920C, Water Allocations. **Aleppo Township Authority**, 100 North Drive, Sewickley, PA 15143, **Allegheny County**. The applicant is requesting the right to purchase 250,000 gallons of water per day, peak day, from the Sewickley Water Authority.

LAND RECYCLING AND ENVIRONMENTAL REMEDIATION

**UNDER ACT 2, 1995
PREAMBLE 1**

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

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

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

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

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

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

St. Vincent de Paul Church, 260 North 2nd Street, Girardville Borough, **Schuylkill County**. Element Environmental Solutions, Inc., 61 Willow Street, PO Box 921, Adamstown, PA 19501, on behalf of St. Charles Borromeo Church, 1115 Walnut Street, Ashland, PA 17921, submitted a Notice of Intent to Remediate. Soil on a portion of the property has been found to be contaminated with No. 2 fuel oil from a former underground storage tank. The Notice of Intent to Remediate was published in the *Republican Herald* on July 22, 2016.

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

Wenger Feeds, LLC—Hempfield Mill, 3579 Hempfield Road, Lancaster, PA 17601, East Hempfield Township, **Lancaster County**. Zephyr Environmental Corporation, 1410 East Market Street, York, PA 17403, on behalf of Wenger Feeds, LLC, 101 West Harrisburg Avenue, Rheems, PA 17570, submitted a Notice of Intent to Remediate site soils contaminated with hydraulic fluid. The site will be remediated to the Residential Statewide Health Standard and continue to be used as a feed mill and feed distribution facility. The Notice of Intent to Remediate was published in the *LNP* on July 8, 2016.

Former Genco Property, 260 North 5th Avenue, Lebanon, PA 17046-4010, City of Lebanon, **Lebanon County**. RT Environmental Services, Inc., 215 West Church Road, King of Prussia, PA 19406, on behalf of Panther Representative Services, LLC, 215 North Woodland Avenue, Pittsburgh, PA 15232, and HDK99, LLC, 519 North 2nd Avenue, Lebanon, PA 17046, submitted a Notice of Intent to Remediate groundwater contaminated with petroleum hydrocarbons. The site will be remediated to the Residential Statewide Health Standard. Future use

of the site will continue to be commercial. The Notice of Intent to Remediate was published in the *Lebanon Daily News* on July 3, 2016.

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

35th Strouss Associates, (former electrical brush manufacturing facility) 1810 Lincoln Highway, North Versailles Township, **Allegheny County**. Civil & Environmental Consultants, Inc., 333 Baldwin Road, Pittsburgh, PA 15205 on behalf of 35th Strouss Associates has submitted a Notice of Intent to Remediate (NIR) to meet a combination of Statewide Health and Site-Specific standards concerning site soils contaminated with metals, volatile organic compounds (VOCs), polycyclic aromatic hydrocarbons, and groundwater contaminated VOCs and metals (most notably cadmium and 1,1,1-dichloroethene) from cleaning & degreasing activities. Intended future use of the property is non-residential. Notice of the NIR was published in the *Tribune-Review* on July 8, 2016.

OPERATE WASTE PROCESSING OR DISPOSAL AREA OR SITE

Application received, under the Solid Waste Management Act (35 P.S. §§ 6018.101—6018.1003), the Municipal Waste Planning, Recycling and Waste Reduction Act 53 P.S. §§ 4000.101—4000.1904 and regulations to operate a Solid Waste Processing or Disposal Area or Site.

Southwest Region: Regional Solid Waste Manager, 400 Waterfront Drive, Pittsburgh, PA 15222-4745. Telephone 412-442-4000.

Permit Application ID No. 300729. Latrobe Specialty Metals, 2626 Ligonier Street, Latrobe, PA 15650. Melt Shop Residual Waste Landfill, at same address. An application for a revised closure plan for a closed residual waste landfill in Latrobe Borough, **Westmoreland County** was received in the Regional Office on July 12, 2016.

AIR QUALITY

PLAN APPROVAL AND OPERATING PERMIT APPLICATIONS

The Department has developed an “integrated” plan approval, State Operating Permit and Title V Operating Permit program. This integrated approach is designed to make the permitting process more efficient for the Department, the regulated community and the general public. This approach allows the owner or operator of a facility to submit permitting documents relevant to its application for all sources related to a facility or a proposed project, affords an opportunity for public input, and provides for a decision on the issuance of the necessary permits.

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

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

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

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

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

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

PLAN APPROVALS

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

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

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

10-284G: Seneca Landfill Inc. (PO Box 1080, Mars, PA 16046) application received for the continued operation of five diesel fuel fired engines at their facility located in Jackson and Lancaster Townships, **Butler County**. This is an existing Title V facility.

10-284H: Seneca Landfill Inc. (PO Box 1080, Mars, PA 16046) application received for the construction and initial operation of two land fill gas fired electrical generator engines. Each proposed engine is rated 1,966

bhp. These sources will be located at the Seneca Landfill facility in Jackson and Lancaster Townships, **Butler County**. This is an existing Title V facility.

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

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

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

46-0026I: Global Packaging, Inc., (209 Brower Avenue, Oaks, PA 19456) for the installation of a Regenerative Thermal Oxidizer at their existing facility in Upper Providence Township, **Montgomery County**. Global Packaging recently installed a new press, Plan Approval 46-0026H, and requires additional emission controls in order to remain within its allowable permitted emission limits. The Volatile Organic Compound emission limit for the facility will remain at not to exceed 24.99 tons per year. The facility will still remain a synthetic minor. The Plan Approval will contain testing, monitoring, record-keeping requirements, and work practice standards designed to keep the sources and facility operating within all applicable air quality requirements.

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

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

48-00032A: Grand Central Sanitary Landfill, Inc. (910 W. Pennsylvania Avenue, Pen Argyl, PA 18072-9646) for their facility located in Plainfield Township, **Northampton County**. This plan approval will be incorporated into the Title V operating permit # 48-00032 through an administrative amendment at a later date, and the action will be published as a notice in the *Pennsylvania Bulletin*.

Plan approval # 48-00032A is to update the Department's Best Available Technology (BAT) requirements in the current Title V Operating Permit (TVOP) related to fugitive dust control from roads.

The requirements in the current TVOP related to fugitive dust control from roadways are outdated and were from the PADEP's 1996 Best Available Technology (BAT) and Other Permitting Criteria for Municipal Solid Waste Landfills, since then the Department has revised BAT criteria for controlling fugitive dust in June 2009. This Plan Approval is being submitted by the company to incorporate the current BAT requirements for fugitive dust control into their TVOP to replace the outdated requirements.

The landfill has not requested any increase or change to any current emission limitation or restriction.

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

Any person(s) wishing to provide DEP with additional information which they believe should be considered prior to the issuance of this permit may submit the information to the address shown in the preceding paragraph. Each written comment must contain the name, address and

telephone number of the person submitting the comments, identification of the proposed permit No.: 48-00032A and a concise statement regarding the relevancy of the information or objections to the issuance of the permit.

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

PA 66-00001G: Procter and Gamble Company (P.O. Box 32, Route 87 South, Mehoopany, PA 18629) for the Modification of seven (7) existing diaper line in order to increase manufacturing capabilities.

As a result in the higher production speeds the PM, PM₁₀, and PM_{2.5} emissions will increase slightly additionally, there will be a slight increase in VOC emissions as well due to the increase production rates of the modified diaper lines. The slight increase in emissions will not require any changes or additions to the current control devices as it has been determined that the current control equipment will be able to handle the increased speed of the machines. Additionally there will be no change to emission limits for the sources that have already been established in the facilities current Title V Permit in Washington Township, **Wyoming County**.

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

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

34-03009A: D&S Shavings (504 Pine Grove Drive, Mifflintown, PA 17059) for a log shaver operation located in Fermanagh Township, **Juniata County**. This Plan Approval addresses the following existing equipment: three log shavers, two 12 mmBTUs/hr dryers, and shakers/screens, controlled by cyclones. The estimated annual potential emissions based on 8,760 hours are: NO_x 35.44 tpy, CO 43.4 tpy, PM 37.52 tpy, and PM₁₀ of 20.5 tpy. Review by DEP of the information submitted by the applicant indicates that the air contamination sources as constructed or modified will comply with all regulatory requirements pertaining to air contamination sources and the emission of air contaminants including the best available technology requirement (BAT) of 25 Pa. Code §§ 127.1 and 127.12. Based on these findings, the Department proposes to issue a Plan Approval for the proposed construction. If, after the project has been implemented, the Department determines that the sources are constructed and operated in compliance with the plan approval conditions and the specifications of the application for plan approval, the requirements established in the plan approval may be incorporated into a State-Only Operating Permit.

OPERATING PERMITS

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

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

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

59-00005: Dominion Transmission Inc. (925 White Oaks Blvd. Bridgeport, WV 26330) for renewal of the Title V operating permit for their Sabinsville Compressor station located in Clymer Township, **Tioga County**. The facility is currently operating under Title V Operating Permit 59-00005. The facility's sources include one 25.2 million Btu per hour heater; 18 natural-gas fired combustion units with a combined maximum heat input rating of 3.773 million Btus per hour; five 1,300 brake-horsepower natural-gas fired engines; two 2,000 brake-horsepower natural-gas fired engines; one 2,370 brake-horsepower natural gas-fired engine controlled by an oxidation catalyst; one 5,810 brake-horsepower natural gas-fired turbine controlled by an oxidation catalyst; eight 65 kilowatt micro-turbines; one 12.07 million Btu per hour natural gas-fired salt bath heater; one 3.0 million Btu per hour natural gas-fired boiler; one 576 brake-horsepower diesel-fired emergency engine; one 150 brake-horsepower natural gas-fired emergency engine, 19 storage tanks; emergency gas blowdown; engine transition vents; and miscellaneous sources determined to be of minor significance. The facility has actual annual emissions of 45.57 tons of carbon monoxide, 36.11 tons of nitrogen oxides, 0.07 ton of sulfur oxides, 3.32 tons of particulate matter including particulate matter less than 10 microns in size, 3.32 tons of particulate matter less than 2.5 microns in size, 15.55 tons of volatile organic compounds, 7.75 tons of hazardous air pollutants, and 13,376.20 tons of greenhouse gases. The emission limits, throughput limitations and work practice standards along with testing, monitoring, record keeping and reporting requirements have been included in the operating permit to ensure the facility complies with all applicable Federal and State air quality regulations. These operating permit conditions have been derived from the applicable requirements of 40 CFR Part 60 Subpart Dc, 40 CFR Part 60 Subpart JJJJ, 40 CFR Part 60 Subpart KKKK, 40 CFR Part 63 Subpart ZZZZ, 40 CFR Part 63 Subpart DDDDD, 40 CFR Part 63 Subpart YYYYY, and Pa. Code Title 25, Article III, Chapters 121—145. All pertinent documents used in the evaluation of the application are available for public review during normal business hours at the Department's Northcentral Regional office, 208 West Third Street, Suite 101, Williamsport, PA 17701. Appointments for scheduling a review must be made by calling 570-327-0550.

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

Contact: Tom Joseph, P.E., Engineering Manager—Telephone: 412-442-4336.

TVOP-32-00129: Dominion Transmission, Inc. (500 Dominion Blvd. -2N, Glen Allen, VA 23060) In accordance with 25 Pa. Code §§ 127.424, 127.425 and 127.521, the Department of Environmental Protection (DEP) is providing notice that it intends to issue a Title V Operating Permit renewal to Dominion Transmission, Inc. for Rochester Mills Compressor Station located in North Mahoning Township, **Indiana County**.

Rochester Mills Compressor Station (RM) supports Dominion's natural gas production operations. Sources and

the control devices at this facility include (2) 4-cycle, rich burn, 440 bhp Ingersoll Rand engines, a Dehydrator and still, an Emergency Generator, several Tanks and a Thermal Oxidizer.

This facility has the emissions of the following type and quantity of air contaminants (on an annual basis reported in 2015): 4.88 tons of carbon monoxide, 136.76 tons of nitrogen oxides, 0.476 ton of particulate matter, 0.017 ton of sulfur oxides, 6.62 tons of volatile organic compounds and 0.35 ton of HAPs. The emission restriction, testing, monitoring, recordkeeping, reporting and work practice conditions of the TVOP have been derived from the applicable requirements of 40 CFR Parts 63 and 25 Pa. Code Chapters 121—145.

A person may oppose the proposed Title V Operating Permit by filing a written protest with the Department through Noor Nahar via mail to Pennsylvania Department of Environmental Protection, 400 Waterfront Drive, Pittsburgh, PA 15222; email to naharr@pa.gov; or fax to 412.442.4194. Additional written comments may also be submitted. Each protest or set of written comments must contain the name, address and telephone number of the person submitting the comments, identification of the proposed Title V Operating Permit (TVOP-32-00129) and a concise statement of the objections to the Operating Permit issuance and the relevant facts upon which the objections are based.

Rochester Mills Compressor Station Title V Operating Permit application, the Department's Air Quality Review Memorandum, and the Proposed Air Quality Operating Permit for this facility are available for review by any interested party at the Pennsylvania Department of Environmental Protection, Southwest Regional Office, 400 Waterfront Drive, Pittsburgh, PA 15222. To request a review of the Rochester Mills Compressor Station Title V Operating Permit application, to receive an electronic copy of the Department's Air Quality Review Memorandum, or to receive an electronic copy of the Department's proposed Air Quality Operating Permit for this facility, a person may contact Phil Bouse at pbouse@pa.gov or 412.442.4000.

For additional information you may contact Noor Nahar at 412.442.5225.

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

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

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

41-00041: Lonza, Inc. (3500 Trenton Ave., Williamsport, PA 17701-7924) for renewal of a State-Only (synthetic minor) operating permit for operation of its Williamsport facility located in the City of Williamsport, **Lycoming County**. The facility incorporates Acrawax processing equipment and particulate matter (PM) control devices; halohydantoin manufacturing and processing equipment and PM and scrubber control devices; resins and solid Glydant productions systems and PM and scrubber control devices; a building 30 chemical process area and scrubber control device; two E. Keeler Co. model DK-9-9 boilers each rated 33 MMBtus/hr, three 6 MMBtus/hr natural gas-fired boilers, one 3 MMBtu/hr natural gas-fired boiler, wastewater treatment plant, four natural gas-fired emergency generators ranging from 27 brake-horsepower to 254 brake-horsepower, one 145

brake-horsepower diesel-fired fire pump, multiple storage tanks, and other air contaminant sources exempted through the execution of various Requests for Determinations. The facility has the potential to emit up to 97.77 tons of PM/PM₁₀/PM_{2.5}, 0.42 ton of HAPs, 90.84 tons of SO_x, 46.02 tons of NO_x, 23.74 tons of VOCs, 12.80 tons of CO per year, and 60,341.33 tons of greenhouse gases (as carbon dioxide equivalent).

The boilers are subject to 40 CFR Part 60, Subpart Dc—Standards of Performance for Small Industrial-Commercial-Institutional Steam Generating Units and 40 CFR Part 63 Subpart JJJJJ—National Emission Standards for Hazardous Air Pollutants for Area Sources. The natural gas-fired emergency generators are subject to 40 CFR Part 60, Subpart JJJJ—Standards of Performance for Stationary Spark Ignition Internal Combustion Engines and 40 CFR Part 63, Subpart ZZZZ—National Emission Standards for Hazardous Air Pollutants for Stationary Reciprocating Internal Combustion Engines. The diesel-fired fire pump engine is subject to 40 CFR Part 63, Subpart ZZZZ—National Emission Standards for Hazardous Air Pollutants for Stationary Reciprocating Internal Combustion Engines. The storage tanks are subject to Subpart Kb of the Standards of Performance for Volatile Organic Liquid Storage Vessels Including Petroleum Liquid Storage Vessels for Which Construction, Reconstruction, or Modification Commenced After July 23, 1984. The stationary fuel combustion sources at the facility are subject to 40 CFR Part 98, Subpart A—Mandatory Greenhouse Gas Reporting.

The emission limits, throughput limitations and work practice standards along with testing, monitoring, record keeping and reporting requirements have been included in the operating permit to ensure the facility complies with all applicable Federal and State air quality regulations. These operating permit conditions have been derived from the applicable requirements of 25 Pa. Code Chapters 121—145 as well as 40 CFR Parts 60, 63, and 98. All pertinent documents used in the evaluation of the application are available for public review during normal business hours at the Department's Northcentral Regional office, 208 West Third Street, Suite 101, Williamsport, PA 17701. Appointments for scheduling a review must be made by calling 570-327-0550.

41-00065: Fisher Mining Company (40 Choate Circle, Montoursville, PA 17754-9791) to issue a renewal State-Only Operating Permit for the Thomas Site located in Pine Township, **Lycoming County**. The facility is currently operating under State-Only Operating Permit 41-00065. The facility's main sources include a coal preparation plant consisting of various crushers, screens, conveyors and stockpiles, as well as minor combustion sources and parts washers. The facility has potential emissions of 0.29 TPY of CO; 0.71 TPY of NO_x; 5.04 TPY of SO_x; 1.43 TPY of PM/PM₁₀; 2.77 TPY of VOCs; 0.06 TPY HAPs; 1,312 TPY GHGs. The coal prep plant is subject to 40 CFR Part 60, Subpart Y—Standards of Performance for Coal Preparation and Processing Plants. The emission limits and work practice standards along with testing, monitoring, record keeping and reporting requirements have been included in the operating permit to ensure the facility complies with all applicable Federal and State air quality regulations. These operating permit conditions have been derived from the applicable requirements of Title 25 Pa. Code Chapters 121—145, as well as 40 CFR Part 60. All pertinent documents used in the evaluation of the application are available for public review during normal business hours at the Department's Northcentral Regional office, 208 West Third Street, Suite

101, Williamsport, PA 17701. Appointments for scheduling a review must be made by calling 570-327-0550.

53-00012: Patterson Lumber Co., Inc. (95 West Street, Galeton, PA 16922) to issue a renewal State-Only Operating Permit for their Galeton facility located in West Branch Township, **Potter County**. The facility is currently operating under State-Only Operating Permit 53-00012. The facility's main sources include twelve (12) lumber dry kilns, one (1) wood fired boiler, and a mill operation.

The facility has potential emissions of 14.24 tons per year of nitrogen oxides, 35.23 tons per year of carbon monoxide, 1.17 ton per year of sulfur oxides, 23.90 tons per year of particulate matter, 3.02 tons per year of volatile organic compounds including total hazardous air pollutants (HAPs). No emission or major equipment changes are being proposed by this action. The wood fired boiler is subject to 40 CFR Part 63, Subpart JJJJJ—National Emission Standards for Hazardous Air Pollutants for Industrial, Commercial and Institutional Boilers Area Sources. The emission limits, throughput limitations and work practice standards along with testing, monitoring, record keeping and reporting requirements have been included in the operating permit to ensure the facility complies with all applicable Federal and State air quality regulations. These operating permit conditions have been derived from the applicable requirements of 25 Pa. Code Chapters 121—145 as well as 40 CFR Part 63. All pertinent documents used in the evaluation of the application are available for public review during normal business hours at the Department's Northcentral Regional office, 208 West Third Street, Suite 101, Williamsport, PA 17701. Appointments for scheduling a review must be made by calling 570-327-0550.

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

Contact: Tom Joseph, P.E., Engineering Manager— Telephone: 412-442-4336.

65-00792: Metalor Electrotechnics (USA) Corporation (1003 Corporate Lane, Export, PA 15632) In accordance with 25 Pa. Code §§ 127.424 and 127.425, notice is hereby given that the Pennsylvania Department of Environmental Protection (DEP) intends to issue an Air Quality State Only Operating Permit (SOOP) renewal to Metalor Electrotechnics to authorize the operation of a facility that manufactures electrical contacts and contact assemblies that perform the simple, but critical, function of completing or breaking an electrical circuit. The facility is located in Murrysville Borough, **Westmoreland County**.

The facility manufactures these products using either standard powder metallurgical processes or melt/cast technology. Sources at this facility are: melt shop with electric induction furnace, metallic powder operation, vertical belt sanders, electric belt furnaces, horizontal belt sander, salt batch etch, silver cyanide plating, refractory powder operation, silver powder production, LT finish and two emergency generators. Control devices include several bag houses throughout the building. Estimated emissions from this facility after control are 2.54 tpy of PM₁₀, 2.75 tpy of NO_x, 0.08 tpy of SO₂, 0.58 tpy of CO, 3.44 tpy of VOC and 3.35 tpy of HAPs. The proposed SOOP contains emission restriction, testing, monitoring, record-keeping, reporting and work practice standards derived from the applicable requirements of 25 Pa. Code Chapters 121—145.

A person may oppose the proposed State Only Operating Permit by filing a written protest with the Depart-

ment through Noor Nahar via mail to Pennsylvania Department of Environmental Protection, 400 Waterfront Drive, Pittsburgh, PA 15222. Each protest or set of written comments must contain the name, address and telephone number of the person submitting the comments, identification of the proposed State Only Operating Permit (56-00119) and a concise statement of the objections to the Operating Permit issuance and the relevant facts upon which the objections are based.

West Salisbury' State-Only Operating Permit application, the Department's Air Quality Review Memorandum, and the Proposed Air Quality Operating Permit for this facility are available for review by any interested party at the Pennsylvania Department of Environmental Protection, Southwest Regional Office, 400 Waterfront Drive, Pittsburgh, PA 15222. To request a review of the West Salisbury' State-Only Operating Permit application, to receive an electronic copy of the Department's Air Quality Review Memorandum, or to receive an electronic copy of the Department's proposed Air Quality Operating Permit for this facility, a person may contact Phil Bouse at pbouse@pa.gov or 412.442.4000.

All comments must be received prior to the close of business 30 days after the date of this publication.

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

Contact: Dave Balog, New Source Review Chief— Telephone: 814-332-6940.

43-00308: Ergon Trucking, Inc (944 New Castle Mercer Road, Mercer, PA 16137) for a renewal Synthetic Minor Permit to operate a crude oil storage and dispensing plant in East Lackawannock Township, **Mercer County**. The emitting sources include three crude oil storage tanks and one loading rack. The facility has taken a throughput restriction of 39,000,000 gallons per year to keep the VOC emission less than 50 tons per year. Thus, the facility is Synthetic Minor. The facility provided the potential emissions in the permit application after taking the limitations as follows: Volatile Organic Compound (VOC)—49.59 TPY (Tons per year), Benzene: 0.34 TPY, Cumene: 0.04 TPY, Ethylbenzene: 0.16 TPY, Hexane: 0.27 TPY, Toluene: 0.43 TPY.

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

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

S14-016: Thomas Jefferson University & Hospital (214 S 11th St, Philadelphia, PA 19107) for the operation of a hospital in the City of Philadelphia, **Philadelphia County**. The facility's air emission source includes 18 (eighteen) emergency generators.

The operating permit will be issued under 25 Pa. Code, Philadelphia Code Title 3 and Air Management Regulation XIII. Permit copies and other supporting information are available for public inspection at AMS, 321 University Avenue, Philadelphia, PA 19104. For further information, contact Edward Wiener at (215) 685-9426.

Persons wishing to file protest or comments on the above operating permit must submit the protest or comments within 30 days from the date of this notice. Any protests or comments filed with AMS must include a concise statement of the objections to the permit issuance and the relevant facts upon which the objections are based. Based upon the information received during the public comment period, AMS may modify the operating permit or schedule a public hearing. The hearing notice

will be published in the *Pennsylvania Bulletin* and a local newspaper at least thirty days before the hearing.

COAL AND NONCOAL MINING ACTIVITY APPLICATIONS

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

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

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

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

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

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

Coal Applications Received

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

56841328 and NPDES No. PA0033677. Rosebud Mining Company, (301 Market Street, Kittanning, PA 16201). To revise the permit for the Mine 78 in Paint Township, **Somerset County**, Adams and Croyle Townships, **Cambria County** and related NPDES permit for addition of a sludge disposal borehole and associated pipelines at the St. Michael Treatment Plant. Surface

Acres Proposed 7.3. No additional discharges. The application was considered administratively complete on July 19, 2016. Application received August 21, 2015.

30121301 and NPDES No. PA0236195. Consol Pennsylvania Coal Company LLC, (1000 Consol Energy Drive, Canonsburg, PA 15317). To revise the permit for the Harvey Mine in Richhill and Morris Townships, **Greene County** and related NPDES permit to revise 2,380 underground and subsidence control acres from development to longwall mining. No additional discharges. The application was considered administratively complete on July 18, 2016. Application received November 10, 2016.

30121301 and NPDES No. PA0236195. Consol Pennsylvania Coal Company LLC, (1000 Consol Energy Drive, Canonsburg, PA 15317). To revise the permit for the Harvey Mine in Richhill, Morris and Washington Townships, **Greene County** and related NPDES permit to revise 2325 underground and subsidence control boundary from development only to longwall mining. No additional discharges. The application was considered administratively complete on July 21, 2016. Application received March 14, 2016.

56743704 and NPDES No. PA0214931. Robindale Energy Services, Inc., (224 Grange Hall Road, PO Box 228, Armagh, PA 15920). To renew the permit for the Penn Pocahontas Coal Refuse Site in Brothersvalley Township, **Somerset County** and related NPDES permit. No additional discharges. The application was considered administratively complete on July 22, 2016. Application received January 27, 2016.

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

Permit No. 56090107 and NPDES No. PA0262790. Fieg Brothers, 3070 Stoystown Road, Stoystown, PA 15563, permit renewal for the continued operation and restoration of a bituminous surface and auger mine in Stonycreek Township, **Somerset County**, affecting 37.5 acres. Receiving stream: unnamed tributary to Stonycreek classified for the following use: cold water fishes. There are no potable water supply intakes within 10 miles downstream. Application received: July 20, 2016.

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

03080105 and NPDES Permit No. PA0251534. Britt Energies, Inc. (P.O. Box 515, Indiana, PA 15701). Renewal application for reclamation only to an existing bituminous surface mine, located in Plumcreek Township, **Armstrong County**, affecting 63.9 acres. Receiving streams: unnamed tributaries to Cherry Run and Cherry Run, classified for the following use: CWF. There is no potable water supply intake within 10 miles downstream from the point of discharge. Renewal application received: July 14, 2016.

26050110 and NPDES Permit No. PA0250783. Albert F. Stiffler (141 Locust Road, Box 42-C, Normalville, PA 15469). Renewal application for continued mining and augering to an existing bituminous surface mine, located in Saltlick Township, **Fayette County**, affecting 156.9 acres. Receiving stream: unnamed tributary to Little Champion Creek, classified for the following use: CWF. There is no potable water supply intake within 10 miles downstream from the point of discharge. Renewal application received: July 21, 2016.

Pottsville District Mining Office: 5 West Laurel Boulevard, Pottsville, PA 17901, 570-621-3118.

Permit No. 40110201R. Mineral Reclamation, LLC, (PO Box 866, Pittston, PA 18640), renewal of an existing anthracite surface mine, coal refuse reprocessing, refuse disposal and preparation plant operation in Avoca and Duryea Boroughs, **Luzerne County** affecting 25.3 acres, receiving stream: Mill Creek, classified for the following use: cold water fishes. Application received: July 18, 2016.

Permit No. 40-305-007GP12R. Mineral Reclamation, LLC, (PO Box 866, Pittston, PA 18640), renewal

application to operate a coal preparation plant whose pollution control equipment is required to meet all applicable limitations, terms and conditions of General Permit, BAQ-GPA/GP-12 on Surface Mining Permit No. 40110201 in Avoca and Duryea Boroughs, **Luzerne County**. Application received: July 18, 2016.

Noncoal Applications Received

Effluent Limits—The following effluent limits will apply to NPDES permits issued in conjunction with a noncoal mining permit:

<i>Parameter</i>	<i>Table 2</i>		
	<i>30-day Average</i>	<i>Daily Maximum</i>	<i>Instantaneous Maximum</i>
Suspended solids	10 to 35 mg/l	20 to 70 mg/l	25 to 90 mg/l
Alkalinity exceeding acidity* pH*		greater than 6.0; less than 9.0	

* The parameter is applicable at all times.

A settleable solids instantaneous maximum limit of 0.5 ml/l applied to surface runoff resulting from a precipitation event of less than or equal to a 10-year 24-hour event. If coal will be extracted incidental to the extraction of noncoal minerals, at a minimum, the technology-based effluent limitations identified under coal applications will apply to discharges of wastewater to streams.

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

Permit No. 6476SM6 and NPDES No. PA0595365. Union Quarries, Inc., 102 Bonnybrook Road, Carlisle, PA 17013, renewal of an NPDES Permit, located in South Middleton Township, **Cumberland County**. Receiving stream: Letort Spring Run classified for the following use: exceptional value. The first downstream potable water supply intake from the point of discharge is US Army Garrison Carlisle Barracks. Application received: July 20, 2016.

Pottsville District Mining Office: 5 West Laurel Boulevard, Pottsville, PA 17901, 570-621-3118.

Permit No. 35990802. George Compton, Jr., (565 Route 247, Greenfield Township, PA 18407), Stage I & II bond release of a quarry operation in Greenfield Township, **Lackawanna County** affecting 1.0 acre on property owned by John J. & Robert J. Lally. Application received: July 8, 2016.

MINING ACTIVITY NPDES DRAFT PERMITS

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

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

Effluent Limits for Coal Mining Activities

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

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

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

* The parameter is applicable at all times.

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

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

Effluent Limits for Noncoal Mining Activities

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

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

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

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

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

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

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

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

Coal NPDES Draft Permits

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

NPDES No. PA0259675 (Permit No. 10150101). Ben Hal Mining, Inc. (389 Irishtown Road, Grove City, PA 16127) New NPDES permit for a bituminous surface mine in Marion Township, **Butler County**, affecting 56.0 acres. Receiving streams: Unnamed tributaries to Blacks Creek and Blacks Creek, classified for the following uses: CWF. TMDL: None. Application received: June 6, 2016.

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

The outfall(s) listed below discharge to unnamed tributaries to Blacks Creek and Blacks Creek:

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

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

<i>Parameter</i>	<i>Minimum</i>	<i>30-Day Average</i>	<i>Daily Maximum</i>	<i>Instant. Maximum</i>
pH ¹ (S.U.)	6.0			9.0
Iron (mg/l)		3.0	6.0	7.0
Manganese (mg/l)		2.0	4.0	5.0
Aluminum (mg/l)		2.0	4.0	5.0
Alkalinity greater than acidity ¹				
Total Suspended Solids (mg/l)		35	70	90

¹ The parameter is applicable at all times.

The outfall(s) listed below discharge to unnamed tributaries to Blacks Creek and Blacks Creek:

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

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

Parameter	Minimum	30-Day Average	Daily Maximum	Instant. Maximum
pH ¹ (S.U.)	6.0			9.0
Iron (mg/l)				7.0
Alkalinity greater than acidity ¹				
Total Settleable Solids (ml/l)				0.5

Noncoal NPDES Draft Permits

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

NPDES No. PA0234991 (Mining Permit No. 56150301) Keystone Lime Co., Inc., P.O. Box 278, Springs, PA 15562, new NPDES permit for a noncoal underground mine in Addison and Elk Lick Townships, **Somerset County**, affecting 149.1 acres. Receiving streams: Christner Run and Zehner Run classified for the following uses: high quality, cold water fishes and Big Shade Run classified for the following use: cold water fishes. The receiving streams are included in the Casselman River TMDL. Application received: February 4, 2016.

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

The outfall listed below discharges to Christner Run:

Outfall No.	New Outfall (Y/N)
007*—Treatment Facility (Infiltration Gallery)	Non-Discharge Alternative

* Located on adjacent permit LNC # 56980301 with sufficient design capacity

FEDERAL WATER POLLUTION CONTROL ACT, SECTION 401

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

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

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

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

WATER OBSTRUCTIONS AND ENCROACHMENTS

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

E44-150: PennDOT Engineering District 2-0, 70 PennDOT Drive, P.O. Box 342, Clearfield, PA 16830 in Derry Township, **Mifflin County**, U.S. Army Corps of Engineers Baltimore District.

To remove existing structure and to install and maintain a 54-linear foot 10-foot × 16.5 foot box culvert with scour protection in UNT Jacks Creek (TSF, MF) for the purpose of improving transportation safety and roadway standards. The project is located in Derry Township Mifflin County, (-40° 38' 18.9", -77° 30' 20.2"). The project proposes to permanently impact 87 linear feet of stream channel. No wetland impacts are anticipated.

E28-385: PA Department of Conservation and Natural Resources, Lurgan Townships, **Franklin County**, U.S. Army Corps of Engineers Baltimore District.

To: 1) install and maintain a 36 foot long, 7 foot wide, wood and steel pedestrian bridge with concrete abutments, stone approaches, and riprap scour protection; having an under clearance of 6 feet over Trout Run (CWF, MF); 2) remove the existing structure and install and maintain 25 feet of 24 inch diameter High Density Polyethylene (HDPE) Pipe with stone endwalls in an unnamed tributary to Trout Run (CWF, MF); and 3) remove the existing structure and install and maintain 26 feet of 18 inch diameter HDPE pipe in an unnamed tributary to Trout Run (CWF, MF). All impacts are located near the Gunter Valley Dam (Latitude: 40°8'16", Longitude: -77°40'19") and are associated with the work to remove the dam to alleviate safety concerns. No wetlands will be impacted by the specific activities above.

EA36-045: Clipper Magazine, 3708 Hempland Road, West Hempfield Township, **Lancaster County**, U.S. Army Corps of Engineers Baltimore District.

To remove approximately three feet of sediment along 700 feet of the West Branch Little Conestoga Creek (WWF, MF) for the purposes of reducing the frequency of flooding on the Clipper Magazine property. The project is located approximately 0.2 mile west of the intersection of Electronics Way and Hempland Road (Latitude: 40° 02' 32"N; Longitude: 76° 24' 58"W) in West Hempfield Township, Lancaster County. No wetlands will be impacted by this project.

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

E65-978, Plenary Walsh Keystone Partners, 2000 Cliff Mine Road, Park West Two, 3rd Floor, Pittsburgh, PA 15275, Fairfield Township, **Westmoreland County**, Pittsburgh ACOE District.

To:

1.) To remove an existing single span, concrete encased steel, I beam bridge, and construct and maintain a replacement, single span, composite, prestressed, adjacent, box beam bridge, with a span of 43' and an under clearance of 6.37' over Hendricks Creek (TSF) (aka Stream 1),

2.) Place and maintain fill within 83 linear feet of a back channel of Hendricks Creek (aka Stream 2) and relocate and maintain 83 linear feet of replacement channel to confluence with Hendricks Creek,

3.) Construct and maintain a temporary access road within Hendricks Creek (aka Stream 1) consisting of six (6) 12" corrugated pipes 27 LF,

4.) Construct and maintain temporary access within 0.003 acre of PEM wetland,

For the purpose of replacing a structurally deficient bridge. The project is located near the intersection of Love Hollow Road and Thatcher Road (Quadrangle: Wilpen; Latitude: 40° 19' 18.9"; Longitude: -79° 7' 49.8") in Fairfield Township, Westmoreland County. The project will cumulatively result in 236 linear feet of temporary impact and 225 linear feet of permanent impact stream impacts to Mill Creek and a UNT to Mill Creek and 0.04 acre of temporary wetland impact.

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

E63-07-010: MarkWest Liberty Midstream & Resources, LLC, 4600 J. Barry Court, Suite 500, Canonsburg, PA 15317, Smith Township, **Washington County**, ACOE Pittsburgh District.

MarkWest Liberty Midstream & Resources, LLC is proposing to install the Harmon Creek D to Fox pipeline that will convey natural gas from the Harmon Creek D well pad (40° 24' 19.83", -80° 23' 24.11") to the Fox processing facility (40° 24' 6.62", -80° 21' 19.69"). The project is located within the Burgettstown and Clinton USGS 7 1/2 Minute Quadrangle Maps. The project will include installation of five 20-inch welded steel gathering lines approximately 12,600 feet in length. The project is a Joint Permit Application due to the crossing of a wetland which is greater than 10 acres on National Wetland Inventory maps. The project will result in two (2) wetland crossings and three (3) watercourse crossings, resulting in a total of 5,897 ft² of temporary wetland impacts and 260 linear feet of temporary stream impacts.

Each of the following crossings will be crossed by the five (5) pipes mentioned above using the open trench method:

<i>Wetland Crossing</i>	<i>Latitude/Longitude</i>	<i>Area of Impact</i>
Wetland 10	Lat: 40° 24' 13.38",	Temporary: 0.0562 acre
Palustrine Emergent (PEM)	Long: -80° 23' 21.82"	Permanent: 0 acre
<i>Stream Crossings</i>	<i>Latitude/Longitude</i>	<i>Area of Impact</i>
UNT 74614 to Raccoon Creek	Lat: 40° 23' 51.16",	Temporary: 8 ft. by 90 ft. (720 ft ²)
(# 25564; WWF)	Long: -80° 22' 37.6"	Permanent: 0 ln. ft.

Each of the following crossings will be crossed by horizontal directional drilling by the five (5) pipes mentioned above:

<i>Wetland Crossing</i>	<i>Latitude/Longitude</i>	<i>Area of Impact</i>
Wetland 9	Lat: 40° 23' 51.30",	Temporary: 0.0792 acre
Palustrine Emergent (PEM),	Long: -80° 22' 9.67"	Permanent: 0 acre
Palustrine Scrub-Shrub (PSS)		
<i>Stream Crossings</i>	<i>Latitude/Longitude</i>	<i>Area of Impact</i>
Raccoon Creek	Lat: 40° 23' 51.06",	Temporary: 50 ft. by 82 ft. (4,100 ft ²)
(# 25564, WWF)	Long: -80° 22' 6.20"	Permanent: 0 ln. ft.
UNT 1 to Raccoon Creek	Lat: 40° 23' 51.36",	Temporary: 7 ft. by 88 ft. (616 ft ²)
(# 25564, WWF)	Long: -80° 22' 0.34"	Permanent: 0 ln. ft.

ACTIONS

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

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

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

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

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

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

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

I. NPDES Renewal Permit Actions

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

<i>NPDES No. (Type)</i>	<i>Facility Name & Address</i>	<i>County & Municipality</i>	<i>Stream Name (Watershed No.)</i>	<i>EPA Waived Y/N?</i>
PA0254282 Sewage	Michael Taylor Single Residence STP 263 Moscow Road Amity, PA 15331	Washington County Amwell Township	Ten Mile Creek (19-A)	Y
PA0046116 (Sewage)	Ridge STP PO Box 105 124 Main Street Ohiopyle, PA 15470	Fayette County Henry Clay Township	Beaver Creek (19-E)	No
PA0216208 (Sewage)	Superior MHP STP Superior Lane Aliquippa, PA 15001	Beaver County Raccoon Township	Unnamed Tributary to Service Creek (20-D)	Y

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

<i>NPDES No. (Type)</i>	<i>Facility Name & Address</i>	<i>County & Municipality</i>	<i>Stream Name (Watershed #)</i>	<i>EPA Waived Y/N?</i>
PA0050148 (Sewage)	Warwick Township Water & Sewer Authority P.O. Box 315 Jamison, PA 18929-0315	Bucks County Warwick Township	Unnamed Tributary to Neshaminy Creek (2-F)	Y

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

<i>NPDES No. (Type)</i>	<i>Facility Name & Address</i>	<i>County & Municipality</i>	<i>Stream Name (Watershed No.)</i>	<i>EPA Waived Y/N?</i>
PA0008575 A-1 (Industrial Waste)	Wirerope Works, Inc. 100 Maynard Street Williamsport, PA 17701	Lycoming County City of Williamsport	West Branch Susquehanna River (10-B)	N

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

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

NPDES Permit No. PA0244074, Sewage, **Aqua Pennsylvania Wastewater, Inc.**, 762 W. Lancaster Avenue, Bryn Mawr, PA 19010.

This proposed facility is located in Worcester Township, **Montgomery County**.

Description of Action/Activity: Issuance of an NPDES permit for an existing discharge of treated Sewage.

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

NPDES Permit No. PA0065340, Industrial, SIC Code 0782, **Stillwater Estates Poa**, 382 Stillwater Drive, Pocono Summit, PA 18346.

This existing facility is located in Coolbaugh Township, **Monroe County**.

Description of Existing Action/Activity: Issuance of an NPDES Permit Amendment for an existing Individual NPDES Pesticide Permit (Stillwater Lake) to allow for usage of copper sulfate to control filamentous algae and cyanobacteria.

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

Southeast Region: Clean Water Program Manager, 2 East Main Street, Norristown, PA 19401, 484.250.5900.

WQM Permit No. 1594414, Sewage, Transfer, **Joseph & Nancy Kelly**, 902 General Howe Drive, West Chester, PA 19382-7106.

This proposed facility is located in Westtown Township, **Chester County**.

Description of Action/Activity: Permit transfer from Amy & Keith Novak to Joseph & Nancy Kelly.

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

WQM Permit No. 6715201, Sewerage, **Hanover Foods Corp.**, 1486 York Street, PO Box 334, Hanover, PA 17331-0334.

This proposed facility is located in Penn Township, **York County**.

Description of Proposed Action/Activity: Permit approval for the construction/modifications at existing treatment plant.

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

WQM Permit No. 1616403, Sewage, **Pinebloom Corp.**, 308 Timberwolf Run, Knox, PA 16232-4072.

This proposed facility is located in Beaver Township, **Clarion County**.

Description of Proposed Action/Activity: Sand filter treatment system to replace existing lagoon system.

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

Southeast Region: Waterways & Wetlands Program Manager, 2 East Main Street, Norristown, PA 19401. Telephone 484-250-5160.

<i>NPDES Permit No.</i>	<i>Applicant Name & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI01151214	PA Turnpike Commission 700 South Eisenhower Boulevard Middletown, PA 17057	Chester Montgomery	Tredyffrin Township	Upper Merion Township Valley Creek EV-MF Trout Creek WWF

<i>NPDES Permit No.</i>	<i>Applicant Name & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI011515029	Grays Investment Properties, LP 1595 Paoli Pike, Suite 202 West Chester, PA 19380	Chester	Willistown Township	Unnamed Tributary to Little Valley Creek EV
PAI011515014	Fidelity Contracting, LLC 742 North Manor Road Elverson, PA 19520	Chester	West Nantmeal Township	East Branch Brandywine Creek HQ-TSF-MF
<i>Northeast Region: Waterways and Wetlands Program Manager, 2 Public Square, Wilkes-Barre, PA 18701-1915.</i>				
<i>NPDES Permit No.</i>	<i>Applicant Name & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI024810007R	J.G. Petrucci Company, Inc. c/o Mr. Joseph Correia 171 State Route 173 Suite 201 Asbury, NJ 08802	Northampton	Forks Township	Bushkill Creek (HQ-CWF, MF)
PAI024815018	Barnsdale Associates c/o Mr. John Tallarico 221 West Langhorne Avenue Bethlehem, PA 18017	Northampton	Freemansburg Borough and Bethlehem Township	Nancy Run (HQ-CWF, MF)
PAI023915020(2)	Mack Trucks Inc. c/o Mr. Antonio Servidoni 3350 Gehman Road Macungie, PA 18062-9631	Lehigh	Lower Macungie Township	Swabia Creek (HQ-CWF, MF)
<i>Southwest Region: Waterways and Wetlands Program Manager, 400 Waterfront Drive, Pittsburgh, PA 15222-4745.</i>				
<i>NPDES Permit No.</i>	<i>Applicant Name & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI050216001	ECHO 560 Epsilon, LLC 701 Alpha Drive Pittsburgh, PA 15238	Allegheny County	O'Hara Township	UNT to Squaw Run (HQ-WWF)
PAI050216005	Uber Advanced Technologies Center 3011 Smallman Street Pittsburgh, PA 15201	Allegheny County	City of Pittsburgh	Allegheny River (WWF)

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

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

List of NPDES and/or Other General Permit Types

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

*General Permit Type—PAG-02**Waterways & Wetlands Program Manager, 2 East Main Street, Norristown, PA 19401. Telephone 484-250-5160.*

<i>Facility Location & Municipality</i>	<i>Permit No.</i>	<i>Applicant Name & Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office & Phone No.</i>
Marple Township Delaware County	PAG02002316005	G. Antonini Realty, Inc. 3605 Winding Way Newtown Square, PA 19073	Langford Run WWF-MF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900

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

<i>Facility Location: Municipality & County</i>	<i>Permit No.</i>	<i>Applicant Name & Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office & Phone No.</i>
Upper Saucon Township Lehigh County	PAG02003916004	Ryan Clark MS—Center Valley, LLC 14390 Clay Terrace Blvd Suite 205 Carmel, IN 46032	Saucon Creek (CWF, MF)	Lehigh County Conservation District 610-391-9583
City of Allentown Lehigh County	PAG02003916008	Daryl Pfeiff Turkey Hill, LP 257 Centerville Road Lancaster, PA 17603	Jordan Creek (TSF, MF)	Lehigh County Conservation District 610-391-9583
Upper Saucon Township Lehigh County	PAG02003916002	Russel D. Urban High Hotels, Ltd. 1853 William Penn Way Lancaster, PA 17601	UNT to Saucon Creek (CWF, MF)	Lehigh County Conservation District 610-391-9583
Hanover Township Luzerne County	PAG02004013003(2)	Earth Conservancy Michael Dziak 101 South Main Street Ashley, PA 18706	Espy Run (CWF, MF)	Luzerne Conservation District 570-674-7991
Factoryville Borough and LaPlume Township Wyoming County	PAG02006616002	Keystone College P.O. Box 50 LaPlume, PA 18440	South Branch Tunkhannock Creek (TSF, MF)	Wyoming County Conservation District 570-836-2589

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

<i>Facility Location & Municipality</i>	<i>Permit No.</i>	<i>Applicant Name & Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office & Phone No.</i>
Montoursville Borough Lycoming County	PAG02004116007	Thomas Hart Williamsport Municipal Airport Authority 700 Airport Road Montoursville, PA 17754	W.B. Susquehanna River—WWF, MF	Lycoming County Conservation District 542 County Farm Rd Ste 202 Montoursville, PA 17754 (570) 433-3003

Southwest Region: Regional Waterways & Wetlands Program Manager, 400 Waterfront Drive, Pittsburgh, PA 15222-4745.

<i>Facility Location and Municipality</i>	<i>Permit No.</i>	<i>Applicant Name and Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office and Phone No.</i>
Center Township	PAG02000416015	Wagner Road, LLC P.O. Box 338 Beaver, PA 15009	UNT to Ohio River (WWF)	Beaver County Conservation District 156 Cowpath Road Aliquippa, PA 15001 (724) 378-1701

<i>Facility Location and Municipality</i>	<i>Permit No.</i>	<i>Applicant Name and Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office and Phone No.</i>
Center Township	PAG02000416017	Community College of Beaver County 1 Campus Drive Monaca, PA 15061	Crows Run (WWF) Ohio River (WWF)	Beaver County Conservation District 156 Cowpath Road Aliquippa, PA 15001 (724) 378-1701

General Permit Type—PAG-3

<i>Facility Location: Municipality & County</i>	<i>Permit No.</i>	<i>Applicant Name & Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office & Phone No.</i>
Philadelphia City Philadelphia County	PAR900025	Exelon Generation Co. LLC 3901 N. Delaware Avenue Philadelphia, PA 19137	Frankford Creek and Delaware River—3-J	DEP Southeast Regional Office Clean Water Program 2 E. Main Street Norristown, PA 19401 484.250.5970
Sandy Township Clearfield County	PAR704804	Glenn O Hawbaker Inc. 711 E College Avenue Pleasant Gap, PA 16823-6854	Sandy Lick Creek—17-C	DEP North Central Regional Office Clean Water Program 208 W Third Street Suite 101 Williamsport, PA 17701-6448 570.327.3636

General Permit Type—PAG-8

<i>Facility Location & County/Municipality</i>	<i>Permit No.</i>	<i>Applicant Name & Address</i>	<i>Site Name & Location</i>	<i>Contact Office & Phone No.</i>
Newburg-Hopewell Joint Authority Wastewater Treatment Plant Reasner Lane Newburg, PA 17240	PAG083598	Neweburg-Hopewell Joint Authority PO Box 128 Newburg, PA 17240	Same As Facility	DEP—SCRO—CW 909 Elmerton Avenue Harrisburg, PA 17110 717-705-4707

Cumberland
County/Hopewell
Township

General Permit Type—PAG-8 (SSN)

<i>Facility Location: Municipality & County</i>	<i>Permit No.</i>	<i>Applicant Name & Address</i>	<i>Site Name & Location</i>	<i>Contact Office & Phone No.</i>
Towamensing/Lower Towamensing, Carbon	WMGR-099	Synagro PO Box B 1605 Dooley Rd Whiteford, MD 21160	Seifert Farm 600 Lonesome Ln	PA DEP NERO 2 Public Square Wilkes-Barre, PA 18701-1915 (570) 826-2511
	PAG 08-2211			
	PAG 08-3565			
	PAG 07-3508			
	PAG 08-3506			
	PAG 08-2203			
	PAG 07-0003			
	PAG 08-3522			
	PAG 07-0005			
	PAG 08-0008			
	PAG 08-3515			
	PAG 08-0003			
	PAG 08-3501			
	PAG 08-3825			
	PAG 08-0004			
	PAG 08-0002			
	PAG 08-9904			
	PAG 08-3535			
	PAG 08-9910			
	PAG 08-3547			
	PAG 08-0005			
	PAG 08-3551			
	PAG 08-0006			

NOTICES

4879

*Facility Location:
Municipality &
County*

Permit No.

*Applicant Name &
Address*

*Site Name &
Location*

*Contact Office &
Phone No.*

PAG 08-3518
PAG 08-9909
PAG 08-3540
PAG 08-9905
PAG 08-9903
PABIG -9903
PAG 08-3556
PAG 08-3596
PAG 08-3567
PAG 08-0018
PAG 08-3510
PAG 08-3600
PAG 08-3573
PAG 08-3597
PAG 08-3605
PAG 08-0021
PAG 08-2219
PAG 08-0011
PAG 08-3610
PAG 08-3568
PAG 08-3611

Paul Deimler Farm
100 Numer Road
Newport, PA 17074

Juniata
Township/Perry
County

PAG080002
PAG080003
PAG080004
PAG080005
PAG080006
PAG080008
PAG080011
PAG080018
PAG080021
PAG082203
PAG082211
PAG082219
PAG083501
PAG083502
PAG083506
PAG083510
PAG083515
PAG083517
PAG083518
PAG083522
PAG083535
PAG083540
PAG083542
PAG083547
PAG083551
PAG083556
PAG083565
PAG083567
PAG083568
PAG083573
PAG083596
PAG083597
PAG083600
PAG083605
PAG083610
PAG083611
PAG083825
PAG089903
PAG089904
PAG089905
PAG089909
PAG089910
PABIG-9903
WMGR-099

Synagro 1605 Dooley Road
PO Box B
Whiteford, MD 21160

Same As Facility

DEP—SCRO—Clean
Water Program
909 Elmerton Avenue
Harrisburg, PA
17110-8200
717-705-4707

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

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

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

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

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

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

<i>Agricultural Operation Name and Address</i>	<i>County</i>	<i>Total Acres</i>	<i>AEU's</i>	<i>Animal Type</i>	<i>Special Protection Waters (HQ or EV or NA)</i>	<i>Approved or Disapproved</i>
A. Wayne Rudolph 2129 Grace Avenue Lebanon, PA 17046	Lebanon	194	186.01	Poultry—Pullets	NA	Approved
Penn Valley Farm 165 Phillips Lane Mohrsville, PA 19541	Berks	0	1,169.3	Swine	NA	Approved
Craig Finkbiner 2452 Free Spring Church Road McAlisterville, PA 17049	Juniata	490.3	971.6	Swine & Beef	NA	Approved

PUBLIC WATER SUPPLY PERMITS

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

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

and of itself, create a right of appeal beyond that permitted by applicable statutes and decisional law.

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

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

SAFE DRINKING WATER

Actions taken under the Pennsylvania Safe Drinking Water Act

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

Permit No. 0916501, Public Water Supply.

Applicant	North Penn Water Authority 300 Forty Foot Road Lansdale, PA 19446
Township	New Britain

County **Bucks**
 Type of Facility PWS
 Consulting Engineer BCM Engineers
 1920 Germantown Avenue
 Suite-200
 Plymouth Meeting, PA 19462

Permit to Construct July 13, 2016
 Issued

Permit No. 0916508, Public Water Supply.

Applicant **Borough of Quakertown**
 35 North 3rd Street
 Quakertown, PA 18951

Borough Quakertown

County **Bucks**

Type of Facility PWS

Consulting Engineer Utility Service Company, Inc.,
 Suite-100
 1230 Peachtree Street
 Atlanta, GA 30309

Permit to Construct July 22, 2016
 Issued

Permit No. 4615517, Public Water Supply.

Applicant **Superior Water Company
 A Subsidiary of Aqua
 Pennsylvania, Inc.**
 1885 Swamp Pike
 Suite-109
 Gilbertsville, PA 19525

Township New Hanover

County **Montgomery**

Type of Facility PWS

Consulting Engineer Entech Engineering, Inc.
 201 Penn Street
 Reading, PA 19601

Permit to Construct July 14, 2016
 Issued

Permit No. 4616510, Public Water Supply.

Applicant **Aqua Pennsylvania, Inc.**

Township Cheltenham

County **Montgomery**

Type of Facility PWS

Consulting Engineer GHD
 1240 North Mountain Road
 Harrisburg, PA 1711-1754

Permit to Construct July 18, 2016
 Issued

Permit No. 1516513, Public Water Supply.

Applicant **MISA Corporation**
 3982 West Lincoln Highway
 Parkesburg, PA 19365

Township East Brandywine

County **Chester**

Type of Facility PWS

Consulting Engineer James R. Holley & Associates,
 Inc.
 18 South George Street
 York, PA 17401

Permit to Construct July 20, 2016
 Issued

Permit No. 1516515, Public Water Supply.

Applicant **Pennsylvania American
 Water Co.**
 800 West Hershey Park Drive
 Hershey, PA 17033

Township City of Coatesville

County **Chester**

Type of Facility PWS

Consulting Engineer Pennsylvania American Water
 Co.
 800 West Hershey Park Drive
 Hershey, PA 17033

Permit to Construct July 22, 2016
 Issued

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

Permit No. 3396420, Permit By Rule, Public Water Supply.

Applicant **Nestle Waters North America,
 Inc.**
 305 Nestle Way
 Breinigsville, PA

[Township or Borough] Upper Macungie Twp
Lehigh Co.

Responsible Official Don Danley, Plant Manager

Type of Facility Bottled Water

Consulting Engineer Edward Davis, PE
 MBC Development L.P.
 950 East Main Street
 Schuylkill Haven, PA 17972

Application Received February 16, 2016
 Date

Description of Action The applicant was granted a permit by rule under chapter 109.1005 for the installation and operation of one additional Bottling Line 7 at the NPL East Plant (305 Plant). Nestle has complied with 109.1005(C)(1) through (5).

PWS Permit No. 396502MA.

Applicant **Lehigh County Authority**
 PO Box 3348
 Allentown, PA 18106-3348

[Township or Borough] Germansville Township
Lehigh County

Responsible Official Nathan Roush
 Lehigh County Authority
 1053 Spruce Street
 PO Box 3348
 Allentown, PA 18106-3348

Type of Facility Public Water Supply

Permit to Construct July 21, 2016
 Issued

Applicant **PA American Water**
 800 W. Hershey Park Drive
 Hershey, PA 17033

[Township or Borough] Kingston Township
Luzerne County

Responsible Official Mr. David Kaufman
Vice President-Engineering

Type of Facility Public Water Supply

Consulting Engineer Mr. William J Malos, PE
PA American Water Company
100 N Pennsylvania Avenue
Wilkes-Barre, PA

Operation Permit Issued 07/19/2016

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

Permit No. 0616503 MA, Minor Amendment, Public Water Supply.

Applicant **Birdsboro Municipal Authority**

Municipality Birdsboro Borough

County **Berks**

Responsible Official Aaron J. Durso, Borough Manager
202 East Main Street
Birdsboro, PA 19508

Type of Facility This permit is for the replacement of 168 membrane filtration modules at the existing water treatment facility.

Consulting Engineer Christina Crawford MBA, P.E.
Spotts, Stevens & McCoy, Inc.
1047 North Park Road
Reading, PA 19610-0307

Permit to Construct Issued 7/21/2016

Operation Permit No. 2814502MA issued to: **Quincy Township (PWS ID No. 7280074)**, Quincy Township, **Franklin County** on 7/21/2016 for facilities approved under Construction Permit No. 2814502 MA.

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

Permit No. 5916501-M.A.—Construction—Public Water Supply.

Applicant **Lawrenceville Borough Authority**

Township/Borough Lawrenceville Borough

County **Tioga**

Responsible Official Cleo Russell, Chairman
Lawrenceville Borough Authority
6 Mechanic Street
P.O. Box 115
Lawrenceville, PA 16929

Type of Facility Public Water Supply

Consulting Engineer Jimmie Joe Carl
9 South Maple Street
Corning, New York 14830

Permit Issued July 26, 2016

Description of Action Replacement of manganese greensand filter media in the package water treatment plant with Greensand Plus filter media.

Madisonburg Water Works (Public Water Supply)
Miles Township, **Centre County**: On March 21, 2016, the Safe Drinking Water Program approved the Source Water Protection (SWP) plan for the Madisonburg Water Works, Miles Township, Centre County. The personnel involved with the development of this SWP are to be commended for taking these proactive steps to protect these water sources for their community. Development of the SWP plan was funded by the Department of Environmental Protection (John C. Hamilton, P.E., (570) 327-3650).

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

Operations Permit issued to: **Southwestern Pennsylvania Water Authority**, PO Box 187, 1442 Jefferson Road, Jefferson, PA 15344, (**PWSID # 5300017**) Washington Township, **Greene County** on July 25, 2016 for the operation of facilities approved under Construction Permit # 3016504MA.

SEWAGE FACILITIES ACT PLAN APPROVAL

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

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

Plan Location:

Borough or Township	Borough or Township Address	County
Newtown Township, Edgemont Township and Providence Township	Multiple addresses	Delaware

On July 15, 2016, the Southeast Regional office approved the Act 537 sewage facilities plan update prepared by the Central Delaware County Authority (CDCA) on behalf of Newtown Township, Edgemont Township and Upper Providence Township, Delaware County. The plan provides for the following:

1. The CDCA Pumping Station will be upgraded from 5 MGD to 7.39 MGD annual average flow. Exhibit 4 of the Plan outlines the specific upgrades to the Pumping Station that will be completed.

2. A new 36" force main will extend from the CDCA Pumping Station to the Little Crum Creek Interceptor. The new force main will parallel the existing 24" Chester Pike force main and gravity line and will connect to the junction box on the south side of Chester Pike. The existing force main and gravity line will remain and will be used only when the new force main is under repair or in the event of an emergency.

3. Sections of the Chester Pike gravity line will be lined and replaced for rehabilitation purposes.

4. From the junction box at Chester Pike, a new 36" gravity line will parallel the existing Little Crum Creek Interceptor for a short distance to alleviate surcharging conditions.

5. The section of the Little Crum Creek Interceptor from the Chester Pike Force Main and Gravity Line to Sellers Avenue will be relined using cast in place pipe lining.

6. The section of the Little Crum Creek Interceptor from Sellers Avenue to the DELCORA Central Pumping Station will be replaced with a new 36" interceptor.

7. Additional upgrades to the Little Crum Creek Interceptor in the Sellers Avenue Special Section will include enlarging some capacity limiting sections and replacing the line in kind.

The Pumping Station is proposed to be designed, but not permitted for, an average design flow of 7.84 MGD to provide for future development growth. Additional sewage facilities planning must be completed and approved by the Department before the additional 450,000 gpd may be used.

CDCA must secure Clean Streams Law permits from the Department for the construction and operation of the proposed sewage facilities.

LAND RECYCLING AND ENVIRONMENTAL REMEDIATION

UNDER ACT 2, 1995 PREAMBLE 2

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

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

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

The Department has received the following plans and reports:

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

Wenger Feeds, LLC—Hempfield Mill, 3579 Hempland Road, Lancaster, PA 17601, East Hempfield Township, **Lancaster County**. Zephyr Environmental Corporation, 1410 East Market Street, York, PA 17403, on behalf of Wenger Feeds, LLC, 101 West Harrisburg Avenue, Rheems, PA 17570, submitted a Final Report concerning remediation of site soils contaminated with hydraulic fluid. The report is intended to document remediation of the site to meet the Residential Statewide Health Standard.

Northwest Region: Environmental Cleanup & Brownfields Program Manager, 230 Chestnut Street, Meadville, PA 16335-3481.

Portion of 1525 Pittsburgh Avenue, 1525 Pittsburgh Avenue, City of Erie, **Erie County**. Partner Engineering & Science, Inc., 100 Deerfield Lane, Suite 200, Malvern, PA 19355, on behalf of AMERCO Real Estate Company, 2727 North Central Avenue, Phoenix, AZ 85004, submitted a Final Report concerning the remediation of site groundwater contaminated with vinyl chloride. The report is intended to document remediation of the site to meet the Statewide Health Standard.

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

Chevron Facility # 206640—Neville Island (former refinery/petroleum storage facility), 500 Grand Avenue, Neville Township, **Allegheny County**. Arcadis U.S. Inc., 6041 Wallace Road Extension, Wexford, PA 15090 on behalf of Chevron Environmental Management Company, 4800 Fournace Place, E536D, Bellaire, TX 77401 has submitted a Final Report concerning the remediation of site soils and groundwater contaminated with arsenic, manganese, copper, methyl tert-butyl ether (MTBE), polynuclear aromatic hydrocarbons, volatile & semi-volatile organic compounds. Notice of the Final Report was published in the *Pittsburgh Post-Gazette* on June 30, 2016.

Nine Mile Run Development—Phase 2 (site of former Duquesne Slag Company), Browns Hill Road, City of Pittsburgh, **Allegheny County**. GAI Consultants, Inc., 385 East Waterfront Drive, Homestead, PA 15120 on behalf of Urban Redevelopment Authority, 200 Ross Street, Pittsburgh, PA 15219 has submitted a Final Report concerning the remediation of site soils contaminated with Antimony, Boron (and compounds), Iron, Manganese, Thallium, Aluminum, Copper, Lead, Mercury, and Selenium from slag related disposal. Notice of the Final Report was published in the *Pittsburgh Post-Gazette* on July 20, 2016.

LAND RECYCLING AND ENVIRONMENTAL REMEDIATION

UNDER ACT 2, 1995 PREAMBLE 3

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

Section 250.8 of 25 Pa. Code and administration of the Land Recycling and Environmental Remediation Standards Act (act) require the Department to publish in the *Pennsylvania Bulletin* a notice of its final actions on plans and reports. A final report is submitted to document cleanup of a release of a regulated substance at a site to one of the remediation standards of the act. A final report provides a description of the site investigation to characterize the nature and extent of contaminants in environmental media, the basis of selecting the environmental media of concern, documentation supporting the selection of residential or nonresidential exposure factors, a description of the remediation performed and summaries of sampling methodology and analytical results which demonstrate that the remediation has attained the cleanup standard selected. Plans and reports required by the act for compliance with selection of remediation to a site-specific standard, in addition to a final report, include a remedial investigation report, risk assessment report and cleanup plan. A remedial investigation report includes conclusions from the site investigation; concentration of regulated substances in environmental media; benefits of reuse of the property; and, in some circumstances, a fate and transport analysis. If required, a risk assessment report describes potential adverse effects caused by the presence of regulated substances. If required, a cleanup plan evaluates the abilities of potential remedies to achieve remedy requirements. A work plan for conducting a baseline remedial investigation is required by the act for compliance with selection of a special industrial area remediation. The baseline remedial investigation, based on the work plan, is compiled into the baseline environmental report to establish a reference point to show existing contamination, describe proposed remediation to be done and include a description of existing or potential public benefits of the use or reuse of the property. The Department may approve or disapprove plans and reports submitted. This notice provides the Department's decision and, if relevant, the basis for disapproval.

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

The Department has received the following plans and reports:

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

R. Lambert Well Pad 1, 493 Payne Road, Gibson Township, **Susquehanna County**. Resource Environmental, 50 Maple Street, Montrose, PA 18801, on behalf of Cabot Oil and Gas Corporation, 2000 Park Lane, Suite 300, Pittsburgh, PA 15275, submitted a Final Report concerning the remediation of site soils contaminated with Aluminum, Arsenic, Barium, Boron, Chromium, Copper, Iron, Lead, Manganese, Strontium, Vanadium, Zinc, VOCs, 1,2,4-Trimethylbenzene, 1,3,5-Trimethylbenzene and SVOCs. The Final Report demonstrated attainment of the Background and Statewide Health Standards, and was approved by the Department on July 20, 2016.

St. Francis Xavier Church, 17 Cottage Street, Friendsville Borough, **Susquehanna County**. Resource Environmental, 50 Maple Street, Montrose, PA 18801, on

behalf of St. Brigid Parish-St. Francis Xavier Church, 17 Cottage Street, Friendsville, PA 18818, submitted a Final Report concerning the remediation of site soils and groundwater contaminated with home heating oil. The Final Report demonstrated attainment of the Site-Specific and Statewide Health Standard, and was approved by the Department on July 19, 2016.

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

Pat Farrell Rental Property, 211 & 231 Stonetown Road, Birdsboro, PA 19508, Exeter Township, **Berks County**. Liberty Environmental, 50 North 5th Street, 5th Floor, Reading, PA 19601, on behalf of Mutual Benefit Group, 409 Penn Street, Huntingdon, PA 16652, and Pat Farrell, 4215 D St. Lawrence Avenue, Reading, PA 19606 submitted a Final Report concerning remediation of site soils and groundwater contaminated with # 2 fuel oil. The Final Report demonstrated attainment of the Residential Statewide Health Standard, and was approved by the Department on July 21, 2016.

Northwest Region: Environmental Cleanup & Brownfields Program Manager, 230 Chestnut Street, Meadville, PA 16335-3481.

Portion of 1525 Pittsburgh Avenue, 1525 Pittsburgh Avenue, City of Erie, **Erie County**. Partner Engineering & Science, Inc., 100 Deerfield Lane, Suite 200, Malvern, PA 19355, on behalf of AMERCO Real Estate Company, 2727 North Central Avenue, Phoenix, AZ 85004, submitted a Final Report concerning the remediation of site groundwater contaminated with vinyl chloride. The Report was disapproved by the Department on July 21, 2016.

HAZARDOUS WASTE TRANSPORTER LICENSE

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

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

New Applications Withdrawn

Schneider National Bulk Carriers, Inc., PO Box 2700, Green Bay, WI 54313. License No. PA-AH 0524. Effective May 27, 2016.

New Applications Received

Basin Transportation LLC, PO Box 1917, McAlester, OK 74502. License No. PA-AH 0848. Effective Jul 25, 2016.

REGULATED MEDICAL AND CHEMOTHERAPEUTIC WASTE TRANSPORTER LICENSE

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

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

Regulated Medical and Chemotherapeutic Waste Transporter Reissued

Environmental Maintenance Services Inc., 10 Gramar Avenue, Prospect, CT 06712. License No. PA-HC 0259. Effective Jul 20, 2016.

Regulated Medical and Chemotherapeutic Waste Transporter License Issued

Triumvirate Environmental (Florida), Inc., 3701 South West 47th Avenue, Davie, FL 33314. License No. PA-HC 0272. Effective Jul 25, 2016.

Renewal Applications Received

Environmental Maintenance Services Inc., 10 Gramar Avenue, Prospect, CT 06712. License No. PA-HC 0259. Effective Jul 20, 2016.

AIR QUALITY

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

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

Contact: Raymond Kempa, New Source Review Chief—Telephone: 570-826-2531.

GP1-39-006: Dan Schantz Farm & Greenhouses, LLC (8025 Spinnerstorm Road, Zionsville, PA, 18092) on August 1, 2016, for the operation of a Burnham Corp. Boiler at their facility in Lower Milford Township, **Lehigh County**.

GP11-64-008A: E.R. Linde Construction Company (9 Collan Park, Honesdale, PA, 18431) on July 20, 2016, for the construction and operation of (6) Six ICI Engines at their Middle Creek Quarry in Palmyra Township, **Wayne County**.

GP3-64-008A: E.R. Linde Construction Company (9 Collan Park, Honesdale, PA, 18431) on July 20, 2016, for the construction and operation of crushing operations at their Middle Creek Quarry in Palmyra Township, **Wayne County**.

GP11-58-044A: E.R. Linde Construction Company (9 Collan Park, Honesdale, PA, 18431) on July 20, 2016, for the construction and operation of (6) Six ICI Engines at their Susquehanna Quarry, Clapper # 1, 2, 3 in Oakland and Jackson Townships, **Susquehanna County**.

GP3-58-044A: E.R. Linde Construction Company (9 Collan Park, Honesdale, PA, 18431) on July 20, 2016, for the construction and operation of crushing operations at their Susquehanna Quarry, Clapper # 1, 2, 3 in Oakland and Jackson Townships, **Susquehanna County**.

GP11-58-043A: E.R. Linde Construction Company (9 Collan Park, Honesdale, PA, 18431) on July 20, 2016, for the construction and operation of (6) Six ICI Engines at their Montrose Quarry in Bridgewater Townships, **Susquehanna County**.

GP3-58-043A: E.R. Linde Construction Company (9 Collan Park, Honesdale, PA, 18431) on July 20, 2016, for the construction and operation of crushing operations at their Montrose Quarry in Bridgewater Townships, **Susquehanna County**.

GP11-52-002A: E.R. Linde Construction Company (9 Collan Park, Honesdale, PA, 18431) on July 20, 2016, for the construction and operation of (6) Six ICI Engines at their Lackawaxen Quarry in Lackawaxen Townships, **Pike County**.

GP3-58-043A: E.R. Linde Construction Company (9 Collan Park, Honesdale, PA, 18431) on July 20, 2016, for the construction and operation of crushing operations at their Lackawaxen Quarry in Lackawaxen Townships, **Pike County**.

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

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

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

36-03202A: RLB Ventures, Inc. DBA Bench Dogs (10 Industrial Way, Denver, PA 17512) on July 19, 2016, for the operation of three (3) spray booths & silk screening operations at a facility in East Cocalico Township, **Lancaster County**.

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

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

AMS IP16000146: ARCA Advanced Processing, LLC (4301 North Delaware Ave, Philadelphia, PA 19137) issued July 22, 2016 for the extension of AMS Plan Approval 14123 dated November 26, 2014, to extend the deadline date for installing the interlocking water suppression system, vacuum sweeper, backup water supply system, and continuous water flow rate monitor in the City of Philadelphia, **Philadelphia County**.

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

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

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

36-03199A: Doodad Printing LLC (72 Industrial Circle, Lancaster, PA 17601) on July 21, 2016, for construction of a printing operation at a new facility to be located in East Lampeter Township, **Lancaster County**. The operation will consist of four heatset presses controlled by a regenerative thermal oxidizer, one coldest press, and parts washers. The plan approval was extended.

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

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

08-00016B: Dalrymple Gravel & Contracting Co., Inc. (2105 South Broadway, Pine City, NY 14871) on July

19, 2016, to extend the authorization to operate the sources pursuant to the plan approval an additional 180 days from August 15 to February 11, 2017, at their facility located in Athens Township, **Bradford County**. The plan approval has been extended.

08-00016C: Dalrymple Gravel & Contracting Co., Inc. (2105 South Broadway, Pine City, NY 14871) on July 19, 2016, to extend the authorization to operate the sources pursuant to the plan approval an additional 180 days from August 15 to February 11, 2017, at their facility located in Athens Township, **Bradford County**. The plan approval has been extended.

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

Contact: Tom Joseph, P.E., Engineering Manager—Telephone: 412-442-4336.

30-00089C: Dominion Transmission, Inc. (5000 Dominion Blvd.—2 NW, Glen Allen, VA 23060) extension effective July 28, 2016, to extend the period of temporary operation of the natural gas-fired compressor turbine, microturbine generators, and boiler authorized under plan approval PA-30-00089C, until December 28, 2016, at the Crayne Compressor Station located in Franklin Township, **Greene County**.

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

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

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

23-00063: PA Dept. of Corrections/Chester SCI, (500 East 4th Street, Chester, PA 19013) on July 22, 2016, for renewal of a Non-Title V Facility, State-Only, Synthetic Minor Permit in Chester Township, **Delaware County**.

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

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

40-00085: Certech, Inc. (550 Stewart Road, Wilkes-Barre, PA 18706) issued on July 14, 2016, for the operation of a non-clay refractories operation in Hanover Township, **Luzerne County**. The sources consist of kilns, ovens, spray booths, and die cleaning operations. The emissions are controlled by afterburners and panel filters. This is a renewal of a State-Only operating permit. The State-Only operating permit includes emission limits, work practice standards, testing, monitoring, recordkeeping and reporting requirements designed to keep the facility operating within applicable air quality requirements.

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

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

36-03161: Compass Quarries, Inc. (47 McIlvaine Road, Paradise, PA 17562) on July 19, 2016, for the stone quarry operations located in Paradise Township, **Lancaster County**. The State-Only permit was renewed.

36-05011: Lancaster Terminals DE LLC (PO Box 2621, Harrisburg, PA 17105-2621) on July 19, 2016, for the bulk liquid petroleum terminal located in Manheim Township, **Lancaster County**. The State-Only permit was renewed.

01-03020: Philips Hadco (100 Craftway, Littlestown, PA 17340-1651) on July 18, 2016, for the lighting products manufacturing facility located in Littlestown Borough, **Adams County**. The State-Only permit was renewed.

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

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

55-00008: Apex Homes of PA, LLC (7172 Route 522, Middleburg, PA 17842-9488) on July 11, 2016, was issued a renewal state only operating permit for its facility located in Middlecreek Township, **Snyder County**. The facility's main sources are the Modular Home Assembly Operation, Paint Shop, and Woodworking Operations. The State-Only operating permit contains all applicable regulatory requirements including monitoring, recordkeeping and reporting conditions.

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

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

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

23-00053: Prospect DCMH, LLC (501 North Lansdowne Avenue, Drexel Hill, PA 19026-1114) on July 22, 2016, to incorporate a change in ownership of the facility from Delaware County Memorial Hospital in Upper Darby Township, **Delaware County**.

23-00052: Prospect CCMC, LLC (1 Medical Center Boulevard, Chester, PA 19013) on July 22, 2016, to amend a change of ownership from Crozer Chester Medical Center to Prospect CCMC, LLC located in Upland Borough, **Delaware County**.

15-00112: Merck Sharp & Dohme, Corp. (466 Devon Park Drive, Wayne, PA 19087; Attn: Mr. Brian Saparito) on July 26, 2016, for an administrative amendment to the State-Only Operating Permit for the facility located in Tredyffrin Township, **Chester County**.

46-00027: Janssen Research & Development, LLC (1400 McKean Road, Spring House, PA 19477) on July 22, 2016, for the pharmaceutical plant located in Lower Gwynedd Township, **Montgomery County**.

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

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

21-05036: Hempt Bros., Inc. (205 Creek Road, Camp Hill, PA 17011-7418) on July 18, 2016, for the batch asphalt manufacturing facility located in Lower Allen Township, **Cumberland County**. The State-Only permit

was administratively amended in order to correct an error in the fuel listed for the asphalt plants (natural gas vs propane).

36-03030: Allan Myers Materials PA LLC (330 Quarry Road, Leola, PA 17540-9733) on July 20, 2016, for the stone crushing operations at the Talmage Quarry located in Upper Leacock Township, **Lancaster County**. The State-Only permit was administratively amended in order to incorporate the requirements of Plan Approval No. 36-03030A.

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

Date	Source	PM ₁₀ (tons)	SO _x (tons)	NO _x (tons)	VOC (tons)	CO (tons)
9/8/2015	Touchup Coating Booth	0.006	0	0	0.38	0
Total Reported Increases		0.006	0	0	0.38	0
Allowable		0.6 ton/source 3 tons/facility	1.6 ton/source 8 tons/facility	1 ton/source 5 tons/facility	1 ton/source 5 tons/facility	4 tons/source 20 tons/facility

33-00033: Owens Brockway Glass Container—Plant 18 (Cherry Street, Brockway, PA 15824) for its facility located in Brockway Borough, **Jefferson County**. The De Minimis emission increase is for proposed blue glass production. In addition, this source is exempt from plan approval as it complies with 25 Pa. Code § 127.14(a)(8). The Department hereby approves the De Minimis emission increase. The following table is a list of the De Minimis emission increases as required by 25 Pa. Code § 127.449(i). This list includes the De Minimis emission increases since the Title V Operating Permit issuance on February 27, 2014.

Date	Source	PM ₁₀ (tons)	SO _x (tons)	NO _x (tons)	VOC (tons)	CO (tons)
7-26-16	Blue Glass Production	0.59				
Total Reported Increases		0.59				
Allowable		0.6 ton/source 3 tons/facility	1.6 ton/source 8 tons/facility	1 ton/source 5 tons/facility	1 ton/source 5 tons/facility	4 tons/source 20 tons/facility

ACTIONS ON COAL AND NONCOAL MINING ACTIVITY APPLICATIONS

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

Coal Permits Issued

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

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

Contact: Dave Balog, New Source Review Chief or Matt Williams, Facilities Permitting Chief—Telephone: 814-332-6340.

25-00035: Molded Fiber Glass Company (55 Fourth Ave., Union City, PA 16438) for its facility located in Union City Borough, **Erie County**. The De Minimis increases are a result of the addition of a touchup coating booth. The Department has started a list of De Minimis increases as prescribed in 25 Pa. Code § 127.449(i).

Since the November 16, 2012, Title V Operating Permit issuance date, Molded Fiber Glass has notified the Department of the following De Minimis emission increases:

30950701 and NPDES No. PA0215619. The Monongalia County Coal Company, (46226 National Road, Saint Clairsville, OH 43950). To transfer the permit for the Hughes Hollow Slurry Impoundment in Wayne and Gilmore Townships, **Greene County** and related NPDES permit to transfer from Consolidation Coal Company to The Monongalia County Coal Company. No discharges. The application was considered administratively complete on December 30, 2015. Application received August 7, 2015. Permit issued July 18, 2016.

33901602 and NPDES No. PA0214604. Rosebud Mining Company, (301 Market Street, Kittanning, PA 16201). To renew the permit for reclamation only for the Brockway Tipple in Snyder Township, **Jefferson County**. No additional discharges. The application was considered administratively complete on September 1, 2015. Application received February 18, 2014. Permit issued July 18, 2016.

32841317 and NPDES No. PA0037107. Rosebud Mining Company, (301 Market Street, Kittanning, PA 16201). To transfer the permit for the Lucerne No. 9 Mine in Young Township, **Indiana County** and related NPDES permit from Helvetia Coal Company to Rosebud Mining Company. No additional discharges. The application was considered administratively complete on February 22, 2016. Application received October 15, 2015. Permit issued July 18, 2016.

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

33950107. Cookport Coal Co., Inc. (425 Market Street, Kittanning, PA 16201) Renewal of an existing bituminous surface mine in Warsaw Township, **Jefferson County**, affecting 39.4 acres. Receiving streams: Two unnamed tributaries to Mill Creek. This renewal is issued for reclamation only. Application received: June 3, 2016. Permit Issued: July 19, 2016.

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

17090102 and NPDES PA0256994. RES Coal LLC (224 Grange Hall Road, P.O. Box 228, Armagh, PA 15920). Permit renewal for the continued operation and restoration of a bituminous surface and auger mine located in Decatur Township, **Clearfield County** affecting 259.4 acres. Receiving stream(s): Little Laurel Run to Moshannon Creek classified for the following use(s): CWF and MF. There are no potable water supply intakes within 10 miles downstream. Application received: January 22, 2016. Permit issued: July 11, 2016.

17990102 and NPDES No. PA0238236. RES Coal LLC (224 Grange Hall Road, P.O. Box 228, Armagh, PA 15920). Permit renewal for the continued operation and restoration of a bituminous surface and auger mine in Decatur Township, **Clearfield County** affecting 344.2 acres. Receiving stream(s): UNT to Shimel Run and Little Laurel Run classified for the following use(s): CWF. There are no potable water supply intakes within 10 miles downstream. Application received: February 8, 2016. Permit issued: July 18, 2016.

17813024 and NPDES PA060877. EnerCorp, Inc. (1310 Allport Cutoff, Morrisdale, PA 16858). Permit renewal on a bituminous surface mine for passive treatment only located in Bradford Township, **Clearfield County** affecting 8.3 acres. Receiving stream(s): Unnamed Tributary to the West Branch of Susquehanna River classified for the following use(s): WWF. There are no potable water supply intakes within 10 miles downstream. Application received: December 28, 2015. Permit issued: July 20, 2016.

Noncoal Permits Issued

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

2097-43122801-E-1. H & H Materials, Inc. (190 Canon Road, Stoneboro, PA 16153) Application for a stream encroachment to conduct mining activities within 100 feet but no closer than 50 feet of Little Shenango River for the purposes of support facility construction and maintenance in Lake Township, **Mercer County**. Receiving streams: Unnamed tributary to Little Shenango River and Little Shenango River. Application received: March 14, 2016. Permit Issued: July 18, 2016.

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

6775SM1 and NPDES PA0613819. National Limestone Quarry, Inc. (P.O. Box 397, Middleburg, PA 17842). NPDES renewal for discharge of treated mine drainage from a large noncoal surface mining site located in Franklin and Beaver Townships, **Snyder County**. Receiving stream(s): Middle Creek. Application received: May 8, 2015. Permit issued: July 20, 2016.

Pottsville District Mining Office: 5 West Laurel Boulevard, Pottsville, PA 17901, 570-621-3118.

Permit No. 58150809. Carlos R. Mendoza (1620 Pittston Avenue, Apt. 2, Scranton, PA 18505), commencement, operation and restoration of a quarry operation in Liberty Township, **Susquehanna County** affecting 5.0 acres, receiving stream: Snake Creek. Application received: July 21, 2015. Permit issued: July 20, 2016.

Permit No. 58150809GP104. Carlos R. Mendoza (1620 Pittston Avenue, Apt. 2, Scranton, PA 18505), General NPDES Stormwater Permit for stormwater discharges associated with mining activities on Surface Mining Permit No. 58150809 in Liberty Township, **Susquehanna County**, receiving stream: Snake Creek. Application received: July 21, 2015. Permit issued: July 20, 2016.

Permit No. 58160807. Bakers' Quarry (18712 Dimock to Nicholson Road, Nicholson, PA 18446), commencement, operation and restoration of a quarry operation in Lenox Township, **Susquehanna County** affecting 5.0 acres, receiving stream: Willow Brook. Application received: April 4, 2016. Permit issued: July 20, 2016.

Permit No. 58160807GP104. Bakers' Quarry (18712 Dimock to Nicholson Road, Nicholson, PA 18446), General NPDES Stormwater Permit for stormwater discharges associated with mining activities on Surface Mining Permit No. 58160807 in Lenox Township, **Susquehanna County**, receiving stream: Willow Brook. Application received: April 4, 2016. Permit issued: July 20, 2016.

ACTIONS ON BLASTING ACTIVITY APPLICATIONS

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

Blasting Permits Issued

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

08164104. Midstream Explosives LLC (289 Southside Drive, Newville PA 17241). Blasting for crank pipeline in Columbia Township, **Bradford County** with an expiration date of July 12, 2017. Permit issued: July 19, 2016.

41164101. Midstream Explosives LLC (289 Southside Drive, Newville PA 17241). Blasting for pipeline in Franklin Township, **Sullivan County** with an expiration date of July 12, 2017. Permit issued: July 22, 2016.

60164102. Midstream Explosives LLC (289 Southside Drive, Newville PA 17241). Blasting for pipeline in Union Township, **Union County** and Monroe Township, Snyder County with an expiration date of July 12, 2017. Permit issued: July 22, 2016.

Pottsville District Mining Office: 5 West Laurel Boulevard, Pottsville, PA 17901, 570-621-3118.

36164145. Keystone Blasting Service, (15 Hopeland Road, Lititz, PA 17543), construction blasting for Nolt Services Waste Storage Pit in Ephrata Township, **Lancaster County** with an expiration date of September 30, 2016. Permit issued: July 21, 2016.

39164102. American Rock Mechanics, Inc., (7531 Chestnut Street, Zionsville, PA 18092), construction blast-

ing for West Hill Business Center Buildings E & F in Weisenberg Township, **Lehigh County** with an expiration date of July 20, 2017. Permit issued: July 21, 2016.

40164108. Hayduk Enterprises, Inc., (257 Riverside Drive, Factoryville, PA 18419), construction blasting for Fairmount Township Shale Pit in Fairmount Township, **Luzerne County** with an expiration date of July 30, 2017. Permit issued: July 21, 2016.

47164101. Midstream Explosives, LLC, (289 Southside Drive, Newville, PA 17241), construction blasting for Sunbury Pipeline Montour in Anthony Township, **Montour County** with an expiration date of July 12, 2017. Permit issued: July 21, 2016.

49164101. Midstream Explosives, LLC, (289 Southside Drive, Newville, PA 17241), construction blasting for Sunbury Pipeline Northumberland in East Chillisquaque Township, **Northumberland County** with an expiration date of July 12, 2017. Permit issued: July 21, 2016.

48164001. Susquehanna Haul & Drilling, (249 Harland Street, Exeter, PA 18643), construction blasting for FED EX Hub in Allen Township, **Northampton County** with an expiration date of December 31, 2016. Permit issued: July 22, 2016.

FEDERAL WATER POLLUTION CONTROL ACT SECTION 401

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

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

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

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

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

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

Permits, Environmental Assessments and 401 Water Quality Certifications Issued:

WATER OBSTRUCTIONS AND ENCROACHMENTS

Northcentral Region: Waterways & Wetlands Program Manager, 208 West Third Street, Williamsport, PA 17701, 570-327-3636.

E49-343. W&L Sportscars, Inc., 547 Point Township Drive, Northumberland, PA 17857. W&L Subaru, in Point Township, **Northumberland County**, ACOE Baltimore District (Northumberland, PA Quadrangle N: 40° 54' 27.09" Latitude; W: 76° 46' 17.83" Longitude).

W&L Sportscars, Inc. is proposing an expansion of the existing dealership through the construction of a 31,655 square foot building with related parking, driveways, utility services, stormwater management and additional facilities.

As proposed, the project will require fill to be deposited and maintained in 0.18 acre of Palustrine Emergent (PEM) wetlands in the Susquehanna River watershed, a Chapter 93 designated Warm Water Fishery. The project, as proposed, will not have direct impact on the stream.

The applicant proposes to mitigate impacts to wetlands on-site by converting a minimum of 0.18 acre of maintained, grass field to wetlands, adjacent to an existing wetland.

E18-498. Jay P. Weaver & Marlin R. Martin, 1495 Ironstone Drive, East Earl, PA 17519. Seven Mile Lodge, in Chapman Township, **Clinton County**, ACOE Baltimore District (Young Womens Creek, PA Quadrangle N: 41°25'58.62"; W: -77°39'29.16" & N: 41°25'52.62"; W: -77°39'20.10").

To construct and maintain two steel beam wood deck bridges with 24-foot clear spans and 3-foot 8-inch underclearances to provide access over Seven Mile Run to two proposed cabins. This permit was issued under Section 105.13(e) "Small Projects." This permit also includes 401 Water Quality Certification.

Southwest Region: Waterways and Wetlands Program Manager, 400 Waterfront Drive, Pittsburgh, PA 15222-4745.

E32-512, PennDOT District 10-0, 2550 Oakland Avenue, Indiana, PA 15701, Brush Valley Township, **Indiana County**, Pittsburgh ACOE District.

Has been given consent to:

1. Remove the existing SR 56, 23' span by 8.5' underclearance bridge; construct and maintain 90 feet upstream a replacement 43' long by 24' span by 8.5' underclearance with 1' depression box culvert carrying Little Brush Creek (CWF) with a drainage area of 4.37 square miles;

2. Remove an existing SR 56, 67' long 30" RCP culvert carrying an unnamed tributary to Little Brush Creek (CWF); construct and maintain contiguous 72' long 34" by 53" SR 56 RCP culvert, 50' of relocated stream, and 33' long 34" by 53" driveway RCP culvert, with a drainage area of 119 acres;

3. In addition, place and maintain fill in 0.06 acre of Exceptional Value PEM/PSS wetland; construct and maintain roadway associated stormwater outfalls; and temporarily impact 398' of stream and 0.03 acre of PEM wetland for the purpose of constructing these encroachments. Stream mitigation will take place onsite. Wetland mitigation will take place offsite at the Indiana County Cindric Wetland Bank.

This work is associated with the SR 56 Improvement Project, beginning approximately one half mile southeast of the intersection of SR 259 and SR 56 and extending southeast one quarter mile along SR 56 (Brush Valley Quadrangle, Latitude 40° 31' 36.06", Longitude -79° 3' 33.22"); in Brush Valley Township, Indiana County.

District Oil and Gas Operations: Eastern Oil & Gas District, 208 West Third Street, Suite 101, Williamsport, PA.

E5829-109: Bridgewater Township, Williams Field Services Company, LLC; Park Place Corporate Center 2, 2000 Commerce Drive, Pittsburgh, PA 15275; Bridgewater Township, **Susquehanna County**, ACOE Baltimore District.

To construct, operate, and maintain:

1) a 10 inch diameter steel natural gas gathering pipeline and temporary timber mat bridge crossing impacting 68 lineal feet of an unnamed tributary to Snake Creek (CWF-MF) (Montrose East, PA Quadrangle; Latitude: 41° 51' 31", Longitude: -75° 49' 05"),

2) a 10 inch diameter steel natural gas gathering pipeline and timber mat crossing temporarily impacting 3,163 square feet (0.07 acre) of a palustrine emergent wetlands (PEM) (Montrose East, PA Quadrangle; Latitude: 41° 51' 31", Longitude: -75° 49' 06"),

3) a 10 inch diameter steel natural gas gathering pipeline and timber mat crossing temporarily impacting 2,397 square feet (0.06 acre) of a palustrine emergent wetlands (PEM) (Montrose East, PA Quadrangle; Latitude: 41° 51' 30", Longitude: -75° 48' 45").

The project consists of constructing approximately 1.01 mile of 10" steel natural gas gathering line located in Bridgewater Township, Susquehanna County. The project will result in 68 lineal feet of temporary stream impacts and 5,560 square feet (0.13 acre) of temporary wetland impacts all for the purpose of providing safe reliable conveyance of Marcellus Shale natural gas to market.

E5329-012: SWEPI LP, 2100 Georgetown Drive, Suite 400, Sewickley, PA 15143. Pike Township, **Potter County**, ACOE Baltimore District.

To construct, operate and maintain the Pine Creek Water Intake, which consists of one 6-inch suction line and intake structure, impacting 226 square feet of temporary impacts to Pine Creek (EV) (Marshlands, PA Quadrangle, Latitude: N41°44'18.81", Longitude: W77°37'28.90"), for the purpose of supporting Marcellus shale development.

E5829-107: Bridgewater Township, Williams Field Services Company, LLC; Park Place Corporate Center 2, 2000 Commerce Drive, Pittsburgh, PA 15275; Bridgewater Township, **Susquehanna County**, ACOE Baltimore District.

To construct, operate, and maintain:

1) a 12 inch diameter steel natural gas gathering pipelines and temporary timber mat bridge crossing impacting 49 lineal feet of an unnamed tributary to

Meshoppen Creek (CWF-MF) (Montrose East, PA Quadrangle; Latitude: 41° 48' 34", Longitude: -75° 50' 40"),

2) a 12 inch diameter steel natural gas gathering pipeline and timber mat crossing temporarily impacting 2,763 square feet (0.06 acre) of a palustrine emergent wetlands (PEM) (Montrose East, PA Quadrangle; Latitude: 41° 48' 21", Longitude: -75° 50' 57"),

3) a 12 inch diameter steel natural gas gathering pipeline and timber mat crossing temporarily impacting 3,949 square feet (0.09 acre) and permanently impacting 1,740 square feet (0.04 acre) of a palustrine scrub-shrub wetlands (PSS) (Montrose East, PA Quadrangle; Latitude: 41° 48' 26", Longitude: -75° 51' 18"),

4) a 12 inch diameter steel natural gas gathering pipelines and temporary timber mat bridge crossing impacting 51 lineal feet of an unnamed tributary to Meshoppen Creek (CWF-MF) (Montrose East, PA Quadrangle; Latitude: 41° 48' 26", Longitude: -75° 51' 19"),

5) a 12 inch diameter steel natural gas gathering pipeline and timber mat crossing temporarily impacting 2,098 square feet (0.05 acre) of a palustrine emergent wetlands (PEM) (Montrose East, PA Quadrangle; Latitude: 41° 48' 29", Longitude: -75° 51' 21"),

6) a 12 inch diameter steel natural gas gathering pipelines and temporary timber mat bridge crossing impacting 50 lineal feet of an unnamed tributary to Meshoppen Creek (CWF-MF) (Montrose East, PA Quadrangle; Latitude: 41° 48' 34", Longitude: -75° 51' 30"),

7) a 12 inch diameter steel natural gas gathering pipeline and timber mat crossing temporarily impacting 466 square feet (0.01 acre) of a palustrine emergent wetlands (PEM) (Montrose East, PA Quadrangle; Latitude: 41° 48' 36", Longitude: -75° 51' 30").

The project consists of constructing approximately 1.66 mile of 12" steel natural gas gathering line located in Bridgewater Township, Susquehanna County. The project will result in 150 lineal feet of temporary stream impacts, 9,276 square feet (0.21 acre) of temporary wetland impacts, and 1,740 square feet (0.04 acre) of permanent wetland impacts all for the purpose of providing safe reliable conveyance of Marcellus Shale natural gas to market.

E5829-108: Bridgewater and Jessup Townships, Williams Field Services Company, LLC; Park Place Corporate Center 2, 2000 Commerce Drive, Pittsburgh, PA 15275; Bridgewater and Jessup Townships, **Susquehanna County**, ACOE Baltimore District.

To construct, operate, and maintain:

1) a 10 inch diameter steel natural gas gathering pipeline and timber mat crossing temporarily impacting 2,267 square feet (0.05 acre) of a palustrine emergent wetlands (PEM) (Montrose West, PA Quadrangle; Latitude: 41° 46' 54", Longitude: -75° 55' 35"),

2) a 10 inch diameter steel natural gas gathering pipeline and timber mat crossing temporarily impacting 23,830 square feet (0.55 acre) of palustrine emergent wetlands (PEM) and temporarily impacting 4,344 square feet (0.10 acre) of a palustrine scrub-shrub wetlands (PSS) (Montrose West, PA Quadrangle; Latitude: 41° 47' 11", Longitude: -75° 55' 23"),

3) a 10 inch diameter steel natural gas gathering pipelines and temporary timber mat bridge crossing impacting 48 lineal feet of an unnamed tributary to South

Branch Wyalusing Creek (WWF-MF) (Montrose West, PA Quadrangle; Latitude: 41° 47' 11", Longitude: -75° 55' 23"),

4) a 10 inch diameter steel natural gas gathering pipeline and timber mat crossing temporarily impacting 4,986 square feet (0.11 acre) of a palustrine emergent wetlands (PEM) (Montrose West, PA Quadrangle; Latitude: 41° 47' 11", Longitude: -75° 55' 23"),

5) a 10 inch diameter steel natural gas gathering pipelines and temporary timber mat bridge crossing impacting 104 lineal feet of an unnamed tributary to South Branch Wyalusing Creek (WWF-MF) (Montrose West, PA Quadrangle; Latitude: 41° 47' 09", Longitude: -75° 55' 02"),

6) a 10 inch diameter steel natural gas gathering pipelines and temporary timber mat bridge crossing impacting 367 lineal feet of an unnamed tributary to South Branch Wyalusing Creek (WWF-MF) (Montrose West, PA Quadrangle; Latitude: 41° 47' 09", Longitude: -75° 55' 02"),

7) a temporary timber mat crossing permanently impacting 73 square feet (<0.01 acre) of a palustrine scrub shrub wetlands (PSS) (Montrose West, PA Quadrangle; Latitude: 41° 47' 09", Longitude: -75° 55' 02"),

8) a temporary timber mat bridge crossing impacting 34 lineal feet of an unnamed tributary to South Branch Wyalusing Creek (WWF-MF) (Montrose West, PA Quadrangle; Latitude: 41° 47' 09", Longitude: -75° 55' 02"),

9) a 10 inch diameter steel natural gas gathering pipeline and timber mat crossing temporarily impacting 4,181 square feet (0.10 acre) of palustrine emergent wetlands (PEM) and temporarily impacting 123 square feet (<0.01 acre) of a palustrine scrub-shrub wetlands (PSS) (Montrose West, PA Quadrangle; Latitude: 41° 47' 09", Longitude: -75° 55' 02"),

10) a 10 inch diameter steel natural gas gathering pipelines and temporary timber mat bridge crossing impacting 52 lineal feet of an unnamed tributary to South Branch Wyalusing Creek (WWF-MF) (Montrose West, PA Quadrangle; Latitude: 41° 47' 09", Longitude: -75° 55' 02").

The project consists of constructing approximately 1.31 mile of 10" steel natural gas gathering line located in Bridgewater and Jessup Townships, Susquehanna County. The project will result in 605 lineal feet of temporary stream impacts and 41,210 square feet (0.95 acre) of temporary wetland impacts all for the purpose of providing safe reliable conveyance of Marcellus Shale natural gas to market.

EROSION AND SEDIMENT CONTROL

The following Erosion and Sediment Control permits have been issued.

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

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

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

Northwest Region: Oil and Gas Program Manager, 230 Chestnut St., Meadville, PA 16335.

ESCGP-2 # ESG12-019-0135B—Wack Pipeline Major Applicant MarkWest Liberty Bluestone, LLC

Contact Mr. Richard Lowry
Address 4600 J. Barry Court, Suite 500
City Canonsburg State PA Zip Code 15317
County Butler Township(s) Lancaster
Receiving Stream(s) and Classification(s) UNT to Scholars Run and Scholars Run (WWF)

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

ESCGP-2 # ESX10-081-0017(02)
Applicant Name Anadarko E&P Onshore LLC
Contact Person Stephen Barondeau
Address 33 W Third St, Suite 200
City, State, Zip Williamsport, PA 17701
County Lycoming
Township(s) Cascade
Receiving Stream(s) and Classification(s) UNT to Slacks Run (HQ-CWF)
Secondary—Slacks Run (HQ-CWF)

ESCGP-2 # ESG29-015-16-0013
Applicant Name Talisman Energy USA Inc
Contact Person Lance Ridall
Address 337 Daniel Zenker Dr
City, State, Zip Horseheads, NY 14845
County Bradford
Township(s) Columbia & Troy
Receiving Stream(s) and Classification(s) UNT to West Branch Sugar Ck (TSF, MF)
Secondary—West Branch Sugar Ck

ESCGP-2 # ESG29-081-16-0010
Applicant Name Anadarko E&P Onshore LLC
Contact Person Stephen Barondeau
Address 33 W Third St, Suite 200
City, State, Zip Williamsport, PA 17701
County Lycoming
Township(s) McHenry
Receiving Stream(s) and Classification(s) First Big Fork (HQ-CWF); Trout Run (HQ-CWF)
Secondary—Trout Run (HQ-CWF); Pine Ck (EV)

ESCGP-2 # ESX11-027-0007(01)
Applicant Name Anadarko E&P Onshore LLC
Contact Person Stephen Barondeau
Address 33 W Third St, Suite 200
City, State, Zip Williamsport, PA 17701
County Centre
Township(s) Burnside
Receiving Stream(s) and Classification(s) UNT to Panther Run (EV); UNT to Wolf Run (CWF)
Secondary—Panther Run (EV); Wolf Run (CWF)

ESCGP-2 # ESG29-115-16-0030
 Applicant Name Cabot Oil & Gas Corp
 Contact Person Kenneth Marcum
 Address 2000 Park Lane, Suite 300
 City, State, Zip Pittsburgh, PA 15275
 County Susquehanna
 Township(s) Forest Lake
 Receiving Stream(s) and Classification(s) UNT to Middle
 Branch Wyalusing Ck (CWF)
 Secondary—Middle Branch Wyalusing Ck (CWF)

ESCGP-2 # ESG29-117-16-0027
 Applicant Name Talisman Energy USA Inc
 Contact Person Lance Ridall
 Address 337 Daniel Zenker Dr
 City, State, Zip Horseheads, NY 14845
 County Tioga
 Township(s) Jackson
 Receiving Stream(s) and Classification(s) Hammond Ck
 (CWF), Bear Ck (CWF)

ESCGP-2 # ESG29-117-16-0017
 Applicant Name Clean Energy E & P
 Contact Person Jim Schmidt
 Address P O Box 2501
 City, State, Zip Cranberry Twp, PA 16066

County Tioga
 Township(s) Delmar
 Receiving Stream(s) and Classification(s) Campbell Run
 (HQ-CWF)

ESCGP-2 # ESG29-081-16-0012
 Applicant Name Anadarko Marcellus Midstream LLC
 Contact Person Stephen Barondeau
 Address 33 W Third St, Suite 200
 City, State, Zip Williamsport, PA 17701
 County Lycoming
 Township(s) Cascade
 Receiving Stream(s) and Classification(s) UNT to Slacks
 Run (HQ-CWF)
 Secondary—Slacks Run (HQ-CWF)

ESCGP-2 # ESG29-081-16-0013
 Applicant Name Anadarko E&P Onshore LLC
 Contact Person Stephen Barondeau
 Address 33 W Third St, Suite 200
 City, State, Zip Williamsport, PA 17701
 County Lycoming
 Township(s) Cogan House
 Receiving Stream(s) and Classification(s) Wolf Run (EV),
 Flicks Run (EV)
 Secondary—Larrys Creek (EV), Blockhouse Ck (EV)

SPECIAL NOTICES

Chapter 102, Erosion and Sediment Control General Permit for Earth Disturbance Associated with Oil and Gas Exploration, Production, Processing or Treatment Operations or Transmission Facilities (ESCGP-2), Notices of Intent (NOI) under Technical Review for Sunoco Pipeline, L.P.'s PA Pipeline Project (PPP)/Mariner East II

The Department of Environmental Protection (DEP) provides notice that the Chapter 102, Erosion and Sediment Control General Permit for Earth Disturbance Associated with Oil and Gas Exploration, Production, Processing or Treatment Operations or Transmission Facilities (ESCGP-2), Notices of Intent (NOI) are currently under technical review for Sunoco Pipeline, L.P.'s PA Pipeline Project (PPP)/Mariner East II, including the associated pump and valve stations, access roads and other ancillary earth disturbance activities.

These authorizations of coverage are required for earth disturbance activities associated with oil and gas exploration, production, processing or treatment operations or transmission facilities when earth disturbance is five acres or greater. For this project, each DEP regional office has received a separate ESCGP-2 application for the portion of the project located in their region. Review of these three applications is being coordinated among the DEP regions and with the associated county conservation districts.

The ESCGP2 applications under review are as follows:

<i>NPDES Permit No.</i>	<i>Applicant Name & Address</i>	<i>Counties</i>	<i>DEP Regional Office</i>
ESG0500015001	Sunoco Pipeline L.P. (SPLP) 535 Fritztown Road Sinking Spring, PA 19608	Allegheny, Cambria, Indiana, Washington and Westmoreland	Southwest Region
ESG0300015002	Sunoco Pipeline L.P. (SPLP) 535 Fritztown Road Sinking Spring, PA 19608	Huntingdon, Juniata, Lancaster, Lebanon, Perry, York, Berks, Blair, Cumberland and Dauphin	Southcentral Region
ESG0100015001	Sunoco Pipeline L.P. (SPLP) 535 Fritztown Road Sinking Spring, PA 19608	Delaware and Chester	Southeast Region

More detailed information regarding the Southwest (ESG0500015001) ESCGP-2 NOI related to this proposed project is available in the DEP regional office and available online (dep.pa.gov/pipelines). Please contact the DEP Southwest Region file review coordinator at, 412.442.4286 to request a file review of this ESCGP-2 NOI. PADEP will accept written comments on this ESCGP-2 NOI through Tuesday, September 6, 2016. Comments on the NOI can be emailed or sent via postal mail to the Department of Environmental Protection, Southwest Regional Office, Waterways and Wetlands Program, 400 Waterfront Drive, Pittsburgh, PA 15222, RA-EPWW-SWRO@PA.GOV.

More detailed information regarding the Southcentral (ESG0300015002) ESCGP-2 NOI related to this proposed project is available in the DEP regional office and available online (dep.pa.gov/pipelines). Please contact the DEP Southcentral Region file review coordinator at, 717.705.4732 to request a file review of this ESCGP-2 NOI. PADEP will accept written comments on this ESCGP-2 NOI through Tuesday, September 6, 2016. Comments on the NOI can be emailed or sent via postal mail to the Department of Environmental Protection, Southcentral Regional Office, Waterways and Wetlands Program, 909 Elmerton Ave, Harrisburg, PA 17110, RA-EPWW-SCRO@PA.GOV.

More detailed information regarding the Southeast (ESG0500015001) ESCGP-2 NOI related to this proposed project is available in the DEP regional office and available online (dep.pa.gov/pipelines). Please contact the DEP Southeast Region file review coordinator at, 484.250.5910 to request a file review of this ESCGP-2 NOI. PADEP will accept written comments on this ESCGP-2 NOI through Tuesday, September 6, 2016. Comments on the NOI can be emailed or sent via postal mail to the Department of Environmental Protection, Southeast Regional Office, Waterways and Wetlands Program, 2 East Main Street, Norristown, PA 19401, RA-EPWW-SERO@PA.GOV.

[Pa.B. Doc. No. 16-1354. Filed for public inspection August 5, 2016, 9:00 a.m.]

Agricultural Advisory Board Meeting Cancellation

The Agricultural Advisory Board meeting scheduled for August 25, 2016, has been cancelled. The next meeting is scheduled to occur on October 27, 2016, at 9 a.m. in Susquehanna Room A, Department of Environmental Protection, Southcentral Regional Office, 909 Elmerton Avenue, Harrisburg, PA 17110.

Questions concerning the cancellation of the August 25, 2016, meeting or the October 27, 2016, meeting should be directed to Tom Juengst, Bureau of Clean Water at (717) 783-7577 or tjuengt@pa.gov. The agenda and materials for the October 27, 2016, meeting will be available on the Department of Environmental Protection's (Department) web site at www.dep.pa.gov (select "Public Participation," then "Advisory Committees," then "Water Advisory Committees," then "Agricultural Advisory Board").

Persons in need of accommodations as provided for in the Americans with Disabilities Act of 1990 should contact the Department at (717) 787-7019 or through the Pennsylvania AT&T Relay Service at (800) 654-5984 (TDD) to discuss how the Department may accommodate their needs.

PATRICK McDONNELL,
Acting Secretary

[Pa.B. Doc. No. 16-1355. Filed for public inspection August 5, 2016, 9:00 a.m.]

Availability of Technical Guidance

Technical guidance documents are available on the Department of Environmental Protection's (Department) web site at <http://www.elibrary.dep.state.pa.us/dsweb/HomePage>. The "Technical Guidance Final Documents" heading is the link to a menu of the various Department bureaus where each bureau's final technical guidance documents are posted. The "Technical Guidance Draft Documents" heading is the link to the Department's draft technical guidance documents.

Ordering Paper Copies of Department Technical Guidance

The Department encourages the use of the Internet to view and download technical guidance documents. When this option is not available, persons can order a paper

copy of any of the Department's draft or final technical guidance documents by contacting the Department at (717) 783-8727.

In addition, bound copies of some of the Department's documents are available as Department publications. Check with the appropriate bureau for more information about the availability of a particular document as a publication.

Changes to Technical Guidance Documents

Following is the current list of recent changes. Persons who have questions or comments about a particular document should call the contact person whose name and phone number is listed with each document.

Draft Technical Guidance Document: Substantive Revision

DEP ID: 563-2100-216. *Title:* Coal Mine Activity Permit Renewals. *Description:* This guidance establishes the administrative procedures and guidelines for coal mine permittees' submittal of permit renewal applications and the Department's processing and review of the applications. This update includes revision of the section on application fees and corrections to Bureaus and document names and references.

Written Comments: Interested persons may submit written comments on this draft technical guidance document by Tuesday, September 6, 2016. Comments submitted by facsimile will not be accepted. Comments, including comments submitted by e-mail must include the originator's name and address. Commentators are encouraged to submit comments using the Department's online eComment at www.ahs.dep.pa.gov/eComment. Written comments should be submitted to the Technical Guidance Coordinator, Department of Environmental Protection, Policy Office, Rachel Carson State Office Building, P.O. Box 2063, Harrisburg, PA 17105-2063 or ecomment@pa.gov.

Contact: Questions regarding this technical guidance document should be directed to Greg Greenfield at (717) 787-3174 or grgreenfie@pa.gov.

Effective Date: Upon publication as final in the *Pennsylvania Bulletin*.

PATRICK McDONNELL,
Acting Secretary

[Pa.B. Doc. No. 16-1356. Filed for public inspection August 5, 2016, 9:00 a.m.]

Planning Grant Awards under Section 901 of the Municipal Waste Planning, Recycling and Waste Reduction Act, Act 101 of 1988

The Department of Environmental Protection announces the following grants to Wyoming County, Lebanon County and Allegheny County under section 901 of the Municipal Waste Planning, Recycling and Waste Reduction Act (act) (53 P.S. § 4000.901) and section 208 of the Small Business and Household Pollution Prevention Program Act (35 P.S. § 6029.208).

Planning grants are awarded to counties for 80% of approved costs for preparing municipal waste management plans as required by the act for carrying out related studies, surveys, investigations, inquiries, research and analysis, including those related to siting, environmental mediation, education programs on pollution prevention and household hazardous waste (HHW) and providing technical assistance to small businesses for pollution prevention. Grants may be awarded for feasibility studies and project development for municipal waste processing or disposal facilities, except for facilities for the combustion of municipal waste that are not proposed to be operated for the recovery of energy. All grant awards are predicated on the receipt of recycling fees required by sections 701 and 702 of the act (53 P.S. §§ 4000.701 and 4000.702), and the availability of funds in the Recycling Fund.

Inquiries regarding the grant offerings should be directed to Mark Vottero, Department of Environmental Protection, Bureau of Waste Management, Division of Waste Minimization and Planning, P.O. Box 8472, Harrisburg, PA 17105-8472 at (717) 772-5719 or mvottero@pa.gov.

Act 101, Section 901 Planning Grant

<i>Region</i>	<i>County</i>	<i>Applicant</i>	<i>Project</i>	<i>Grant</i>
Northeast	Wyoming	Wyoming County	HHW Education	\$1,107
Southcentral	Lebanon	Lebanon County	HHW Education	\$39,147
Southwest	Allegheny	Allegheny County	Plan Revision/Update	\$71,391

PATRICK McDONNELL,
Acting Secretary

[Pa.B. Doc. No. 16-1357. Filed for public inspection August 5, 2016, 9:00 a.m.]

DEPARTMENT OF GENERAL SERVICES

Lease Office Space to the Commonwealth Delaware County

Proposers are invited to provide the Department of General Services with 4,126 usable square feet of office space for the Department of Health in Delaware County. For more information on SFP No. 94817, which is due on Wednesday, September 21, 2016, visit www.dgs.state.pa.us or contact Jerry Munley, (717) 525-5231, gmunley@pa.gov.

CURTIS M. TOPPER,
Secretary

[Pa.B. Doc. No. 16-1358. Filed for public inspection August 5, 2016, 9:00 a.m.]

DEPARTMENT OF HEALTH

Ambulatory Surgical Facilities; Requests for Exceptions

The following ambulatory surgical facility (ASF) has filed requests for exceptions under 28 Pa. Code § 51.33 (relating to requests for exceptions) with the Department of Health (Department), which has authority to license ASFs under the Health Care Facilities Act (35 P.S. §§ 448.101—448.904b). The following request for exception relates to regulations governing ASF licensure in 28 Pa. Code Chapters 51 and 551—571 (relating to general information; and ambulatory surgical facilities).

<i>Facility Name</i>	<i>Regulation</i>
Temple University School of Podiatric Medicine Ambulatory Surgery Center	28 Pa. Code § 553.31 (relating to administrative responsibilities)

The request previously listed is on file with the Department. Persons may receive a copy of a request for exception by requesting a copy from the Department of Health, Division of Acute and Ambulatory Care, Room 532, Health and Welfare Building, Harrisburg, PA 17120, (717) 783-8980, fax (717) 772-2163, ra-paexcept@pa.gov. Persons who wish to comment on an exception request may do so by sending a letter by mail, e-mail or facsimile to the Division at the address listed previously. Comments received by the Department within 10 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of a request and/or provide comments to the Department and require an auxiliary aid, service or other accommodation to do so should contact the Director, Division of Acute and Ambulatory Care at (717) 783-8980, for speech and/or hearing impaired persons V/TT (717) 783-6154, or the Pennsylvania AT&T Relay Service (800) 654-5984 (TT).

KAREN M. MURPHY, PhD, RN,
Secretary

[Pa.B. Doc. No. 16-1359. Filed for public inspection August 5, 2016, 9:00 a.m.]

Hospitals; Requests for Exceptions

The following hospitals have filed requests for exceptions under 28 Pa. Code § 51.33 (relating to requests for exceptions) with the Department of Health (Department), which has authority to license hospitals under the Health Care Facilities Act (35 P.S. §§ 448.101—448.904b). The following requests for exceptions relate to regulations governing hospital licensure in 28 Pa. Code Chapters 51 and 101—158 (relating to general information; and general and special hospitals), with the exception of 28 Pa. Code § 153.1 (relating to minimum standards). Exception requests related to 28 Pa. Code § 153.1 are listed separately in this notice.

<i>Facility Name</i>	<i>Regulation</i>
Geisinger Medical Center	28 Pa. Code § 107.61 (relating to written orders)
Geisinger Wyoming Valley Medical Center	28 Pa. Code § 107.61
Geisinger—Community Medical Center	28 Pa. Code § 107.61
Geisinger—Lewiston Hospital	28 Pa. Code § 107.61
Ephrata Community Hospital	28 Pa. Code § 138.18(b) (relating to EPS studies)

The following hospitals are requesting exceptions under 28 Pa. Code § 153.1. Requests for exceptions under this section relate to minimum standards that hospitals must comply with under the *Guidelines for Design and Construction of Hospitals and Outpatient Facilities (Guidelines)*. The following list includes the citation to the section under the *Guidelines* that the hospital is seeking an exception, as well as the publication year of the applicable *Guidelines*.

<i>Facility Name</i>	<i>Guidelines Section</i>	<i>Relating to</i>	<i>Publication Year</i>
Main Line Hospital Bryn Mawr	2.1-8.5.3.2	Size (TDRs)	2014
Muncy Valley Hospital	2.2-3.1.2.2(2)	Entrance (ambulance entrances)	2014
UPMC St. Margaret	2.1-2.2.5.3	Renovation (hand-washing stations)	2014
	2.6-2.2.2.6(2)	Patient toilet rooms	2014
	2.6-2.3.1.2(1)	Space requirements (patient living areas)	2014

All requests previously listed are on file with the Department. Persons may receive a copy of a request for exception by requesting a copy from the Department of Health, Division of Acute and Ambulatory Care, Room 532, Health and Welfare Building, Harrisburg, PA 17120, (717) 783-8980, fax (717) 772-2163, ra-paexcept@pa.gov. Persons who wish to comment on an exception request may do so by sending a letter by mail, e-mail or facsimile to the Division at the address listed previously. Comments received by the Department within 10 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of a request and/or provide comments to the Department and require an auxiliary aid, service or other accommodation to do so should contact the Director, Division of Acute and Ambulatory Care at (717) 783-8980, for speech and/or hearing impaired persons V/TT (717) 783-6154, or the Pennsylvania AT&T Relay Service (800) 654-5984 (TT).

KAREN M. MURPHY, PhD, RN,
Secretary

[Pa.B. Doc. No. 16-1360. Filed for public inspection August 5, 2016, 9:00 a.m.]

Long-Term Care Nursing Facilities; Requests for Exception

The following long-term care nursing facility is seeking an exception to 28 Pa. Code § 205.36(e) (relating to bathing facilities):

Spang Crest Manor
945 Duke Street
Lebanon, PA 17042
FAC ID # 193602

This request is on file with the Department of Health (Department). Persons may receive a copy of a request for exception by requesting a copy from the Department of

Health, Division of Nursing Care Facilities, Room 526, Health and Welfare Building, Harrisburg, PA 17120, (717) 787-1816, fax (717) 772-2163, ra-paexcept@pa.gov.

Persons who wish to comment on an exception request may do so by sending a letter by mail, e-mail or facsimile to the Division at the address listed previously.

Comments received by the Department within 10 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of the request and/or provide comments to the Department and require an auxiliary aid, service or other accommoda-

tion to do so should contact the Division at the address or phone number listed previously, or for speech and/or hearing impaired persons V/TT (717) 783-6514 or the Pennsylvania AT&T Relay Service (800) 654-5984 (TT).

KAREN M. MURPHY, PhD, RN,
Secretary

[Pa.B. Doc. No. 16-1361. Filed for public inspection August 5, 2016, 9:00 a.m.]

Newborn Screening and Follow-Up Technical Advisory Board Meeting

The Newborn Screening and Follow-Up Technical Advisory Board, established under the Newborn Child Testing Act (35 P.S. §§ 621—625), will hold a public meeting on Tuesday, August 23, 2016, from 10 a.m. until 3 p.m. The meeting will be held at the Department of Transportation, Bureau of Construction and Materials, Materials and Testing Laboratory, DGS Annex Complex, 81 Lab Lane, Harrisburg, PA 17110-2543. Agenda items will include: updates about the newborn screening data system, which is a web-based interface case management system; and discussions regarding critical congenital heart disease, severe combined immunodeficiency, newborn blood spot screening panels, education of the General Assembly, timeliness of newborn screening and family support programs for families of newborns with hearing loss.

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

KAREN M. MURPHY, PhD, RN,
Secretary

[Pa.B. Doc. No. 16-1362. Filed for public inspection August 5, 2016, 9:00 a.m.]

DEPARTMENT OF HUMAN SERVICES

Changes to the All Patient Refined-Diagnosis Related Groups Classification System

The Department of Human Services (Department) is providing final notice of its change in the relative values used for the fee-for-service payment methodology for inpatient acute care services. Effective for dates of discharge on or after October 1, 2015, the Department now uses National relative values for the All Patient Refined-Diagnosis Related Groups (APR-DRG) instead of the New York Medicaid APR-DRG relative values. When the Department initially adopted the APR-DRG patient classification system, the National relative values were not being used by any payer. Since that time, the National relative values have been upgraded and better represent a broader approach to health care delivery.

The Department published notice of its intent to change the relative values at 45 Pa.B. 5883 (September 26, 2015)

and received one comment during the 30-day public comment period. The commenter requested the Department adjust the base payment rates for facilities that serve the highest volumes of Medical Assistance (MA) covered beneficiaries to ensure no loss in reimbursement. Base rates are determined by specific facility costs and characteristics, which include consideration of a facility's MA volume. In addition, any change to base rates is outside the scope of the change to relative rates announced in the notice of intent and would need to be separately announced. Additionally, this adjustment in relative weights affects all acute care general hospitals and is not targeted towards particular facilities. Therefore, the Department is not considering the revision of acute care hospital specific base rates at this time.

Fiscal Impact

There is no fiscal impact as a result of the change to the APR-DRG classification system.

THEODORE DALLAS,
Secretary

Fiscal Note: 14-NOT-1052. No fiscal impact; (8) recommends adoption.

[Pa.B. Doc. No. 16-1363. Filed for public inspection August 5, 2016, 9:00 a.m.]

Medical Assistance Coverage of Services Related to Gender Transition

The Department of Human Services (Department) is announcing that it intends to amend the Medical Assistance (MA) regulations to remove language that prohibits payment for certain services related to sex reassignment and that medically necessary services related to gender transition that are within the scope of covered benefits will be compensable under the MA Program.

Background

On May 13, 2016, the United States Department of Health and Human Services' Office of Civil Rights issued the final rule entitled "Nondiscrimination in Health Programs and Activities," implementing section 1557 of the Affordable Care Act (42 U.S.C.A. § 18116), which prohibits discrimination in health programs and activities on the grounds of race, color, national origin, sex, age or disability. The Federal final rule is effective July 18, 2016. See 81 FR 31376 (May 18, 2016).

In part, this Federal final rule prohibits the State Medicaid Program from having or implementing any categorical coverage exclusion or limitation for health services related to gender transition. The State Medicaid Program is not, however, restricted from determining whether any particular service meets medical necessity requirements or otherwise meets applicable coverage requirements in a particular case. 45 CFR 92.207 (relating to nondiscrimination in health-related insurance and other health-related coverage).

The Commonwealth's current MA regulations include several explicit categorical coverage exclusions that prohibit MA payment for surgical procedures and medical care related to sex reassignment: 55 Pa. Code §§ 1121.54(10), 1126.54(a)(7), 1141.59(11), 1163.59(a)(1) and 1221.59(7). These categorical payment prohibitions in the Commonwealth's current MA regulations are inconsistent with the Federal final rule and will no longer be applied. The Department has issued an MA Bulletin to

providers enrolled in the MA Program relating to the coverage of services related to gender transition.

The Department intends to remove the explicit categorical coverage exclusions previously indicated from MA regulations. In addition, the Department intends to amend the nondiscrimination statement in 55 Pa. Code § 1101.51(b) (relating to ongoing responsibilities of providers) to include “age” and “sex.”

The Department intends to publish these regulatory changes as a final-omitted rulemaking by November 12, 2016.

Fiscal Impact

The estimated cost for Fiscal Year (FY) 2016-2017 is \$9.112 million (\$4.394 million in State funds). The estimated cost for FY 2017-2018 is \$9.112 million (\$4.386 million in State funds).

THEODORE DALLAS,
Secretary

Fiscal Note: 14-NOT-1051. (1) General Fund; (2) Implementing Year 2016-17 is \$4,394,000; (3) 1st Succeeding Year 2017-18 is \$4,386,000; 2nd Succeeding Year 2018-19 is \$4,357,000; 3rd Succeeding Year 2019-20 is \$4,357,000; 4th Succeeding Year 2020-21 is \$13,486,000; 5th Succeeding Year 2021-22 is \$13,486,000; (4) 2015-16 Program—\$3,828,000,000; 2014-15 Program—\$3,823,000,000; 2013-14 Program—\$3,995,000,000; (7) MA—Capitation; (8) recommends adoption. Funds have been included in the budget to cover this increase.

[Pa.B. Doc. No. 16-1364. Filed for public inspection August 5, 2016, 9:00 a.m.]

DEPARTMENT OF TRANSPORTATION

Contemplated Sale of Land No Longer Needed for Transportation Purposes

The Department of Transportation (Department), under the Sale of Transportation Lands Act (71 P.S. §§ 1381.1—1381.3), intends to sell certain land owned by the Department.

The following property is available for sale by the Department.

Borough of Moosic, Lackawanna County. The parcel contains 6.78 acres of unimproved land situated along the Interstate 81 southbound on-ramp at Davis Street. The estimated fair market value is \$650,000. The parcel is bordered by limited access right-of-way. There is no access to this property from Davis Street (SR 3016) or the Interstate 81 on-ramp. This parcel is a portion of the 19.74-acre parcel acquired by the Department in 2000 from the Scranton Lackawanna Industrial Building Company.

Interested public agencies are invited to express their interest in purchasing the site within 30 calendar days from the date of publication of this notice to Jeff Hawley, Right-of-Way Administrator 1, 55 Keystone Industrial Park, Dunmore, PA 18512, (570) 963-4072.

LESLIE S. RICHARDS,
Secretary

[Pa.B. Doc. No. 16-1365. Filed for public inspection August 5, 2016, 9:00 a.m.]

Green Light—Go: Pennsylvania’s Municipal Signal Partnership Program; Invitation to Submit Appli- cations

Under 74 Pa.C.S. Chapter 92 (relating to traffic signals) and 75 Pa.C.S. § 9511(e.1) (relating to allocation of proceeds), the Department of Transportation (Department) established the Green Light—Go: Pennsylvania’s Municipal Partnership Program, also known as the Green Light—Go Program. The Green Light—Go Program is a competitive application and reimbursement grant program whereby municipalities and metropolitan or rural planning organizations can request financial assistance for existing traffic signal maintenance and operations activities identified in 75 Pa.C.S. § 9511(e.1).

The act of July 20, 2016 (P.L. _____, No. 101) amended 74 Pa.C.S. Chapter 92 and 75 Pa.C.S. §§ 3112 and 3117 (relating to traffic-control signals; and automated red light enforcement systems in certain municipalities) and 75 Pa.C.S. § 9511 and made several changes impacting the Green Light—Go Program. Those amendments include, inter alia, changes to the definition of “municipality” under 74 Pa.C.S. § 9201 (relating to definitions) and a change to the local match requirements. A 20% match from municipalities or metropolitan or rural planning organizations is required under 75 Pa.C.S. § 9511(e.1)(4).

During Fiscal Year (FY) 2016-2017, up to \$40 million will be allocated to municipalities or planning organizations for upgrading traffic signals to light-emitting diode technology and intelligent transportation applications, such as autonomous and connected vehicle-related technology, performing regional operations such as retiming, developing special event plans and monitoring traffic signals, and for maintaining and operating traffic signals.

The Department invites municipalities or metropolitan or rural planning organizations to submit electronic applications using the form at https://www.dotgrants.state.pa.us/GLG/Module/PADOT/BOMO_GLG_Default.aspx. Applications and attachments should be e-mailed to RA-PDSIGNALFUNDING@pa.gov. The Department will be accepting Green Light—Go Program applications between August 8, 2016, and September 30, 2016.

Additional information on the Green Light—Go Program requirements, guidelines, application evaluation criteria, corridor designations and the Department’s corridor prioritization can be found on the Department’s Traffic Signal web site at <http://www.dot.state.pa.us/Portal%20Information/Traffic%20Signal%20Portal/Index.html>.

If municipalities or metropolitan or rural planning organizations are awarded funding, all invoices and status updates will be requested through the Department’s dotGrants system (<http://www.dot34.state.pa.us/>). Municipalities and metropolitan or rural planning organizations not currently utilizing the dotGrants system should start the process to get access once the application has been submitted.

Applications for the next round of the Green Light—Go Program for FY 2017-2018 will be announced in the *Pennsylvania Bulletin* in January 2017.

Questions should be directed to Daniel Farley, Manager, Traffic Operations Deployment and Maintenance, Bureau of Maintenance and Operations, Department of Transpor-

tation, 400 North Street, 6th Floor, Harrisburg, PA 17120,
(717) 783-0333, RA-PDSIGNALFUNDING@pa.gov.

LESLIE S. RICHARDS,
Secretary

[Pa.B. Doc. No. 16-1366. Filed for public inspection August 5, 2016, 9:00 a.m.]

GAME COMMISSION

Chronic Wasting Disease—Cervid Parts Importation Ban # 9

Executive Order

Whereas, Chronic Wasting Disease (CWD) is an infectious and progressive neurological disease that is found in, and always proves fatal to, members of the family Cervidae (deer, elk or moose, and other susceptible species, collectively called cervids); and

Whereas, The specific cause of CWD is believed to be prions (abnormal infectious protein particles) that are known to be concentrated in the nervous system and lymphoid tissues of infected cervids; and

Whereas, There are no known treatments for CWD infection, no vaccines to protect against CWD infection, and no approved tests that can detect the presence of CWD in live cervids; and

Whereas, CWD has been designated a “dangerous transmissible disease” of animals by order of the Secretary of Agriculture under the provisions of the Domestic Animal Law (3 Pa.C.S. §§ 2301 et seq.) at 3 Pa.C.S. § 2321(d); and

Whereas, CWD is known to be transmissible from infected to uninfected cervids by contact with or ingestion of CWD-infected or contaminated cervid parts or materials; and

Whereas, CWD is of particular concern to the Commonwealth of Pennsylvania because it has the potential to have a detrimental impact on both Pennsylvania’s wild and captive cervid populations; and

Whereas, the Pennsylvania Game Commission (PGC) has determined that importation of potentially infectious parts or materials from cervids harvested in CWD-endemic States or Canadian Provinces into the Commonwealth of Pennsylvania poses an unacceptable risk of further exposure of CWD to the state; and

Whereas, The Game and Wildlife Code (Code) (34 Pa.C.S. §§ 101 et seq.) and regulations promulgated thereunder (58 Pa. Code §§ 131.1 et seq.) collectively provide broad authority to the PGC to regulate activities relating to the protection, preservation, and management of game and wildlife, including cervids; and

Whereas, 58 Pa. Code § 137.34 provides specific emergency authority to the Executive Director of the PGC to ban the importation of certain cervid parts from other states or nations to prevent the introduction or spread of CWD into the Commonwealth of Pennsylvania; and

Whereas, Previous executive orders concerning cervid parts importation restrictions were issued by the Commission on December 19, 2005, May 27, 2009, July 30, 2010, July 20, 2011, October 16, 2012, May 12, 2014, October 27, 2015 and November 11, 2015.

Now Therefore, I, R. Matthew Hough, Executive Director of the Pennsylvania Game Commission, pursuant to the authority vested in me by the Code and regulations promulgated thereunder, do hereby order and direct the following:

1. The importation of any high-risk parts or materials from cervids harvested in any CWD-endemic States or Canadian Provinces into the Commonwealth of Pennsylvania is hereby strictly prohibited.

2. For the purposes of this Order, CWD-endemic States or Canadian Provinces shall be defined as any States or Canadian Provinces where CWD has been detected in wild or captive cervid populations. At present, this includes the following specific States and Canadian Provinces: Alberta, Arkansas, Colorado, Illinois, Iowa, Kansas, Maryland (only Allegany County), Michigan, Minnesota, Missouri, Montana, Nebraska, New Mexico, New York (only Madison and Oneida Counties), North Dakota, Ohio (only Holmes County), Oklahoma, Saskatchewan, South Dakota, Texas, Utah, Virginia (only Frederick, Shenandoah, Warren, and Clarke Counties), West Virginia (only Hampshire, Hardy and Morgan Counties), Wisconsin, and Wyoming.

3. For the purposes of this Order, the term cervid shall include any member of the family Cervidae (deer), specifically including the following species: black-tailed deer, caribou, elk, fallow deer, moose, mule deer, red deer, sika deer, white-tailed deer, and any hybrids thereof.

4. For the purposes of this Order, high-risk parts or materials shall be defined as any parts or materials, derived from cervids, which are known to accumulate abnormal prions. This includes any of the following:

- a. Head (including brain, tonsils, eyes, and lymph nodes);
- b. Spinal Cord/Backbone (vertebra);
- c. Spleen;
- d. Skull plate with attached antlers, if visible brain or spinal cord material is present;
- e. Cape, if visible brain or spinal cord material is present;
- f. Upper canine teeth, if root structure or other soft material is present;
- g. Any object or article containing visible brain or spinal cord material; and
- h. Brain-tanned hide.

5. This Order shall not be construed to limit the importation of the following cervid parts or materials into the Commonwealth of Pennsylvania:

- a. Meat, without the backbone;
- b. Skull plate with attached antlers, if no visible brain or spinal cord material is present;
- c. Tanned hide or rawhide with no visible brain or spinal cord material present;
- d. Cape, if no visible brain or spinal cord material is present;
- e. Upper canine teeth, if no root structure or other soft material is present; and
- f. Taxidermy mounts, if no visible brain or spinal cord material is present.

6. The requirements and restrictions of this Order are to be construed as separate from and in addition to any previous or future Executive Orders concerning response

to CWD within the Commonwealth or the Establishment of Disease Management Area 2 Permits.

7. This Order shall not be construed in any manner to limit the PGC's authority to establish additional importation, exportation, possession, transportation or testing requirements on cervid parts or materials.

8. Nothing in this Order shall be construed to extend to the regulation of captive cervids held under 3 Pa.C.S. Chapter 27 (relating to the Domestic Animal Law) or the requirements of a lawful quarantine order issued by PDA.

9. The previous executive order concerning cervid parts importation restrictions issued on November 11, 2015 is hereby rescinded in its entirety and replaced by this Order.

10. This Order is effective immediately and shall remain in effect until rescinded or modified by subsequent order.

Given under my hand and seal of the Pennsylvania Game Commission on this 22nd day of July, 2016.

R. MATTHEW HOUGH,
Executive Director

[Pa.B. Doc. No. 16-1367. Filed for public inspection August 5, 2016, 9:00 a.m.]

(Board). This rulemaking amends 58 Pa. Code Chapters 465a and 611a; transitions from temporary regulation to permanent regulation Chapters 668a, 669a, 670a, 671a, 672a, 673a, 674a and 675a; and adds Chapter 676a. The proposed regulation was published in the August 1, 2015 *Pennsylvania Bulletin* with a 30-day public comment period. The final-form regulation was submitted to the Commission on June 15, 2016.

This regulation updates requirements for surveillance systems and training standards, transitions eight existing table games from temporary to permanent regulation and adds a new table game.

We have determined this regulation is consistent with the statutory authority of the Board (4 Pa.C.S. § 1202(b)(30) and 13A02(l) and (2)) and the intention of the General Assembly. Having considered all of the other criteria of the Regulatory Review Act, we find promulgation of this regulation is in the public interest.

By Order of the Commission:

This regulation is approved.

GEORGE D. BEDWICK,
Chairperson

[Pa.B. Doc. No. 16-1368. Filed for public inspection August 5, 2016, 9:00 a.m.]

INDEPENDENT REGULATORY REVIEW COMMISSION

Action Taken by the Commission

The Independent Regulatory Review Commission met publicly at 10 a.m., Thursday, July 21, 2016, and announced the following:

Regulation Deemed Approved Pursuant to Section 5(g) of the Regulatory Review Act—Effective July 20, 2016

State Employees Retirement Board # 31-14: Member Purchases of Credit for Previous State Service and Re-election of Benefit Option (amends 4 Pa. Code § 245.4 and adds 4 Pa. Code § 247.5.1)

Action Taken—Regulation Approved:

Pennsylvania Gaming Control Board # 125-188: Table Game Rules of Play (amends 58 Pa. Code Chapters 465a and 611a; transitions from temporary regulation to permanent regulation Chapters 668a, 669a, 670a, 671a, 672a, 673a, 674a and 675a; and adds Chapter 676a)

Approval Order

Public Meeting Held
July 21, 2016

Commissioners Voting: George D. Bedwick, Chairperson; John F. Mizner, Esq., Vice Chairperson; W. Russell Faber; Dennis A. Watson, Esq.

*Pennsylvania Gaming Control Board—
Table Game Rules of Play
Regulation No. 125-188 (# 3111)*

On July 15, 2015, the Independent Regulatory Review Commission (Commission) received this proposed regulation from the Pennsylvania Gaming Control Board

INSURANCE DEPARTMENT

Review Procedure Hearings; Cancellation or Refusal of Insurance

The following insured has requested a hearing as authorized by the act of June 17, 1998 (P.L. 464, No. 68) (Act 68) in connection with the termination of the insured's automobile insurance policy. The hearing will be held in accordance with the requirements of Act 68; 1 Pa. Code Part II (relating to General Rules of Administrative Practice and Procedure); and 31 Pa. Code §§ 56.1—56.3 (relating to Special Rules of Administrative Practice and Procedure). The administrative hearing will be held in the Insurance Department's regional office in Philadelphia, PA. Failure by the appellant to appear at the scheduled hearing may result in dismissal with prejudice.

The following hearing will be held at Strawbridge and Clothier, Justice Hearing Room No. 4030, 801 Market Street, Philadelphia, PA 19107.

Appeal of Cardos C. Washington; File No. 16-119-198281; State Farm Fire & Casualty Company; Doc. No. P16-07-009; August 31, 2016, 10 a.m.

Parties may appear with or without counsel and offer relevant testimony and other relevant evidence, or both. Each party must bring documents, photographs, drawings, claims files, witnesses, and the like, necessary to support the party's case. A party intending to offer documents or photographs into evidence shall bring enough copies for the record and for each opposing party.

In some cases, the Insurance Commissioner (Commissioner) may order that the company reimburse an insured for the higher cost of replacement insurance coverage obtained while the appeal is pending. Reimbursement is available only when the insured is successful on appeal, and may not be ordered in all instances. If an insured wishes to seek reimbursement for the higher cost of replacement insurance, the insured must produce docu-

mentation at the hearing which will allow comparison of coverages and costs between the original policy and the replacement policy.

Following the hearing and receipt of the stenographic transcript, the Commissioner will issue a written order resolving the factual issues presented at the hearing and stating what remedial action, if any, is required. The Commissioner's Order will be sent to those persons participating in the hearing or their designated representatives. The Order of the Commissioner may be subject to judicial review by the Commonwealth Court.

Persons with a disability who wish to attend the previously-referenced administrative hearing and require an auxiliary aid, service or other accommodation to participate in the hearing, should contact Donna R. Fleischauer, Human Resources Director at (717) 705-4194.

TERESA D. MILLER,
Insurance Commissioner

[Pa.B. Doc. No. 16-1369. Filed for public inspection August 5, 2016, 9:00 a.m.]

United Security Assurance Company of Pennsylvania (USPA-130657975); Rate Increase Filing for Several Individual LTC Forms

United Security Assurance Company of Pennsylvania is requesting approval to increase the premium an aggregate 35% on 576 policyholders with the following individual LTC policy forms: F-701, F-733, F-734, F-771, F-775 and F-778.

Unless formal administrative action is taken prior to October 20, 2016, the subject filing may be deemed approved by operation of law.

A copy of the filing is available on the Insurance Department's (Department) web site at www.insurance.pa.gov. To view these filing notices, hover the cursor over "Consumers" in the blue bar at the top of the webpage then select "Long Term Care Rate Filings" from the drop down menu.

Copies of the filing are also available for public inspection, by appointment, during normal working hours at the Department's Harrisburg office.

Interested parties are invited to submit written comments, suggestions or objections to James Laverty, Actuary, Insurance Department, Insurance Product Regulation and Market Enforcement, Room 1311, Strawberry Square, Harrisburg, PA 17120, jlaverty@pa.gov within 30 days after publication of this notice in the *Pennsylvania Bulletin*.

TERESA D. MILLER,
Insurance Commissioner

[Pa.B. Doc. No. 16-1370. Filed for public inspection August 5, 2016, 9:00 a.m.]

PENNSYLVANIA PUBLIC UTILITY COMMISSION

Electric Generation Supplier License Cancellations of Companies with an Expired Financial Security

Public Meeting held
July 21, 2016

Commissioners Present: Gladys M. Brown, Chairperson; Andrew G. Place, Vice Chairperson; John F. Coleman, Jr.; Robert F. Powelson; David W. Sweet, Absent

Electric Generation Supplier License Cancellations of Companies with an Expired Financial Security;
M-2015-2490383

Tentative Order

By the Commission:

The Commission's regulations at 52 Pa. Code § 54.40(a) state that an Electric Generation Supplier (EGS) license will not be issued or remain in force until the licensee furnishes a bond or other security approved by the Commission. In addition, 52 Pa. Code § 54.40(d) states that the maintenance of an EGS license is contingent on the licensee providing proof to the Commission that a bond or other approved security in the amount directed by the Commission has been obtained.

Each EGS must file an original bond, letter of credit, continuation certificate, amendment, or other approved financial instrument with Rosemary Chiavetta, Secretary, Pennsylvania Public Utility Commission, 400 North Street, Harrisburg, PA 17120 prior to the EGS's current security expiration date. Each financial instrument must be an original document that displays a "wet" signature or digital signature, preferable in blue ink, and displays a "raised seal" or original notary stamp. The name of the principal on the original financial instrument must match exactly with the name that appears on the EGS's license issued by the Commission.

Failure to file before the financial security's expiration date may cause Commission staff to initiate a formal proceeding that may lead to the following: cancellation of each company's electric supplier license, removal of each company's information from the Commission's website and notification to all electric distribution companies, in which each company is licensed to do business, of the cancellation of the license.

As of July 12, 2016, each EGS listed in the Supplier Table below has not provided proof to the Commission that it has a bond or other approved security in the amount directed by the Commission, to replace its expired bond as noted in the table below.

Supplier Table—List of Electric Generation Suppliers

<i>Docket Number</i>	<i>Company Name</i>	<i>Exp. Date</i>
A-2010-2192166	BRICE ASSOCIATES, LLC	6/29/16
A-2012-2315716	KERRY STUTZMAN	6/29/16
A-2015-2472201	MARYLAND ENERGY ADVISORS, LLC	7/1/16
A-2010-2154300	TECHNOLOGY RESOURCE SOLUTIONS, INC.	7/10/16

* Taking title to electricity

As part of its EGS license validation procedures, the Commission's Bureau of Technical Utility Services sent a 60-day Security Renewal Notice Letter to each entity in the Supplier Table above stating that original documentation of a bond, or other approved security, must be filed within 30 days prior to each entity's security expiration date. None of the companies listed in the Supplier Table provided the required documentation.

Based on the above facts, we tentatively conclude that the EGSs listed in the Supplier Table are not in compliance with 52 Pa. Code § 54.40(a) and (d) and therefore it is appropriate to initiate the cancellation process for each EGS license of each company listed in the Supplier Table, without the necessity of a formal complaint, as being in the public interest; *Therefore,*

It Is Ordered That:

1. Cancellation of the Electric Generation Supplier Licenses of each company listed in the Supplier Table is hereby tentatively approved as being in the public interest.

2. The Secretary serve a copy of this Tentative Order upon the Office of Consumer Advocate, the Office of Small Business Advocate, the Bureau of Investigation & Enforcement, Department of Revenue—Bureau of Corporation Taxes, all electric distribution companies, all of the Electric Generation Suppliers in the Supplier Table and also cause a copy of this Tentative Order to be published in the *Pennsylvania Bulletin* with a 30-day comment period.

3. Absent the filing of adverse public comment or the filing of approved security within 30 days after publication in the *Pennsylvania Bulletin*, the Bureau of Technical Utility Services shall prepare a Final Order for entry by the Secretary.

4. Upon entry of the Final Order described in Ordering Paragraph No. 3 above, each company listed in the Supplier Table will be stricken from all active utility lists maintained by the Commission's Bureau of Technical Utility Services and the Assessment Section of the Bureau of Administration, removed from the Commission's website, and notifications be sent to all electric distribution companies in which the Electric Generation Suppliers are licensed to do business.

5. Upon entry of the Final Order described in Ordering Paragraph No. 3, each electric distribution company in which the Electric Generation Suppliers are licensed to do business, shall return the customers of the Electric Generation Suppliers to default service.

ROSEMARY CHIAVETTA,
Secretary

[Pa.B. Doc. No. 16-1371. Filed for public inspection August 5, 2016, 9:00 a.m.]

Implementation of Section 1329 of the Public Utility Code

Public Meeting held
July 21, 2016

Commissioners Present: Gladys M. Brown, Chairperson; Andrew G. Place, Vice Chairperson; John F. Coleman, Jr.; Robert F. Powelson; David W. Sweet, Absent

Implementation of Section 1329 of the Public Utility Code;
M-2016-2543193

Tentative Implementation Order

By the Commission:

On April 14, 2016, Governor Wolf signed into law Act 12 of 2016, which amended Chapter 13 of the Pennsylvania Public Utility Code (Code) by adding a new Section 1329 to the Code and which became effective June 13, 2016. 66 Pa.C.S. § 1329.

In particular, Section 1329 of the Code addresses the valuation of the assets of municipally or authority-owned water and wastewater systems that are acquired by investor-owned water and wastewater utilities or entities. For ratemaking purposes, the valuation will be the lesser of the fair market value or the negotiated purchase price. Section 1329 also allows the acquiring entity's post-acquisition improvement costs not recovered through a distribution system improvement charge to be deferred for book and ratemaking purposes. This Tentative Implementation Order proposes the procedures and guidelines to address the application process and carry out the ratemaking provisions of Section 1329 and shall be in effect in the interim until a Final Implementation Order is issued.

Background

Throughout the Commonwealth, there are a number of water and wastewater systems owned by municipal corporations or authorities. For these systems, sale to an investor-owned public utility or entity can facilitate necessary infrastructure improvements and ensure the continued provision of safe, reliable service to customers at reasonable rates. However, current law dictated by 66 Pa.C.S. § 1311(b) of the Code relating to the valuation of utility property discourages these acquisitions because the value of the property is defined as the original cost of construction less accumulated depreciation rather than the acquisition cost. Systems that are greatly depreciated or that were constructed using grants or contributions in aid of construction could have valuations so low that sales of the systems would be less advantageous or could cause financial hardships to the municipal corporations and authorities.

To remedy this situation, Section 1329 establishes an alternative process for ratemaking purposes for valuating certain water or wastewater systems. Section 1329 pro-

vides a process to determine the fair market value of a water or wastewater system of a municipality or authority that is acquired by a public utility or entity.

As such, Section 1329 provides for significant changes in the way the Commission examines and approves acquisitions of municipal and authority systems. This Tentative Implementation Order proposes the procedures and guidelines necessary to begin implementation of Section 1329. We invite interested parties to provide comment on our tentative proposals and to offer additional recommendations worth consideration.

Discussion

Section 1329 mitigates the risk that a utility will not be able to fully recover its investment when water and wastewater assets are acquired from a municipality or authority. Section 1329 enables a public utility or entity to utilize fair market valuation when acquiring water and wastewater systems located in the Commonwealth that are owned by a municipal corporation or authority. A fair market valuation is not tied to the original cost of construction minus the accumulated depreciation. Rather, a fair market valuation allows consideration of cost, market, and income approaches in valuing the system. Section 1329(a)(3). In sum, Section 1329 allows enhanced rate base adjustments based upon the lesser of fair market value of the acquired assets or the negotiated price. We shall address the subsections of Section 1329 in seriatim.

Section 1329(a)—Process to establish fair market value of selling utility

Section 1329(a) establishes a voluntary process whereby the acquiring public utility or entity (buyer) and the selling municipal corporation or authority (seller) may choose to have the fair market value of the assets established through independent appraisals conducted by a utility valuation expert (UVE). Section 1329(g) limits the term “selling utility” to a Pennsylvania water or wastewater company owned by a municipal corporation or authority. Specifically, Section 1329(a) provides:

Upon agreement by both the acquiring public utility or entity and the selling utility, the following procedure shall be used to determine the fair market value of the selling utility:

- (1) The commission will maintain a list of utility valuation experts from which the acquiring public utility or entity and selling utility will choose.
- (2) Two utility valuation experts shall perform two separate appraisals of the selling utility for the purpose of establishing its fair market value.
- (3) Each utility valuation expert shall determine fair market value in compliance with the Uniform Standards of Professional Appraisal Practice, employing the cost, market and income approaches.
- (4) The acquiring public utility or entity and selling utility shall engage the services of the same licensed engineer to conduct an assessment of the tangible assets of the selling utility. The assessment shall be incorporated into the appraisal under the cost approach required under paragraph (3).
- (5) Each utility valuation expert shall provide the completed appraisal to the acquiring public utility or entity and selling utility within 90 days of execution of the service contract.

As stated previously, both the seller and buyer must agree to the fair market valuation procedure before it can

be utilized. The Commission is directed to maintain a list of UVEs to be utilized by the buyer and the seller. The UVEs will each prepare an appraisal of the assets, and the average of those appraisals will be used as the fair market value of the asset. To this end, the Commission will invite interested persons and entities to file for consideration as a UVE, similar to our process for Conservation Service Providers.¹ Via Secretarial Letter dated July 21, 2016, at this docket number, prospective UVEs are directed to complete the Application Form for Registration as a Utility Valuation Expert, which is attached to this Tentative Implementation Order and is available on the Commission’s website.

To be included on the Commission’s registry, UVEs must establish their qualifications. Applicants must be able to demonstrate that they have the education and experience necessary for providing utility valuations. Applicants must also acknowledge a fiduciary duty to provide a thorough, objective, and fair valuation. Applicants will be expected to demonstrate compliance with Pennsylvania laws and to demonstrate their financial and technical fitness, such as professional licenses, technical certifications, and/or names of current or past clients with a description of dates and types of services provided by the Applicant. In order to maintain a list of UVEs in good standing, the Commission will require applicants to renew their applications biennially. Consistent with the Commission’s treatment of the registry of Conservation Service Providers, we shall establish a fee of \$125 for initial UVE applications and a fee of \$25 for renewal and/or updates.

The two UVEs shall perform two separate appraisals of the selling utility for the purpose of establishing its fair market value. Each UVE shall determine fair market value in compliance with the Uniform Standards of Professional Appraisal Practice, employing the cost, market and income approaches.

In addition, the buyer and seller shall engage the services of the same licensed engineer to conduct an assessment of the tangible assets of the selling utility. Section 1329(a)(4). The assessment shall be incorporated into the appraisal under the cost approach. The engineer’s assessment must include the original cost, by year and major plant category, of used and useful plant in service and related accrued depreciation calculations pursuant to 66 Pa.C.S. § 1311.

Specifically, Section 1311(b) states:

(b) *Method of valuation.*—The value of the property of the public utility included in the rate base shall be the original cost of the property when first devoted to the public service less the applicable accrued depreciation as such depreciation is determined by the commission.

The engineer’s assessment shall be developed in accordance with Commission procedures and practices that conform with the National Association of Regulatory Utility Commissioners System of Accounts for water and wastewater systems. The approach shall consider the following to establish the cost assessment:

- An inventory of the used and useful utility plant assets to be transferred. Identify separately any utility plant that is held for future use.
- A list of all non-depreciable property such as land and rights-of-way.

¹ See Implementation of Act 129 of 2008 Phase 2—Registry of Conservation Service Providers, Docket No. M-2008-2074154 (Tentative Order entered April 9, 2015) (Final Order entered May 8, 2015).

- The inventory is to be developed from available records, maps, work orders, debt issue closing documents funding construction projects, and other sources to ensure an accurate listing of utility plant inventory by utility account.
- An estimate of years of construction or acquisition for the utility plant by year and account.
- The use of current prices restated as costs to the Original Cost price level including related accrued depreciation. Where cost data is not available, the use of appropriate cost trend indices in accordance with recognized industry practices.
- Costs for utility plant compiled by utility account by year of installation.
- A calculation of accumulated depreciation by estimated service life applicable for comparable utility plant.
- A report explaining the process for developing the cost assessment.

Section 1329(b)—Utility valuation experts

Section 1329(b) provides guidelines for the selection and fees to be paid to the aforementioned UVEs. Section 1329(b) provides:

- (1) The utility valuation experts required under subsection (a) shall be selected as follows:
 - (i) one shall be selected by the acquiring public utility or entity; and
 - (ii) one shall be selected by the selling utility.
- (2) The utility valuation experts shall not:
 - (i) derive any material financial benefit from the sale of the selling utility other than fees for services rendered; or
 - (ii) be an immediate family member of a director, officer or employee of either the acquiring public utility, entity or selling utility within a 12-month period of the date of hire to perform an appraisal.
- (3) Fees paid to utility valuation experts may be included in the transaction and closing costs associated with acquisition by the acquiring utility or entity. Fees eligible for inclusion may be of an amount not exceeding 5% of the fair market value of the selling utility or a fee approved by the commission.

Important in this subsection is the UVEs' fee limitation of 5% of the fair market value of the selling utility or a fee approved by the Commission. Applications will be required to contain ample justification both within the application itself as well as the direct testimony accompanying the application regarding how the UVEs' fee was derived. The Administrative Law Judge will make a recommendation on the fee based upon the record as a part of the adjudication.

Section 1329(c)—Ratemaking rate base

Section 1329(c) provides guidelines regarding the rate base of the selling utility and the acquiring utility/entity for ratemaking purposes. Generally, Section 1329(c) allows for the rate base of the selling utility to be incorporated into the rate base of the acquiring utility during the acquiring utility's next rate base rate case or the initial tariff filing of an entity. Specifically, Section 1329(c) provides:

- (1) The ratemaking rate base of the selling utility shall be incorporated into the rate base of:

- (i) the acquiring public utility during the acquiring public utility's next base rate case; or
 - (ii) the entity in its initial tariff filing.
- (2) The ratemaking rate base of the selling utility shall be the lesser of the purchase price negotiated by the acquiring public utility or entity and selling utility or the fair market value of the selling utility.

As stated above, the rate base to be incorporated will be the lesser of the purchase price or the fair market value of the seller. The acquiring entity need not be a public utility. Under Section 1329(g), a person, partnership or corporation that is not currently a public utility may acquire a selling utility if the entity or its affiliate has filed an application for a certificate of public convenience (CPC) with the Commission. The application for a CPC may be filed simultaneously but no later than the same day as the application for Section 1329 acquisition.² Due to the compressed review period provided for the Section 1329 application, if a Section 1102 application is required, we strongly encourage that it be filed in advance of the Section 1329 application to the extent possible, and consolidated consideration will be given to the extent possible.

Section 1329(d)—Acquisitions by public utility

Section 1329(d) provides guidelines on acquisitions by public utilities as well as guidelines on the critical attachment to the Section 1102 application.³ Once again, the acquiring public utility and the selling utility must agree to utilize the process outlined in the aforementioned Section 1329(a). Section 1329(d) provides:

- (1) If the acquiring public utility and selling utility agree to use the process outlined in subsection (a), the acquiring public utility shall include the following as an attachment to its application for commission approval of the acquisition filed pursuant to section 1102 (relating to enumeration of acts requiring certificate):
 - (i) Copies of the two appraisals performed by the utility valuation experts under subsection (a).
 - (ii) The purchase price of the selling utility as agreed to by the acquiring public utility and selling utility.
 - (iii) The ratemaking rate base determined pursuant to subsection (c)(2).
 - (iv) The transaction and closing costs incurred by the acquiring public utility that will be included in its rate base.
 - (v) A tariff containing a rate equal to the existing rates of the selling utility at the time of the acquisition and a rate stabilization plan, if applicable to the acquisition.
- (2) The commission shall issue a final order on an application submitted under this section within six months of the filing date of an application meeting the requirements of subsection (d)(1).
- (3) If the commission issues an order approving the application for acquisition, the order shall include:
 - (i) The ratemaking rate base of the selling utility, as determined under subsection (c)(2).

² See, 66 Pa.C.S. § 1329(e). Filing requirements for obtaining a CPC as a water or wastewater public utility can be found at 52 Pa. Code § 3.501. The Commission has the necessary latitude to consolidate and concurrently adjudicate the Section 1102 CPC and Section 1329 Applications. See also 52 Pa. Code § 5.81 (consolidation of proceedings involving common question of law or fact).

³ A Section 1102 application is addressed under Section 1102 of the Code, 66 Pa.C.S. § 1102, and pertains to the enumeration of acts requiring a certificate.

(ii) Additional conditions of approval as may be required by the commission.

(4) The tariff submitted pursuant to subsection (d)(1)(v) shall remain in effect until such time as new rates are approved for the acquiring public utility as the result of a base rate case proceeding before the commission. The acquiring public utility may collect a distribution system improvement charge during this time, as approved by the commission under this chapter.

(5) The selling utility's cost of service shall be incorporated into the revenue requirement of the acquiring public utility as part of the acquiring utility's next base rate case proceeding. The original source of funding for any part of the water or sewer assets of the selling utility shall not be relevant to determine the value of said assets.

Section 1329(d)(2) requires the Commission to issue a final order on an application submitted under Section 1329 within six months of the filing date of an application meeting the requirements of subsection (d)(1). For the Commission to meet the six-month deadline, normal time lines must be compressed. A table establishing the necessary compressed time line is provided below.

Applications will not be accepted until they are shown to be complete. To assist applicants in the preparation of a full and complete filing, an Application Filing Checklist, which shall be attached to the completed application, may be found at the Commission's website and is attached to this Tentative Implementation Order.⁴ Applications must be verified by an officer of the filing entity or entities pursuant to 52 Pa. Code § 1.36. Both the Application Filing Checklist and the previously discussed Application Form for Registration as a Utility Valuation Expert may be changed as the Commission deems necessary.

As noted on the Application Filing Checklist, applications are to contain the required two appraisals performed by separate UVEs and quantification of transaction and closing costs incurred by the acquiring public utility to be included in the rate base of the acquiring public utility. Section 1329(d)(1)(iv). Applications must address the plant in service and include a map of the service area. Applications must include information about the customers, utility plant in service, and the current safety, adequacy, reasonableness and efficiency of the system in accordance with the statutory requirements of Section 1501. 66 Pa.C.S. § 1501.

Applications must address rates and provide a proposed tariff. Applications must address cost of service, including copies of the seller's most recently audited financial statements. Applications must include proof of compliance with applicable design, construction, and operation standards of the Department of Environmental Protection and/or the county health department. Applications also shall include a copy of the signed Asset Purchase Agreement. Each of these items is necessary to enable the Commission to make an informed decision regarding the merits of the application.

In addition, due to the compressed six-month time frame for ruling on the application, written direct testimony must accompany the application. The testimony shall address and support the acquisition, the UVEs' appraisals, the UVEs' fee, and the purchase price. The

testimony shall also describe the acquired system, explain the public interest served by the acquisition, and provide such other facts as may be relevant to the Commission's consideration of the application.

Upon review of the Section 1329 application and staff's determination that the filing is perfected and in full compliance with all items on the Application Filing Checklist, the Commission will notify the applicants of the actual accepted filing date, which will then commence the six-month time frame for the proceeding. Due process considerations require notification to the affected customers. When the application is published in a newspaper, the publication shall note that the period for filing protests shall be as soon as possible but no later than the last day of the protest period set forth in the *Pennsylvania Bulletin*. Accordingly, within seven (7) days of filing the application, the applicant shall file with the Commission: (1) proof of newspaper publication of the notification of the filing; and (2) a copy of the bill insert notifying the selling utility's customers of the proposed acquisition. The Secretary may impose additional notice requirements as may be warranted.

Section 1329(e)—Acquisitions by Entity

Section 1329(e) relates to acquisitions by an entity. An entity, defined as a person, partnership or corporation, can acquire a selling utility if it has requested from the Commission public utility status pursuant to Section 1102. An affiliate of an entity can also request public utility status pursuant to Section 1102. Importantly, the entity or its affiliate must file the Section 1329 application as an attachment to a Section 1102 application seeking public utility status. Acquisition applications filed by entities that have not yet filed a Section 1102 application for public utility status will be considered incomplete and will not be accepted until a complete Section 1102 application has been received and accepted. If a Section 1102 application is required, we strongly encourage that it be filed in advance of the Section 1329 application to the extent possible, and consolidated consideration will be given to the extent possible. We also clarify that the entity's initial tariff filing should contain rates "equal to the existing rates of the selling utility at the time of the acquisition" consistent with Section 1329(d)(1)(v) and Section 1329(e).

We acknowledge that there is some ambiguity in Section 1329. First, subsection (c)(1)(ii) could be construed to require that the "ratemaking rate base" be immediately incorporated into the entity's initial rates. However, subsections (e) and (d)(1)(v) could be construed together to require entities to file a tariff with rates equal to the existing rates of the selling utility. In the interest of equity, the Commission tentatively proposes that entities be required to file tariffs consistent with (d)(1)(v). This shall in no way inhibit the right of a newly certificated utility to incorporate the ratemaking rate base into its tariff via a Section 1308 proceeding.

The proponent of a rule or order in any Commission proceeding has the burden of proof, 66 Pa.C.S. § 332, and therefore, the applicant has the burden of proving that it is entitled to have the acquisition approved and must do so by a preponderance of the evidence, or evidence which is more convincing than the evidence presented by the other parties. *Se-Ling Hosiery v. Margulies*, 364 Pa. 45, 70 A.3d 854 (1950); *Samuel J. Lansberry, Inc. v. Pa. Public Utility Commission*, 578 A.2d 600 (Pa. Cmwlth. 1990).

⁴ The Application Filing Checklist—Water/Wastewater may be accessed from the Commissions website at http://www.puc.state.pa.us/filing_resources/water_online_forms.aspx and http://www.puc.pa.gov/filing_resources/issues_laws_regulations/section1329_applications.aspx as well as at this docket number.

Section 1329(f)—Post-acquisition projects

Section 1329(f) addresses the parameters of post-acquisition project accounting for ratemaking purposes. Specifically, Section 1329(f) provides:

- (1) An acquiring public utility’s post-acquisition improvements that are not included in a distribution improvement charge shall accrue allowance for funds used during construction after the date the cost was incurred until the asset has been in service for a period of four years or until the asset is included in the acquiring public utility’s next base rate case, whichever is earlier.
- (2) Depreciation on an acquiring public utility’s post-acquisition improvements that have not been included in the calculation of a distribution system improvement charge shall be deferred for book and ratemaking purposes.

In our view, any of the acquiring utility’s post-acquisition improvements that are not recovered through the distribution system improvement charge will be eligible for inclusion through an allowance for funds used during construction. The acquiring utility may accrue an allowance for funds used during construction until the asset has been in service for four years or until the asset is included in the acquiring utility’s next rate base case, whichever is earlier.⁵ Additionally, depreciation on the acquiring utility’s post-acquisition improvements that has not been included in the calculation of a distribution system improvement charge will be deferred for book and ratemaking purposes. The acquiring utility will be required to keep proper accounting in separately and appropriately recording these amounts in its business records.

Section 1329(g)—Definitions

Section 1329(g) provides the following definitions:

“Acquiring public utility.” A water or wastewater public utility subject to regulation under this title that is acquiring a selling utility as the result of a voluntary arm’s-length transaction between the buyer and seller.

“Allowance of funds used during construction.” An accounting practice that recognizes the capital costs,

including debt and equity funds that are used to finance the construction costs of an improvement to a selling utility’s assets by an acquiring public utility.

“Entity.” A person, partnership or corporation that is acquiring a selling utility and has filed or whose affiliate has filed an application with the commission seeking public utility status pursuant to section 1102.

“Fair market value.” The average of the two utility valuation expert appraisals conducted under subsection (a)(2).

“Ratemaking rate base.” The dollar value of a selling utility which, for post-acquisition ratemaking purposes, is incorporated into the rate base of the acquiring public utility or entity.

“Rate stabilization plan.” A plan that will hold rates constant or phase rates in over a period of time after the next base rate case.

“Selling utility.” A water or wastewater company located in this Commonwealth, owned by a municipal corporation or authority that is being purchased by an acquiring public utility or entity as the result of a voluntary arm’s-length transaction between the buyer and seller.

“Utility valuation expert.” A person hired by an acquiring public utility and selling utility for the purpose of conducting an economic valuation of the selling utility to determine its fair market value.

Time Line

Due to the six-month time line required by Section 1329, normal time lines must be compressed. In an effort to allow more time for drafting briefs, the exception period necessarily must be shortened. The table below shows the time line the Commission intends to use as a guideline and assumes that the last public meeting before the six-month deadline is 15 days prior to that deadline. Actual time required may be slightly more or less depending upon applicable circumstances, such as the proximity of the filing date of the application and prehearing conference notice in the *Pennsylvania Bulletin*, the availability of hearing dates and the complexity/length of the hearing, the intervention of weekends and holidays, the availability of scheduled public meetings, and any unforeseen or other events that impact due consideration of the application within the six-month period.

<i>Application & Direct Testimony/Supporting Documentation Filed</i>	<i>Model Timeline</i>
Application Accepted as Complete	Filing Date
Application and Prehearing Conference Notice Sent to <i>Pennsylvania Bulletin</i>	No Later than Day 5
Proof of Newspaper Publication and Copy of Bill Insert Notification Protest are due no later than Day 32	Day 7
<i>Pennsylvania Bulletin</i> Publication	Day 16
Protests Due	Day 32
Prehearing Conference	Day 34
Direct Testimony of Other parties	Day 36
Rebuttal Testimony	Day 41
Surrebuttal Testimony	Day 44
Evidentiary Hearings	Days 47 and 48
Receipt of Transcript	Day 49

⁵ We note that, upon issuance of a certificate of public convenience following a Section 1102 application, the “entity” will become a “public utility.” Therefore, the Commission believes that the same subsequent rate treatment applicable to an acquiring public utility in this section should apply to acquiring entities.

<i>Application & Direct Testimony/Supporting Documentation Filed</i>	<i>Model Timeline</i>
Main Briefs and Reply Briefs	Day 50—79
Close of record	Day 79
ALJ Recommended Decision	Day 116
Exceptions	Day 126
Replies to Exceptions	Day 136
Order Preparation, Commission consideration & action	Day 137—166
Preparation and entry of Final Commission Order	Days 167—181
End of six months deadline	Day 182

At the time of filing, the applicant shall cause a complete copy of the application with exhibits and supporting material to be served by registered or certified mail, return receipt requested, upon:

- (1) Each city, borough, town, township county and related planning office which is included, in whole or in part, in the proposed service area.
- (2) A water or wastewater utility, municipal corporation or authority which provides water or wastewater collection, treatment or disposal service to the public and whose service area abuts or is within 1 mile of the service area proposed in the application.
- (3) The statutory advocates and DEP's central and applicable regional offices.

52 Pa. Code § 3.501(f).

If proprietary information is included in the application, it shall be noted in the Application Filing Checklist. If a protective order is desired, it shall be requested prior to the filing of the application. The acquiring utility and other parties remain free, however, to exchange proprietary information at the outset of the proceeding pursuant to a non-disclosure agreement.

Conclusion

Section 1329 of the Code addresses the valuation of the assets of the water and wastewater systems of municipalities or authorities that are acquired by investor-owned water and wastewater utilities. For ratemaking purposes, the valuation will be the lesser of the fair market value or the negotiated purchase price. Section 1329 also allows the acquiring public utility's post-acquisition improvement costs not recovered through a distribution system improvement charge to be deferred for book and ratemaking purposes. The purpose of this Tentative Implementation Order is to have provisional procedures and guidelines in place for the near term and to solicit public comment on these provisional procedures. Upon review of those comments, the Commission will issue a final implementation order addressing any necessary changes to the provisional procedures and guidelines.

The contact persons for this proceeding are Stanley E. Brown, stabrown@pa.gov, Assistant Counsel in the Commission's Law Bureau, and Jani Tuzinski, jtuzinski@pa.gov, Manager-Water/Wastewater Section of the Commission's Bureau of Technical Utility Services; *Therefore,*

It Is Ordered That:

1. Procedures and guidelines for implementation of Section 1329, are tentatively adopted, as set forth herein.
2. Any interested party may submit comments regarding this Tentative Implementation Order within twenty (20) days of entry of this Order.

3. All pleadings, comments, or other filings shall be filed in Microsoft Word-compatible format with the Commission's Secretary Bureau at Docket No. M-2016-2543193.

4. A copy of this Tentative Implementation Order shall be published in the *Pennsylvania Bulletin* and posted on the Commission's website at www.puc.pa.gov.

5. A copy of this Tentative Implementation Order be served on all jurisdictional water and wastewater companies, the National Association of Water Companies—Pennsylvania Chapter, the Pennsylvania State Association of Township Supervisors, the Pennsylvania State Association of Boroughs, the Pennsylvania Municipal Authorities Association, the Pennsylvania Rural Water Association, the Commission's Bureau of Investigation and Enforcement, the Office of Consumer Advocate, and the Office of Small Business Advocate.

ROSEMARY CHIAVETTA,
Secretary

[Pa.B. Doc. No. 16-1372. Filed for public inspection August 5, 2016, 9:00 a.m.]

Petition of Valley Energy, Inc. for Delay in Logo Portion of Joint Natural Gas Distribution Company—Natural Gas Supplier Bill Format; Investigation of Pennsylvania's Retail Natural Gas Market: Joint Natural Gas Distribution Company—Natural Gas Supplier Bill

Public Meeting held
July 21, 2016

Commissioners Present: Gladys M. Brown, Chairperson; Andrew G. Place, Vice Chairperson; John F. Coleman, Jr.; Robert F. Powelson; David W. Sweet, Absent

Petition of Valley Energy, Inc. for Delay in Logo Portion of Joint Natural Gas Distribution Company—Natural Gas Supplier Bill Format; P-2016-2550226

Investigation of Pennsylvania's Retail Natural Gas Market: Joint Natural Gas Distribution Company—Natural Gas Supplier Bill; M-2015-2474802

Final Order

By the Commission:

Before the Pennsylvania Public Utility Commission (Commission) is a recommendation from the Commission's Office of Competitive Market Oversight (OCMO) to provide Valley Energy Inc. (Valley Energy or the Company) with a temporary exemption from including Natural Gas Supplier (NGS) logos on customer bills. Valley

Energy will be complying with the other Joint-Bill features; specifically, the expansion of bill messaging space allotted to NGSs and the inclusion of a Shopping Information Box.

Background

During its Investigation of Pennsylvania's Retail Electricity Market (Electric RMI), this Commission directed OCMO to provide recommendations on how the existing electric utility-consolidated bill could be more supplier-oriented.¹ OCMO's inquiry could include, but not be limited to, making the electric generation supplier's (EGS) information more prominent; including the EGS's logo on the electric distribution company's (EDC) bill; providing increased spacing for EGS messaging and potentially allowing EGS bill inserts. The Commission stated that the "expected end-result would look more like a joint EDC-EGS bill."²

The Commission adopted OCMO's recommendations regarding a joint EDC-EGS bill via a Final Order on May 22, 2014.³ In the Joint EDC-EGS Bill Final Order, the Commission directed the EDCs to implement, by June 1, 2015, the following billing changes: 1) include the EGS's logo on the EDC bill;⁴ 2) expand the EGS bill messaging space from two (2) to four (4) lines with up to 80 characters each; and, 3) include a Shopping Information Box that provides a customer's account/customer supplier identification (ID) number (whichever is needed to effectuate a switch in electric generation supplier), the customer's Rate Schedule and an indication that this information is needed when shopping with an EGS.⁵ The Commission believed the inclusion of this information would aid customers in not only developing a stronger recognition of and relationship with their supplier, but would also increase customer awareness when participating in the competitive retail energy market.⁶

On December 18, 2014, we issued a Final Order at Docket No. I-2013-2381742 (hereinafter Gas RMI Final Order), announcing specific topics and issues that we intended to pursue in our Investigation of Pennsylvania's Retail Natural Gas Supply Market (Investigation or Gas RMI).⁷ Through the Gas RMI Final Order, we outlined our priorities and finalized specific action plans to be undertaken by OCMO, including the establishment of working groups, and our intent to propose regulations on specific issues. We stated that a joint Natural Gas Distribution Company (NGDC)-NGS bill may provide customers with an increased recognition of their suppliers and aid in the development of the relationship between NGSs and customers.

We directed OCMO to develop recommendations no later than the second quarter of 2015 regarding the applicability of a joint NGDC-NGS bill. With that goal, the Commission directed stakeholders to submit to OCMO informal comments⁸ on the supplier-related elements and requirements that would be most appropriate for inclusion on the utility-consolidated bill.⁹ Six parties submitted informal comments to OCMO. Following its

review of the informal comments, OCMO submitted to the Commission its proposals for implementing a joint NGDC-NGS bill. The Commission adopted for comment OCMO's proposals at its April 23, 2015 Public Meeting¹⁰ that included three proposed changes to utility-consolidated bills to make them more supplier-oriented: inclusion of the NGS's logo on the NGDC bill; expansion of the bill messaging space provided to NGSs; and inclusion of a Shopping Information Box. The Commission also requested that cost estimates and recovery proposals be provided. Lastly, the Commission proposed that these changes be implemented no later than June 1, 2016.

The following parties submitted comments to the Commission's Tentative Order: Columbia Gas of Pennsylvania, Inc. (Columbia); EAP; the Office of Consumer Advocate (OCA); PECCO; PEMC; Peoples Natural Gas Company LLC, Peoples Natural Gas Company LLC—Equitable Division and Peoples TWP LLC (collectively, Peoples); PGW; Pike County Light and Power Company (PCL&P); RESA and UGI.

Upon review of the comments, the Commission issued a Final Order¹¹ that provided direction to the NGDCs as to the features a joint bill should include; the timeframe for implementation; and cost recovery.

The Commission adopted the proposal that the NGS logo should be provided on the NGDC bill because placing the NGS logo on the NGDC bill reinforces the relationship between the customer and the selected NGS and serves as a reminder of the relationship for those customers who may have forgotten about their selected NGS. However, the Commission also declared that it would be voluntary for a NGS to include its logo on customer bills.

This Commission also maintained its proposal that supplier bill messaging space should be expanded as this would allow suppliers to provide their customers with valuable information regarding their chosen generation product and supplier. The Commission directed NGDCs to work with NGSs, and where necessary, OCMO, to implement any necessary changes to provide four lines of NGS messaging space on the NGDC bill. We strongly encouraged NGSs to maximize their use of this messaging space often and to provide contract expiration dates, where feasible and appropriate, to inform and remind customers of upcoming gas supply changes.

Further, the Commission directed that NGDCs to include on their bills, separate and apart from other charges, a Shopping Information Box that includes a customer's account/customer supplier ID number (whichever is needed to effectuate a switch), the customer's Rate Schedule and an indication that this information is needed when shopping with an NGS. The Shopping Information Box should include language reminding a customer who has already shopped to be aware of whether or not their current generation supply contract has an expiration date and, if so, when the expiration occurs. We agreed that flexibility was important regarding the size and location of this information on the NGDC bill, and, as a result, we did not dictate where this information should be included. However, we did require that the Shopping Information Box be conspicuous and separate and apart from other charges and include the specific language provided below:

¹⁰ Investigation of Pennsylvania's Retail Natural Gas Supply Market—Joint Natural Gas Distribution Company—Natural Gas Supplier Bill Final Order, Docket No. M-2015-2474802 (Order entered Apr. 23, 2015) (hereinafter Tentative Order).

¹¹ Investigation of Pennsylvania's Retail Natural Gas Market: Joint Natural Gas Distribution Company—Natural Gas Supplier Bill Final Order, Docket No. M-2015-2474802 (Order entered Aug. 20, 2015) (hereinafter Final Order).

¹ Investigation of Pennsylvania's Retail Electricity Market: End State of Default Service Final Order, at 67, Docket No. I-2011-2237952 (Order entered Feb. 15, 2013) (hereinafter Electric RMI Final Order).

² Id.

³ Investigation of Pennsylvania's Retail Electricity Market: Joint Electric Distribution Company—Electric Generation Supplier Bill Final Order, Docket No. M-2014-2401345 (Order entered May 23, 2014) (hereinafter Joint EDC-EGS Bill Final Order).

⁴ The inclusion of the EGS's logo is at the discretion of the EGS. EGSs were not required to submit their logos.

⁵ See Joint EDC-EGS Bill Final Order.

⁶ See Joint EDC-EGS Bill Final Order at page 39.

⁷ See Investigation of Pennsylvania's Retail Natural Gas Supply Market Final Order, Docket No. I-2013-2381742 (Order entered Dec. 18, 2014).

⁸ The informal comments are publicly available at Docket No. M-2015-2474802.

⁹ Id. at 42.

Shopping Information Box

When shopping for gas with an Natural Gas Supplier, please provide the following:

Account number/customer supplier ID number:
Rate Schedule:

If you are already shopping, know your contract expiration date.

The Commission stated that the Shopping Information Box is appropriate for inclusion on dual bills as it provides a customer with information should they wish to switch from their existing supplier. However, we ruled that the NGS messaging space and logo are not relevant on dual bills as the customer is already receiving a separate bill from the supplier. We also determined that it may be difficult and unnecessary to include the NGS logo, messaging space and Shopping Information Box on certain types of bills, including summary bills.

Concerning costs and cost recovery, we agreed that the NGDCs should be provided with the recovery of reasonably and prudently incurred costs associated with the design and implementation of including suppliers logos, providing for bill messaging space and including the Shopping Information Box. The Commission maintained that the use of a non-bypassable surcharge is most appropriate mechanism in recovering these costs. We provided the NGDCs a one year timeframe in which to implement the joint bill and asked the NGDCs to submit sample bills to OCMO for review at least 45 days prior to implementation.

We did, however, grant a request for exemption by Pike County Light and Power (PCL&P) from implementing the joint bill:

We agree with PCL&P that including a Shopping Information Box on a customer's bill in a service in which there are no active suppliers may be confusing. With the lack of active suppliers, the NGS logo and bill messaging space is also unnecessary; however, these elements would not appear on a customer's bill so our immediate concern is the Shopping Information Box. We agree that PCL&P should not implement these changes, at this time, due to a lack of active NGS participation in its service territory. However, PCL&P should implement the three joint bill changes outlined in this Final Order if and when an active NGS begins operations in its service territory. At that time, PCL&P will be required to file a notice with the Commission advising that the bill changes directed in this Final Order are being implemented, the estimated costs and the anticipated completion date. The notice should be filed with the Secretary at this Docket Number along with an email copy to OCMO at ra-ocmo@pa.gov.

Final Order at 33. We also stated, "Other smaller NDCS without active suppliers in their territories may also seek exemption or delay in implementation of this Joint Bill requirement." Id.

Request for Exemption

On June 9, 2016, the Commission received the Petition of Valley Energy, Inc. for Delay in Logo Portion of Joint NGDC-NGS Bill Format (Petition). At the same time, Valley Energy served the Petition on the statutory advocates. No answers were filed in response to the Petition.

In its Petition, Valley Energy describes itself as an NGDC serving approximately 5,867 residential and 874 commercial and industrial customers in and around Sayre, Bradford County, Pennsylvania. Valley Energy Petition at 1. Valley Energy reports that of these customers, approximately 49 small commercial and zero residential accounts currently purchase gas from NGSs. An additional seven large industrial accounts are supplied by NGSs and take only transportation service from Valley Energy. The Company states that all of the shopping accounts receive dual/separate bills—one from the NGS for supply and one from Valley Energy for the delivery of the gas. Valley Energy's current billing system is not programmed to issue consolidated bills. Id. at 2.

In its Petition, Valley Energy reports that it has explored the implementation of joint bills as directed by the Commission and that its billing vendor has indicated that the bill messaging space can be expanded and the Shopping Information Box can be added with minimal programming changes and cost to the Company. However, the vendor has indicated that the system modifications required to add an NGS logo to the bill would be more extensive and expensive. This is due, at least in part, to the Company's lack of the electronic data interchange capabilities necessary to issue consolidated bills. The Company reports that the cost of implementing consolidated billing is \$660,000 and that these changes would take at a minimum 18—24 months to implement. Id. at 3.

Valley Energy asserts that with annual total revenues of approximately \$10 million (consisting of \$2 million transportation and \$8 million in gas sales), it has limited financial resources to implement the logo requirement at this time. Also, due to its small customer base, Valley Energy maintains that NGSs have not expressed an interest in serving its smaller customers. Further, the Company states that no NGSs serving the existing transportation customers have complained to Valley Energy about the absence of consolidated billing. Id. at 4.

Due to the cost and time involved in implementing the NGS logo capability, Valley Energy requests an exemption to delay implementation this aspect of the joint bill until an NGS requests to use consolidated billing. At that time, Valley Energy proposes to file a notice with the Commission that will include a plan to investigate the costs and implementation timeline to pursue consolidated billing (and the use of the NGS logo on the bill). After that investigation, Valley Energy will submit a further filing with the Commission that includes either an implementation plan, including a cost recovery proposal, or they will file a request for a permanent waiver of the requirement. Id. at 4.

Resolution

As discussed in our Final Order, we believe that the joint bill format will aid natural gas customers in not only developing a stronger recognition of, and relationship with, their NGS, but also will increase customer awareness when participating in the competitive retail natural gas market. However, as we also discussed in our Final Order, we recognize that these requirements may pose unreasonable burdens and costs on smaller NGDCs. For these reasons, we expressly exempted PCL&P from the requirements—at least temporarily—and invited other similarly-situated NGDCs to request exemptions if they believed their circumstances warranted consideration. In response, Valley Energy filed the subject Petition.

Valley Energy states that it is prepared to implement two of the features of the joint bill. Therefore, Valley

Energy shall proceed with implementation of the two joint bill features that the Company reports it can implement with minimal costs—the Shopping Information Box and the increased NGS messaging space. We remind Valley Energy of the requirement from the Final Order that they provide a sample of the joint bill format to OCMO (at ra-ocmo@pa.gov) at least 45 days before the intended implementation date.

Regarding the logo requirement, we acknowledge Valley Energy's uniqueness, specifically with regard to its relatively small customer base and its lack of residential shopping. We recognize Valley Energy's estimates of the costs and that imposing these costs on the customer base at this time may not be reasonable. For those reasons, we will grant Valley Energy a temporary exemption from the logo requirement. This waiver will be in effect until an NGS approaches Valley Energy expressing an interest in consolidated billing. At that time, consistent with our treatment of PCL&P in the Final Order, Valley Energy will be required to file a notice with the Commission advising that the bill changes directed in this Final Order are being implemented and providing the specifics of the implementation plan—including the estimated costs and the anticipated completion date. The notice should be filed with the Secretary at this Docket Number along with an email copy to OCMO at ra-ocmo@pa.gov.

Conclusion

After review of Valley Energy's Petition, we find that the Company's request for a limited, temporary exemption from the Commission's requirements regarding inclusion of an NGS logo on a joint bill to be in the public interest.

Therefore,

It Is Ordered That:

1. Valley Energy Inc.'s request for exemption from the Commission's NGDC-NGS joint bill format concerning NGS logos is temporarily granted.

2. At such time that an NGS approaches Valley Energy LLC expressing an interest in consolidated billing, Valley Energy Inc. shall file with the Commission a notice and implementation plan, per the terms of this Final Order.

3. This Final Order be served on all jurisdictional Natural Gas Distribution Companies, Natural Gas Suppliers, the Bureau of Investigation and Enforcement, the Office of Consumer Advocate, the Office of Small Business Advocate and the parties who filed comments at Docket No. M-2015-2474802.

4. The Secretary shall deposit a notice of this Final Order with the Legislative Reference Bureau for publication in the *Pennsylvania Bulletin*.

5. A copy of this Order be posted on the Commission's website at the Natural Gas Retail Markets Investigation web page at: http://www.puc.pa.gov/utility_industry/natural_gas/natural_gas_rmi.aspx.

6. The Office of Competitive Market Oversight shall electronically serve a copy of this Final Order on all persons on the contact list for the Committee Handling Activities for Retail Growth in Electricity and the Natural Gas Retail Markets Investigation.

ROSEMARY CHIAVETTA,
Secretary

[Pa.B. Doc. No. 16-1373. Filed for public inspection August 5, 2016, 9:00 a.m.]

Pro Forma Corporate Restructuring

A-2016-2558274. MCIMetro Access Transmission Services, LLC and MCIMetro Access Transmission Services of Massachusetts, Inc. Pro forma joint application of MCIMetro Access Transmission Services, LLC and MCIMetro Access Transmission Services of Massachusetts, Inc. for approval of a corporate restructuring merging the companies.

Formal protests and petitions to intervene must be filed in accordance with 52 Pa. Code (relating to public utilities) on or before August 22, 2016. Filings must be made with the Secretary of the Pennsylvania Public Utility Commission, P.O. Box 3265, Harrisburg, PA 17105-3265, with a copy served on the applicant. The documents filed in support of the application are available for inspection and copying at the Office of the Secretary between 8 a.m. and 4:30 p.m., Monday through Friday, on the Pennsylvania Public Utility Commission's web site at www.puc.pa.gov and at the applicant's business address.

Applicants: MCIMetro Access Transmission Services, LLC; MCIMetro Access Transmission Services of Massachusetts, Inc.

Through and By Counsel: Suzan D. Paiva, Esquire, Verizon, 1717 Arch Street, Third Floor, Philadelphia, PA 19103

ROSEMARY CHIAVETTA,
Secretary

[Pa.B. Doc. No. 16-1374. Filed for public inspection August 5, 2016, 9:00 a.m.]

Service of Notice of Motor Carrier Applications

The following temporary authority and/or permanent authority applications for the right to render service as a common carrier or contract carrier in this Commonwealth have been filed with the Pennsylvania Public Utility Commission. Formal protests and petitions to intervene must be filed in accordance with 52 Pa. Code (relating to public utilities). A protest shall indicate whether it applies to the temporary authority application, the permanent authority application, or both. Filings must be made with the Secretary, Pennsylvania Public Utility Commission, P.O. Box 3265, Harrisburg, PA 17105-3265, with a copy served on the applicant by August 22, 2016. Documents filed in support of the applications are available for inspection and copying at the Office of the Secretary between 8 a.m. and 4:30 p.m., Monday through Friday, and at the business address of the respective applicant.

Applications of the following for approval to begin operating as common carriers for transportation of persons as described under each application.

A-2016-2547711. BGP, LLC, t/a PA Transportation Services (4329 Rexford Drive, Bethlehem, Northampton County, PA 18020) for the right to begin to transport, as a common carrier, by motor vehicle, persons 60 years of age and older in nonmedical paratransit service, between points in the Counties of Bucks, Lehigh, Montgomery and Northampton and the City and County of Philadelphia.

A-2016-2551064. Angela Carrieri, t/a FM Limousine (3413 Ridgeway Street, Pittsburgh, Allegheny County, PA 15213) for the right to begin to transport, as a common carrier, by motor vehicle, persons in limousine service, between points in the Counties of Allegheny and Armstrong.

A-2016-2551188. Walter A. Reed, Jr., t/a Road Ranger's Shuttle Service 24/7 (2066 Biglerville Road, Gettysburg, Adams County, PA 17325) for the right to begin to transport, as a common carrier, by motor vehicle, persons in paratransit service, between points in the Borough of Gettysburg, and within 25 air statute miles of the borough limits of Gettysburg.

A-2016-2555114. Leroy E. Bearce, t/a Bearce Delivery Services and Bearce Kab Services (16471 Wager Road, Union City, Erie County, PA 16438) for the right to transport as a common carrier, by motor vehicle, persons in paratransit service, from points in the Counties of Crawford and Erie, to points in Pennsylvania, and return.

A-2016-2556397. Donna Grentz and Eric Plomchok (973 Hilldale Road, Holtwood, Lancaster County, PA 17532) for the right to transport as a common carrier, by motor vehicle, persons in paratransit service, limited to persons whose personal convictions prevent them from owning or operating motor vehicles, from points in Lancaster County, to points in Pennsylvania, and return.

A-2016-2556581. RNR Transportation, LLC (514 Laurel Road, Yeadon, Delaware County, PA 19050) for the right to transport as a common carrier, by motor vehicle, persons in paratransit service, from points in the Counties of Delaware and Philadelphia, to points in Pennsylvania, and return. *Attorney:* Michael S. Henry, Esquire, 100 South Broad Street, Suite 650, Philadelphia, PA 19110.

A-2016-2556607. Frank Zimmerman (342 Willow Dell Lane, Leola, Lancaster County, PA 17540) in paratransit service, limited to persons whose personal convictions prevent them from owning or operating motor vehicles, from points in Lancaster County, to points in Pennsylvania, and return.

A-2016-2557390. New Trinity Ambulance, LLC (5418 North Mascher Street, Philadelphia, Philadelphia County, PA 19120) for the right to transport as a common carrier, by motor vehicle, persons in paratransit service, from points in the Counties of Bucks, Delaware, Montgomery and Philadelphia, to points in Pennsylvania, and return.

A-2016-2557500. Woods Family Transportation, LLC (6503 North 12th Street, Philadelphia, Philadelphia County, PA 19126) for the right to transport as a common carrier, by motor vehicle, persons in paratransit service, from points in the City and County of Philadelphia, to points in Pennsylvania, and return.

Application of the following for approval of the beginning of the exercise of the right and privilege of operating motor vehicles as common carriers for the transportation of persons by transfer of rights as described under the application.

A-2016-2556572. Intirat Enterprise Corporation, t/a Royalty Transit Connection (1018 Street Road, Suite 102, Southampton, Bucks County, PA 18966) a corporation of the Commonwealth of Pennsylvania—in paratransit service, from points in Delaware County, and the City and County of Philadelphia, to points in Pennsylvania, and return, which is to be a transfer of all rights authorized under the certificate issued at A-6415996 to Ambulance Service of America, Inc., subject to the same limitations and conditions.

Application of the following for approval of the beginning of the exercise of the right and privilege of operating motor vehicles as common carriers for the transportation of household goods as described under the application.

A-2016-2558219. Kansas Moving Center, Inc. (6700 West 138th Terrace, # 2025, Overland Park, KS 66223) household goods in use, between points in Pennsylvania.

Application of the following for approval to begin operating as contract carriers for transportation of persons as described under the application.

A-2016-2556553. Care Alliance Center, Inc. (2427 Susquehanna Road, Roslyn, Montgomery County, PA 19001) a corporation of the Commonwealth of Pennsylvania—for medical transport systems, from points in the Counties of Delaware, Chester and the City and County of Philadelphia, to points in Pennsylvania, and return. *Attorney:* David P. Temple, Esq., 1600 Market Street, Suite 1320, Philadelphia, PA 19103.

ROSEMARY CHIAVETTA,
Secretary

[Pa.B. Doc. No. 16-1375. Filed for public inspection August 5, 2016, 9:00 a.m.]

Service of Notice of Motor Carrier Formal Complaints

Formal Complaints have been issued by the Pennsylvania Public Utility Commission. Answers must be filed in accordance with 52 Pa. Code (relating to public utilities). Answers are due August 22, 2016, and must be made with the Secretary, Pennsylvania Public Utility Commission, P.O. Box 3265, Harrisburg, PA 17105-3265, with a copy to the First Deputy Chief Prosecutor, Pennsylvania Public Utility Commission.

Pennsylvania Public Utility Commission; Bureau of Investigation and Enforcement v. GJT Enterprises, Inc., t/a Limos R Us; Docket No. C-2016-2546464

COMPLAINT

The Pennsylvania Public Utility Commission (Commission) is a duly constituted agency of the Commonwealth of Pennsylvania empowered to regulate public utilities within the Commonwealth. The Commission has delegated its authority to initiate proceedings which are prosecutory in nature to the Bureau of Investigation and Enforcement and other bureaus with enforcement responsibilities. Pursuant to that delegated authority and Section 701 of the Public Utility Code, the Bureau of Investigation and Enforcement Prosecutory Staff hereby represents as follows:

1. That GJT Enterprises, Inc., t/a Limos R Us, Respondent, maintains its principal place of business at 130 Estates Road, Greentown, Pennsylvania, 18426.

2. That Respondent was issued a certificate of public convenience by this Commission on June 17, 2008, at A-2008-2019746, authorizing transportation of persons in limousine service and on March 18, 2010, at A-2009-2145457, authorizing transportation of persons in group and party 15 passengers or less.

3. That Respondent's operating rights were suspended on September 16, 2015, for failure to maintain evidence of insurance on file with this Commission. The suspension

was lifted on March 26, 2016 when proof of insurance was received. Therefore, there was a lapse of insurance coverage from September 16, 2015 through March 26, 2016.

4. That on May 4, 2016, Enforcement Officer Rob Maholik interviewed Joseph Ruffalo, who identified himself as the manager of GJT Enterprises, Inc. At that time, Officer Maholik obtained vehicle logs for the time period of September, 2015 through March, 2016 for inspection. The logs reveal that Respondent permitted its vehicle to be operated three days while under suspension.

5. That Respondent, by permitting its vehicle to be operated while under suspension, violated 52 Pa. Code § 32.2 and § 32.11 and 66 Pa.C.S. § 501(c), in that it failed to observe, obey and comply with a Commission regulation or order, and the terms and conditions thereof. The penalty for this violation is \$1,000 for each day Respondent operated during the suspension and cancellation of the certificate of public convenience, for a total of \$3,000.

Wherefore, the Bureau of Investigation and Enforcement Prosecutory Staff hereby requests that the Commission fine GJT Enterprises, Inc., t/a Limos R Us, the sum of three thousand dollars (\$3,000.00) for the illegal activity described in this Complaint and cancellation of the certificate of public convenience at A-2008-2019746 and A-2009-2145457.

Respectfully submitted,
David W. Loucks, Chief
Motor Carrier Enforcement
Bureau of Investigation and Enforcement
P.O. Box 3265
Harrisburg, PA 17105-3265

VERIFICATION

I, David W. Loucks, hereby state that the facts above set forth are true and correct to the best of my knowledge, information and belief and that I expect that the Bureau will be able to prove same at any hearing held in this matter. I understand that the statements herein are made subject to the penalties of 18 Pa.C.S. § 4904 relating to unsworn falsification to authorities.

Date: 6/21/2016

David W. Loucks, Chief
Motor Carrier Enforcement
Bureau of Investigation and Enforcement

NOTICE

A. You must file an Answer within twenty (20) days of the date of service of this Complaint. The date of service is the mailing date as indicated at the top of the Secretarial Cover Letter for this Complaint and Notice, 52 Pa. Code § 1.56(a). An Answer is a written explanation of circumstances wished to be considered in determining the outcome. The Answer shall raise all factual and legal arguments that you wish to claim in your defense and must include the reference number of this Complaint. Your Answer must be verified and the original shall be mailed to:

Rosemary Chiavetta, Secretary
Pennsylvania Public Utility Commission
P.O. Box 3265
Harrisburg, PA 17105-3265

Or may be sent by overnight delivery to:

400 North Street, 2nd Floor
Harrisburg, PA 17120

Additionally, please serve a copy on:

Michael L. Swindler, Deputy Chief Prosecutor
Bureau of Investigation and Enforcement
Pennsylvania Public Utility Commission
P.O. Box 3265
Harrisburg, PA 17105-3265

Or, e-mail to Mr. Swindler at: RA-PCCmplntResp@pa.gov

B. If you fail to answer this complaint within twenty (20) days, the Bureau of Investigation and Enforcement will request that the Commission issue a Secretarial Letter imposing a penalty. The penalty could include a fine, the suspension or revocation of your certificate of public convenience or other remedy.

C. You may elect not to contest this complaint by paying the fine proposed in this Complaint by certified check or money order. Payment must be made to the Commonwealth of Pennsylvania and should be forwarded to:

Rosemary Chiavetta, Secretary
Pennsylvania Public Utility Commission
P.O. Box 3265
Harrisburg, PA 17105-3265

Your payment is an admission that you committed the alleged violation and an agreement to cease and desist from further violations. Upon receipt of your payment, the complaint proceeding shall be closed.

D. If you file an Answer, which admits or fails to deny the allegations of the Complaint, the Bureau of Investigation and Enforcement will request that the Commission issue a Secretarial Letter imposing a penalty.

E. If you file an Answer which contests the Complaint, the matter will be assigned to an Administrative Law Judge for hearing and decision. The judge is not bound by the optional fine set forth above.

F. Alternative formats of this material are available for persons with disabilities by contacting the Commission's ADA Coordinator at 717-787-8714.

Pennsylvania Public Utility Commission; Bureau of Investigation and Enforcement v. GV Trucking, Inc.; Docket No. C-2016-2551099

COMPLAINT

The Pennsylvania Public Utility Commission (Commission) is a duly constituted agency of the Commonwealth of Pennsylvania empowered to regulate public utilities within the Commonwealth. The Commission has delegated its authority to initiate proceedings which are prosecutory in nature to the Bureau of Investigation and Enforcement and other bureaus with enforcement responsibilities. Pursuant to that delegated authority and Section 701 of the Public Utility Code, the Bureau of Investigation and Enforcement hereby represents as follows:

1. That all authority issued to GV Trucking, Inc., (respondent) is under suspension effective May 12, 2016 for failure to maintain evidence of insurance on file with this Commission.

2. That respondent maintains a principal place of business at P.O. Box C, Evans City, PA 16033.

3. That respondent was issued a Certificate of Public Convenience by this Commission on July 19, 2000, at A-00116959.

4. That respondent has failed to maintain evidence of Cargo insurance on file with this Commission. The Bureau of Investigation and Enforcement's proposed civil penalty for this violation is \$500 and cancellation of the Certificate of Public Convenience.

5. That respondent, by failing to maintain evidence of insurance on file with this Commission, violated 66 Pa.C.S. § 512, 52 Pa. Code § 32.2(c), and 52 Pa. Code § 32.11(a), § 32.12(a) or § 32.13(a).

Wherefore, unless respondent pays the penalty of \$500 or files an answer in compliance with the attached notice and/or causes its insurer to file evidence of insurance with this Commission within twenty (20) days of the date of service of this Complaint, the Bureau of Investigation and Enforcement will request that the Commission issue an Order which (1) cancels the Certificate of Public Convenience held by respondent at A-00116959 for failure to maintain evidence of current insurance on file with the Commission, (2) fines Respondent the sum of five hundred dollars (\$500.00) for the illegal activity described in this Complaint, (3) orders such other remedy as the Commission may deem to be appropriate, which may include the suspension of a vehicle registration and (4) imposes an additional fine on the respondent should cancellation occur.

Respectfully submitted,
David W. Loucks, Chief
Motor Carrier Enforcement
Bureau of Investigation and Enforcement
P.O. Box 3265
Harrisburg, PA 17105-3265

VERIFICATION

I, David W. Loucks, Chief, Motor Carrier Enforcement, Bureau of Investigation and Enforcement, hereby state that the facts above set forth are true and correct to the best of my knowledge, information and belief and that I expect that the Bureau will be able to prove same at any hearing held in this matter. I understand that the statements herein are made subject to the penalties of 18 Pa.C.S. § 4904 relating to unsworn falsification to authorities.

Date: 7/6/2016

David W. Loucks, Chief
Motor Carrier Enforcement
Bureau of Investigation and Enforcement

NOTICE

A. You must file an Answer within 20 days of the date of service of this Complaint. The date of service is the mailing date as indicated at the top of the Secretarial Letter. See 52 Pa. Code § 1.56(a). The Answer must raise all factual and legal arguments that you wish to claim in your defense, include the docket number of this Complaint, and be verified. You may file your Answer by mailing an original to:

Rosemary Chiavetta, Secretary
Pennsylvania Public Utility Commission
P.O. Box 3265
Harrisburg, PA 17105-3265

Or, you may eFile your Answer using the Commission's website at www.puc.pa.gov. The link to eFiling is located under the Filing & Resources tab on the homepage. If your Answer is 250 pages or less, you are not required to file a paper copy. If your Answer exceeds 250 pages, you must file a paper copy with the Secretary's Bureau.

Additionally, a copy should either be mailed to:

Michael L. Swindler, Deputy Chief Prosecutor
Pennsylvania Public Utility Commission
Bureau of Investigation and Enforcement
P.O. Box 3265
Harrisburg, PA 17105-3265

Or, emailed to Mr. Swindler at: RA-PCCmplntResp@pa.gov

B. If you fail to answer this Complaint within 20 days, the Bureau of Investigation and Enforcement will request that the Commission issue an Order imposing the penalty.

C. You may elect not to contest this Complaint by causing your insurer to file proper evidence of current insurance in accordance with the Commission's regulations and by paying the fine proposed in this Complaint by certified check or money order within twenty (20) days of the date of service of this Complaint. Accord certificates of insurance and faxed form Es and Hs are unacceptable as evidence of insurance.

The proof of insurance must be filed with the:

Compliance Office, Bureau of Technical Utility Services
Pennsylvania Public Utility Commission
P.O. Box 3265
Harrisburg, PA 17105-3265

Payment of the fine must be made to the Commonwealth of Pennsylvania and should be forwarded to:

Rosemary Chiavetta, Secretary
Pennsylvania Public Utility Commission
P.O. Box 3265
Harrisburg, PA 17105-3265

Your payment is an admission that you committed the alleged violation and an agreement to cease and desist from further violations. Upon receipt of the evidence of insurance from your insurer, and upon receipt of your payment, the Complaint proceeding shall be closed.

D. If you file an Answer which either admits or fails to deny the allegations of the Complaint, the Bureau of Investigation and Enforcement will request the Commission to issue an Order imposing the penalty set forth in this Complaint.

E. If you file an Answer which contests the Complaint, the matter will be assigned to an Administrative Law Judge for hearing and decision. The Judge is not bound by the penalty set forth in the Complaint, and may impose additional and/or alternative penalties as appropriate.

F. If you are a corporation, you must be represented by legal counsel. 52 Pa. Code § 1.21.

Alternative formats of this material are available for persons with disabilities by contacting the Commission's ADA Coordinator at 717-787-8714. Do not call this number if you have questions as to why you received this complaint. For those questions you may call 717-783-3847.

Pennsylvania Public Utility Commission; Bureau of Investigation and Enforcement v. Parrot Head Transportation, Inc., t/a Two Men & A Truck;
Docket No. C-2016-2553450

COMPLAINT

The Pennsylvania Public Utility Commission (Commission) is a duly constituted agency of the Commonwealth

of Pennsylvania empowered to regulate public utilities within the Commonwealth. The Commission has delegated its authority to initiate proceedings which are prosecutory in nature to the Bureau of Investigation and Enforcement and other bureaus with enforcement responsibilities. Pursuant to that delegated authority and Section 701 of the Public Utility Code, the Bureau of Investigation and Enforcement hereby represents as follows:

1. That all authority issued to Parrot Head Transportation, Inc., t/a Two Men & A Truck, (respondent) is under suspension effective May 30, 2016 for failure to maintain evidence of insurance on file with this Commission.

2. That respondent maintains a principal place of business at P.O. Box 230, Concordville, PA 19331.

3. That respondent was issued a Certificate of Public Convenience by this Commission on April 08, 2005, at A-00119632.

4. That respondent has failed to maintain evidence of Cargo and Liability insurance on file with this Commission. The Bureau of Investigation and Enforcement's proposed civil penalty for this violation is \$500 and cancellation of the Certificate of Public Convenience.

5. That respondent, by failing to maintain evidence of insurance on file with this Commission, violated 66 Pa.C.S. § 512, 52 Pa. Code § 32.2(c), and 52 Pa. Code § 32.11(a), § 32.12(a) or § 32.13(a).

Wherefore, unless respondent pays the penalty of \$500 or files an answer in compliance with the attached notice and/or causes its insurer to file evidence of insurance with this Commission within twenty (20) days of the date of service of this Complaint, the Bureau of Investigation and Enforcement will request that the Commission issue an Order which (1) cancels the Certificate of Public Convenience held by respondent at A-00119632 for failure to maintain evidence of current insurance on file with the Commission, (2) fines Respondent the sum of five hundred dollars (\$500.00) for the illegal activity described in this Complaint, (3) orders such other remedy as the Commission may deem to be appropriate, which may include the suspension of a vehicle registration and (4) imposes an additional fine on the respondent should cancellation occur.

Respectfully submitted,
David W. Loucks, Chief
Motor Carrier Enforcement
Bureau of Investigation and Enforcement
P.O. Box 3265
Harrisburg, PA 17105-3265

VERIFICATION

I, David W. Loucks, Chief, Motor Carrier Enforcement, Bureau of Investigation and Enforcement, hereby state that the facts above set forth are true and correct to the best of my knowledge, information and belief and that I expect that the Bureau will be able to prove same at any hearing held in this matter. I understand that the statements herein are made subject to the penalties of 18 Pa.C.S. § 4904 relating to unsworn falsification to authorities.

Date: 6/29/2016

David W. Loucks, Chief
Motor Carrier Enforcement
Bureau of Investigation and Enforcement

NOTICE

A. You must file an Answer within 20 days of the date of service of this Complaint. The date of service is the mailing date as indicated at the top of the Secretarial Letter. See 52 Pa. Code § 1.56(a). The Answer must raise all factual and legal arguments that you wish to claim in your defense, include the docket number of this Complaint, and be verified. You may file your Answer by mailing an original to:

Rosemary Chiavetta, Secretary
Pennsylvania Public Utility Commission
P.O. Box 3265
Harrisburg, PA 17105-3265

Or, you may eFile your Answer using the Commission's website at www.puc.pa.gov. The link to eFiling is located under the Filing & Resources tab on the homepage. If your Answer is 250 pages or less, you are not required to file a paper copy. If your Answer exceeds 250 pages, you must file a paper copy with the Secretary's Bureau.

Additionally, a copy should either be mailed to:

Michael L. Swindler, Deputy Chief Prosecutor
Pennsylvania Public Utility Commission
Bureau of Investigation and Enforcement
P.O. Box 3265
Harrisburg, PA 17105-3265

Or, emailed to Mr. Swindler at: RA-PCCmplntResp@pa.gov

B. If you fail to answer this Complaint within 20 days, the Bureau of Investigation and Enforcement will request that the Commission issue an Order imposing the penalty.

C. You may elect not to contest this Complaint by causing your insurer to file proper evidence of current insurance in accordance with the Commission's regulations and by paying the fine proposed in this Complaint by certified check or money order within twenty (20) days of the date of service of this Complaint. Accord certificates of insurance and faxed form Es and Hs are unacceptable as evidence of insurance.

The proof of insurance must be filed with the:

Compliance Office, Bureau of Technical Utility Services
Pennsylvania Public Utility Commission
P.O. Box 3265
Harrisburg, PA 17105-3265

Payment of the fine must be made to the Commonwealth of Pennsylvania and should be forwarded to:

Rosemary Chiavetta, Secretary
Pennsylvania Public Utility Commission
P.O. Box 3265
Harrisburg, PA 17105-3265

Your payment is an admission that you committed the alleged violation and an agreement to cease and desist from further violations. Upon receipt of the evidence of insurance from your insurer, and upon receipt of your payment, the Complaint proceeding shall be closed.

D. If you file an Answer which either admits or fails to deny the allegations of the Complaint, the Bureau of Investigation and Enforcement will request the Commission to issue an Order imposing the penalty set forth in this Complaint.

E. If you file an Answer which contests the Complaint, the matter will be assigned to an Administrative Law Judge for hearing and decision. The Judge is not bound

by the penalty set forth in the Complaint, and may impose additional and/or alternative penalties as appropriate.

F. If you are a corporation, you must be represented by legal counsel. 52 Pa. Code § 1.21.

Alternative formats of this material are available for persons with disabilities by contacting the Commission's ADA Coordinator at 717-787-8714. Do not call this number if you have questions as to why you received this complaint. For those questions you may call 717-783-3847.

**Pennsylvania Public Utility Commission; Bureau
of Investigation and Enforcement v.
Arnold Transportation Svcs, Inc.;**
Docket No. C-2016-2554706

COMPLAINT

The Pennsylvania Public Utility Commission (Commission) is a duly constituted agency of the Commonwealth of Pennsylvania empowered to regulate public utilities within the Commonwealth. The Commission has delegated its authority to initiate proceedings which are prosecutory in nature to the Bureau of Investigation and Enforcement and other bureaus with enforcement responsibilities. Pursuant to that delegated authority and Section 701 of the Public Utility Code, the Bureau of Investigation and Enforcement hereby represents as follows:

1. That all authority issued to Arnold Transportation Svcs, Inc., (respondent) is under suspension effective March 04, 2016 for failure to maintain evidence of insurance on file with this Commission.
2. That respondent maintains a principal place of business at 451 Freight Street, Camp Hill, PA 17011.
3. That respondent was issued a Certificate of Public Convenience by this Commission on July 07, 1980, at A-00101705.
4. That respondent has failed to maintain evidence of Cargo insurance on file with this Commission. The Bureau of Investigation and Enforcement's proposed civil penalty for this violation is \$500 and cancellation of the Certificate of Public Convenience.
5. That respondent, by failing to maintain evidence of insurance on file with this Commission, violated 66 Pa.C.S. § 512, 52 Pa. Code § 32.2(c), and 52 Pa. Code § 32.11(a), § 32.12(a) or § 32.13(a).

Wherefore, unless respondent pays the penalty of \$500 or files an answer in compliance with the attached notice and/or causes its insurer to file evidence of insurance with this Commission within twenty (20) days of the date of service of this Complaint, the Bureau of Investigation and Enforcement will request that the Commission issue an Order which (1) cancels the Certificate of Public Convenience held by respondent at A-00101705 for failure to maintain evidence of current insurance on file with the Commission, (2) fines Respondent the sum of five hundred dollars (\$500.00) for the illegal activity described in this Complaint, (3) orders such other remedy as the Commission may deem to be appropriate, which may include the suspension of a vehicle registration and (4) imposes an additional fine on the respondent should cancellation occur.

Respectfully submitted,
David W. Loucks, Chief
Motor Carrier Enforcement
Bureau of Investigation and Enforcement
P.O. Box 3265
Harrisburg, PA 17105-3265

VERIFICATION

I, David W. Loucks, Chief, Motor Carrier Enforcement, Bureau of Investigation and Enforcement, hereby state that the facts above set forth are true and correct to the best of my knowledge, information and belief and that I expect that the Bureau will be able to prove same at any hearing held in this matter. I understand that the statements herein are made subject to the penalties of 18 Pa.C.S. § 4904 relating to unsworn falsification to authorities.

Date: 7/6/2016

David W. Loucks, Chief
Motor Carrier Enforcement
Bureau of Investigation and Enforcement

NOTICE

A. You must file an Answer within 20 days of the date of service of this Complaint. The date of service is the mailing date as indicated at the top of the Secretarial Letter. See 52 Pa. Code § 1.56(a). The Answer must raise all factual and legal arguments that you wish to claim in your defense, include the docket number of this Complaint, and be verified. You may file your Answer by mailing an original to:

Rosemary Chiavetta, Secretary
Pennsylvania Public Utility Commission
P.O. Box 3265
Harrisburg, PA 17105-3265

Or, you may eFile your Answer using the Commission's website at www.puc.pa.gov. The link to eFiling is located under the Filing & Resources tab on the homepage. If your Answer is 250 pages or less, you are not required to file a paper copy. If your Answer exceeds 250 pages, you must file a paper copy with the Secretary's Bureau.

Additionally, a copy should either be mailed to:

Michael L. Swindler, Deputy Chief Prosecutor
Pennsylvania Public Utility Commission
Bureau of Investigation and Enforcement
P.O. Box 3265
Harrisburg, PA 17105-3265

Or, emailed to Mr. Swindler at: RA-PCCmplntResp@pa.gov

B. If you fail to answer this Complaint within 20 days, the Bureau of Investigation and Enforcement will request that the Commission issue an Order imposing the penalty.

C. You may elect not to contest this Complaint by causing your insurer to file proper evidence of current insurance in accordance with the Commission's regulations and by paying the fine proposed in this Complaint by certified check or money order within twenty (20) days of the date of service of this Complaint. Accord certificates of insurance and faxed form Es and Hs are unacceptable as evidence of insurance.

The proof of insurance must be filed with the:

Compliance Office, Bureau of Technical Utility
Services
Pennsylvania Public Utility Commission
P.O. Box 3265
Harrisburg, PA 17105-3265

Payment of the fine must be made to the Commonwealth of Pennsylvania and should be forwarded to:

Rosemary Chiavetta, Secretary
Pennsylvania Public Utility Commission
P.O. Box 3265
Harrisburg, PA 17105-3265

Your payment is an admission that you committed the alleged violation and an agreement to cease and desist from further violations. Upon receipt of the evidence of insurance from your insurer, and upon receipt of your payment, the Complaint proceeding shall be closed.

D. If you file an Answer which either admits or fails to deny the allegations of the Complaint, the Bureau of Investigation and Enforcement will request the Commission to issue an Order imposing the penalty set forth in this Complaint.

E. If you file an Answer which contests the Complaint, the matter will be assigned to an Administrative Law Judge for hearing and decision. The Judge is not bound by the penalty set forth in the Complaint, and may impose additional and/or alternative penalties as appropriate.

F. If you are a corporation, you must be represented by legal counsel. 52 Pa. Code § 1.21.

Alternative formats of this material are available for persons with disabilities by contacting the Commission's ADA Coordinator at 717-787-8714. Do not call this number if you have questions as to why you received this complaint. For those questions you may call 717-783-3847.

**Pennsylvania Public Utility Commission; Bureau of
Investigation and Enforcement, Complainant v.
NMG Telecom, LLC, Respondent;
Docket No. C-2016-2539611**

COMPLAINT

Now Comes the Bureau of Investigation and Enforcement (I&E) of the Pennsylvania Public Utility Commission (Commission), by its prosecuting attorneys, and files this Complaint against NMG Telecom, LLC (Respondent), pursuant to Section 701 of the Public Utility Code, 66 Pa.C.S. § 701. In support of its Complaint, I&E respectfully represents the following:

Parties and Jurisdiction

1. The Pennsylvania Public Utility Commission, with a mailing address of P.O. Box 3265, Harrisburg, PA 17105-3265, is a duly constituted agency of the Commonwealth of Pennsylvania empowered to regulate public utilities within the Commonwealth pursuant to the Public Utility Code, 66 Pa.C.S. §§ 101, et seq.

2. Complainant is the Commission's Bureau of Investigation and Enforcement and is the entity established by statute to prosecute complaints against public utilities pursuant to 66 Pa.C.S. § 308.2(a)(11).

3. Complainant is represented by:

Kourtney L. Myers
Prosecutor
Pennsylvania Public Utility Commission
Bureau of Investigation and Enforcement
P.O. Box 3265
Harrisburg, PA 17105-3265
717.705.4366
komyers@pa.gov

Stephanie M. Wimer
Prosecutor
Pennsylvania Public Utility Commission
Bureau of Investigation and Enforcement
P.O. Box 3265
Harrisburg, PA 17105-3265
717.772.8839
stwimer@pa.gov

Michael L. Swindler
Deputy Chief Prosecutor
Pennsylvania Public Utility Commission
Bureau of Investigation and Enforcement
P.O. Box 3265
Harrisburg, PA 17105-3265

4. Respondent is NMG Telecom, LLC and maintains its principal place of business at 2520 Avenue L, Brooklyn, NY 11210, Attention: Monte Banash, President.

5. Respondent is a "public utility" as that term is defined at 66 Pa.C.S. § 102, as it is engaged in conveying or transmitting messages or communications by telephone in the Commonwealth of Pennsylvania for compensation.

6. The Commission issued Respondent a Certificate of Public Convenience on or about February 14, 2013, at A-2012-2339773, for interexchange carrier reseller authority. Respondent also has been authorized to provide competitive local exchange carrier service at A-2012-2339775 since March 27, 2013.

7. Section 501(a) of the Public Utility Code, 66 Pa.C.S. § 501(a), authorizes and obligates the Commission to execute and enforce the provisions of the Public Utility Code.

8. Section 701 of the Public Utility Code, 66 Pa.C.S. § 701, authorizes the Commission to, inter alia, hear and determine complaints against public utilities for a violation of any law or regulation that the Commission has jurisdiction to administer.

9. Section 3301 of the Public Utility Code, 66 Pa.C.S. § 3301, authorizes the Commission to impose civil penalties on any public utility, or any other person or corporation subject to the Commission's authority, for violation(s) of the Public Utility Code and/or Commission regulations.

10. Respondent, in conveying or transmitting messages or communications by telephone in the Commonwealth of Pennsylvania for compensation, is subject to the power and authority of this Commission pursuant to Section 501(c) of the Public Utility Code, 66 Pa.C.S. § 501(c), which requires a public utility to comply with Commission regulations.

11. Pursuant to the provisions of the applicable Commonwealth statutes and regulations, the Commission has jurisdiction over the subject matter of this complaint and the actions of Respondent related thereto.

Factual Background

12. On or about February 7, 2014, the Commission mailed to Respondent an assessment report for Respondent to report its gross intrastate operating revenues for the 2013 calendar year.

13. The assessment report was accompanied by a letter, which notified Respondent that the report was to be completed and returned to the Commission on or before March 31, 2014.

14. Respondent failed to file an assessment report stating its 2013 calendar year revenues.

15. On or about February 6, 2015, the Commission mailed to Respondent an assessment report for Respondent to report its gross intrastate operating revenues for the 2014 calendar year.

16. The assessment report was accompanied by a letter, which notified Respondent that the report was to be completed and returned to the Commission on or before March 31, 2015.

17. Respondent failed to file an assessment report stating its 2014 calendar year revenues.

Violations

COUNTS 1-2

18. That Respondent failed to report its gross intrastate operating revenues for the 2013 and 2014 calendar years in that it did not file assessment reports for those years. If proven, this is a violation of Section 510(b) of the Public Utility Code, 66 Pa.C.S. § 510(b). The Bureau of Investigation and Enforcement's proposed civil penalty for this violation is \$2,000.

Wherefore, for all the foregoing reasons, the Pennsylvania Public Utility Commission's Bureau of Investigation and Enforcement respectfully requests that:

(a) Respondent be ordered to pay a total civil penalty of \$2,000 for the above-described violations;

(b) Respondent be directed to file assessment reports on a going-forward basis; and

(c) If payment of the civil penalty is not made, the Bureau of Investigation and Enforcement requests that:

(1) the Commission issue an Order to cancel the Certificate of Public Convenience issued to Respondent; and

(2) this matter be referred to the Pennsylvania Office of Attorney General for appropriate action.

Respectfully submitted,
Kourtney L. Myers
Prosecutor

Pennsylvania Public Utility Commission
Bureau of Investigation and Enforcement
P.O. Box 3265
Harrisburg, PA 17105-3265
717.705.4366
komyers@pa.gov

Date: April 13, 2016

VERIFICATION

I, Mandy Freas, Accountant, Bureau of Administrative Services, Assessment Section, hereby state that the facts above set forth are true and correct to the best of my knowledge, information, and belief and that I expect the Bureau will be able to prove the same at any hearing held in this matter. I understand that the statements herein are made subject to the penalties of 18 Pa.C.S. § 4904 relating to unsworn falsification to authorities.

Date: April 13, 2016

Mandy Freas, Accountant
Assessment Section
Bureau of Administrative Services
PA. Public Utility Commission
P.O. Box 3265
Harrisburg, PA 17105-3265

NOTICE

A. You must file an Answer within 20 days of the date of service of this Complaint. The date of service is the mailing date as indicated at the top of the Secretarial Letter. See 52 Pa. Code § 1.56(a). The Answer must raise all factual and legal arguments that you wish to claim in your defense, include the docket number of this Complaint, and be verified. You may file your Answer by mailing an original to:

Rosemary Chiavetta, Secretary
Pennsylvania Public Utility Commission
P.O. Box 3265
Harrisburg, PA 17105-3265

Or, you may eFile your Answer using the Commission's website at www.puc.pa.gov. The link to eFiling is located under the Filing & Resources tab on the homepage. If your Answer is 250 pages or less, you are not required to file a paper copy. If your Answer exceeds 250 pages, you must file a paper copy with the Secretary's Bureau.

Additionally, a copy should either be mailed to:

Michael L. Swindler, Deputy Chief Prosecutor
Pennsylvania Public Utility Commission
Bureau of Investigation and Enforcement
P.O. Box 3265
Harrisburg, PA 17105-3265

Or, emailed to Mr. Swindler at: RA-PCCmplntResp@pa.gov

B. If you fail to answer this Complaint within 20 days, the Bureau of Investigation and Enforcement will request that the Commission issue an Order imposing the penalty.

C. You may elect not to contest this Complaint by paying the past due assessment and civil penalty within 20 days. Send only a certified check or money order made payable to the "Commonwealth of Pennsylvania" and mailed to:

Rosemary Chiavetta, Secretary
Pennsylvania Public Utility Commission
P.O. Box 3265
Harrisburg, PA 17105-3265

D. If you file an Answer which either admits or fails to deny the allegations of the Complaint, the Bureau of Investigation and Enforcement will request the Commission to issue an Order imposing the penalty set forth in this Complaint.

E. If you file an Answer which contests the Complaint, the matter will be assigned to an Administrative Law Judge for hearing and decision. The Judge is not bound by the penalty set forth in the Complaint, and may impose additional and/or alternative penalties as appropriate.

F. If you are a corporation, you must be represented by legal counsel. 52 Pa. Code § 1.21.

G. Alternative formats of this material are available for persons with disabilities by contacting the Commission's ADA Coordinator at 717-787-8714.

**Pennsylvania Public Utility Commission; Bureau of
Investigation and Enforcement v. BA Hawk
Trucking, Inc.; Docket No. C-2016-2547550**

COMPLAINT

Now Comes the Bureau of Investigation and Enforcement (I&E) of the Pennsylvania Public Utility Commission (Commission), by its prosecuting attorneys, and files this Complaint against BA Hawk Trucking, Inc. (Respondent), pursuant to Section 701 of the Public Utility Code, 66 Pa.C.S. § 701. In support of its Complaint, I&E respectfully represents the following:

Parties and Jurisdiction

1. The Pennsylvania Public Utility Commission, with a mailing address of P.O. Box 3265, Harrisburg, PA 17105-3265, is a duly constituted agency of the Commonwealth of Pennsylvania empowered to regulate public utilities within the Commonwealth pursuant to the Public Utility Code, 66 Pa.C.S. §§ 101, et seq.

2. Complainant is the Commission's Bureau of Investigation and Enforcement and is the entity established by statute to prosecute complaints against public utilities pursuant to 66 Pa.C.S. § 308.2(a)(11).

3. Complainant is represented by:

Kourtney L. Myers
Prosecutor
Pennsylvania Public Utility Commission
Bureau of Investigation and Enforcement
P.O. Box 3265
Harrisburg, PA 17105-3265
717.705.4366
komyers@pa.gov

Stephanie M. Wimer
Prosecutor
Pennsylvania Public Utility Commission
Bureau of Investigation and Enforcement
P.O. Box 3265
Harrisburg, PA 17105-3265
717.772.8839
stwimer@pa.gov

Michael L. Swindler
Deputy Chief Prosecutor
Pennsylvania Public Utility Commission
Bureau of Investigation and Enforcement
P.O. Box 3265
Harrisburg, PA 17105-3265

4. Respondent is BA Hawk Trucking, Inc. and maintains its principal place of business at P.O. Box 567, Kresgeville, PA 18333, Attention: Bruce Hawk.

5. Respondent is a "public utility" as that term is defined at 66 Pa.C.S. § 102, as it is engaged in transporting property in the Commonwealth of Pennsylvania for compensation.

6. The Commission issued Respondent a certificate of public convenience on or about July 11, 2001, at A-00117506, for truck authority.

7. Section 501(a) of the Public Utility Code, 66 Pa.C.S. § 501(a), authorizes and obligates the Commission to execute and enforce the provisions of the Public Utility Code.

8. Section 701 of the Public Utility Code, 66 Pa.C.S. § 701, authorizes the Commission to, inter alia, hear and

determine complaints against public utilities for a violation of any law or regulation that the Commission has jurisdiction to administer.

9. Section 3301 of the Public Utility Code, 66 Pa.C.S. § 3301, authorizes the Commission to impose civil penalties on any public utility, or any other person or corporation subject to the Commission's authority, for violation(s) of the Public Utility Code and/or Commission regulations.

10. Respondent, in transporting property as a common carrier for compensation, is subject to the power and authority of this Commission pursuant to Section 501(c) of the Public Utility Code, 66 Pa.C.S. § 501(c), which requires a public utility to comply with Commission regulations.

11. Pursuant to the provisions of the applicable Commonwealth statutes and regulations, the Commission has jurisdiction over the subject matter of this complaint and the actions of Respondent related thereto.

Factual Background

12. On or about February 6, 2015, the Commission mailed to Respondent an assessment report for Respondent to report its gross intrastate operating revenues for the 2014 calendar year.

13. The assessment report was accompanied by a letter, which notified Respondent that the report was to be completed and returned to the Commission on or before March 31, 2015.

14. Respondent failed to file an assessment report stating its 2014 calendar year revenues.

15. On or about September 10, 2015, the Commission mailed to Respondent, an assessment invoice for the July 1, 2015 to June 30, 2016 Fiscal Year (2015-2016 Fiscal Year) that was based, in part, on Respondent's estimated revenues for the 2014 calendar year. Respondent's assessment was \$618.

16. Accompanying the assessment invoice was a notice that informed Respondent that it was obligated to pay the amount listed on the assessment invoice within thirty (30) days or file objections within fifteen (15) days.

17. There is no record that the assessment invoice was returned in the mail to the Commission as being undeliverable.

18. The Commission received no objections from Respondent to this assessment.

19. Respondent failed to pay its 2015-2016 Fiscal Year Assessment Invoice.

20. The total outstanding assessment balance for Respondent is \$618.

Violations

COUNT 1

21. That Respondent failed to report its gross intrastate operating revenues for the 2014 calendar year in that it did not file an assessment report for that year. If proven, this is a violation of Section 510(b) of the Public Utility Code, 66 Pa.C.S. § 510(b). The Bureau of Investigation and Enforcement's proposed civil penalty for this violation is \$1,000.

COUNT 2

22. That Respondent failed to satisfy its 2015-2016 Fiscal Year Assessment in that it did not pay the amount due within thirty (30) days of receipt of the invoice. If proven, this is a violation of Section 510(c) of the Public

Utility Code, 66 Pa.C.S. § 510(c). The Bureau of Investigation and Enforcement's proposed civil penalty for this violation is 15% of the outstanding assessment balance or \$93.

Wherefore, for all the foregoing reasons, the Pennsylvania Public Utility Commission's Bureau of Investigation and Enforcement respectfully requests that:

(a) Respondent be ordered to pay a total of \$1,711, which consists of its outstanding assessment balance of \$618 and a total civil penalty of \$1,093 for the above-described violations;

(b) Respondent be directed to file assessment reports on a going-forward basis; and

(c) If payment of the assessment and civil penalty is not made, the Bureau of Investigation and Enforcement requests that:

(1) the Commission issue an Order to cancel the Certificate of Public Convenience issued to Respondent;

(2) this matter be referred to the Pennsylvania Office of Attorney General for appropriate action; and

(3) the Commission certify automobile registrations to the Pennsylvania Department of Transportation for suspension or revocation.

Respectfully submitted,
Kourtney L. Myers
Prosecutor

Pennsylvania Public Utility Commission
Bureau of Investigation and Enforcement
P.O. Box 3265
Harrisburg, PA 17105-3265
717.705.4366
komyers@pa.gov

Date: May 26, 2016

VERIFICATION

I, Mandy Freas, Accountant, Bureau of Administrative Services, Assessment Section, hereby state that the facts above set forth are true and correct to the best of my knowledge, information, and belief and that I expect the Bureau will be able to prove the same at any hearing held in this matter. I understand that the statements herein are made subject to the penalties of 18 Pa.C.S. § 4904 relating to unsworn falsification to authorities.

Date: May 26, 2016

Mandy Freas, Accountant
Assessment Section
Bureau of Administrative Services
PA. Public Utility Commission
P.O. Box 3265
Harrisburg, PA 17105-3265

NOTICE

A. You must file an Answer within 20 days of the date of service of this Complaint. The date of service is the mailing date as indicated at the top of the Secretarial Letter. See 52 Pa. Code § 1.56(a). The Answer must raise all factual and legal arguments that you wish to claim in your defense, include the docket number of this Complaint, and be verified. You may file your Answer by mailing an original to:

Rosemary Chiavetta, Secretary
Pennsylvania Public Utility Commission
P.O. Box 3265
Harrisburg, PA 17105-3265

Or, you may eFile your Answer using the Commission's website at www.puc.pa.gov. The link to eFiling is located under the Filing & Resources tab on the homepage. If your Answer is 250 pages or less, you are not required to file a paper copy. If your Answer exceeds 250 pages, you must file a paper copy with the Secretary's Bureau.

Additionally, a copy should either be mailed to:

Michael L. Swindler, Deputy Chief Prosecutor
Pennsylvania Public Utility Commission
Bureau of Investigation and Enforcement
P.O. Box 3265
Harrisburg, PA 17105-3265

Or, emailed to Mr. Swindler at: RA-PCCmplntResp@pa.gov

B. If you fail to answer this Complaint within 20 days, the Bureau of Investigation and Enforcement will request that the Commission issue an Order imposing the penalty.

C. You may elect not to contest this Complaint by paying the past due assessment and civil penalty within 20 days. Send only a certified check or money order made payable to the "Commonwealth of Pennsylvania" and mail to:

Rosemary Chiavetta, Secretary
Pennsylvania Public Utility Commission
P.O. Box 3265
Harrisburg, PA 17105-3265

D. If you file an Answer which either admits or fails to deny the allegations of the Complaint, the Bureau of Investigation and Enforcement will request the Commission to issue an Order imposing the penalty set forth in this Complaint.

E. If you file an Answer which contests the Complaint, the matter will be assigned to an Administrative Law Judge for hearing and decision. The Judge is not bound by the penalty set forth in the Complaint, and may impose additional and/or alternative penalties as appropriate.

F. If you are a corporation, you must be represented by legal counsel. 52 Pa. Code § 1.21.

G. Alternative formats of this material are available for persons with disabilities by contacting the Commission's ADA Coordinator at 717-787-8714.

Pennsylvania Public Utility Commission; Bureau of Investigation and Enforcement v. Augustus Reed, Jr., t/a Augustus Reed, Jr. Limousine; Docket No. C-2016-2547561

COMPLAINT

Now Comes the Bureau of Investigation and Enforcement (I&E) of the Pennsylvania Public Utility Commission (Commission), by its prosecuting attorneys, and files this Complaint against Augustus Reed, Jr., t/a Augustus Reed, Jr. Limousine (Respondent), pursuant to Section 701 of the Public Utility Code, 66 Pa.C.S. § 701. In support of its Complaint, I&E respectfully represents the following:

Parties and Jurisdiction

1. The Pennsylvania Public Utility Commission, with a mailing address of P.O. Box 3265, Harrisburg, PA 17105-3265, is a duly constituted agency of the Commonwealth of Pennsylvania empowered to regulate public utilities

within the Commonwealth pursuant to the Public Utility Code, 66 Pa.C.S. §§ 101, et seq.

2. Complainant is the Commission's Bureau of Investigation and Enforcement and is the entity established by statute to prosecute complaints against public utilities pursuant to 66 Pa.C.S. § 308.2(a)(11).

3. Complainant is represented by:

Kourtney L. Myers
Prosecutor
Pennsylvania Public Utility Commission
Bureau of Investigation and Enforcement
P.O. Box 3265
Harrisburg, PA 17105-3265
717.705.4366
komyers@pa.gov

Stephanie M. Wimer
Prosecutor
Pennsylvania Public Utility Commission
Bureau of Investigation and Enforcement
P.O. Box 3265
Harrisburg, PA 17105-3265
717.772.8839
stwimer@pa.gov

Michael L. Swindler
Deputy Chief Prosecutor
Pennsylvania Public Utility Commission
Bureau of Investigation and Enforcement
P.O. Box 3265
Harrisburg, PA 17105-3265

4. Respondent is Augustus Reed, Jr., t/a Augustus Reed, Jr. Limousine and maintains his principal place of business at 1621 Old Beulah Road, Churchill, PA 15235, Attention: Augustus Reed, Jr.

5. Respondent is a "public utility" as that term is defined at 66 Pa.C.S. § 102, as he is engaged in transporting passengers in the Commonwealth of Pennsylvania for compensation.

6. The Commission issued Respondent a Certificate of Public Convenience on or about September 16, 2003, at A-00119047, for limousine authority.

7. Section 501(a) of the Public Utility Code, 66 Pa.C.S. § 501(a), authorizes and obligates the Commission to execute and enforce the provisions of the Public Utility Code.

8. Section 701 of the Public Utility Code, 66 Pa.C.S. § 701, authorizes the Commission to, inter alia, hear and determine complaints against public utilities for a violation of any law or regulation that the Commission has jurisdiction to administer.

9. Section 3301 of the Public Utility Code, 66 Pa.C.S. § 3301, authorizes the Commission to impose civil penalties on any public utility, or any other person or corporation subject to the Commission's authority, for violation(s) of the Public Utility Code and/or Commission regulations.

10. Respondent, in transporting passengers as a common carrier for compensation, is subject to the power and authority of this Commission pursuant to Section 501(c) of the Public Utility Code, 66 Pa.C.S. § 501(c), which requires a public utility to comply with Commission regulations.

11. Pursuant to the provisions of the applicable Commonwealth statutes and regulations, the Commission has jurisdiction over the subject matter of this complaint and the actions of Respondent related thereto.

Factual Background

12. On March 9, 2010, the Commission's Bureau of Transportation and Safety (BTS) filed a Complaint against Respondent at Docket No. C-2010-2162095, alleging that Respondent violated Section 510(c) of the Public Utility Code, 66 Pa.C.S. § 510(c), by failing to pay assessments set forth in invoices that Respondent received on August 29, 2008 and September 9, 2009. BTS requested that Respondent pay the outstanding assessment balance of \$238.33 related to the above-referenced past due assessment invoices and if not paid, that the Commission cancel Respondent's Certificate of Public Convenience, notify the Pennsylvania Department of Revenue and Respondent's insurance carrier of the revocation of Respondent's Certificate of Public Convenience, and impose a civil penalty upon Respondent.

13. On April 22, 2010, Respondent paid the full amount of the above-referenced outstanding assessment balance and the Complaint docketed at C-2010-2162095 was marked closed.

14. On or about September 10, 2015, the Commission mailed to Respondent, an assessment invoice for the July 1, 2015 to June 30, 2016 Fiscal Year (2015-2016 Fiscal Year). Respondent's assessment was \$652.

15. Accompanying the assessment invoice was a notice that informed Respondent that he was obligated to pay the amount listed on the assessment invoice within thirty (30) days or file objections within fifteen (15) days.

16. There is no record that the assessment invoice was returned in the mail to the Commission as being undeliverable.

17. The Commission received no objections from Respondent to this assessment.

18. Respondent failed to pay his 2015-2016 Fiscal Year Assessment Invoice.

19. The total outstanding assessment balance for Respondent is \$652.

Violation

20. That Respondent failed to satisfy his 2015-2016 Fiscal Year Assessment in that he did not pay the amount due within thirty (30) days of receipt of the invoice. If proven, this is a violation of Section 510(c) of the Public Utility Code, 66 Pa.C.S. § 510(c). The Bureau of Investigation and Enforcement's proposed civil penalty for this violation is 25% of the outstanding assessment balance or \$163. This civil penalty is based, in part, on Respondent's history of noncompliance with the Public Utility Code involving a failure to timely pay assessments, as set forth above.

Wherefore, for all the foregoing reasons, the Pennsylvania Public Utility Commission's Bureau of Investigation and Enforcement respectfully requests that:

(a) Respondent be ordered to pay a total of \$815, which consists of his outstanding assessment balance of \$652 and a total civil penalty of \$163 for the above-described violation; and

(b) If payment of the assessment and civil penalty is not made, the Bureau of Investigation and Enforcement requests that:

(1) the Commission issue an Order to cancel the Certificate of Public Convenience issued to Respondent;

(2) this matter be referred to the Pennsylvania Office of Attorney General for appropriate action; and

(3) the Commission certify automobile registrations to the Pennsylvania Department of Transportation for suspension or revocation.

Respectfully submitted,
Kourtney L. Myers
Prosecutor

Pennsylvania Public Utility Commission
Bureau of Investigation and Enforcement
P.O. Box 3265
Harrisburg, PA 17105-3265
717.705.4366
komyers@pa.gov

Date: May 26, 2016

VERIFICATION

I, Mandy Freas, Accountant, Bureau of Administrative Services, Assessment Section, hereby state that the facts above set forth are true and correct to the best of my knowledge, information, and belief and that I expect the Bureau will be able to prove the same at any hearing held in this matter. I understand that the statements herein are made subject to the penalties of 18 Pa.C.S. § 4904 relating to unsworn falsification to authorities.

Date: May 26, 2016

Mandy Freas, Accountant
Assessment Section
Bureau of Administrative Services
PA. Public Utility Commission
P.O. Box 3265
Harrisburg, PA 17105-3265

NOTICE

A. You must file an Answer within 20 days of the date of service of this Complaint. The date of service is the mailing date as indicated at the top of the Secretarial Letter. See 52 Pa. Code § 1.56(a). The Answer must raise all factual and legal arguments that you wish to claim in your defense, include the docket number of this Complaint, and be verified. You may file your Answer by mailing an original to:

Rosemary Chiavetta, Secretary
Pennsylvania Public Utility Commission
P.O. Box 3265
Harrisburg, PA 17105-3265

Or, you may eFile your Answer using the Commission's website at www.puc.pa.gov. The link to eFiling is located under the Filing & Resources tab on the homepage. If your Answer is 250 pages or less, you are not required to file a paper copy. If your Answer exceeds 250 pages, you must file a paper copy with the Secretary's Bureau.

Additionally, a copy should either be mailed to:

Michael L. Swindler, Deputy Chief Prosecutor
Pennsylvania Public Utility Commission
Bureau of Investigation and Enforcement
P.O. Box 3265
Harrisburg, PA 17105-3265

Or, emailed to Mr. Swindler at: RA-PCCmplntResp@pa.gov

B. If you fail to answer this Complaint within 20 days, the Bureau of Investigation and Enforcement will request that the Commission issue an Order imposing the penalty.

C. You may elect not to contest this Complaint by paying the past due assessment and civil penalty within

20 days. Send only a certified check or money order made payable to the "Commonwealth of Pennsylvania" and mail to:

Rosemary Chiavetta, Secretary
Pennsylvania Public Utility Commission
P.O. Box 3265
Harrisburg, PA 17105-3265

D. If you file an Answer which either admits or fails to deny the allegations of the Complaint, the Bureau of Investigation and Enforcement will request the Commission to issue an Order imposing the penalty set forth in this Complaint.

E. If you file an Answer which contests the Complaint, the matter will be assigned to an Administrative Law Judge for hearing and decision. The Judge is not bound by the penalty set forth in the Complaint, and may impose additional and/or alternative penalties as appropriate.

F. If you are a corporation, you must be represented by legal counsel. 52 Pa. Code § 1.21.

G. Alternative formats of this material are available for persons with disabilities by contacting the Commission's ADA Coordinator at 717-787-8714.

Pennsylvania Public Utility Commission; Bureau of Investigation and Enforcement v. Maidens Taxi Service, LLC; Docket No. C-2016-2547565

COMPLAINT

Now Comes the Bureau of Investigation and Enforcement (I&E) of the Pennsylvania Public Utility Commission (Commission), by its prosecuting attorneys, and files this Complaint against Maidens Taxi Service, LLC (Respondent), pursuant to Section 701 of the Public Utility Code, 66 Pa.C.S. § 701. In support of its Complaint, I&E respectfully represents the following:

Parties and Jurisdiction

1. The Pennsylvania Public Utility Commission, with a mailing address of P.O. Box 3265, Harrisburg, PA 17105-3265, is a duly constituted agency of the Commonwealth of Pennsylvania empowered to regulate public utilities within the Commonwealth pursuant to the Public Utility Code, 66 Pa.C.S. §§ 101, et seq.

2. Complainant is the Commission's Bureau of Investigation and Enforcement and is the entity established by statute to prosecute complaints against public utilities pursuant to 66 Pa.C.S. § 308.2(a)(11).

3. Complainant is represented by:

Kourtney L. Myers
Prosecutor
Pennsylvania Public Utility Commission
Bureau of Investigation and Enforcement
P.O. Box 3265
Harrisburg, PA 17105-3265
717.705.4366
komyers@pa.gov

Stephanie M. Wimer
Prosecutor
Pennsylvania Public Utility Commission
Bureau of Investigation and Enforcement
P.O. Box 3265
Harrisburg, PA 17105-3265
717.772.8839
stwimer@pa.gov

Michael L. Swindler
Deputy Chief Prosecutor
Pennsylvania Public Utility Commission
Bureau of Investigation and Enforcement
P.O. Box 3265
Harrisburg, PA 17105-3265

4. Respondent is Maidens Taxi Service, LLC and maintains its principal place of business at 2510 Blair Avenue, Huntingdon, PA 16652, Attention: Etsel L. Maidens, Jr.

5. Respondent is a "public utility" as that term is defined at 66 Pa.C.S. § 102, as it is engaged in transporting passengers in the Commonwealth of Pennsylvania for compensation.

6. The Commission issued Respondent a Certificate of Public Convenience on or about March 20, 2013, at A-2012-2310563, for taxi authority.

7. Section 501(a) of the Public Utility Code, 66 Pa.C.S. § 501(a), authorizes and obligates the Commission to execute and enforce the provisions of the Public Utility Code.

8. Section 701 of the Public Utility Code, 66 Pa.C.S. § 701, authorizes the Commission to, inter alia, hear and determine complaints against public utilities for a violation of any law or regulation that the Commission has jurisdiction to administer.

9. Section 3301 of the Public Utility Code, 66 Pa.C.S. § 3301, authorizes the Commission to impose civil penalties on any public utility, or any other person or corporation subject to the Commission's authority, for violation(s) of the Public Utility Code and/or Commission regulations.

10. Respondent, in transporting passengers as a common carrier for compensation, is subject to the power and authority of this Commission pursuant to Section 501(c) of the Public Utility Code, 66 Pa.C.S. § 501(c), which requires a public utility to comply with Commission regulations.

11. Pursuant to the provisions of the applicable Commonwealth statutes and regulations, the Commission has jurisdiction over the subject matter of this complaint and the actions of Respondent related thereto.

Factual Background

12. On or about September 10, 2015, the Commission mailed to Respondent, an assessment invoice for the July 1, 2015 to June 30, 2016 Fiscal Year (2015-2016 Fiscal Year). Respondent's assessment was \$922.

13. Accompanying the assessment invoice was a notice that informed Respondent that it was obligated to pay the amount listed on the assessment invoice within thirty (30) days or file objections within fifteen (15) days.

14. There is no record that the assessment invoice was returned in the mail to the Commission as being undeliverable.

15. The Commission received no objections from Respondent to the assessment amount set forth in the 2015-2016 Fiscal Year Assessment Invoice.

16. On or about January 11, 2016, Respondent submitted payment in the amount of \$222 to be applied towards its 2015-2016 Fiscal Year Assessment.

17. Respondent failed to fully pay the amount of its 2015-2016 Fiscal Year Assessment Invoice.

18. The total outstanding assessment balance for Respondent is \$700.

Violation

19. That Respondent failed to satisfy its 2015-2016 Fiscal Year Assessment in that it did not pay the amount due within thirty (30) days of receipt of the invoice. If proven, this is a violation of Section 510(c) of the Public Utility Code, 66 Pa.C.S. § 510(c). The Bureau of Investigation and Enforcement's proposed civil penalty for this violation is 15% of the outstanding assessment balance or \$105.

Wherefore, for all the foregoing reasons, the Pennsylvania Public Utility Commission's Bureau of Investigation and Enforcement respectfully requests that:

(a) Respondent be ordered to pay a total of \$805, which consists of its outstanding assessment balance of \$700 and a civil penalty of \$105 for the above-described violation; and

(b) If payment of the assessment and civil penalty is not made, the Bureau of Investigation and Enforcement requests that:

(1) the Commission issue an Order to cancel the Certificate of Public Convenience issued to Respondent;

(2) this matter be referred to the Pennsylvania Office of Attorney General for appropriate action; and

(3) the Commission certify automobile registrations to the Pennsylvania Department of Transportation for suspension or revocation.

Respectfully submitted,
Kourtney L. Myers
Prosecutor

Pennsylvania Public Utility Commission
Bureau of Investigation and Enforcement
P.O. Box 3265
Harrisburg, PA 17105-3265
717.705.4366
komyers@pa.gov

Date: May 26, 2016

VERIFICATION

I, Mandy Freas, Accountant, Bureau of Administrative Services, Assessment Section, hereby state that the facts above set forth are true and correct to the best of my knowledge, information, and belief and that I expect the Bureau will be able to prove the same at any hearing held in this matter. I understand that the statements herein are made subject to the penalties of 18 Pa.C.S. § 4904 relating to unsworn falsification to authorities.

Date: May 26, 2016

Mandy Freas, Accountant
Assessment Section
Bureau of Administrative Services
PA. Public Utility Commission
P.O. Box 3265
Harrisburg, PA 17105-3265

NOTICE

A. You must file an Answer within 20 days of the date of service of this Complaint. The date of service is the mailing date as indicated at the top of the Secretarial Letter. See 52 Pa. Code § 1.56(a). The Answer must raise all factual and legal arguments that you wish to claim in your defense, include the docket number of this Complaint, and be verified. You may file your Answer by mailing an original to:

Rosemary Chiavetta, Secretary
 Pennsylvania Public Utility Commission
 P.O. Box 3265
 Harrisburg, PA 17105-3265

Or, you may eFile your Answer using the Commission's website at www.puc.pa.gov. The link to eFiling is located under the Filing & Resources tab on the homepage. If your Answer is 250 pages or less, you are not required to file a paper copy. If your Answer exceeds 250 pages, you must file a paper copy with the Secretary's Bureau.

Additionally, a copy should either be mailed to:

Michael L. Swindler, Deputy Chief Prosecutor
 Pennsylvania Public Utility Commission
 Bureau of Investigation and Enforcement
 P.O. Box 3265
 Harrisburg, PA 17105-3265

Or, emailed to Mr. Swindler at: RA-PCCmplntResp@pa.gov

B. If you fail to answer this Complaint within 20 days, the Bureau of Investigation and Enforcement will request that the Commission issue an Order imposing the penalty.

C. You may elect not to contest this Complaint by paying the past due assessment and civil penalty within 20 days. Send only a certified check or money order made payable to the "Commonwealth of Pennsylvania" and mail to:

Rosemary Chiavetta, Secretary
 Pennsylvania Public Utility Commission
 P.O. Box 3265
 Harrisburg, PA 17105-3265

D. If you file an Answer which either admits or fails to deny the allegations of the Complaint, the Bureau of Investigation and Enforcement will request the Commission to issue an Order imposing the penalty set forth in this Complaint.

E. If you file an Answer which contests the Complaint, the matter will be assigned to an Administrative Law Judge for hearing and decision. The Judge is not bound by the penalty set forth in the Complaint, and may impose additional and/or alternative penalties as appropriate.

F. If you are a corporation, you must be represented by legal counsel. 52 Pa. Code § 1.21.

G. Alternative formats of this material are available for persons with disabilities by contacting the Commission's ADA Coordinator at 717-787-8714.

Pennsylvania Public Utility Commission; Bureau of Investigation and Enforcement v. Royal Transportation, LLC; Docket No. C-2016-2547569

COMPLAINT

Now Comes the Bureau of Investigation and Enforcement (I&E) of the Pennsylvania Public Utility Commission (Commission), by its prosecuting attorneys, and files this Complaint against Royal Transportation, LLC (Respondent), pursuant to Section 701 of the Public Utility Code, 66 Pa.C.S. § 701. In support of its Complaint, I&E respectfully represents the following:

Parties and Jurisdiction

1. The Pennsylvania Public Utility Commission, with a mailing address of P.O. Box 3265, Harrisburg, PA 17105-3265, is a duly constituted agency of the Commonwealth

of Pennsylvania empowered to regulate public utilities within the Commonwealth pursuant to the Public Utility Code, 66 Pa.C.S. §§ 101, et seq.

2. Complainant is the Commission's Bureau of Investigation and Enforcement and is the entity established by statute to prosecute complaints against public utilities pursuant to 66 Pa.C.S. § 308.2(a)(11).

3. Complainant is represented by:

Kourtney L. Myers
 Prosecutor
 Pennsylvania Public Utility Commission
 Bureau of Investigation and Enforcement
 P.O. Box 3265
 Harrisburg, PA 17105-3265
 717.705.4366
 komyers@pa.gov

Stephanie M. Wimer
 Prosecutor
 Pennsylvania Public Utility Commission
 Bureau of Investigation and Enforcement
 P.O. Box 3265
 Harrisburg, PA 17105-3265
 717.772.8839
 stwimer@pa.gov

Michael L. Swindler
 Deputy Chief Prosecutor
 Pennsylvania Public Utility Commission
 Bureau of Investigation and Enforcement
 P.O. Box 3265
 Harrisburg, PA 17105-3265

4. Respondent is Royal Transportation, LLC and maintains its principal place of business at 108 Brown Street, Reading, PA 19606, Attention: Luis F. Osorio.

5. Respondent is a "public utility" as that term is defined at 66 Pa.C.S. § 102, as it is engaged in transporting passengers in the Commonwealth of Pennsylvania for compensation.

6. The Commission issued Respondent a Certificate of Public Convenience on or about November 20, 2008, at A-2008-2039886, for airport transfer authority.

7. Section 501(a) of the Public Utility Code, 66 Pa.C.S. § 501(a), authorizes and obligates the Commission to execute and enforce the provisions of the Public Utility Code.

8. Section 701 of the Public Utility Code, 66 Pa.C.S. § 701, authorizes the Commission to, inter alia, hear and determine complaints against public utilities for a violation of any law or regulation that the Commission has jurisdiction to administer.

9. Section 3301 of the Public Utility Code, 66 Pa.C.S. § 3301, authorizes the Commission to impose civil penalties on any public utility, or any other person or corporation subject to the Commission's authority, for violation(s) of the Public Utility Code and/or Commission regulations.

10. Respondent, in transporting passengers as a common carrier for compensation, is subject to the power and authority of this Commission pursuant to Section 501(c) of the Public Utility Code, 66 Pa.C.S. § 501(c), which requires a public utility to comply with Commission regulations.

11. Pursuant to the provisions of the applicable Commonwealth statutes and regulations, the Commission has jurisdiction over the subject matter of this complaint and the actions of Respondent related thereto.

Factual Background

12. On July 25, 2012, I&E filed a Complaint against Respondent at Docket No. C-2012-2315824, alleging that Respondent violated Section 510(b) and (c) of the Public Utility Code, 66 Pa.C.S. § 510(b)-(c), by failing to file an assessment report for the 2010 calendar year and pay its 2010-2011 and 2011-2012 Fiscal Year Assessments.

13. On June 4, 2013, I&E filed a Certificate of Satisfaction pursuant to 52 Pa. Code § 5.24, noting that Respondent satisfied the outstanding assessments and civil penalty requested in I&E's Complaint.

14. On July 23, 2015, I&E filed a Complaint against Respondent at Docket No. C-2015-2494322, alleging that Respondent violated Section 510(c) of the Public Utility Code, 66 Pa.C.S. § 510(c), by failing to pay its 2014-2015 Fiscal Year Assessment.

15. On April 1, 2016, I&E filed a Certificate of Satisfaction pursuant to 52 Pa. Code § 5.24, noting that Respondent satisfied the outstanding assessment and civil penalty requested in I&E's Complaint.

16. On or about September 10, 2015, the Commission mailed to Respondent, an assessment invoice for the July 1, 2015 to June 30, 2016 Fiscal Year (2015-2016 Fiscal Year). Respondent's assessment was \$668.

17. Accompanying the assessment invoice was a notice that informed Respondent that it was obligated to pay the amount listed on the assessment invoice within thirty (30) days or file objections within fifteen (15) days.

18. There is no record that the assessment invoice was returned in the mail to the Commission as being undeliverable.

19. The Commission received no objections from Respondent to this assessment.

20. Respondent failed to pay its 2015-2016 Fiscal Year Assessment Invoice.

21. The total outstanding assessment balance for Respondent is \$668.

Violation

22. That Respondent failed to satisfy its 2015-2016 Fiscal Year Assessment in that it did not pay the amount due within thirty (30) days of receipt of the invoice. If proven, this is a violation of Section 510(c) of the Public Utility Code, 66 Pa.C.S. § 510(c). The Bureau of Investigation and Enforcement's proposed civil penalty for this violation is 25% of the outstanding assessment balance or \$167. This civil penalty is based, in part, on Respondent's history of noncompliance with the Public Utility Code involving a failure to timely pay assessments, as set forth above.

Wherefore, for all the foregoing reasons, the Pennsylvania Public Utility Commission's Bureau of Investigation and Enforcement respectfully requests that:

(a) Respondent be ordered to pay a total of \$835, which consists of its outstanding assessment balance of \$668 and a total civil penalty of \$167 for the above-described violation; and

(b) If payment of the assessment and civil penalty is not made, the Bureau of Investigation and Enforcement requests that:

(1) the Commission issue an Order to cancel the Certificate of Public Convenience issued to Respondent;

(2) this matter be referred to the Pennsylvania Office of Attorney General for appropriate action; and

(3) the Commission certify automobile registrations to the Pennsylvania Department of Transportation for suspension or revocation.

Respectfully submitted,
Kourtney L. Myers
Prosecutor

Pennsylvania Public Utility Commission
Bureau of Investigation and Enforcement
P.O. Box 3265
Harrisburg, PA 17105-3265
717.705.4366
komyers@pa.gov

Date: May 26, 2016

VERIFICATION

I, Mandy Freas, Accountant, Bureau of Administrative Services, Assessment Section, hereby state that the facts above set forth are true and correct to the best of my knowledge, information, and belief and that I expect the Bureau will be able to prove the same at any hearing held in this matter. I understand that the statements herein are made subject to the penalties of 18 Pa.C.S. § 4904 relating to unsworn falsification to authorities.

Date: May 26, 2016

Mandy Freas, Accountant
Assessment Section
Bureau of Administrative Services
PA. Public Utility Commission
P.O. Box 3265
Harrisburg, PA 17105-3265

NOTICE

A. You must file an Answer within 20 days of the date of service of this Complaint. The date of service is the mailing date as indicated at the top of the Secretarial Letter. See 52 Pa. Code § 1.56(a). The Answer must raise all factual and legal arguments that you wish to claim in your defense, include the docket number of this Complaint, and be verified. You may file your Answer by mailing an original to:

Rosemary Chiavetta, Secretary
Pennsylvania Public Utility Commission
P.O. Box 3265
Harrisburg, PA 17105-3265

Or, you may eFile your Answer using the Commission's website at www.puc.pa.gov. The link to eFiling is located under the Filing & Resources tab on the homepage. If your Answer is 250 pages or less, you are not required to file a paper copy. If your Answer exceeds 250 pages, you must file a paper copy with the Secretary's Bureau.

Additionally, a copy should either be mailed to:

Michael L. Swindler, Deputy Chief Prosecutor
Pennsylvania Public Utility Commission
Bureau of Investigation and Enforcement
P.O. Box 3265
Harrisburg, PA 17105-3265

Or, emailed to Mr. Swindler at: RA-PCCmplntResp@pa.gov

B. If you fail to answer this Complaint within 20 days, the Bureau of Investigation and Enforcement will request that the Commission issue an Order imposing the penalty.

C. You may elect not to contest this Complaint by paying the past due assessment and civil penalty within

20 days. Send only a certified check or money order made payable to the "Commonwealth of Pennsylvania" and mail to:

Rosemary Chiavetta, Secretary
 Pennsylvania Public Utility Commission
 P.O. Box 3265
 Harrisburg, PA 17105-3265

D. If you file an Answer which either admits or fails to deny the allegations of the Complaint, the Bureau of Investigation and Enforcement will request the Commission to issue an Order imposing the penalty set forth in this Complaint.

E. If you file an Answer which contests the Complaint, the matter will be assigned to an Administrative Law Judge for hearing and decision. The Judge is not bound by the penalty set forth in the Complaint, and may impose additional and/or alternative penalties as appropriate.

F. If you are a corporation, you must be represented by legal counsel. 52 Pa. Code § 1.21.

G. Alternative formats of this material are available for persons with disabilities by contacting the Commission's ADA Coordinator at 717-787-8714.

**Pennsylvania Public Utility Commission; Bureau of Investigation and Enforcement v. Mirza Corporation One, Inc., t/a American Limo;
 Docket No. C-2016-2547756**

COMPLAINT

Now Comes the Bureau of Investigation and Enforcement (I&E) of the Pennsylvania Public Utility Commission (Commission), by its prosecuting attorneys, and files this Complaint against Mirza Corporation One, Inc., t/a American Limo (Respondent), pursuant to Section 701 of the Public Utility Code, 66 Pa.C.S. § 701. In support of its Complaint, I&E respectfully represents the following:

Parties and Jurisdiction

1. The Pennsylvania Public Utility Commission, with a mailing address of P.O. Box 3265, Harrisburg, PA 17105-3265, is a duly constituted agency of the Commonwealth of Pennsylvania empowered to regulate public utilities within the Commonwealth pursuant to the Public Utility Code, 66 Pa.C.S. §§ 101, et seq.

2. Complainant is the Commission's Bureau of Investigation and Enforcement and is the entity established by statute to prosecute complaints against public utilities pursuant to 66 Pa.C.S. § 308.2(a)(11).

3. Complainant is represented by:

Kourtney L. Myers
 Prosecutor
 Pennsylvania Public Utility Commission
 Bureau of Investigation and Enforcement
 P.O. Box 3265
 Harrisburg, PA 17105-3265
 717.705.4366
 komyers@pa.gov

Stephanie M. Wimer
 Prosecutor
 Pennsylvania Public Utility Commission
 Bureau of Investigation and Enforcement
 P.O. Box 3265
 Harrisburg, PA 17105-3265
 717.772.8839
 stwimer@pa.gov

Michael L. Swindler
 Deputy Chief Prosecutor
 Pennsylvania Public Utility Commission
 Bureau of Investigation and Enforcement
 P.O. Box 3265
 Harrisburg, PA 17105-3265

4. Respondent is Mirza Corporation One, Inc., t/a American Limo and maintains its principal place of business at 551 General Muhlenberg Road, King of Prussia, PA 19406, Attention: Arsalan Mirza.

5. Respondent is a "public utility" as that term is defined at 66 Pa.C.S. § 102, as it is engaged in transporting passengers in the Commonwealth of Pennsylvania for compensation.

6. The Commission issued Respondent a Certificate of Public Convenience on or about August 4, 2005, at A-00121507, for limousine authority.

7. Section 501(a) of the Public Utility Code, 66 Pa.C.S. § 501(a), authorizes and obligates the Commission to execute and enforce the provisions of the Public Utility Code.

8. Section 701 of the Public Utility Code, 66 Pa.C.S. § 701, authorizes the Commission to, inter alia, hear and determine complaints against public utilities for a violation of any law or regulation that the Commission has jurisdiction to administer.

9. Section 3301 of the Public Utility Code, 66 Pa.C.S. § 3301, authorizes the Commission to impose civil penalties on any public utility, or any other person or corporation subject to the Commission's authority, for violation(s) of the Public Utility Code and/or Commission regulations.

10. Respondent, in transporting passengers as a common carrier for compensation, is subject to the power and authority of this Commission pursuant to Section 501(c) of the Public Utility Code, 66 Pa.C.S. § 501(c), which requires a public utility to comply with Commission regulations.

11. Pursuant to the provisions of the applicable Commonwealth statutes and regulations, the Commission has jurisdiction over the subject matter of this complaint and the actions of Respondent related thereto.

Factual Background

12. On October 21, 2014, I&E filed a Complaint against Respondent at Docket No. C-2014-2448804, alleging that Respondent violated Section 510(b) and (c) of the Public Utility Code, 66 Pa.C.S. § 510(b)-(c), by failing to file an assessment report for the 2012 calendar year and pay its 2013-2014 Fiscal Year Assessment.

13. On December 10, 2014, I&E filed a Certificate of Satisfaction pursuant to 52 Pa. Code § 5.24, noting that Respondent satisfied the outstanding assessment and civil penalty requested in I&E's Complaint.

14. On or about February 6, 2015, the Commission mailed to Respondent an assessment report for Respondent to report its gross intrastate operating revenues for the 2014 calendar year.

15. The assessment report was accompanied by a letter, which notified Respondent that the report was to be completed and returned to the Commission on or before March 31, 2015.

16. Respondent failed to file an assessment report stating its 2014 calendar year revenues.

17. On or about September 10, 2015, the Commission mailed to Respondent, an assessment invoice for the July

1, 2015 to June 30, 2016 Fiscal Year (2015-2016 Fiscal Year) that was based, in part, on Respondent's estimated revenues for the 2014 calendar year. Respondent's assessment was \$826.

18. Accompanying the assessment invoice was a notice that informed Respondent that it was obligated to pay the amount listed on the assessment invoice within thirty (30) days or file objections within fifteen (15) days.

19. There is no record that the assessment invoice was returned in the mail to the Commission as being undeliverable.

20. The Commission received no objections from Respondent to this assessment.

21. Respondent failed to pay its 2015-2016 Fiscal Year Assessment Invoice.

22. The total outstanding assessment balance for Respondent is \$826.

Violations

COUNT 1

23. That Respondent failed to report its gross intra-state operating revenues for the 2014 calendar year in that it did not file an assessment report for that year. If proven, this is a violation of Section 510(b) of the Public Utility Code, 66 Pa.C.S. § 510(b). The Bureau of Investigation and Enforcement's proposed civil penalty for this violation is \$1,500. This civil penalty is based, in part, on Respondent's history of non-compliance with the Public Utility Code involving a failure to file assessment reports, as set forth above.

COUNT 2

24. That Respondent failed to satisfy its 2015-2016 Fiscal Year Assessment in that it did not pay the amount due within thirty (30) days of receipt of the invoice. If proven, this is a violation of Section 510(c) of the Public Utility Code, 66 Pa.C.S. § 510(c). The Bureau of Investigation and Enforcement's proposed civil penalty for this violation is 25% of the outstanding assessment balance or \$207. This civil penalty is based, in part, on Respondent's history of noncompliance with the Public Utility Code involving a failure to timely pay assessments, as set forth above.

Wherefore, for all the foregoing reasons, the Pennsylvania Public Utility Commission's Bureau of Investigation and Enforcement respectfully requests that:

(a) Respondent be ordered to pay a total of \$2,533, which consists of its outstanding assessment balance of \$826 and a total civil penalty of \$1,707 for the above-described violations;

(b) Respondent be directed to file assessment reports on a going-forward basis; and

(c) If payment of the assessment and civil penalty is not made, the Bureau of Investigation and Enforcement requests that:

(1) the Commission issue an Order to cancel the Certificate of Public Convenience issued to Respondent;

(2) this matter be referred to the Pennsylvania Office of Attorney General for appropriate action; and

(3) the Commission certify automobile registrations to the Pennsylvania Department of Transportation for suspension or revocation.

Respectfully submitted,
Kourtney L. Myers
Prosecutor

Pennsylvania Public Utility Commission
Bureau of Investigation and Enforcement
P.O. Box 3265
Harrisburg, PA 17105-3265
717.705.4366
komyers@pa.gov

Date: May 27, 2016

VERIFICATION

I, Mandy Freas, Accountant, Bureau of Administrative Services, Assessment Section, hereby state that the facts above set forth are true and correct to the best of my knowledge, information, and belief and that I expect the Bureau will be able to prove the same at any hearing held in this matter. I understand that the statements herein are made subject to the penalties of 18 Pa.C.S. § 4904 relating to unsworn falsification to authorities.

Date: May 27, 2016

Mandy Freas, Accountant
Assessment Section
Bureau of Administrative Services
PA. Public Utility Commission
P.O. Box 3265
Harrisburg, PA 17105-3265

NOTICE

A. You must file an Answer within 20 days of the date of service of this Complaint. The date of service is the mailing date as indicated at the top of the Secretarial Letter. See 52 Pa. Code § 1.56(a). The Answer must raise all factual and legal arguments that you wish to claim in your defense, include the docket number of this Complaint, and be verified. You may file your Answer by mailing an original to:

Rosemary Chiavetta, Secretary
Pennsylvania Public Utility Commission
P.O. Box 3265
Harrisburg, PA 17105-3265

Or, you may eFile your Answer using the Commission's website at www.puc.pa.gov. The link to eFiling is located under the Filing & Resources tab on the homepage. If your Answer is 250 pages or less, you are not required to file a paper copy. If your Answer exceeds 250 pages, you must file a paper copy with the Secretary's Bureau.

Additionally, a copy should either be mailed to:

Michael L. Swindler, Deputy Chief Prosecutor
Pennsylvania Public Utility Commission
Bureau of Investigation and Enforcement
P.O. Box 3265
Harrisburg, PA 17105-3265

Or, emailed to Mr. Swindler at: RA-PCCmplntResp@pa.gov

B. If you fail to answer this Complaint within 20 days, the Bureau of Investigation and Enforcement will request that the Commission issue an Order imposing the penalty.

C. You may elect not to contest this Complaint by paying the past due assessment and civil penalty within 20 days. Send only a certified check or money order made payable to the "Commonwealth of Pennsylvania" and mail to:

Rosemary Chiavetta, Secretary
 Pennsylvania Public Utility Commission
 P.O. Box 3265
 Harrisburg, PA 17105-3265

Michael L. Swindler
 Deputy Chief Prosecutor
 Pennsylvania Public Utility Commission
 Bureau of Investigation and Enforcement
 P.O. Box 3265
 Harrisburg, PA 17105-3265

D. If you file an Answer which either admits or fails to deny the allegations of the Complaint, the Bureau of Investigation and Enforcement will request the Commission to issue an Order imposing the penalty set forth in this Complaint.

E. If you file an Answer which contests the Complaint, the matter will be assigned to an Administrative Law Judge for hearing and decision. The Judge is not bound by the penalty set forth in the Complaint, and may impose additional and/or alternative penalties as appropriate.

F. If you are a corporation, you must be represented by legal counsel. 52 Pa. Code § 1.21.

G. Alternative formats of this material are available for persons with disabilities by contacting the Commission's ADA Coordinator at 717-787-8714.

—

**Pennsylvania Public Utility Commission; Bureau of
 Investigation and Enforcement v. Herbert Jeffries;
 Docket No. C-2016-2547760**

COMPLAINT

Now Comes the Bureau of Investigation and Enforcement (I&E) of the Pennsylvania Public Utility Commission (Commission), by its prosecuting attorneys, and files this Complaint against Herbert Jeffries (Respondent), pursuant to Section 701 of the Public Utility Code, 66 Pa.C.S. § 701. In support of its Complaint, I&E respectfully represents the following:

Parties and Jurisdiction

1. The Pennsylvania Public Utility Commission, with a mailing address of P.O. Box 3265, Harrisburg, PA 17105-3265, is a duly constituted agency of the Commonwealth of Pennsylvania empowered to regulate public utilities within the Commonwealth pursuant to the Public Utility Code, 66 Pa.C.S. §§ 101, et seq.

2. Complainant is the Commission's Bureau of Investigation and Enforcement and is the entity established by statute to prosecute complaints against public utilities pursuant to 66 Pa.C.S. § 308.2(a)(11).

3. Complainant is represented by:

Kourtney L. Myers
 Prosecutor
 Pennsylvania Public Utility Commission
 Bureau of Investigation and Enforcement
 P.O. Box 3265
 Harrisburg, PA 17105-3265
 717.705.4366
 komyers@pa.gov

Stephanie M. Wimer
 Prosecutor
 Pennsylvania Public Utility Commission
 Bureau of Investigation and Enforcement
 P.O. Box 3265
 Harrisburg, PA 17105-3265
 717.772.8839
 stwimer@pa.gov

4. Respondent is Herbert Jeffries and maintains his principal place of business at 463 Swamp Road, Morgantown, PA 19543, Attention: Herbert Jeffries.

5. Respondent is a "public utility" as that term is defined at 66 Pa.C.S. § 102, as he is engaged in transporting passengers in the Commonwealth of Pennsylvania for compensation.

6. The Commission issued Respondent a Certificate of Public Convenience on or about June 18, 2013, at A-2012-2336511, for paratransit authority.

7. Section 501(a) of the Public Utility Code, 66 Pa.C.S. § 501(a), authorizes and obligates the Commission to execute and enforce the provisions of the Public Utility Code.

8. Section 701 of the Public Utility Code, 66 Pa.C.S. § 701, authorizes the Commission to, inter alia, hear and determine complaints against public utilities for a violation of any law or regulation that the Commission has jurisdiction to administer.

9. Section 3301 of the Public Utility Code, 66 Pa.C.S. § 3301, authorizes the Commission to impose civil penalties on any public utility, or any other person or corporation subject to the Commission's authority, for violation(s) of the Public Utility Code and/or Commission regulations.

10. Respondent, in transporting passengers as a common carrier for compensation, is subject to the power and authority of this Commission pursuant to Section 501(c) of the Public Utility Code, 66 Pa.C.S. § 501(c), which requires a public utility to comply with Commission regulations.

11. Pursuant to the provisions of the applicable Commonwealth statutes and regulations, the Commission has jurisdiction over the subject matter of this complaint and the actions of Respondent related thereto.

Factual Background

12. On July 28, 2015, I&E filed a Complaint against Respondent at Docket No. C-2015-2495043, alleging that Respondent violated Section 510(c) of the Public Utility Code, 66 Pa.C.S. § 510(c), by failing to pay his 2014-2015 Fiscal Year Assessment.

13. On February 1, 2016, I&E filed a Motion for Default Judgment due to Respondent's failure to file an Answer to the Complaint at Docket No. C-2015-2495043.

14. The Motion for Default Judgment is currently pending before the Commission's Office of Special Assistants.

15. On or about February 6, 2015, the Commission mailed to Respondent an assessment report for Respondent to report his gross intrastate operating revenues for the 2014 calendar year.

16. The assessment report was accompanied by a letter, which notified Respondent that the report was to be completed and returned to the Commission on or before March 31, 2015.

17. Respondent failed to file an assessment report stating his 2014 calendar year revenues.

18. On or about September 10, 2015, the Commission mailed to Respondent, an assessment invoice for the July 1, 2015 to June 30, 2016 Fiscal Year (2015-2016 Fiscal Year) that was based, in part, on Respondent's estimated revenues for the 2014 calendar year. Respondent's assessment was \$386.

19. Accompanying the assessment invoice was a notice that informed Respondent that he was obligated to pay the amount listed on the assessment invoice within thirty (30) days or file objections within fifteen (15) days.

20. There is no record that the assessment invoice was returned in the mail to the Commission as being undeliverable.

21. The Commission received no objections from Respondent to this assessment.

22. Respondent failed to pay his 2015-2016 Fiscal Year Assessment Invoice.

23. The total outstanding assessment balance for Respondent related to the 2015-2016 Fiscal Year is \$386.

Violations

COUNT 1

24. That Respondent failed to report his gross intra-state operating revenues for the 2014 calendar year in that he did not file an assessment report for that year. If proven, this is a violation of Section 510(b) of the Public Utility Code, 66 Pa.C.S. § 510(b). The Bureau of Investigation and Enforcement's proposed civil penalty for this violation is \$1,000.

COUNT 2

25. That Respondent failed to satisfy his 2015-2016 Fiscal Year Assessment in that he did not pay the amount due within thirty (30) days of receipt of the invoice. If proven, this is a violation of Section 510(c) of the Public Utility Code, 66 Pa.C.S. § 510(c). The Bureau of Investigation and Enforcement's proposed civil penalty for this violation is 25% of the outstanding assessment balance or \$97. This civil penalty is based, in part, on Respondent's history of noncompliance with the Public Utility Code involving a failure to timely pay assessments, as set forth above.

Wherefore, for all the foregoing reasons, the Pennsylvania Public Utility Commission's Bureau of Investigation and Enforcement respectfully requests that:

(a) Respondent be ordered to pay a total of \$1,483, which consists of his outstanding assessment balance of \$386 and a total civil penalty of \$1,097 for the above-described violations;

(b) Respondent be directed to file assessment reports on a going-forward basis; and

(c) If payment of the assessment and civil penalty is not made, the Bureau of Investigation and Enforcement requests that:

(1) the Commission issue an Order to cancel the Certificate of Public Convenience issued to Respondent;

(2) this matter be referred to the Pennsylvania Office of Attorney General for appropriate action; and

(3) the Commission certify automobile registrations to the Pennsylvania Department of Transportation for suspension or revocation.

Respectfully submitted,
Kourtney L. Myers
Prosecutor

Pennsylvania Public Utility Commission
Bureau of Investigation and Enforcement
P.O. Box 3265
Harrisburg, PA 17105-3265
717.705.4366
komyers@pa.gov

Date: May 27, 2016

VERIFICATION

I, Mandy Freas, Accountant, Bureau of Administrative Services, Assessment Section, hereby state that the facts above set forth are true and correct to the best of my knowledge, information, and belief and that I expect the Bureau will be able to prove the same at any hearing held in this matter. I understand that the statements herein are made subject to the penalties of 18 Pa.C.S. § 4904 relating to unsworn falsification to authorities.

Date: May 27, 2016

Mandy Freas, Accountant
Assessment Section
Bureau of Administrative Services
PA. Public Utility Commission
P.O. Box 3265
Harrisburg, PA 17105-3265

NOTICE

A. You must file an Answer within 20 days of the date of service of this Complaint. The date of service is the mailing date as indicated at the top of the Secretarial Letter. See 52 Pa. Code § 1.56(a). The Answer must raise all factual and legal arguments that you wish to claim in your defense, include the docket number of this Complaint, and be verified. You may file your Answer by mailing an original to:

Rosemary Chiavetta, Secretary
Pennsylvania Public Utility Commission
P.O. Box 3265
Harrisburg, PA 17105-3265

Or, you may eFile your Answer using the Commission's website at www.puc.pa.gov. The link to eFiling is located under the Filing & Resources tab on the homepage. If your Answer is 250 pages or less, you are not required to file a paper copy. If your Answer exceeds 250 pages, you must file a paper copy with the Secretary's Bureau.

Additionally, a copy should either be mailed to:

Michael L. Swindler, Deputy Chief Prosecutor
Pennsylvania Public Utility Commission
Bureau of Investigation and Enforcement
P.O. Box 3265
Harrisburg, PA 17105-3265

Or, emailed to Mr. Swindler at: RA-PCCmplntResp@pa.gov

B. If you fail to answer this Complaint within 20 days, the Bureau of Investigation and Enforcement will request that the Commission issue an Order imposing the penalty.

C. You may elect not to contest this Complaint by paying the past due assessment and civil penalty within 20 days. Send only a certified check or money order made payable to the "Commonwealth of Pennsylvania" and mailed to:

Rosemary Chiavetta, Secretary
 Pennsylvania Public Utility Commission
 P.O. Box 3265
 Harrisburg, PA 17105-3265

Michael L. Swindler
 Deputy Chief Prosecutor
 Pennsylvania Public Utility Commission
 Bureau of Investigation and Enforcement
 P.O. Box 3265
 Harrisburg, PA 17105-3265

D. If you file an Answer which either admits or fails to deny the allegations of the Complaint, the Bureau of Investigation and Enforcement will request the Commission to issue an Order imposing the penalty set forth in this Complaint.

E. If you file an Answer which contests the Complaint, the matter will be assigned to an Administrative Law Judge for hearing and decision. The Judge is not bound by the penalty set forth in the Complaint, and may impose additional and/or alternative penalties as appropriate.

F. If you are a corporation, you must be represented by legal counsel. 52 Pa. Code § 1.21.

G. Alternative formats of this material are available for persons with disabilities by contacting the Commission's ADA Coordinator at 717-787-8714.

**Pennsylvania Public Utility Commission; Bureau of
 Investigation and Enforcement v. Harold Leroy
 Shipman, t/a Shipman Van Service; Docket No.
 C-2016-2548917**

COMPLAINT

Now Comes the Bureau of Investigation and Enforcement (I&E) of the Pennsylvania Public Utility Commission (Commission), by its prosecuting attorneys, and files this Complaint against Harold Leroy Shipman, t/a Shipman Van Service (Respondent), pursuant to Section 701 of the Public Utility Code, 66 Pa.C.S. § 701. In support of its Complaint, I&E respectfully represents the following:

Parties and Jurisdiction

1. The Pennsylvania Public Utility Commission, with a mailing address of P.O. Box 3265, Harrisburg, PA 17105-3265, is a duly constituted agency of the Commonwealth of Pennsylvania empowered to regulate public utilities within the Commonwealth pursuant to the Public Utility Code, 66 Pa.C.S. §§ 101, et seq.

2. Complainant is the Commission's Bureau of Investigation and Enforcement and is the entity established by statute to prosecute complaints against public utilities pursuant to 66 Pa.C.S. § 308.2(a)(11).

3. Complainant is represented by:

Kourtney L. Myers
 Prosecutor
 Pennsylvania Public Utility Commission
 Bureau of Investigation and Enforcement
 P.O. Box 3265
 Harrisburg, PA 17105-3265
 717.705.4366
 komyers@pa.gov

Stephanie M. Wimer
 Prosecutor
 Pennsylvania Public Utility Commission
 Bureau of Investigation and Enforcement
 P.O. Box 3265
 Harrisburg, PA 17105-3265
 717.772.8839
 stwimer@pa.gov

4. Respondent is Harold Leroy Shipman, t/a Shipman Van Service and maintains his principal place of business at 1233 Cherrytown Road, Dornsife, PA 17823, Attention: Harold Leroy Shipman.

5. Respondent is a "public utility" as that term is defined at 66 Pa.C.S. § 102, as he is engaged in transporting passengers in the Commonwealth of Pennsylvania for compensation.

6. The Commission issued Respondent a Certificate of Public Convenience on or about September 17, 2007, at A-00123110, for paratransit authority.

7. Section 501(a) of the Public Utility Code, 66 Pa.C.S. § 501(a), authorizes and obligates the Commission to execute and enforce the provisions of the Public Utility Code.

8. Section 701 of the Public Utility Code, 66 Pa.C.S. § 701, authorizes the Commission to, inter alia, hear and determine complaints against public utilities for a violation of any law or regulation that the Commission has jurisdiction to administer.

9. Section 3301 of the Public Utility Code, 66 Pa.C.S. § 3301, authorizes the Commission to impose civil penalties on any public utility, or any other person or corporation subject to the Commission's authority, for violation(s) of the Public Utility Code and/or Commission regulations.

10. Respondent, in transporting passengers as a common carrier for compensation, is subject to the power and authority of this Commission pursuant to Section 501(c) of the Public Utility Code, 66 Pa.C.S. § 501(c), which requires a public utility to comply with Commission regulations.

11. Pursuant to the provisions of the applicable Commonwealth statutes and regulations, the Commission has jurisdiction over the subject matter of this complaint and the actions of Respondent related thereto.

Factual Background

12. On or about February 6, 2015, the Commission mailed to Respondent an assessment report for Respondent to report his gross intrastate operating revenues for the 2014 calendar year.

13. The assessment report was accompanied by a letter, which notified Respondent that the report was to be completed and returned to the Commission on or before March 31, 2015.

14. Respondent failed to file an assessment report stating his 2014 calendar year revenues.

Violation

15. That Respondent failed to report his gross intrastate operating revenues for the 2014 calendar year in that he did not file an assessment report for that year. If proven, this is a violation of Section 510(b) of the Public Utility Code, 66 Pa.C.S. § 510(b). The Bureau of Investigation and Enforcement's proposed civil penalty for this violation is \$1,000.

Wherefore, for all the foregoing reasons, the Pennsylvania Public Utility Commission's Bureau of Investigation and Enforcement respectfully requests that:

(a) Respondent be ordered to pay a total civil penalty of \$1,000 for the above-described violation;

(b) Respondent be directed to file assessment reports on a going-forward basis; and

(c) If payment of the civil penalty is not made, the Bureau of Investigation and Enforcement requests that:

(1) the Commission issue an Order to cancel the Certificate of Public Convenience issued to Respondent;

(2) this matter be referred to the Pennsylvania Office of Attorney General for appropriate action; and

(3) the Commission certify automobile registrations to the Pennsylvania Department of Transportation for suspension or revocation.

Respectfully submitted,
Kourtney L. Myers
Prosecutor

Pennsylvania Public Utility Commission
Bureau of Investigation and Enforcement
P.O. Box 3265
Harrisburg, PA 17105-3265
717.705.4366
komyers@pa.gov

Date: June 2, 2016

VERIFICATION

I, Mandy Freas, Accountant, Bureau of Administrative Services, Assessment Section, hereby state that the facts above set forth are true and correct to the best of my knowledge, information, and belief and that I expect the Bureau will be able to prove the same at any hearing held in this matter. I understand that the statements herein are made subject to the penalties of 18 Pa.C.S. § 4904 relating to unsworn falsification to authorities.

Date: June 2, 2016

Mandy Freas, Accountant
Assessment Section
Bureau of Administrative Services
PA. Public Utility Commission
P.O. Box 3265
Harrisburg, PA 17105-3265

NOTICE

A. You must file an Answer within 20 days of the date of service of this Complaint. The date of service is the mailing date as indicated at the top of the Secretarial Letter. See 52 Pa. Code § 1.56(a). The Answer must raise all factual and legal arguments that you wish to claim in your defense, include the docket number of this Complaint, and be verified. You may file your Answer by mailing an original to:

Rosemary Chiavetta, Secretary
Pennsylvania Public Utility Commission
P.O. Box 3265
Harrisburg, PA 17105-3265

Or, you may eFile your Answer using the Commission's website at www.puc.pa.gov. The link to eFiling is located under the Filing & Resources tab on the homepage. If your Answer is 250 pages or less, you are not required to file a paper copy. If your Answer exceeds 250 pages, you must file a paper copy with the Secretary's Bureau.

Additionally, a copy should either be mailed to:

Michael L. Swindler, Deputy Chief Prosecutor
Pennsylvania Public Utility Commission
Bureau of Investigation and Enforcement
P.O. Box 3265
Harrisburg, PA 17105-3265

Or, emailed to Mr. Swindler at: RA-PCCmplntResp@pa.gov

B. If you fail to answer this Complaint within 20 days, the Bureau of Investigation and Enforcement will request that the Commission issue an Order imposing the penalty.

C. You may elect not to contest this Complaint by paying the past due assessment and civil penalty within 20 days. Send only a certified check or money order made payable to the "Commonwealth of Pennsylvania" and mail to:

Rosemary Chiavetta, Secretary
Pennsylvania Public Utility Commission
P.O. Box 3265
Harrisburg, PA 17105-3265

D. If you file an Answer which either admits or fails to deny the allegations of the Complaint, the Bureau of Investigation and Enforcement will request the Commission to issue an Order imposing the penalty set forth in this Complaint.

E. If you file an Answer which contests the Complaint, the matter will be assigned to an Administrative Law Judge for hearing and decision. The Judge is not bound by the penalty set forth in the Complaint, and may impose additional and/or alternative penalties as appropriate.

F. If you are a corporation, you must be represented by legal counsel. 52 Pa. Code § 1.21.

G. Alternative formats of this material are available for persons with disabilities by contacting the Commission's ADA Coordinator at 717-787-8714.

Pennsylvania Public Utility Commission; Bureau of Investigation and Enforcement v. CityMed, LLC; Docket No. C-2016-2549580

COMPLAINT

Now Comes the Bureau of Investigation and Enforcement (I&E) of the Pennsylvania Public Utility Commission (Commission), by its prosecuting attorneys, and files this Complaint against CityMed, LLC (Respondent), pursuant to Section 701 of the Public Utility Code, 66 Pa.C.S. § 701. In support of its Complaint, I&E respectfully represents the following:

Parties and Jurisdiction

1. The Pennsylvania Public Utility Commission, with a mailing address of P.O. Box 3265, Harrisburg, PA 17105-3265, is a duly constituted agency of the Commonwealth of Pennsylvania empowered to regulate public utilities within the Commonwealth pursuant to the Public Utility Code, 66 Pa.C.S. §§ 101, et seq.

2. Complainant is the Commission's Bureau of Investigation and Enforcement and is the entity established by statute to prosecute complaints against public utilities pursuant to 66 Pa.C.S. § 308.2(a)(11).

3. Complainant is represented by:

Kourtney L. Myers
Prosecutor
Pennsylvania Public Utility Commission
Bureau of Investigation and Enforcement
P.O. Box 3265
Harrisburg, PA 17105-3265
717.705.4366
komyers@pa.gov

Stephanie M. Wimer
Prosecutor
Pennsylvania Public Utility Commission
Bureau of Investigation and Enforcement
P.O. Box 3265
Harrisburg, PA 17105-3265
717.772.8839
stwimer@pa.gov

Michael L. Swindler
Deputy Chief Prosecutor
Pennsylvania Public Utility Commission
Bureau of Investigation and Enforcement
P.O. Box 3265
Harrisburg, PA 17105-3265

4. Respondent is CityMed, LLC and maintains its principal place of business at 3021 Franks Road, Unit 10, Huntingdon Valley, PA 19006, Attention: Yuliya Kalita.

5. Respondent is a "public utility" as that term is defined at 66 Pa.C.S. § 102, as it is engaged in transporting passengers in the Commonwealth of Pennsylvania for compensation.

6. The Commission issued Respondent a Certificate of Public Convenience on or about December 18, 2013, at A-2013-2356294, for paratransit authority.

7. Section 501(a) of the Public Utility Code, 66 Pa.C.S. § 501(a), authorizes and obligates the Commission to execute and enforce the provisions of the Public Utility Code.

8. Section 701 of the Public Utility Code, 66 Pa.C.S. § 701, authorizes the Commission to, inter alia, hear and determine complaints against public utilities for a violation of any law or regulation that the Commission has jurisdiction to administer.

9. Section 3301 of the Public Utility Code, 66 Pa.C.S. § 3301, authorizes the Commission to impose civil penalties on any public utility, or any other person or corporation subject to the Commission's authority, for violation(s) of the Public Utility Code and/or Commission regulations.

10. Respondent, in transporting passengers as a common carrier for compensation, is subject to the power and authority of this Commission pursuant to Section 501(c) of the Public Utility Code, 66 Pa.C.S. § 501(c), which requires a public utility to comply with Commission regulations.

11. Pursuant to the provisions of the applicable Commonwealth statutes and regulations, the Commission has jurisdiction over the subject matter of this complaint and the actions of Respondent related thereto.

Factual Background

12. On or about September 29, 2015, the Commission mailed to Respondent, by certified mail, an assessment invoice for the July 1, 2015 to June 30, 2016 Fiscal Year (2015-2016 Fiscal Year). Respondent's assessment was \$1,373.

13. Accompanying the assessment invoice was a notice that informed Respondent that it was obligated to pay the amount listed on the assessment invoice within thirty (30) days or file objections within fifteen (15) days.

14. On October 2, 2015, Respondent signed a certified mail card, which indicated that it received an assessment invoice and notice of assessment for the 2015-2016 Fiscal Year.

15. The Commission received no objections from Respondent to the assessment amount set forth in the 2015-2016 Fiscal Year Assessment Invoice.

16. Respondent failed to pay its 2015-2016 Fiscal Year Assessment Invoice.

17. The total outstanding assessment balance for Respondent is \$1,373.

Violation

18. That Respondent failed to satisfy its 2015-2016 Fiscal Year Assessment in that it did not pay the amount due within thirty (30) days of receipt of the invoice. If proven, this is a violation of Section 510(c) of the Public Utility Code, 66 Pa.C.S. § 510(c). I&E's proposed civil penalty for this violation is 15% of the outstanding assessment balance or \$206.

Wherefore, for all the foregoing reasons, the Pennsylvania Public Utility Commission's Bureau of Investigation and Enforcement respectfully requests that:

(a) Respondent be ordered to pay a total of \$1,579, which consists of its outstanding assessment balance of \$1,373 and a civil penalty of \$206 for the above-described violation; and

(b) If payment of the assessment and civil penalty is not made, the Bureau of Investigation and Enforcement requests that:

(1) the Commission issue an Order to cancel the Certificate of Public Convenience issued to Respondent;

(2) this matter be referred to the Pennsylvania Office of Attorney General for appropriate action; and

(3) the Commission certify automobile registrations to the Pennsylvania Department of Transportation for suspension or revocation.

Respectfully submitted,
Kourtney L. Myers
Prosecutor

Pennsylvania Public Utility Commission
Bureau of Investigation and Enforcement
P.O. Box 3265
Harrisburg, PA 17105-3265
717.705.4366
komyers@pa.gov

Date: June 6, 2016

VERIFICATION

I, Mandy Freas, Accountant, Bureau of Administrative Services, Assessment Section, hereby state that the facts above set forth are true and correct to the best of my knowledge, information, and belief and that I expect the Bureau will be able to prove the same at any hearing held in this matter. I understand that the statements herein are made subject to the penalties of 18 Pa.C.S. § 4904 relating to unsworn falsification to authorities.

Date: June 6, 2016

Mandy Freas, Accountant
Assessment Section
Bureau of Administrative Services
PA. Public Utility Commission
P.O. Box 3265
Harrisburg, PA 17105-3265

NOTICE

A. You must file an Answer within 20 days of the date of service of this Complaint. The date of service is the mailing date as indicated at the top of the Secretarial Letter. See 52 Pa. Code § 1.56(a). The Answer must raise all factual and legal arguments that you wish to claim in your defense, include the docket number of this Complaint, and be verified. You may file your Answer by mailing an original to:

Rosemary Chiavetta, Secretary
Pennsylvania Public Utility Commission
P.O. Box 3265
Harrisburg, PA 17105-3265

Or, you may eFile your Answer using the Commission's website at www.puc.pa.gov. The link to eFiling is located under the Filing & Resources tab on the homepage. If your Answer is 250 pages or less, you are not required to file a paper copy. If your Answer exceeds 250 pages, you must file a paper copy with the Secretary's Bureau.

Additionally, a copy should either be mailed to:

Michael L. Swindler, Deputy Chief Prosecutor
Pennsylvania Public Utility Commission
Bureau of Investigation and Enforcement
P.O. Box 3265
Harrisburg, PA 17105-3265

Or, emailed to Mr. Swindler at: RA-PCCmplntResp@pa.gov

B. If you fail to answer this Complaint within 20 days, the Bureau of Investigation and Enforcement will request that the Commission issue an Order imposing the penalty.

C. You may elect not to contest this Complaint by paying the past due assessment and civil penalty within 20 days. Send only a certified check or money order made payable to the "Commonwealth of Pennsylvania" and mailed to:

Rosemary Chiavetta, Secretary
Pennsylvania Public Utility Commission
P.O. Box 3265
Harrisburg, PA 17105-3265

D. If you file an Answer which either admits or fails to deny the allegations of the Complaint, the Bureau of Investigation and Enforcement will request the Commission to issue an Order imposing the penalty set forth in this Complaint.

E. If you file an Answer which contests the Complaint, the matter will be assigned to an Administrative Law Judge for hearing and decision. The Judge is not bound by the penalty set forth in the Complaint, and may impose additional and/or alternative penalties as appropriate.

F. If you are a corporation, you must be represented by legal counsel. 52 Pa. Code § 1.21.

G. Alternative formats of this material are available for persons with disabilities by contacting the Commission's ADA Coordinator at 717-787-8714.

Pennsylvania Public Utility Commission; Bureau of Investigation and Enforcement v. Lea C. Morgan, t/a Amor'e Limousines; Docket No. C-2016-2553952

COMPLAINT

Now Comes the Bureau of Investigation and Enforcement (I&E) of the Pennsylvania Public Utility Commission (Commission), by its prosecuting attorneys, and files this Complaint against Lea C. Morgan, t/a Amor'e Limousines (Respondent), pursuant to Section 701 of the Public Utility Code, 66 Pa.C.S. § 701. In support of its Complaint, I&E respectfully represents the following:

Parties and Jurisdiction

1. The Pennsylvania Public Utility Commission, with a mailing address of P.O. Box 3265, Harrisburg, PA 17105-3265, is a duly constituted agency of the Commonwealth of Pennsylvania empowered to regulate public utilities within the Commonwealth pursuant to the Public Utility Code, 66 Pa.C.S. §§ 101, et seq.

2. Complainant is the Commission's Bureau of Investigation and Enforcement and is the entity established by statute to prosecute complaints against public utilities pursuant to 66 Pa.C.S. § 308.2(a)(11).

3. Complainant is represented by:

Kourtney L. Myers
Prosecutor
Pennsylvania Public Utility Commission
Bureau of Investigation and Enforcement
P.O. Box 3265
Harrisburg, PA 17105-3265
717.705.4366
komyers@pa.gov

Stephanie M. Wimer
Prosecutor
Pennsylvania Public Utility Commission
Bureau of Investigation and Enforcement
P.O. Box 3265
Harrisburg, PA 17105-3265
717.772.8839
stwimer@pa.gov

Michael L. Swindler
Deputy Chief Prosecutor
Pennsylvania Public Utility Commission
Bureau of Investigation and Enforcement
P.O. Box 3265
Harrisburg, PA 17105-3265

4. Respondent is Lea C. Morgan, t/a Amor'e Limousines and maintains her principal place of business at 87 Arlene Drive, North Versailles, PA 15137, Attention: Lea C. Morgan.

5. Respondent is a "public utility" as that term is defined at 66 Pa.C.S. § 102, as she is engaged in transporting passengers in the Commonwealth of Pennsylvania for compensation.

6. The Commission issued Respondent a Certificate of Public Convenience on or about August 28, 2001, at A-00118075, for group and party 16 or greater authority and limousine authority.

7. Section 501(a) of the Public Utility Code, 66 Pa.C.S. § 501(a), authorizes and obligates the Commission to execute and enforce the provisions of the Public Utility Code.

8. Section 701 of the Public Utility Code, 66 Pa.C.S. § 701, authorizes the Commission to, inter alia, hear and

determine complaints against public utilities for a violation of any law or regulation that the Commission has jurisdiction to administer.

9. Section 3301 of the Public Utility Code, 66 Pa.C.S. § 3301, authorizes the Commission to impose civil penalties on any public utility, or any other person or corporation subject to the Commission's authority, for violation(s) of the Public Utility Code and/or Commission regulations.

10. Respondent, in transporting passengers as a common carrier for compensation, is subject to the power and authority of this Commission pursuant to Section 501(c) of the Public Utility Code, 66 Pa.C.S. § 501(c), which requires a public utility to comply with Commission regulations.

11. Pursuant to the provisions of the applicable Commonwealth statutes and regulations, the Commission has jurisdiction over the subject matter of this complaint and the actions of Respondent related thereto.

Factual Background

12. On or about February 6, 2015, the Commission mailed to Respondent an assessment report for Respondent to report her gross intrastate operating revenues for the 2014 calendar year in order to calculate Respondent's July 1, 2015 to June 30, 2016 Fiscal Year (2015-2016 Fiscal Year) Assessment.

13. The assessment report was accompanied by a letter, which notified Respondent that the report was to be completed and returned to the Commission on or before March 31, 2015.

14. Respondent failed to file an assessment report stating her 2014 calendar year revenues.

15. On or about September 10, 2015, the Commission mailed to Respondent, by certified mail, an assessment invoice for the 2015-2016 Fiscal Year that was based, in part, on Respondent's estimated revenues for the 2014 calendar year due to Respondent's failure to file an assessment report stating her 2014 calendar year revenues. Respondent's assessment was \$3,104.

16. Accompanying the assessment invoice was a notice that informed Respondent that she was obligated to pay the amount listed on the assessment invoice within thirty (30) days or file objections within fifteen (15) days.

17. On September 21, 2015, Respondent signed a certified mail card, which indicated that she received an assessment invoice for the 2015-2016 Fiscal Year.

18. The Commission received no objections from Respondent to the assessment amount set forth in the 2015-2016 Fiscal Year Assessment Invoice.

19. Respondent failed to pay her 2015-2016 Fiscal Year Assessment Invoice.

20. The total outstanding assessment balance for Respondent is \$3,104.

Violations

COUNT 1

21. That Respondent failed to report her gross intrastate operating revenues for the 2014 calendar year in that she did not file an assessment report for that year. If proven, this is a violation of Section 510(b) of the Public Utility Code, 66 Pa.C.S. § 510(b). The Bureau of Investigation and Enforcement's proposed civil penalty for this violation is \$1,000.

COUNT 2

22. That Respondent failed to satisfy her 2015-2016 Fiscal Year assessment in that she did not pay the amount due within thirty (30) days of receipt of the invoice. If proven, this is a violation of Section 510(c) of the Public Utility Code, 66 Pa.C.S. § 510(c). The Bureau of Investigation and Enforcement's proposed civil penalty for this violation is 15% of the outstanding assessment balance or \$466.

Wherefore, for all the foregoing reasons, the Pennsylvania Public Utility Commission's Bureau of Investigation and Enforcement respectfully requests that:

(a) Respondent be ordered to pay a total of \$4,570, which consists of her outstanding assessment balance of \$3,104 and a total civil penalty of \$1,466 for the above-described violations;

(b) Respondent be directed to file assessment reports on a going-forward basis; and

(c) If payment of the assessment and civil penalty is not made, the Bureau of Investigation and Enforcement requests that:

(1) the Commission issue an Order to cancel the Certificate of Public Convenience issued to Respondent;

(2) this matter be referred to the Pennsylvania Office of Attorney General for appropriate action; and

(3) the Commission certify automobile registrations to the Pennsylvania Department of Transportation for suspension or revocation.

Respectfully submitted,
Kourtney L. Myers
Prosecutor

Pennsylvania Public Utility Commission
Bureau of Investigation and Enforcement
P.O. Box 3265
Harrisburg, PA 17105-3265
717.705.4366
komyers@pa.gov

Date: June 30, 2016

VERIFICATION

I, Mandy Freas, Accountant, Bureau of Administrative Services, Assessment Section, hereby state that the facts above set forth are true and correct to the best of my knowledge, information, and belief and that I expect the Bureau will be able to prove the same at any hearing held in this matter. I understand that the statements herein are made subject to the penalties of 18 Pa.C.S. § 4904 relating to unsworn falsification to authorities.

Date: June 30, 2016

Mandy Freas, Accountant
Assessment Section
Bureau of Administrative Services
PA. Public Utility Commission
P.O. Box 3265
Harrisburg, PA 17105-3265

NOTICE

A. You must file an Answer within 20 days of the date of service of this Complaint. The date of service is the mailing date as indicated at the top of the Secretarial Letter. See 52 Pa. Code § 1.56(a). The Answer must raise all factual and legal arguments that you wish to claim in your defense, include the docket number of this Complaint, and be verified. You may file your Answer by mailing an original to:

Rosemary Chiavetta, Secretary
 Pennsylvania Public Utility Commission
 P.O. Box 3265
 Harrisburg, PA 17105-3265

Or, you may eFile your Answer using the Commission's website at www.puc.pa.gov. The link to eFiling is located under the Filing & Resources tab on the homepage. If your Answer is 250 pages or less, you are not required to file a paper copy. If your Answer exceeds 250 pages, you must file a paper copy with the Secretary's Bureau.

Additionally, a copy should either be mailed to:

Michael L. Swindler, Deputy Chief Prosecutor
 Pennsylvania Public Utility Commission
 Bureau of Investigation and Enforcement
 P.O. Box 3265
 Harrisburg, PA 17105-3265

Or, emailed to Mr. Swindler at: RA-PCCmplntResp@pa.gov

B. If you fail to answer this Complaint within 20 days, the Bureau of Investigation and Enforcement will request that the Commission issue an Order imposing the penalty.

C. You may elect not to contest this Complaint by paying the past due assessment and civil penalty within 20 days. Send only a certified check or money order made payable to the "Commonwealth of Pennsylvania" and mail to:

Rosemary Chiavetta, Secretary
 Pennsylvania Public Utility Commission
 P.O. Box 3265
 Harrisburg, PA 17105-3265

D. If you file an Answer which either admits or fails to deny the allegations of the Complaint, the Bureau of Investigation and Enforcement will request the Commission to issue an Order imposing the penalty set forth in this Complaint.

E. If you file an Answer which contests the Complaint, the matter will be assigned to an Administrative Law Judge for hearing and decision. The Judge is not bound by the penalty set forth in the Complaint, and may impose additional and/or alternative penalties as appropriate.

F. If you are a corporation, you must be represented by legal counsel. 52 Pa. Code § 1.21.

G. Alternative formats of this material are available for persons with disabilities by contacting the Commission's ADA Coordinator at 717-787-8714.

Pennsylvania Public Utility Commission; Bureau of Investigation and Enforcement v. Dee Dee Cab, Inc., t/a Penn-Del Cab; Docket No. C-2016-2553976

COMPLAINT

Now Comes the Bureau of Investigation and Enforcement (I&E) of the Pennsylvania Public Utility Commission (Commission), by its prosecuting attorneys, and files this Complaint against Dee Dee Cab, Inc., t/a Penn-Del Cab (Respondent), pursuant to Section 701 of the Public Utility Code, 66 Pa.C.S. § 701. In support of its Complaint, I&E respectfully represents the following:

Parties and Jurisdiction

1. The Pennsylvania Public Utility Commission, with a mailing address of P.O. Box 3265, Harrisburg, PA 17105-3265, is a duly constituted agency of the Commonwealth

of Pennsylvania empowered to regulate public utilities within the Commonwealth pursuant to the Public Utility Code, 66 Pa.C.S. §§ 101, et seq.

2. Complainant is the Commission's Bureau of Investigation and Enforcement and is the entity established by statute to prosecute complaints against public utilities pursuant to 66 Pa.C.S. § 308.2(a)(11).

3. Complainant is represented by:

Kourtney L. Myers
 Prosecutor
 Pennsylvania Public Utility Commission
 Bureau of Investigation and Enforcement
 P.O. Box 3265
 Harrisburg, PA 17105-3265
 717.705.4366
 komyers@pa.gov

Stephanie M. Wimer
 Prosecutor
 Pennsylvania Public Utility Commission
 Bureau of Investigation and Enforcement
 P.O. Box 3265
 Harrisburg, PA 17105-3265
 717.772.8839
 stwimer@pa.gov

Michael L. Swindler
 Deputy Chief Prosecutor
 Pennsylvania Public Utility Commission
 Bureau of Investigation and Enforcement
 P.O. Box 3265
 Harrisburg, PA 17105-3265

4. Respondent is Dee Dee Cab, Inc., t/a Penn-Del Cab and maintains its principal place of business at 702 MacDade Boulevard, Collingdale, PA 19023, Attention: Ron Winkelvoss, Sr.

5. Respondent is a "public utility" as that term is defined at 66 Pa.C.S. § 102, as it is engaged in transporting passengers in the Commonwealth of Pennsylvania for compensation.

6. The Commission issued Respondent a Certificate of Public Convenience on or about May 8, 2000, at A-00116499, for taxi authority.

7. Section 501(a) of the Public Utility Code, 66 Pa.C.S. § 501(a), authorizes and obligates the Commission to execute and enforce the provisions of the Public Utility Code.

8. Section 701 of the Public Utility Code, 66 Pa.C.S. § 701, authorizes the Commission to, inter alia, hear and determine complaints against public utilities for a violation of any law or regulation that the Commission has jurisdiction to administer.

9. Section 3301 of the Public Utility Code, 66 Pa.C.S. § 3301, authorizes the Commission to impose civil penalties on any public utility, or any other person or corporation subject to the Commission's authority, for violation(s) of the Public Utility Code and/or Commission regulations.

10. Respondent, in transporting passengers as a common carrier for compensation, is subject to the power and authority of this Commission pursuant to Section 501(c) of the Public Utility Code, 66 Pa.C.S. § 501(c), which requires a public utility to comply with Commission regulations.

11. Pursuant to the provisions of the applicable Commonwealth statutes and regulations, the Commission has jurisdiction over the subject matter of this complaint and the actions of Respondent related thereto.

Factual Background

12. On or about September 10, 2015, the Commission mailed to Respondent, by certified mail, an assessment invoice for the July 1, 2015 to June 30, 2016 Fiscal Year (2015-2016 Fiscal Year). Respondent's assessment was \$3,030.

13. Accompanying the assessment invoice was a notice that informed Respondent that it was obligated to pay the amount listed on the assessment invoice within thirty (30) days or file objections within fifteen (15) days.

14. The assessment invoice was mailed to Respondent at P.O. Box 269, Wallingford, PA 19086, which is the mailing address that Respondent provided to the Commission for assessment purposes.

15. On October 13, 2015, the assessment invoice was returned to the Commission by the United States Postal Service as being undeliverable.

16. On or about October 14, 2015, the Commission re-mailed the 2015-2016 Fiscal Year Assessment Invoice to Respondent by first class mail at P.O. Box 269, Wallingford, PA 19086 and there is no indication that this mailing was returned to the Commission as being undeliverable.

17. The Commission received no objections from Respondent to the assessment amount set forth in the 2015-2016 Fiscal Year Assessment Invoice.

18. Respondent failed to pay its 2015-2016 Fiscal Year Assessment Invoice.

19. The total outstanding assessment balance for Respondent is \$3,030.

Violation

20. That Respondent failed to satisfy its 2015-2016 Fiscal Year Assessment in that it did not pay the amount due within thirty (30) days of receipt of the invoice. If proven, this is a violation of Section 510(c) of the Public Utility Code, 66 Pa.C.S. § 510(c). I&E's proposed civil penalty for this violation is 15% of the outstanding assessment balance or \$455.

Wherefore, for all the foregoing reasons, the Pennsylvania Public Utility Commission's Bureau of Investigation and Enforcement respectfully requests that:

(a) Respondent be ordered to pay a total of \$3,485, which consists of its outstanding assessment balance of \$3,030 and a civil penalty of \$455 for the above-described violation; and

(b) If payment of the assessment and civil penalty is not made, the Bureau of Investigation and Enforcement requests that:

(1) the Commission issue an Order to cancel the Certificate of Public Convenience issued to Respondent;

(2) this matter be referred to the Pennsylvania Office of Attorney General for appropriate action; and

(3) the Commission certify automobile registrations to the Pennsylvania Department of Transportation for suspension or revocation.

Respectfully submitted,
Kourtney L. Myers
Prosecutor

Pennsylvania Public Utility Commission
Bureau of Investigation and Enforcement
P.O. Box 3265
Harrisburg, PA 17105-3265
717.705.4366
komyers@pa.gov

Date: June 30, 2016

VERIFICATION

I, Mandy Freas, Accountant, Bureau of Administrative Services, Assessment Section, hereby state that the facts above set forth are true and correct to the best of my knowledge, information, and belief and that I expect the Bureau will be able to prove the same at any hearing held in this matter. I understand that the statements herein are made subject to the penalties of 18 Pa.C.S. § 4904 relating to unsworn falsification to authorities.

Date: June 30, 2016

Mandy Freas, Accountant
Assessment Section
Bureau of Administrative Services
PA. Public Utility Commission
P.O. Box 3265
Harrisburg, PA 17105-3265

NOTICE

A. You must file an Answer within 20 days of the date of service of this Complaint. The date of service is the mailing date as indicated at the top of the Secretarial Letter. See 52 Pa. Code § 1.56(a). The Answer must raise all factual and legal arguments that you wish to claim in your defense, include the docket number of this Complaint, and be verified. You may file your Answer by mailing an original to:

Rosemary Chiavetta, Secretary
Pennsylvania Public Utility Commission
P.O. Box 3265
Harrisburg, PA 17105-3265

Or, you may eFile your Answer using the Commission's website at www.puc.pa.gov. The link to eFiling is located under the Filing & Resources tab on the homepage. If your Answer is 250 pages or less, you are not required to file a paper copy. If your Answer exceeds 250 pages, you must file a paper copy with the Secretary's Bureau.

Additionally, a copy should either be mailed to:

Michael L. Swindler, Deputy Chief Prosecutor
Pennsylvania Public Utility Commission
Bureau of Investigation and Enforcement
P.O. Box 3265
Harrisburg, PA 17105-3265

Or, emailed to Mr. Swindler at: RA-PCCmplntResp@pa.gov

B. If you fail to answer this Complaint within 20 days, the Bureau of Investigation and Enforcement will request that the Commission issue an Order imposing the penalty.

C. You may elect not to contest this Complaint by paying the past due assessment and civil penalty within 20 days. Send only a certified check or money order made payable to the "Commonwealth of Pennsylvania" and mail to:

Rosemary Chiavetta, Secretary
 Pennsylvania Public Utility Commission
 P.O. Box 3265
 Harrisburg, PA 17105-3265

D. If you file an Answer which either admits or fails to deny the allegations of the Complaint, the Bureau of Investigation and Enforcement will request the Commission to issue an Order imposing the penalty set forth in this Complaint.

E. If you file an Answer which contests the Complaint, the matter will be assigned to an Administrative Law Judge for hearing and decision. The Judge is not bound by the penalty set forth in the Complaint, and may impose additional and/or alternative penalties as appropriate.

F. If you are a corporation, you must be represented by legal counsel. 52 Pa. Code § 1.21.

Alternative formats of this material are available for persons with disabilities by contacting the Commission's ADA Coordinator at 717-787-8714.

ROSEMARY CHIAVETTA,
Secretary

[Pa.B. Doc. No. 16-1376. Filed for public inspection August 5, 2016, 9:00 a.m.]

Telecommunications Services

A-2016-2555088. Level 3 Communications, LLC. Application of Level 3 Communications, LLC for approval to offer, render, furnish or supply telecommunications services to the public as a competitive local exchange carrier in the service territory of South Canaan Telephone Company.

Formal protests and petitions to intervene must be filed in accordance with 52 Pa. Code (relating to public utilities) on or before August 22, 2016. Filings must be made with the Secretary of the Pennsylvania Public Utility Commission, P.O. Box 3265, Harrisburg, PA 17105-3265, with a copy served on the applicant. The documents filed in support of the application are available for inspection and copying at the Office of the Secretary between 8 a.m. and 4:30 p.m., Monday through Friday, on the Pennsylvania Public Utility Commission's web site at www.puc.pa.gov and at the applicant's business address.

Applicant: Level 3 Communications, LLC

Through and By Counsel: Edward G. Lanza, Esquire, The Lanza Law Firm, LLC, P.O. Box 61336, Harrisburg, PA 17106

ROSEMARY CHIAVETTA,
Secretary

[Pa.B. Doc. No. 16-1377. Filed for public inspection August 5, 2016, 9:00 a.m.]

PHILADELPHIA PARKING AUTHORITY

Request for Proposals

The Philadelphia Parking Authority will accept sealed proposals for RFP No. 16-21, Bottled Water 2016, until 2

p.m. on Monday, August 15, 2016. Information can be obtained from www.philapark.org or call Mary Wheeler at (215) 683-9665.

VINCENT J. FENERTY, Jr.,
Executive Director

[Pa.B. Doc. No. 16-1378. Filed for public inspection August 5, 2016, 9:00 a.m.]

Request for Proposals

The Philadelphia Parking Authority will accept sealed proposals for RFP No. 16-22, Copy Paper 2016, until 2 p.m. on Monday, August 15, 2016. Information can be obtained from www.philapark.org or call Mary Wheeler at (215) 683-9665.

VINCENT J. FENERTY, Jr.,
Executive Director

[Pa.B. Doc. No. 16-1379. Filed for public inspection August 5, 2016, 9:00 a.m.]

Request for Proposals

The Philadelphia Parking Authority will accept sealed proposals for RFP No. 16-23, Janitorial Supplies 2016, until 2 p.m. on Monday, August 15, 2016. Information can be obtained from www.philapark.org or call Mary Wheeler at (215) 683-9665.

VINCENT J. FENERTY, Jr.,
Executive Director

[Pa.B. Doc. No. 16-1380. Filed for public inspection August 5, 2016, 9:00 a.m.]

Request for Proposals

The Philadelphia Parking Authority will accept sealed proposals for RFP No. 16-24, 9 Volt Batteries 2016, until 2 p.m. on Monday, August 15, 2016. Information can be obtained from www.philapark.org or call Mary Wheeler at (215) 683-9665.

VINCENT J. FENERTY, Jr.,
Executive Director

[Pa.B. Doc. No. 16-1381. Filed for public inspection August 5, 2016, 9:00 a.m.]

Service of Notice of Motor Carrier Applications in the City of Philadelphia

The following permanent authority applications to render service as common carriers in the City of Philadelphia have been filed with the Philadelphia Parking Authority's (PPA) Taxicab and Limousine Division (TLD). Formal protests must be filed in accordance with 52 Pa. Code Part II (relating to Philadelphia Parking Authority) with the TLD's Office of the Clerk, 2415 South Swanson Street, Philadelphia, PA 19148 no later than August 22, 2016. The nonrefundable protest filing fee is \$5,000 payable to the PPA by certified check or money order. The

application is available for inspection at the TLD with Administrative Counsel between 9 a.m. and 4 p.m., Monday through Friday (contact Christine Kirlin, Esq. at (215) 683-9653 to make an appointment) or may be inspected at the business address of the respective applicant.

Doc. No. A-16-07-01. Roula Cab, Inc. (1826 South Rosewodd Street, Philadelphia, PA 19145): An application for a medallion taxicab certificate of public convenience (CPC) to transport persons in taxicab service between points within the City of Philadelphia and from points in the City of Philadelphia to points in Pennsylvania, and return. *Attorney:* Danielle Friedman, Esq., 2301 Church Street, Philadelphia, PA 19124.

Doc. No. A-16-07-02. Tarun Trans, Inc. (2301 Church Street, Philadelphia, PA 19124): An application for a medallion taxicab CPC to transport persons in taxicab service between points within the City of Philadelphia and from points in the City of Philadelphia to points in Pennsylvania, and return. *Attorney:* Danielle Friedman, Esq., 2301 Church Street, Philadelphia, PA 19124.

VINCENT J. FENERTY, Jr.,
Executive Director

[Pa.B. Doc. No. 16-1382. Filed for public inspection August 5, 2016, 9:00 a.m.]

Transportation Network Service Temporary Authorization; Doc. No. 16-002

Order

By the Authority:

The Philadelphia Parking Authority (the “Authority”), regulates all taxicab and limousine service in the City of Philadelphia (the “City”).¹ Pursuant to the Act 85 of 2016, the Authority is also the sole regulatory of a new classification of commercial motor vehicle transportation service in Philadelphia provided by each carrier referred to as a “Transportation Network Company.”

The purpose of this Order is to provide guidance regarding the manner in which the Authority will regulate this new service, the authorization of which is set to expire 64 days from the date of this Order. The Authority’s Interim Guidance statement follows as Exhibit “A.”

The contact person for this Order is James R. Ney, Director, Taxicab and Limousine Division, (215) 683-9417.

The Executive Director shall cause this Order to be deposited with the Legislative Reference Bureau for publication in the *Pennsylvania Bulletin*.

EXHIBIT “A”

INTERIM GUIDANCE REGARDING TEMPORARY AUTHORIZATION OF TRANSPORTATION NETWORK SERVICE IN PHILADELPHIA

The Philadelphia Parking Authority (the “Authority”) is empowered to regulate all taxicab and limousine service in the City of Philadelphia.² This regulatory oversight was recently enhanced by Act 85 of 2016 to cover service provided in Philadelphia, under certain terms and conditions, by service providers called “transportation network companies” (“TNC”). TNCs operating pursuant to a corresponding PUC certificate are permitted to provide that

service in Philadelphia only through September 30, 2016, under the regulatory oversight of the Authority.

While Act 85 provides that the Authority may adopt certain temporary regulations relating to TNC service in Philadelphia. Due to the brevity of this temporary authorization the promulgation of approved and published final-form regulations is not practicable.³ Therefore, the Authority issues this interim guidance document to address basic service related issues pending permanent authorization of this new classification of service.

During the period of authorization provided by Act 85, the Authority requires that all PUC certificated TNCs adhere to the requirements outlined in Act 85 and fully comply with PUC regulations, orders and requirements under which each certificate was issued.

In addition, the Authority highlights the following requirements of Act 85 which will apply to all Philadelphia TNC service, although this list is not exhaustive:

1. TNC service may not be provided at the Philadelphia International Airport unless preapproved by the City of Philadelphia;
2. TNC service may not be provided at a designated taxi stand, no stopping or standing zone or other area where personal vehicles are prohibited at train stations owned by Amtrak located in Philadelphia; and
3. TNC service providers may not utilize the organized line of taxis at a hotel designated to provide services to patrons and visitors at the hotel.

TNCs may only provide service in Philadelphia pursuant to Act 85 if it is first approved by the PUC for such temporary (experimental) service. Each TNC so approved must adhere to orders, regulations and requirements of the PUC that are consistent with Act 85. Examples of PUC requirements that are applicable to TNC service in Philadelphia are as follows:

1. *Compliance Plans:* Each TNC must continue compliance with the conditions of its certificate concerning compliance plans. Each TNC must provide a copy of the last compliance plan filed with the PUC, including the identities, office locations and contact information of the employees or individuals who will be responsible for regulatory compliance in Philadelphia to the Authority’s Taxicab and Limousine Division (“TLD”).

2. *Insurance:* Each TNC must continue to maintain, on file with the PUC, a Form E Certificate of Insurance affirming coverage as required under the certificate. Each TNC must also provide a copy of its current Form E to the TLD on or before July 29, 2016. Additionally, each TNC shall continue to clearly and adequately inform drivers, in writing, of the levels of insurance coverage provided, instruct drivers regarding the appropriate protocol to follow in case of an accident and direct drivers, conspicuously in written or electronic form, to contact their personal automobile insurer regarding any policy impacts that may be caused by operating the vehicle for transportation network company use.

3. *Driver Integrity:* Each TNC must continue to undertake and maintain records of (1) driver background checks consistent with 52 Pa. Code §§ 29.503 and 29.505 and (2) drivers’ history checks consistent with 52 Pa. Code § 29.504 as required at all stages and intervals of time consistent with the requirements under each respective certificate and continue its “zero tolerance policy” for

¹ See 53 Pa.C.S. § 5701 et seq., as amended, (the “Act”).

² See 53 Pa.C.S. § 5701 et seq., as amended.

³ See Act of July 31, 1968, (P.L. 769, No. 240), as reenacted and amended, 45 P.S. §§ 1102, et seq., see also, Act of June 25, 1982, P.L. 633, No. 181, as reenacted and amended, 71 P.S. §§ 745.1—745.14.

driver drug and alcohol use while driving, consistent with 52 Pa. Code §§ 29.506 and 29.507.

4. *Vehicle Safety*: Each TNC shall continue to (1) ensure that driver's vehicles successfully pass the Pennsylvania Department of Transportation inspection pursuant to 52 Pa. Code § 29.405 annually; (2) ensure that drivers' vehicles remain in continuous compliance with the PUC's vehicle standards at 52 Pa. Code §§ 29.402(1) and (2) and 29.403; (3) not permit the use of vehicles older than ten model years consistent with 52 Pa. Code § 29.314(d); and (4) require that all vehicles be marked as specified at 52 Pa. Code §§ 29.71 and 29.72 by requiring that each transportation network driver places the PUC-approved placard in the windshield of the vehicle, which is clearly visible from outside of the vehicles at all times, while operating in certain stages.

5. *Tariffs*: Each TNC shall continue to only charge rates in a manner consistent with the tariff filed with and approved by the PUC.

Act 85 also imposes a 1% assessment upon all gross receipts from TNC service originating in Philadelphia. To assist TNCs with compliance with this statutory requirement, the TLD will develop a form identifying the TNC, its gross revenue and the assessment amount to be paid. Act 85 requires that this payment be made on a quarterly basis. For the purposes of Act 85 the quarter will begin on the date of enactment of Act 85 through September 30, 2016. The completed assessment form and the assessment payment required by Act 85 are to be delivered to the TLD at 2415 S. Swanson Street, Philadelphia, PA 19148. The assessment payment shall be made consistent with 52 Pa. Code § 1001.42.

The TLD will directly enforce violations of Act 85 by a TNC pursuant to 53 Pa.C.S. § 5706(a) (relating to contested complaints) and 52 Pa. Code Chapter 1005 (relating to formal proceedings) and refer other violations to the PUC for an investigation and adjudication.

VINCENT J. FENERTY, Jr.,
Executive Director

[Pa.B. Doc. No. 16-1383. Filed for public inspection August 5, 2016, 9:00 a.m.]

STATE BOARD OF NURSING

**Bureau of Professional and Occupational Affairs v.
Brian F. Jackson, RN; File No. 13-51-05767; Doc.
No. 1021-51-2013**

On June 17, 2016, Brian F. Jackson, RN, Pennsylvania license no. RN520691L, of Charlotte, NC, was revoked based on pleading guilty to a felony.

Individuals may obtain a copy of the adjudication by writing to Bridget K. Guilfoyle, Board Counsel, State Board of Nursing, P.O. Box 69523, Harrisburg, PA 17106-9523.

This order represents the final State Board of Nursing (Board) decision in this matter. It may be appealed to the Commonwealth Court of Pennsylvania by the filing of a petition for review with that court in accordance with the Pennsylvania Rules of Appellate Procedure. Individuals who take an appeal to the Commonwealth Court must serve the Board with a copy of their petition for review. The Board contact for receiving service of appeals is the previously-named Board counsel.

KRISTIN MALADY, BSN, RN,
Chairperson

[Pa.B. Doc. No. 16-1384. Filed for public inspection August 5, 2016, 9:00 a.m.]

TREASURY DEPARTMENT

Unclaimed Property Owners; Correction

An error occurred in the unclaimed property owners notice published at 46 Pa.B. 4319, 4809 (July 30, 2016). A preliminary document number was published. The correct document number is 16-1345. The remainder of the notice is accurate as published.

TIMOTHY A. REESE,
State Treasurer

[Pa.B. Doc. No. 16-1385. Filed for public inspection August 5, 2016, 9:00 a.m.]

