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PENNSYLVANIA BULLETIN

Volume 47
Saturday, February 18, 2017 • Harrisburg, PA
Number 7
Pages 925—1114

Agencies in this issue

The General Assembly

The Courts

Department of Aging

Department of Banking and Securities

Department of Community and Economic
Development

Department of Environmental Protection

Department of Health

Department of Human Services

Department of Labor and Industry

Department of Military and Veterans Affairs

Department of Revenue

Fish and Boat Commission

Housing Finance Agency

Insurance Department

Legislative Reference Bureau

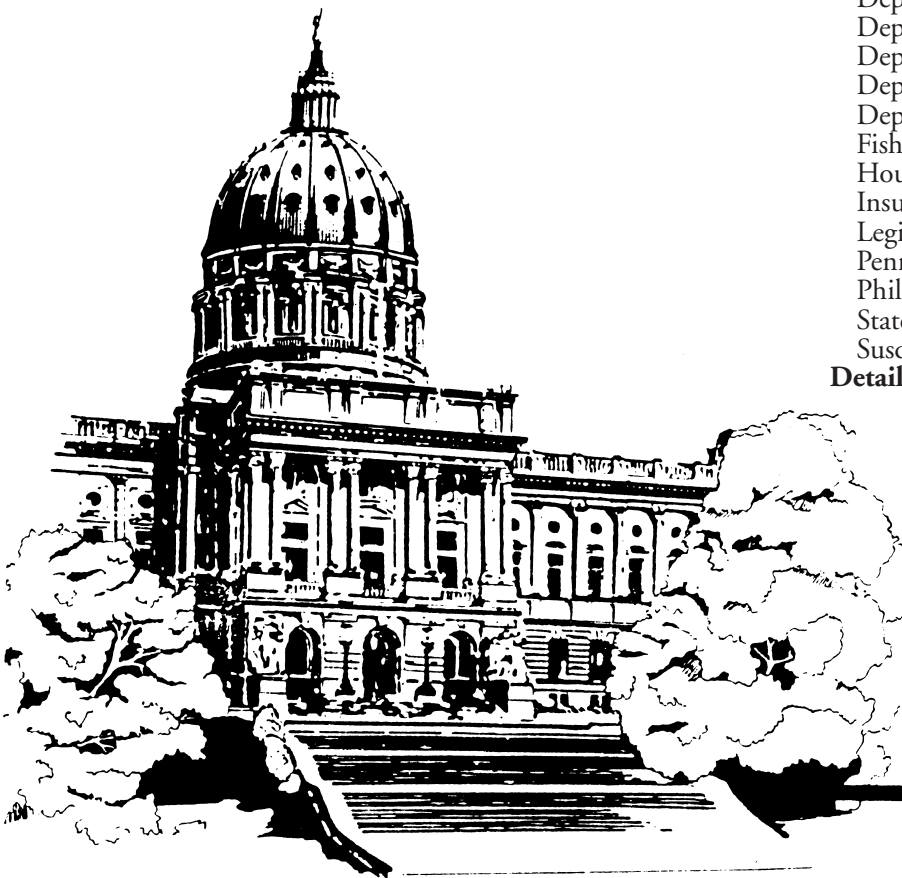
Pennsylvania Public Utility Commission

Philadelphia Parking Authority

State Board of Nursing

Susquehanna River Basin Commission

Detailed list of contents appears inside.



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

No. 507, February 2017

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

Pennsylvania Bulletin

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

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

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

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

Adoption, Amendment or Repeal of Regulations

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

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

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

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

Citation to the *Pennsylvania Bulletin*

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

Pennsylvania Code

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

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

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

How to Find Documents

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

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.

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Printing Format

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

Fiscal Notes

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

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

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List of Pa. Code Chapters Affected

The following numerical guide is a list of the chapters of each title of the *Pennsylvania Code* affected by documents published in the *Pennsylvania Bulletin* during 2017.

| | | | |
|--|-----|---|---|
| 4 Pa. Code (Administration) | | 231 Pa. Code (Rules of Civil Procedure) | |
| Statements of Policy | | Adopted Rules | |
| 9 | 832 | 200 | 178 |
| | | 400 | 178 |
| 25 Pa. Code (Environmental Protection) | | 1000 | 178, 937 |
| Adopted Rules | | 234 Pa. Code (Rules of Criminal Procedure) | |
| 901 | 313 | Proposed Rules | |
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| 34 Pa. Code (Labor and Industry) | | Adopted Rules | |
| Statements of Policy | | 1 | 941 |
| 123 | 440 | 2 | 941 |
| 52 Pa. Code (Public Utilities) | | 4 | 820 |
| Adopted Rules | | Proposed Rules | |
| 29 | 429 | 1 | 938 |
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| 56 | 965 | 5 | 942 |
| 59 | 19 | 6 | 942 |
| 201 Pa. Code (Rules of Judicial Administration) | | 16 | 947 |
| Adopted Rules | | 249 Pa. Code (Philadelphia Rules) | |
| 1 | 937 | Unclassified | 420 |
| 204 Pa. Code (Judicial System General Provisions) | | 255 Pa. Code (Local Court Rules) | |
| Adopted Rules | | Unclassified | .8, 9, 12, 14, 15, 17, 18, 188, 190, 191, 192, 193, 194, 195, 308, 309, 310, 311, 420, 422, 423, 426, 428, 666, 667, 669, 825, 828, 829, 830, 949, 950, 951, 952, 958, 959, 963 |
| 213 | 291 | | |
| 210 Pa. Code (Appellate Procedure) | | | |
| Proposed Rules | | | |
| 1 | 7 | | |

THE GENERAL ASSEMBLY

COMMISSION ON SENTENCING

Meetings Scheduled

The Commission on Sentencing (Commission) announces the following meetings to be held at the Harrisburg Hilton and Towers Hotel, One North Second Street, Harrisburg, PA and at the Pennsylvania Judicial Center, 601 Commonwealth Avenue, Harrisburg, PA:

| | | |
|---------------------------|---------|---|
| Wednesday, March 15, 2017 | 6 p.m. | Dinner Meeting Harrisburg Hilton and Towers Hotel One North Second Street Harrisburg, PA |
| Thursday, March 16, 2017 | 9 a.m. | Policy Committee Meeting Pennsylvania Judicial Center 601 Commonwealth Avenue Harrisburg, PA |
| | 11 a.m. | Quarterly Commission Meeting Pennsylvania Judicial Center 601 Commonwealth Avenue Harrisburg, PA |

MARK H. BERGSTROM,
Executive Director

[Pa.B. Doc. No. 17-266. Filed for public inspection February 17, 2017, 9:00 a.m.]

HOUSE OF REPRESENTATIVES

Committee Designation under the Regulatory Review Act

Pursuant to the provisions of Act No. 181 of 1982, as amended, the Regulatory Review Act, the Speaker of the House is required to prescribe the jurisdiction of each standing committee of the House over the various State agencies for the purpose of reviewing proposed regulations.

I have, therefore, submitted the designated House committee to which you should submit any regulations which you may propose during the 2017-2018 Legislative Sessions.

*Any department, departmental administrative board or commission, independent board, commission, or authority not contained in this list is assigned to the same designated standing committee as is their parent agency.

MIKE TURZAI,
The Speaker

(*Editor's Note:* The effective date of the standing committees designation list is February 6, 2017, the date it was read into the record.)

Committee Referrals

Aging and Older Adult Services Committee

Department of Aging (Except Office of Long Term Living)

Agriculture and Rural Affairs Committee

Department of Agriculture
Milk Marketing Board
Bureau of Farm Show
Agriculture Land Preservation Board
State Conservation Commission
State Horse Racing Commission

Appropriations Committee

Budget
Auditor General
State Treasurer
Pennsylvania Infrastructure Investment Authority

Children and Youth Committee

Department of Human Services—(Only those regulations promulgated by the Office of Children, Youth and Families and the Office of Child Development and Learning, and any other regulations issued by the Department of Human Services relating to child care.)

Commerce Committee

Department of Community and Economic Development
Pennsylvania Housing Financing Agency
Pennsylvania Industrial Development Authority
Department of Banking and Securities

Consumer Affairs Committee

Public Utility Commission

Education Committee

Department of Education
Public School Employes' Retirement System
Higher Education Facilities Authority
PHEAA
State Board of Education
State Board of Private Academic Schools
State Board of Private Licensed Schools
Professional Standards and Practices Commission
State Public School Building Authority
Board of Governors of State System of Higher Education

Environmental Resources and Energy Committee

Department of Environmental Protection
Department of Conservation and Natural Resources
Environmental Quality Board
State Board for Certification of Water and Wastewater Systems Operators
Environmental Hearing Board

Board of Coal Mine Safety
Board of Coal and Clay Mine Subsidence Insurance

Finance Committee

Department of Revenue—(Except for regulations pertaining to small games of chance.)

Board of Claims
State Tax Equalization Board
Board of Finance and Revenue
Commonwealth Financing Authority

Gaming Oversight Committee

Gaming Control Board—(Except for regulations promulgated by the Board relating to the sale and service of liquor and malt or brewed beverages by slot machine licensees.)

Department of Revenue—(Only those regulations pertaining to small games of chance.)

Health Committee

Department of Health—(Only those regulations promulgated by the Office of Health Planning and Assessment and the Office of Quality Assurance with the exception of community programs.)

Department of Human Services—(Only those regulations promulgated by the Office of Income Maintenance and the Office of Medical Assistance.)

Human Services Committee

Department of Drug and Alcohol Programs
Department of Health—(Only those regulations promulgated by the Office of Health Promotion and Disease Prevention and the Bureau of Community Program Licensure and Certification.)

Department of Human Services—(Only those regulations promulgated by the Office of Mental Health and Substance Abuse Services, Office of Developmental Programs, and the Office of Long Term Living.)

Insurance Committee

Department of Insurance
State Workmen's Insurance Board
Underground Storage Tank Indemnification Fund

Judiciary Committee

State Police
Pennsylvania Commission on Crime and Delinquency
Department of Corrections
Office of General Counsel
Attorney General
Board of Pardons
Board of Probation and Parole
State Ethics Commission
Pennsylvania Commission on Sentencing
Municipal Police Officers Education and Training Commission

Labor and Industry Committee

Civil Service Commission
Department of Labor and Industry
Unemployment Compensation Appeals Board of Review
Labor Relations Board
Workmen's Compensation Appeal Board
Office for the Deaf and Hearing Impaired
Industrial Board

Liquor Control Committee

Liquor Control Board
Gaming Control Board—(Only those regulations relating to the sale and service of liquor and malt or brewed beverages by slot machine licensees.)

Local Government Committee

Pennsylvania Municipal Retirement System

Professional Licensure Committee

State Board of Accountancy
State Architects Licensure Board
State Board of Auctioneer Examiners
State Board of Barber Examiners
State Board of Certified Real Estate Appraisers
State Board of Cosmetology
State Board of Crane Operators
State Registration Board for Professional Engineers, Land Surveyors and Geologists
State Board of Funeral Directors
State Board of Landscape Architects
State Real Estate Commission
State Board of Vehicle Manufacturers, Dealers and Salespersons Board
State Commission for the Delaware River & its Navigable Tributaries
State Board of Chiropractic
State Board of Dentistry
State Board of Massage Therapy
State Board of Medicine
State Board of Nursing
State Board of Examiners of Nursing Home Administrators
State Board of Occupational Therapy
State Board of Optometry
State Board of Osteopathic Medicine
State Board of Pharmacy
State Board of Physical Therapy
State Board of Podiatry
State Board of Psychology
State Board of Speech-Language Pathology and Audiology
State Board of Social Workers, Marriage & Family Therapists & Professional Counselors
State Board of Veterinary Medicine
Bureau of Professional and Occupational Affairs

State Government Committee

Department of General Services
Department of State
Human Relations Commission
State Employees' Retirement System
Governor's Office
Independent Fiscal Office
State Athletic Commission
Independent Regulatory Review Commission
Joint Committee on Documents

Tourism and Recreational Development Committee

Historical and Museum Commission

Transportation Committee

Department of Transportation
Turnpike Commission
State Transportation Commission

Urban Affairs

Philadelphia Parking Authority

Veterans Affairs and Emergency Preparedness Committee

Department of Military and Veterans Affairs
Pennsylvania Emergency Management Agency
Department of Health—(Only those regulations promulgated by the Bureau of Emergency Medical Services.)

[Pa.B. Doc. No. 17-267. Filed for public inspection February 17, 2017, 9:00 a.m.]

SENATE OF PENNSYLVANIA

Committee Designation under the Regulatory Review Act

Under the provisions of Act 181 of 1982, as amended and reenacted, known as the Regulatory Review Act, as President Pro Tempore of the Senate, I hereby designate the following standing committees for the purpose of regulatory review as authorized in the Act.

The designated standing committee for any departmental board, commission, committee, and other agency not listed herein shall be the standing committee listed for that department. The Committee on Rules and Executive Nominations shall be the designated standing committee for the purpose of regulatory review for any other agency not specifically listed.

JOSEPH B. SCARNATI, III,
President Pro Tempore

(Editor's Note: The effective date of the standing committees designation list is February 8, 2017, the date it was read across the desk.)

| <i>Agency</i> | <i>Committee</i> |
|---|--|
| Governor and Office of the Governor | State Government |
| Attorney General and Office of the Attorney General | Judiciary |
| Auditor General and Office of Auditor General | Finance |
| State Treasurer and Treasury Department | Finance |
| Adjutant General and Department of Military and Veterans' Affairs | Veterans' Affairs and Emergency Preparedness |
| Secretary and Department of Aging | Aging and Youth |
| Secretary and Department of Agriculture | Agriculture and Rural Affairs |
| Secretary and Department of Banking and Securities | Banking and Insurance |
| Secretary and Department of Community and Economic Development | Community, Economic and Recreational Development |
| Secretary of the Commonwealth and Department of State | State Government |
| Secretary and Department of Conservation and Natural Resources | Environmental Resources and Energy |
| Secretary and Department of Corrections | Judiciary |
| Secretary and Department of Drug and Alcohol Programs | Health and Human Services |
| Secretary and Department of Education | Education |
| Secretary and Department of Environmental Protection | Environmental Resources and Energy |
| Secretary and Department of General Services | State Government |
| Secretary and Department of Health | Health and Human Services |
| Commissioner and Department of Insurance | Banking and Insurance |
| Secretary and Department of Labor and Industry | Labor and Industry |
| Secretary and Department of Human Services | Health and Human Services |
| Secretary and Department of Revenue | Finance |
| Commissioner and Pennsylvania State Police | Law and Justice |
| Secretary and Department of Transportation | Transportation |
| Secretary and Office of Administration | State Government |
| General Counsel and Office of General Counsel | State Government |
| Secretary and Office of Budget | Appropriations |
| Commissioner and Bureau of Professional and Occupational Affairs | Consumer Protection and Professional Licensure |
| Executive Board | State Government |
| Armory Board | Veterans' Affairs and Emergency Preparedness |
| Ben Franklin Technology Development Authority | Community, Economic and Recreational Development |
| Board of Claims | State Government |
| Board of Coal Mine Safety | Environmental Resources and Energy |
| Board of Finance and Revenue | Finance |
| Board of Governors of State System of Higher Education | Education |
| Board of Pardons | Judiciary |

Agency

Board of Probation and Parole
 Civil Service Commission
 Commonwealth Financing Authority
 Constables' Education and Training Board
 Pennsylvania Commission on Sentencing
 State Coroners' Education Board
 Council on the Arts
 Deputy Sheriffs' Education and Training Board
 Environmental Hearing Board
 Environmental Quality Board
 Higher Educational Assistance Agency
 Higher Education Facilities Authority
 Historical and Museum Commission
 State Horse Racing Commission
 Human Relations Commission
 Independent Regulatory Review Commission
 Industrial Board
 Joint Committee on Documents
 Labor Relations Board
 Liquor Control Board
 Lobbying Disclosure Law Regulation Promulgation Committee
 Milk Marketing Board
 Pennsylvania Municipal Retirement System
 Municipal Police Officers Education and Training Commission
 Office of Open Records
 Pennsylvania Commission on Crime and Delinquency
 Pennsylvania Economic Development Financing Authority
 Pennsylvania Emergency Management Council
 Pennsylvania Emergency Management Agency
 Pennsylvania Energy Development Authority
 Pennsylvania Gaming Control Board
 Pennsylvania Health Care Cost Containment Council
 Pennsylvania Housing Finance Agency
 Pennsylvania Industrial Development Authority
 Pennsylvania Infrastructure Investment Authority
 Pennsylvania Minority Business Development Authority
 Philadelphia Parking Authority
 Public Employee Retirement Commission
 Public School Employees' Retirement Board
 Professional Standards and Practices Commission
 Public Utility Commission
 State Agricultural Land Preservation Board
 State Athletic Commission
 State Board of Education
 State Employees' Retirement Board
 State Board for Certification of Sewage Enforcement Officers
 State Board for Certification of Water and Wastewater Systems
 Operators
 State Board of Private Academic Schools
 State Board of Private Licensed Schools

Committee

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 State Board of Auctioneer Examiners
 State Board of Barber Examiners
 State Board of Chiropractic
 State Board of Cosmetology
 State Board of Crane Operators
 State Board of Dentistry
 State Board of Funeral Directors
 State Board of Landscape Architects
 State Board of Massage Therapy
 State Board of Medicine
 State Board of Certified Real Estate Appraisers
 State Board of Vehicle Manufacturers, Dealers and Salespersons
 Navigation Commission for the Delaware River and its Navigable Tributaries
 State Board of Nursing
 State Board of Examiners of Nursing Home Administrators
 State Board of Occupational Therapy Education and Licensure
 State Board of Optometry
 State Board of Osteopathic Medicine
 State Board of Pharmacy
 State Board of Physical Therapy
 State Board of Podiatry
 State Board of Psychology
 State Registration Board for Professional Engineers, Land Surveyors and Geologists
 State Real Estate Commission
 State Board of Examiners in Speech-Language and Hearing
 State Board of Veterinary Medicine
 State Board of Social Workers, Marriage and Family Therapists and Professional Counselors

Committee

Agriculture and Rural Affairs
 State Government
 Health and Human Services
 Education
 Finance
 Transportation
 Transportation
 Banking and Insurance
 Labor and Industry
 Veterans' Affairs and Emergency Preparedness
 Labor and Industry
 Labor and Industry
 Consumer Protection and Professional Licensure
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[Pa.B. Doc. No. 17-268. Filed for public inspection February 17, 2017, 9:00 a.m.]

THE COURTS

Title 201—RULES OF JUDICIAL ADMINISTRATION

[201 PA. CODE CH. 1]

Amendment of Rule 103 of the Rules of Judicial Administration; No. 479 Judicial Administration Doc.

Order

Per Curiam

And Now, this 3rd day of February, 2017, the proposal having been submitted without publication pursuant to Pa.R.J.A. No. 103(a)(3):

It is Ordered pursuant to Article V, Section 10 of the Constitution of Pennsylvania that Rule 103 of the Pennsylvania Rules of Judicial Administration is amended in the following form.

This Order shall be processed in accordance with Pa.R.J.A. No. 103(b), and shall be effective immediately.

Annex A

TITLE 201. RULES OF JUDICIAL ADMINISTRATION

CHAPTER 1. GENERAL PROVISIONS

Rule 103. Procedure for adoption, filing and publishing rules.

* * * * *

(d) *Rules of procedure adopted by other courts of the System.*

(1) For the purpose of this subdivision, the term “local rule” shall include every rule, administrative order, regulation, directive, policy, custom, usage, form or order of general application, however labeled or promulgated, which is adopted by a court of common pleas[, the Philadelphia Municipal Court—Criminal Division,] and the Philadelphia Municipal Court[—Traffic Division,] to govern practice and procedure. This subdivision shall also apply to any amendment of a local rule.

* * * * *

[Pa.B. Doc. No. 17-269. Filed for public inspection February 17, 2017, 9:00 a.m.]

Title 231—RULES OF CIVIL PROCEDURE

PART I. GENERAL

[231 PA. CODE CH. 1000]

Order Amending Rule 1033 of the Rules of Civil Procedure; No. 657 Civil Procedural Rules Doc.

Order

Per Curiam

And Now, this 2nd day of February, 2017, upon the recommendation of the Civil Procedural Rules Committee;

the proposal having been published for public comment at 42 Pa.B. 6244 (October 6, 2012):

It is Ordered pursuant to Article V, Section 10 of the Constitution of Pennsylvania that Rule 1033 of the Pennsylvania Rules of Civil Procedure is amended in the following form.

This Order shall be processed in accordance with Pa.R.J.A. No. 103(b), and shall be effective April 1, 2017.

Annex A

TITLE 231. RULES OF CIVIL PROCEDURE

PART I. GENERAL

CHAPTER 1000. ACTIONS

Subchapter A. CIVIL ACTION

PLEADINGS

Rule 1033. Amendment.

(a) A party, either by filed consent of the adverse party or by leave of court, may at any time change the form of action, add a person as a party, correct the name of a party, or otherwise amend the pleading. The amended pleading may aver transactions or occurrences which have happened before or after the filing of the original pleading, even though they give rise to a new cause of action or defense. An amendment may be made to conform the pleading to the evidence offered or admitted.

(b) **An amendment correcting the name of a party against whom a claim has been asserted in the original pleading relates back to the date of the commencement of the action if, within ninety days after the period provided by law for commencing the action, the party received notice of the institution of the action such that it will not be prejudiced in maintaining a defense on the merits and the party knew or should have known that the action would have been brought against the party but for a mistake concerning the identity of the proper party.**

EXPLANATORY COMMENT

Currently, the Rules of Civil Procedure do not expressly permit an amendment correcting the name of a party against whom a claim is asserted to relate back without a showing of concealment when the statute of limitations has expired and the effect of that correction operates to add another party. However, case law has interpreted the Rules to permit such an amendment within the statute of limitations. Rule 1033 has been amended to expressly permit amendments correcting the name of the party against whom a claim is asserted to relate back to the date of the commencement of the action if within ninety days after the period provided by law for commencing the action, the party to be brought in by the amendment has received notice of the commencement of the action such that it will not be prejudiced in obtaining a defense on the merits, and the party knew or should have known that the action would have been brought against the party but for a mistake concerning the identity of the proper party.

Consider the following example: Harry Roberts, who resides at 949 Alcoma Street, Pittsburgh, PA, was the driver of an automobile which struck the plaintiff when he was crossing the intersection at Grant and Forbes

Street, Pittsburgh, PA, at approximately 11:00 a.m. on October 11, 2013. The plaintiff's complaint, filed on October 2, 2015, mistakenly identifies the driver as Henry Rosen. He is the only named defendant in the complaint.

On October 7, 2015, the Sheriff made service by serving Mary Roberts at 949 Alcoma Street, Pittsburgh, PA. She is described in the Sheriff's Return as the wife of the defendant. On January 2, 2016, the complaint is amended to correct "Henry Rosen" to "Harry Roberts."

The amendment of Rule 1033 expressly permits the plaintiff to amend the complaint to correct the name of the defendant to Harry Roberts, because it is clear from the body of the complaint that the plaintiff was suing the driver of the automobile which struck the plaintiff and service of the complaint furnished sufficient notice to Harry Roberts that a lawsuit has been initiated against him for actions he is liable for even though the defendant is identified on the complaint as Henry Rosen. This is consistent with existing case law and codifies current practice.

The Federal Rules of Civil Procedure and a majority of states have rules of procedure governing the relation back of amendments, which are similar to this amendment. The interests of justice are served by a rule of civil procedure permitting a party to correct a complaint that provides an incorrect name of a party when there is no prejudice to the party brought in by the amendment.

The amendment of Rule 1033 does not alter the concealment doctrine and the discovery rule. The amendment is intended to cover situations in which neither the concealment doctrine nor the discovery rule apply.

*By the Civil Procedural
Rules Committee*

WILLIAM S. STICKMAN, IV,
Chair

[Pa.B. Doc. No. 17-270. Filed for public inspection February 17, 2017, 9:00 a.m.]

Title 237—JUVENILE RULES

PART I. RULES

[237 PA. CODE CH. 1]

Proposed Amendment of Pa.R.J.C.P. 170 and 172

The Juvenile Court Procedural Rules Committee is planning to propose to the Supreme Court of Pennsylvania the amendment Pa.R.J.C.P. 170 to specifically require the inclusion of the offense tracking number, if available, in a motion for expungement and the amendment of Pa.R.J.C.P. 172 to require the Pennsylvania State Police and the Juvenile Court Judges' Commission to be served a copy of the expungement order, for the reasons set forth in the accompanying explanatory report. Pursuant to Pa.R.J.A. No. 103(a)(1), the proposal is being published in the *Pennsylvania Bulletin* for comments, suggestions, or objections prior to submission to the Supreme Court.

Any reports, notes, or comments in the proposal have been inserted by the Committee for the convenience of those using the rules. They neither will constitute a part of the rules nor will be officially adopted by the Supreme Court.

Additions to the text of the proposal are bolded; deletions to the text are bolded and bracketed.

The Committee invites all interested persons to submit comments, suggestions, or objections in writing to:

Daniel A. Durst, Chief Counsel
Juvenile Court Procedural Rules Committee
Supreme Court of Pennsylvania
Pennsylvania Judicial Center
PO Box 62635
Harrisburg, PA 17106-2635
FAX: 717-231-9541
juvenilerules@pacourts.us

All communications in reference to the proposal should be received by March 20, 2017. E-mail is the preferred method for submitting comments, suggestions, or objections; any e-mailed submission need not be reproduced and resubmitted via mail. The Committee will acknowledge receipt of all submissions.

*By the Juvenile Court
Procedural Rules Committee*

KERITH STRANO TAYLOR, Esq.,
Chair

Annex A

TITLE 237. JUVENILE RULES

PART I. RULES

Subpart A. DELINQUENCY MATTERS

CHAPTER 1. GENERAL PROVISIONS

PART C(3). EXPUNGING OR DESTROYING RECORDS, FINGERPRINTS, AND PHOTOGRAPHS

Rule 170. Motion to Expunge or Destroy Records.

A. *Motion.* Upon motion, or *sua sponte*, expungement proceedings may be commenced:

- 1) if a written allegation is not approved for prosecution;
- 2) if the petition is dismissed by the court;
- 3) in consent decree and informal adjustment cases:
 - a) when six months have elapsed since the final discharge of the juvenile from supervision; and
 - b) if no proceeding seeking adjudication or conviction is pending;
- 4) when a juvenile has been discharged from court supervision pursuant to Rule 631:
 - a) five years have elapsed;
 - b) the juvenile has not been convicted or adjudicated delinquent for a felony or misdemeanor;
 - c) no court proceeding is pending seeking such conviction or adjudication; and
 - d) the delinquent act is not an act precluded from expungement pursuant to 18 Pa.C.S. § 9123(a.1); or
 - 5) when the attorney for the Commonwealth consents to the expungement.

B. *Contents of [motion] Motion.* A motion, which shall include a proposed court order, shall contain the following information:

- 1) the name of the juvenile;
- 2) the date of birth of the juvenile, if known;

- 3) the juvenile's case docket number, if any;
- 4) the allegations **or offenses** to which the order pertains;
- 5) the law enforcement agency that initiated the allegations;
- 6) the reference number of the police report or written allegation to be expunged or destroyed, **including the juvenile offense tracking number (JOTN), if available**;
- 7) the date of arrest;
- 8) the disposition of the written allegation or petition;
- 9) the reasons and statutory authority for expunging or destroying the documents, fingerprints, or photographs; and
- 10) the agencies upon which certified copies of the court order shall be served.

C. *Service of [motion] Motion.* In addition to the service required by Rule 345, the movant shall serve the motion on the chief juvenile probation officer.

D. *Answer.*

- 1) The attorney for the Commonwealth, and any other person upon whom the motion was served, may file an answer to the motion.
- 2) If objections to the motion are not made within thirty days of the filing of the motion, they shall be deemed waived.

E. *Court's [response to the motion] Response to the Motion.* The court shall conduct a hearing or grant or deny the motion after giving consideration to the following factors:

- 1) the type of offense;
- 2) the individual's age, history of employment, history of academic or vocational training, delinquent or criminal activity, and drug or alcohol issues;
- 3) adverse consequences that the individual may suffer if the records are not expunged; and
- 4) whether retention of the record is required for purposes of public safety.

F. *[Inter-county transfer cases] Inter-County Transfer Cases.*

- 1) A motion to expunge or destroy records shall be filed in the county in which the adjudication of delinquency was entered.
- 2) A motion regarding the records of a juvenile whose disposition did not involve an adjudication of delinquency shall be filed in the county in which the disposition occurred.
- 3) The court entering an order to expunge or destroy records shall direct the order to any other court possessing records pertaining to the case.

Comment

Paragraph (A) provides that **[any party may file]** a motion to expunge or destroy records, files, fingerprints, or photographs, or the court, *sua sponte*, may commence expungement proceedings.

Under paragraphs (A)(1) & (2), the written allegation or petition may be dismissed for several reasons, including, but not limited to, when: 1) a juvenile completes an informal adjustment or diversionary program; 2) the

attorney for the Commonwealth declines to prosecute; 3) probable cause is not found at the detention hearing pursuant to Rule 242(C)(1); 4) there is no finding on the offenses pursuant to Rule 408(B); or 5) there is no finding of a need for treatment, supervision, and rehabilitation pursuant to Rule 409(A)(1). Expungement proceedings may be commenced upon these dismissals of the written allegation or the petition.

Under paragraph (B)(6), any number assigned to police papers helpful in tracking the police report or written allegation that would assist the law enforcement agency in expunging or destroying the document is to be listed. A reference number could be **[an] a juvenile** offense tracking number, district control number, crime control number, incident number, Philadelphia identification number, or another number assigned by the law enforcement agency to track the document.

Pursuant to paragraph (B)(9), the reasons for expunging the records or destroying fingerprints and photographs are to be included in the motion, specifically citing which provision of paragraph (A) applies.

"Expunge" or "expungement" is defined by Rule 120, which means to erase legally, or the process of legal erasure of an item making it permanently not available to the public but where some information may be retained only for limited purposes by agencies or departments. *See* Rule 173. *See also* Comment to Rule 120.

Rule 173 provides for the retention of certain information that is crucial for: 1) determining compliance with the order to expunge; 2) determining eligibility in a court program, determining the grading or penalty of an offense, or for other purposes as provided by law; 3) maintaining statistical and research information; 4) maintaining intelligence and investigative information; and 5) financial audits.

The new procedures instituted with the changes of 2014 require one procedure for expunging or destroying records, fingerprints, and photographs. One order will go to the appropriate agencies and departments as required by Rule 172 and will help those agencies become more efficient in the manner in which items are destroyed or expunged.

Pursuant to paragraph (D), the attorney for the Commonwealth is given an opportunity to respond to the motion. The attorney for the Commonwealth should specify its position on whether items should be expunged or destroyed. Expunged items remain available to law enforcement agencies and the attorney for the Commonwealth in limited circumstances, whereas destroyed items are permanently erased. The attorney for the Commonwealth should consent to expunging records unless the attorney for the Commonwealth demonstrates good cause for the retention of records. *See In re A.B.*, 987 A.2d 769 (Pa. Super. [Ct.] 2009).

The reasons for maintaining information pursuant to Rule 173 do not qualify as good cause against expunging records under this rule. Maintenance of specific information is different from the maintenance of the official court record or other official records of the juvenile probation office or a law enforcement agency. Pursuant to Rule 173, a separate document, file, or database is to be created. *See* Rule 173 and its Comment.

If the attorney for the Commonwealth objects to expunging or destroying the records, the court should conduct a hearing on the motion.

Pursuant to paragraph (E)(3), the court is to consider adverse consequences that an individual may suffer if the records are not expunged. Adverse consequences are discussed in The Pennsylvania Collateral Consequences Checklist instituted by Pennsylvania Juvenile Indigent Defense Action Network in conjunction with the initiative the Models for Change System Reform in Juvenile Justice. This checklist may be assessed on the Supreme Court's website at <http://www.pacourts.us/T/Boards/Committees/JuvenileCourtProcedural/>.

The attorney for the Commonwealth in the county in which a motion is filed in an inter-county transfer case pursuant to paragraph (F) should provide notice of the motion to, and communicate with, the attorney for the Commonwealth and the juvenile probation office in the county to which, or from which, the case was transferred.

Notwithstanding this rule, *see* 18 Pa.C.S. § 9123(a.1) for cases that are ineligible for expungement proceedings. *See also* 42 Pa.C.S. § 6341 for destruction of fingerprints and photographs.

Official Note: Rule 170 adopted April 1, 2005, effective October 1, 2005. Amended July 28, 2014, effective September 29, 2014. Amended February 12, 2015, effective immediately. **Amended** , 2017, effective , 2017.

Committee Explanatory Reports:

Final Report explaining the provisions of Rule 170 published with the Court's Order at 35 Pa.B. 2214 (April 16, 2005).

Final Report explaining the amendments to Rule 170 published with the Court's Order at 44 Pa.B. 5447 (August 16, 2014).

Final Report explaining the amendments to Rule 172 published with the Court's Order at Pa.B. (, 2017).

Rule 172. Order to Expunge or Destroy.

A. *Contents.* Any order to expunge or destroy the official court record, juvenile probation files, docket entries, law enforcement records, or fingerprints and photographs shall include the following information:

- 1) all items contained in Rule 170(B);
- 2) a directive specifically identifying which items shall be expunged or destroyed, including all law enforcement records, juvenile probation files, official court records, other juvenile records, fingerprints, photographs, and any other information pertaining to the arrest;
- 3) a directive that the keeper of the juvenile records shall expunge or destroy such items;
- 4) a directive that each agency, department, or office, upon request, shall notify the court or its designee, in writing, of the action taken in response to the order to expunge or destroy;
- 5) a directive to a school building principal or his or her designee to destroy information received from the court pursuant to Rule 163;
- 6) the printed name and signature of the judge issuing the order; and
- 7) the date of the court order.

B. *Service.* In addition to the service required by Rule 167, the clerk of courts, court administrator, or other court designee shall serve certified copies of the order on the chief juvenile probation officer, **the Pennsylvania**

State Police, the Juvenile Court Judges' Commission, and any other person or agency as directed by the court.

Comment

Pursuant to paragraph (A)(2), the court is to list specifically which items are to be expunged and which items are to be destroyed. Specific information retained pursuant to Rule 173 should be expunged but not destroyed. In most instances, the court should order that the fingerprints and photographs be destroyed and that the remaining records and documents be expunged.

Pursuant to paragraph (A)(4), an agency, department, or office may be requested to produce evidence of compliance with the court order to expunge. Non-compliance may result in a finding of contempt of court.

Pursuant to paragraph (A)(5), the school is to destroy all information received from the court. Because the school is required to store this information separately under Rule 163(F), destruction should not be difficult. *See* Rule 163 and its Comment. The court may also require the school to provide written notice of the action taken.

Official Note: Rule 172 adopted April 1, 2005, effective October 1, 2005. Amended December 24, 2009, effective immediately. Amended July 28, 2014, effective September 29, 2014. **Amended** , 2017, effective , 2017.

Committee Explanatory Reports:

Final Report explaining the amendments to Rule 172 published with the Court's Order at 40 Pa.B. 222 (January 9, 2010).

Final Report explaining the amendments to Rule 172 published with the Court's Order at 44 Pa.B. 5447 (August 16, 2014).

Final Report explaining the amendments to Rule 172 published with the Court's Order at Pa.B. (, 2017).

REPORT

Proposed Amendment of Pa.R.J.C.P. 170 and 172

The Juvenile Court Procedural Rules Committee proposes to amend Rule 170(B)(6) to specifically require the inclusion of the juvenile offense tracking number (JOTN), if available, in a motion for expungement and to amend Rule 172 to require the Pennsylvania State Police and the Juvenile Court Judges' Commission to be served a copy of the expungement order.

The Pennsylvania State Police is required to maintain a statewide registry of juvenile history record information, fingerprints, and photographs. *See* 42 Pa.C.S. § 6309(b). Additionally, the Juvenile Court Judges' Commission's Information Technology Division collects, compiles and publishes the juvenile court statistics. *See* 42 Pa.C.S. § 6373. Accordingly, information related to juvenile cases is shared with these entities. *See* 42 Pa.C.S. § 6309(c) & (d).

The proposed amendment to Rule 172 is intended to ensure that these entities maintain accurate information pertaining to juvenile records by requiring copies of expungement orders to be served upon them in every matter. The proposed amendment to Rule 170(B)(6) will require the JOTN, if available, to be included in the expungement motion. By operation of Rule 172(A)(1), this information will be included in the expungement order. This requirement is intended to assist the entities in performing their functions.

The Committee invites all comments, concerns, and suggestions regarding this rulemaking proposal.

[Pa.B. Doc. No. 17-271. Filed for public inspection February 17, 2017, 9:00 a.m.]

PART I. RULES

[237 PA. CODE CHS. 1 AND 2]

Order Amending Rules 152 and 242 of the Rules of Juvenile Court Procedure; No. 724 Supreme Court Rules Doc.

Order

Per Curiam

And Now, this 6th day of February, 2017, upon the recommendation of the Juvenile Court Procedural Rules Committee, the proposal having been published for public comment at 46 Pa.B. 3939 (July 23, 2016):

It is Ordered pursuant to Article V, Section 10 of the Constitution of Pennsylvania that Rules 152 and 242 of the Pennsylvania Rules of Juvenile Court Procedure are amended in the following form.

This Order shall be processed in accordance with Pa.R.J.A. No. 103(b), and shall be effective on April 1, 2017.

Annex A

TITLE 237. JUVENILE RULES

PART I. RULES

Subpart A. DELINQUENCY MATTERS

CHAPTER 1. GENERAL PROVISIONS

PART B(2). COUNSEL

Rule 152. Waiver of Counsel.

A. Waiver requirements. A juvenile who has attained the age of fourteen may only waive the right to counsel if:

1) the waiver is knowingly, intelligently, and voluntarily made; [and]

* * * * *

Comment

Because of the ramifications of a juvenile record, it is important that every safeguard [is] be taken to ensure that all constitutional and procedural guarantees and rights are preserved. Juveniles should not feel pressured to waive counsel or be the subject of any proactive pursuit for obtaining a waiver.

In determining whether the waiver of counsel is knowingly, intelligently, and voluntarily made, the court, on the record, is to ask the juvenile questions to elicit: 1) the reasons why the juvenile wants to waive counsel; 2) information regarding the juvenile's: a) age; b) maturity; c) education; d) mental health issues, if any; and e) any current alcohol or drug issues that may impair the juvenile's decision-making skills; 3) the juvenile's understanding of the: a) right to an attorney, including the provisions of Rule 151; b) juvenile's role when proceeding pro se; c) allegations in the petition against the juvenile; and d) possible consequences if the juvenile is found

delinquent; 4) whether the juvenile consulted with the juvenile's guardian; and 5) whether the juvenile consulted with an attorney.

* * * * *

[Notwithstanding the provisions of paragraph (A)(3), a juvenile fourteen years of age or older may make or file a motion pursuant to Rule 344(E) for alternative relief, for example, when the juvenile subscribes to a protected formal belief system which prohibits attorney representation.]

Pursuant to paragraph (C), if waiver of counsel is revoked, the court is to appoint counsel before proceeding.

Official Note: Rule 152 adopted April 1, 2005, effective October 1, 2005. Amended January 11, 2012, effective March 1, 2012. Amended February 6, 2017, effective April 1, 2017.

Committee Explanatory Reports:

Final Report explaining the provisions of Rule 152 published with the Court's Order at 35 Pa.B. 2214 (April 16, 2005).

Final Report explaining the amendments to Rule 152 published with the Court's Order at 42 Pa.B. 547 (January 28, 2012).

Final Report explaining the revision to the Comment to Rule 152 published with the Court's Order at 47 Pa.B. 942 (February 18, 2017).

CHAPTER 2. COMMENCEMENT OF PROCEEDINGS, ARREST PROCEDURES, WRITTEN ALLEGATION, AND PRE-ADJUDICATORY DETENTION

PART D. PRE-ADJUDICATORY DETENTION

Rule 242. Detention Hearing.

* * * * *

B. Manner of hearing.

* * * * *

3) Testimony and evidence.

a) All evidence helpful in determining the questions presented, including oral or written reports, may be received by the court and relied upon to the extent of its probative value even though not competent in the hearing on the petition.

b) The juvenile's attorney [, the juvenile, if the juvenile has waived counsel pursuant to Rule 152,] and the attorney for the Commonwealth shall be afforded an opportunity to examine and controvert written reports so received.

4) Juvenile's rights. The juvenile shall be present at the detention hearing and the juvenile's attorney [or the juvenile, if the juvenile has waived counsel pursuant to Rule 152,] may:

* * * * *

Official Note: Rule 242 adopted April 1, 2005, effective October 1, 2005. Amended April 21, 2011, effective July 1, 2011. Amended April 29, 2011, effective July 1, 2011. Amended May 26, 2011, effective July 1, 2011. Amended July 18, 2012, effective October 1, 2012. Amended February 6, 2017, effective April 1, 2017.

Committee Explanatory Reports:

* * * * *

Final Report explaining the amendments to Rule 242 published with the Court's Order at 42 Pa.B. 4909 (August 4, 2012).

Final Report explaining the amendments to Rule 242 published with the Court's Order at 47 Pa.B. 942 (February 18, 2017).

FINAL REPORT¹

Amendment of Pa.R.J.C.P. 152 and 242

On February 6, 2017, the Court amended Juvenile Court Procedural Rule 152 to remove a statement from the Comment suggesting a juvenile has a right to proceed *pro se*, and Rule 242 to remove references to a juvenile's waiver of counsel pursuant to Rule 152. Per Rule 152(A)(3)(a), a juvenile may not waive counsel for a detention hearing.

[Pa.B. Doc. No. 17-272. Filed for public inspection February 17, 2017, 9:00 a.m.]

PART I. RULES

[237 PA. CODE CHS. 4, 5 AND 6]

Proposed New Pa.R.J.C.P. 415 and 518; Proposed Amendment of Rule 620

The Juvenile Court Procedural Rules Committee proposes new Rule 415 and 518, together with the amendment of Rule 620, to provide a procedural mechanism for weight of the evidence claims to be raised before the juvenile court, for the reasons set forth in the accompanying explanatory report. Pursuant to Pa.R.J.A. No. 103(a)(1), the proposal is being republished in the *Pennsylvania Bulletin* for comments, suggestions, or objections prior to submission to the Supreme Court.

Any reports, notes, or comments in the proposal have been inserted by the Committee for the convenience of those using the rules. They neither will constitute a part of the rules nor will be officially adopted by the Supreme Court.

Additions to the text of the proposal are bolded; deletions to the text are bolded and bracketed.

The Committee invites all interested persons to submit comments, suggestions, or objections in writing to:

Daniel A. Durst, Chief Counsel
 Juvenile Court Procedural Rules Committee
 Supreme Court of Pennsylvania
 Pennsylvania Judicial Center
 PO Box 62635
 Harrisburg, PA 17106-2635
 FAX: 717-231-9541
 juvenilerules@pacourts.us

All communications in reference to the proposal should be received by March 20, 2017. E-mail is the preferred method for submitting comments, suggestions, or objections; any e-mailed submission need not be reproduced and resubmitted via mail. The Committee will acknowledge receipt of all submissions.

*By the Juvenile Court
 Procedural Rules Committee*

KERITH STRANO TAYLOR, Esq.,
Chair

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

Annex A

TITLE 237. JUVENILE RULES

PART I. RULES

Subpart A. DELINQUENCY MATTERS

CHAPTER 4. ADJUDICATORY HEARING

(Editor's Note: The following rule is new and printed in regular type to enhance readability.)

Rule 415. Challenge to the Weight of the Evidence.

A. *Timing and Manner.* A claim that a ruling of the offense or an adjudication of delinquency was against the weight of the evidence shall be raised with the juvenile court judge:

- 1) by oral motion, on the record, at any time after the ruling or adjudication and before disposition;
- 2) by written motion at any time after the ruling or adjudication and before disposition; or
- 3) in a post-dispositional motion pursuant to Rule 620(A)(1).

B. *Decision.* If the claim is raised before disposition:

- 1) the judge shall decide the motion before entering disposition, and shall not extend the date for disposition or otherwise delay the disposition hearing in order to dispose of the motion; and
- 2) the claim shall be preserved for appeal.

C. *Appeal.* An appeal of a decision shall be governed by the timing requirements of Rule 620(B)(2) or (3), whichever applies.

Comment

The purpose of this rule is to make it clear that a challenge to the weight of the evidence must be raised with the juvenile court judge or it will be waived. *See also In re J.B.*, 106 A.3d 76, 95 (Pa. 2014) (claim cannot be raised via closing argument). When a claim is raised pursuant to paragraph (A)(1) or (A)(2), it need not be raised again in a post-dispositional motion to preserve the claim for appeal.

Official Note: Rule 415 adopted _____, effective _____.

Committee Explanatory Reports:

Final Report explaining the adoption of Rule 415 published with the Court's Order at Pa.B. (_____).

CHAPTER 5. DISPOSITIONAL HEARING

PART B. DISPOSITIONAL HEARING AND AIDS

(Editor's Note: The following rule is new and printed in regular type to enhance readability.)

Rule 518. Challenge to the Weight of the Evidence.

A claim that a dispositional order was against the weight of the evidence shall be raised with the juvenile court judge in a post-disposition motion pursuant to Rule 620(A)(1).

Comment

The purpose of this rule is to make it clear that a challenge to the weight of the evidence must be raised with the juvenile court judge or it will be waived. *See also In re J.B.*, 106 A.3d 76, 95 (Pa. 2014) (claim cannot be raised via closing argument).

Official Note: Rule 518 adopted _____, effective _____.

Committee Explanatory Reports:

Final Report explaining the adoption of Rule 518 published with the Court's Order at Pa.B. ().

CHAPTER 6. POST-DISPOSITIONAL PROCEDURES

PART C. MOTIONS AND NUNC PRO TUNC RELIEF

Rule 620. Post-Dispositional Motions.

A. [*Optional*] *Post-Dispositional Motion.*

1) [**The parties**] A party shall have the right to [**make**] file a post-dispositional motion. All requests for relief from the court shall be stated with specificity [**and particularity,**] and shall be consolidated in the post-dispositional motion.

2) [**Issues**] Claims properly raised before or during [**the adjudicatory**] a hearing shall be deemed issues preserved for appeal whether or not the party elects to file a post-dispositional motion on those [**issues**] claims.

3) **With the exception of Rule 518, post-dispositional motions are optional.**

B. *Timing.*

1) If a post-dispositional motion is filed, it shall be filed no later than ten days after the [**imposition of disposition**] date of entry of the dispositional order.

2) If a timely post-dispositional motion is filed, the notice of appeal shall be filed **within thirty days of the date of entry of the post-dispositional order:**

a) [**within thirty days of the entry of the order**] deciding the motion;

b) [**within thirty days of the entry of the order**] denying the motion by operation of law in [**cases in which**] a case when the judge fails to decide the motion; or

c) [**within thirty days of the entry of the order**] memorializing the withdrawal in [**cases in which**] a case when a party withdraws the motion.

3) If a post-dispositional motion is not timely filed, a notice of appeal shall be filed within thirty days of the [**imposition of disposition**] date of entry of the dispositional order.

C. *Court Action.*

1) *Briefing Schedule and Argument.* Within ten days of the filing of the post-dispositional motion, the court shall:

a) determine if briefs, memoranda of law, or oral arguments are required; and

b) set [**a**] the briefing schedule and dates for oral argument, if necessary.

2) *Failure to Set Schedule.* If the court fails to act according to paragraph (C)(1), briefs and oral arguments are deemed unnecessary.

3) *Transcript.* If the grounds asserted in the post-dispositional motion do not require a transcript, neither the briefs nor arguments [**on**] concerning the post-dispositional motion shall be delayed for transcript preparation.

D. *Time [Limits for Decision on] Limitations for Decision of Motion.* The judge shall not vacate the disposition pending the decision [**on**] of the post-dispositional motion, but shall decide the motion as provided in this paragraph.

1) Except as provided in [**paragraph (D)(2)**] paragraphs (D)(2) and (D)(6), the judge shall decide the post-dispositional motion as soon as possible but within thirty days of the filing of the motion. If the judge fails to decide the motion within thirty days, or to grant an extension as provided in paragraph (D)(2), the motion shall be deemed denied by operation of law.

2) Upon motion of a party [**within the 30-day disposition period, for good cause shown, the judge may grant one 30-day extension for decision**] and good cause shown, prior to the expiration of the 30-day decision period of paragraph (D)(1), the judge may grant one 30-day extension to rule on the motion. If the judge fails to decide the motion within the 30-day extension period, the motion shall be deemed denied by operation of law.

3) When a post-dispositional motion is denied by operation of law, the clerk of courts shall enter an order on behalf of the court [**, and, as provided pursuant**]. Pursuant to Rule 167, the clerk of courts shall serve a copy of the order [**on**] upon each attorney and the juvenile, if unrepresented, that **states** the post-dispositional motion is deemed denied. This order is not subject to reconsideration.

4) If the judge denies the post-dispositional motion, the judge promptly shall issue an order [**and the**]. The order shall be filed and served as provided in Rule 167.

5) If a party withdraws a post-dispositional motion, the judge promptly shall issue an order memorializing the withdrawal [**, and the**]. The order shall be filed and served as provided in Rule 167.

6) **A post-dispositional motion pursuant to Rule 518 seeking to challenge whether an out of home placement was against the weight of the evidence shall be decided by the court within the time constraints of Pa.R.A.P. 1770(f) when the issue is raised in a petition for review pursuant to Pa.R.A.P. 1770.**

E. *Contents of [order] Order.* An order denying a post-dispositional motion, whether issued by the judge pursuant to paragraph (D)(4) or entered by the clerk of courts pursuant to paragraph (D)(3), or an order issued following a party's withdrawal of the post-dispositional motion pursuant to paragraph (D)(5), shall include notice to the party of the following:

1) the right to appeal;

2) the time [**limits within which the appeal shall be filed**] limitations for filing the appeal; and

3) the right to counsel [**in the preparation of the appeal**] for the appellate process.

F. [*After-discovered evidence*] *After-Discovered Evidence.* A motion for a new [**adjudication**] adjudicatory hearing on the grounds of after-discovered evidence shall be filed in writing promptly after such discovery. If an appeal is pending, the judge may grant the motion only upon remand of the case.

Comment

[The purpose of this rule is to promote the fair and prompt resolution of all issues relating to admissions, adjudication, and disposition by consolidating all possible motions to be submitted for court review, and by setting reasonable but firm time limits within which the motion is to be decided. Because the post-dispositional motion is optional, a party may choose to raise any or all properly preserved issues in the trial court, in the appellate court, or both.

For the definition of “disposition,” see Rule 120 and its Comment.

OPTIONAL POST-DISPOSITIONAL MOTION

See *In re Brandon Smith*, 393 Pa. Super. 39, 573 A.2d 1077 (1990), for motions on ineffective assistance of counsel.

Under paragraph (A)(2), any issue raised before or during adjudication is deemed preserved for appeal whether a party chooses to raise the issue in a post-dispositional motion. It follows that the failure to brief or argue an issue in the post-dispositional motion would not waive that issue on appeal as long as the issue was properly preserved, in the first instance, before or during adjudication. Nothing in this rule, however, is intended to address Pa.R.A.P. 1925(b) or the preservation of appellate issues once an appeal is filed. See *Commonwealth v. Lord*, 553 Pa. 415, 719 A.2d 306 (1998) (any issues not raised in a 1925(b) statement will be deemed waived).

Under paragraph (B)(1), if a party chooses to file a post-dispositional motion, the motion is to be filed within ten days of imposition of disposition. The filing of the written post-dispositional motion triggers the time limits for decision on the motion. See paragraph (D)(1).

TIMING

Paragraph (B) contains the timing requirements for filing the optional post-dispositional motion and taking an appeal. Under paragraph (B)(1), the post-dispositional motion is to be filed within ten days of imposition of disposition. Supplemental motions may be filed but the time requirements of paragraph (B)(1) are to be followed.

When a party files a timely post-dispositional motion, the 30-day period for the juvenile’s direct appeal on all matters in that case is triggered by the judge’s decision on the post-dispositional motion, the denial of the motion by operation of law, or the withdrawal of the post-dispositional motion. The appeal period runs from the entry of the order. As to the date of entry of orders, see Pa.R.A.P. 108. No direct appeal may be taken by the party while the post-dispositional motion is pending. See paragraph (B)(2).

If no timely post-dispositional motion is filed, the party’s appeal period runs from the date disposition is imposed. See paragraph (B)(3).]

For the definition of “disposition,” see Rule 120 and its Comment.

When properly raised before or during a hearing, a claim will be deemed preserved for appeal and the party need not file a post-dispositional motion solely for the purpose of preservation. To raise a

claim that a decision was against the weight of the evidence, see Rule 415 and Rule 518. Nothing in this rule is intended to address Pa.R.A.P. 1925(b) or the possible waiver of appellate issues for non-compliance with the Pennsylvania Rules of Appellate Procedure once an appeal is filed. See, e.g., *Commonwealth v. Lord*, 719 A.2d 306 (Pa. 1998) (any issues not raised in a 1925(b) statement will be deemed waived).

See Rule 622 and *In re Brandon Smith*, 573 A.2d 1077 (Pa. Super. 1990), for motions concerning ineffective assistance of counsel.

TIMING

Supplemental post-dispositional motions may be filed, but the time requirements of paragraph (B)(1) are to be followed.

If no timely post-dispositional motion is filed, the party’s appeal period commences on the date of the entry of the dispositional order. If a post-dispositional motion is filed, then the time for filing an appeal commences on the date of entry of the post-dispositional order. For the date of entry of an order, see Pa.R.A.P. 108(a)(1) (“[T]he date of entry shall be the day the clerk of courts . . . mails or delivers copies of the order to the parties, . . .”).

BRIEFS; TRANSCRIPTS; ARGUMENT

Under paragraph (C)(1), the judge should determine, on a case-by-case basis, whether briefs, memoranda of law, or arguments are required for a fair resolution of the post-dispositional motion. [If they are not needed, or if] The judge may order that a concise summary of the relevant law and facts is sufficient [, the judge should so order]. Any local [rules] rule requiring briefs or oral argument [are] in every case is inconsistent with this rule. See [Rule 121(E)] Pa.R.J.A. No. 103(d)(2).

Under paragraph (C)(3), the judge, in consultation with the attorneys, should determine what, if any, portions of the notes of testimony are to be transcribed so that the post-dispositional motion can be resolved. The judge should then set clear deadlines for the court reporter to [insure] ensure timely resolution of the motion. Nothing in this rule precludes the judge from ordering the [transcript] transcription of the notes of testimony or portions of it immediately after the conclusion of the adjudicatory, dispositional, or revocation hearing or the entry of an admission.

For the recording and transcribing of court proceedings generally, see Rule 127. The requirements for the record and the writing of an opinion [on] for an appeal are set forth in the Pennsylvania Rules of Appellate Procedure.

There is no requirement that oral argument be [heard on] held for every post-dispositional motion. When oral argument is [heard on] held concerning the post-dispositional motion, the juvenile need not be present.

DISPOSITION

Under paragraph (D), [once a party makes a timely written post-dispositional motion, the judge retains jurisdiction for the duration of the disposition period. The] the judge may not vacate the order imposing the disposition pending decision [on] of the post-dispositional motion. However, the judge may

vacate or change the disposition once there has been a ruling on the motion if the motion was decided within the time limitations of this rule.

Paragraph (D)(2) permits one 30-day extension of the 30-day time **[limit, for good cause shown,] limitation** upon motion of a party **and good cause shown**. In most cases, an extension would be requested and granted when new counsel has entered the case. Only a party may request such an extension. The judge may not, *sua sponte*, extend the time for the decision: a congested court calendar or other judicial delay does not constitute "good cause" under this rule.

The possibility of an extension is not intended to suggest that thirty days are required for a decision in most cases. The time **[limits] limitations** for resolution of the post-dispositional motion are the outer limits. **[Easily resolvable] Uncomplicated** issues, such as a modification of the disposition or an admission challenge, **ordinarily** should **[ordinarily]** be decided in a much shorter time period **[of time]**.

If the judge decides the motion within the time **[limits] limitations** of this rule, the judge may grant reconsideration on the post-dispositional motion pursuant to 42 Pa.C.S. § 5505 or Pa.R.A.P. 1701(b)(3), but the judge may not vacate the disposition pending reconsideration. The reconsideration period may not be used to extend the timing requirements set forth in paragraph (D) for decision **[on] of** the post-dispositional motion **[: the time limits]**. The time limitations imposed by paragraphs (D)(1) and (D)(2) continue to run from the date the post-dispositional motion was originally filed. The judge's reconsideration, therefore, is to be resolved within the 30-day decision period of paragraph (D)(1) or the 30-day extension period of paragraph (D)(2), whichever applies. If a decision on the reconsideration is not reached within the appropriate period, the post-dispositional motion, including any issues raised for reconsideration, will be denied pursuant to paragraph (D)(3).

Under paragraph (D)(1), on the date when the court disposes of the motion, or the date when the motion is denied by operation of law **pursuant to paragraph (D)(3)**, the judgment becomes final for the purposes of appeal. See **[Judicial Code,]** 42 Pa.C.S. §§ 102, 722, 742, 5105(a), **Pa.R.A.P. 341**, and *Commonwealth v. Bolden*, **[472 Pa. 602,]** 373 A.2d 90 (Pa. 1977). **[See Pa.R.A.P. 341.]**

An order entered by the clerk of courts under paragraph (D)(3) constitutes a ministerial order and **[, as such,]** is not subject to reconsideration or modification pursuant to 42 Pa.C.S. § 5505 or Pa.R.A.P. 1701.

If the motion is denied by operation of law, paragraph (D)(3) requires that the clerk of courts enter an order denying the motion on behalf of the court and immediately notify the attorneys, or the juvenile, if unrepresented, that the motion has been denied. This notice is intended to protect the party's right to appeal. The clerk of courts also is to comply with the filing, service, and docket entry requirements of Rule 167.

CONTENTS OF ORDER

Paragraph (E) protects a party's right to appeal by requiring that the judge's order denying the motion, the clerk of courts' order denying the motion by operation of law, or the order entered memorializing a party's with-

drawal of a post-dispositional motion, contain a written notice of the party's **[appeal] appellate** rights. This requirement ensures adequate notice to the party, which is important given the potential time lapse between the notice provided at **[disposition] the dispositional hearing** and the resolution of the post-dispositional motion. See also *Commonwealth v. Miller*, 715 A.2d 1203 (Pa. Super. **[Ct.]** 1998), concerning the contents of the order memorializing the withdrawal of a post-dispositional motion.

When a party withdraws a post-dispositional motion in open court and on the record, the judge should **[orally]** enter an **oral** order memorializing the withdrawal **[for the record, and]**. The judge is to give the party notice of the information required by paragraph (E). See *Commonwealth v. Miller, supra*.

AFTER-DISCOVERED EVIDENCE

Pursuant to paragraph (G), a motion for a new adjudicatory hearing on the grounds of after-discovered evidence may be filed with the court. **If the motion is filed, it is to be in writing after such discovery is made if there is no appeal pending. See Rule 622 for filing a motion for nunc pro tunc relief. If an appeal is pending, the judge may grant the motion only upon remand of the case.**

If there is after-discovered evidence concerning the dispositional hearing, a motion for a change in the dispositional order may be filed with the court. The motion may allege a need for a change in the dispositional order pursuant to Rule 610(B). If this motion is made, notice and an opportunity to be heard is to be given to the parties and the victim. See Rule 610(B) and 42 Pa.C.S. § 6353.

MISCELLANEOUS

Under paragraph (A)(1), the grounds for the post-dispositional motion should be stated with **[particularity] specificity**. Motions alleging insufficient evidence, for example, are to specify **[in what way] the reasons why** the evidence was insufficient, and motions alleging that the court's findings were against the weight of the evidence are to specify why the findings were against the weight of the evidence.

[Because the post-dispositional motion is optional, the failure to raise an issue with sufficient particularity in the post-dispositional motion will not constitute a waiver of the issue on appeal as long as the issue was preserved before or during adjudication.] Failure to raise a claim with specificity in the post-dispositional motion nonetheless will not constitute a waiver of the issue on appeal if the claim was properly raised. See paragraph (A)(2).

[Issues] Claims properly preserved at the dispositional hearing need not, but may, be raised again in a motion to modify disposition in order to preserve them for appeal. In deciding whether to move to modify the disposition, counsel **should** carefully **[is to]** consider whether the record created at the dispositional hearing is adequate for appellate review of the issues, or the issues may be waived. See *Commonwealth v. Jarvis*, **[444 Pa. Super. 295,]** 663 A.2d 790 (Pa. Super. 1995). As a general rule, the motion to modify the disposition under paragraph (A)(1) gives the dispositional judge the earliest opportunity to modify the disposition. This procedure does

not affect the court's inherent powers to correct an illegal disposition or obvious and patent mistakes in its orders [at] any time before an appeal or upon remand by the appellate court. *See, e.g., Commonwealth v. Holmes*, 933 A.2d 57 (Pa. 2007) (court has inherent power to correct patent and obvious mistakes despite the absence of traditional jurisdiction); *Commonwealth v. Jones*, [520 Pa. 385,] 554 A.2d 50 (Pa. 1989) (court can, *sua sponte*, correct an illegal sentence even after the defendant has begun probation or placement) [and]; *Commonwealth v. Cole*, [437 Pa. 288,] 263 A.2d 339 (Pa. 1970) (inherent power of the court to correct obvious and patent mistakes).

Once a disposition has been modified or reimposed pursuant to a motion to modify the disposition under paragraph (A)(1), a party wishing to challenge the decision on the motion does not have to file an additional motion to modify the disposition in order to preserve an issue for appeal [, as long as] if the issue was properly preserved [at the time] when the disposition was modified or reimposed. *See paragraph (B)(2)*.

Official Note: Rule 520 adopted May 17, 2007, effective August 20, 2007. Amended July 28, 2009, effective immediately. Amended January 11, 2010, effective March 1, 2010. Renumbered Rule 620 on February 23, 2012, effective April 1, 2012. Amended , 2017, effective , 2017.

Committee Explanatory Reports:

Final Report explaining the provisions of Rule 520 published with the Court's Order at 37 Pa.B. 2506 (June 2, 2007).

Final Report explaining the amendment to Rule 520 published with the Court's Order at 39 Pa.B. 4743 (August 8, 2009).

Final Report explaining the renumbering of Rule 520 to 620 published with the Court's Order at 42 Pa.B. 1214 (March 10, 2012).

Final Report explaining the amendments to Rule 620 published with the Court's Order at Pa.B. (, 2017).

REPORT

Proposed New Pa.R.J.C.P. 415 and 518; Proposed Amendment of Rule 620

The Juvenile Court Procedural Rules Committee proposes new Rule 415 and 518, together with the amendment of Rule 620, to provide a procedural mechanism for weight of the evidence claims to be raised before the juvenile court.

In light of *In re J.B.*, 106 A.3d 76 (Pa. 2014), the Committee considered a procedural rule concerning preservation of the weight of the evidence claims for appeal. In that case, a juvenile was charged with offenses related to the shotgun death of his father's fiancé. At the adjudicatory hearing, there was evidence that the victim's former boyfriend had a history of making threats of violence against her, which might have raised doubt about whether the juvenile committed the offenses. The court entered a finding that the juvenile committed the offenses, excluding the former boyfriend as a suspect. The court thereafter held a dispositional hearing and committed the juvenile to a secure detention facility.

The juvenile filed an appeal, claiming that the finding was against the weight of the evidence. A question before the Supreme Court was whether the juvenile waived the

claim by failing to raise it first with the juvenile court. The Court observed that, unlike Pa.R.Crim.P. 607, the Pennsylvania Rules of Juvenile Court Procedure do not contain a provision addressing how or when a weight of the evidence claim should be raised. Moreover, Pa.R.J.C.P. 620 indicates that post-dispositional motions are optional. Ultimately, given the uncertain direction provided by the Rules, the juvenile was permitted to raise the claim in a post-dispositional motion *nunc pro tunc*.

In response, the Committee prepared a proposal concerning weight of the evidence claims and published it for comment at 45 Pa.B. 1491 (March 28, 2015). The proposal provided for a new Rule 420 to require a weight of the evidence claim to be raised by a motion for reconsideration as it relates to a ruling on the offenses, adjudication of delinquency, or transfer to criminal proceedings.

Post-publication, the Committee further revised the proposal to provide for a new Rule 415 addressing claims that a ruling on the offenses or an adjudication of delinquency was against the weight of the evidence. A new Rule 518 would address those types of claims arising from a dispositional order.

In addition, the text to Rule 620 was revised to reflect the required filing of a post-dispositional motion pursuant to new Rule 518 and that post-dispositional motions were no longer optional in all circumstances. Other revisions, including the modification of the Comment, were primarily stylistic or editorial in nature, but for the addition of paragraph (D)(6).

The intention of Rule 620(D)(6) was to accommodate Pennsylvania Rule of Appellate Procedure 1770, which provides for expedited appellate review of out of home placements in delinquency matters. Pa.R.A.P. 1770(a) requires a petition for review of the out of home placement to be filed with ten days of the placement order. Thereafter, an answer may be filed within ten days of service of the petition. Pa.R.A.P. 1770(d). Moreover, the juvenile court has within five days of service of the petition to either file a statement of the reasons for the placement or indicate in the record where the reasons may be found. Pa.R.A.P. 1770(f).

Guided by need to maintain an expedited review process and consistency with *In re J.B.*, the Committee proposes that Rule 620(D)(6) state:

A post-dispositional motion pursuant to Rule 518 seeking to challenge whether an out of home placement was against the weight of the evidence should be decided by the court within the time constraints of Pa.R.A.P. 1770(f) when the issue is raised in a petition for review pursuant to Pa.R.A.P. 1770.

This approach is not without implication. In this narrow category of cases, one impact may be the virtual elimination of the potential for the prosecution to file an answer to the post-dispositional motion before the juvenile court decides the motion. An alternative would be to subject the Rule 518 motion, albeit narrowed to the issue of whether placement was against the weight of the evidence, to the same time line as all other post-dispositional motions. However, this approach appeared contrary to the expeditious goal of Pa.R.A.P. 1770. Another alternative would be to exclude weight of the evidence claims from the operation of Pa.R.A.P. 1770, but that approach seems to erode the purpose of the rule, which is to expedite review of the out of home placement itself. *See* Pa.R.A.P. 1770(c)(1). Yet another alternative would be to exclude these types of claim raised in a petition for review from the requirements of Rule 518, but that approach is contrary to *In re J.B.*

As revised, this proposal is being republished for comment. The Committee invites all comments, concerns, and suggestions regarding this rulemaking proposal.

[Pa.B. Doc. No. 17-273. Filed for public inspection February 17, 2017, 9:00 a.m.]

PART I. RULES

[237 PA. CODE CH. 16]

Proposed Amendment of Pa.R.J.C.P. 1601 and 1609

The Juvenile Court Procedural Rules Committee proposes the amendment of Rule 1601 to require notice of the intention to seek a goal change discontinuing reunification and Rule 1609 to permit the court to grant a rehearing if such notice was not provided, for the reasons set forth in the accompanying explanatory report. Pursuant to Pa.R.J.A. No. 103(a)(1), the proposal is being published in the *Pennsylvania Bulletin* for comments, suggestions, or objections prior to submission to the Supreme Court.

Any reports, notes, or comments in the proposal have been inserted by the Committee for the convenience of those using the rules. They neither will constitute a part of the rules nor will be officially adopted by the Supreme Court.

Additions to the text of the proposal are bolded; deletions to the text are bolded and bracketed.

The Committee invites all interested persons to submit comments, suggestions, or objections in writing to:

Daniel A. Durst, Chief Counsel
Juvenile Court Procedural Rules Committee
Supreme Court of Pennsylvania
Pennsylvania Judicial Center
PO Box 62635
Harrisburg, PA 17106-2635
FAX: 717-231-9541
juvenilerules@pacourts.us

All communications in reference to the proposal should be received by March 20, 2017. E-mail is the preferred method for submitting comments, suggestions, or objections; any e-mailed submission need not be reproduced and resubmitted via mail. The Committee will acknowledge receipt of all submissions.

*By the Juvenile Court
Procedural Rules Committee*

KERITH STRANO TAYLOR, Esq.,
Chair

Annex A

TITLE 237. JUVENILE RULES

PART I. RULES

Subpart B. DEPENDENCY MATTERS

CHAPTER 16. POST-DISPOSITIONAL PROCEDURES

PART A. SUMMONS, NOTICE, AND REPORTS

Rule 1601. Permanency Hearing Notice.

A. At least fifteen days prior to the hearing, the court or its designee shall give notice of the permanency hearing to:

- 1) all parties;
- 2) the attorney for the county agency;
- 3) the child's attorney
- 4) the guardian's attorney;
- 5) the parents, child's foster parent, preadoptive parent, or relative providing care for the child;
- 6) the court appointed special advocate, if assigned;
- 7) the educational decision maker, if applicable; and
- 8) any other persons as directed by the court.

B. If the county agency intends to request a goal change from reunification, then either the notice shall state this purpose or the county agency shall give separate notice of the intended goal change in accordance with paragraph (A).

Comment

Given the significance of discontinuing the goal of reunification, the requirement of paragraph (B) is intended to ensure that parties, counsel, and interested persons have notice of the purpose of the hearing and are able to prepare to participate and to attend the hearing.

Official Note: Rule 1601 adopted August 21, 2006, effective February 1, 2007. Amended April 29, 2011, effective July 1, 2011. Amended , 2017, effective , 2017.

Committee Explanatory Reports:

Final Report explaining the provisions of Rule 1601 published with the Court's Order at 36 Pa.B. 5571 (September 2, 2006).

Final Report explaining the amendments to Rule 1601 published with the Court's Order at 41 Pa.B. 2413 (May 14, 2011).

Final Report explaining the amendments to Rule 1601 published with the Court's Order at Pa.B. (, 2017).

PART B(2). PERMANENCY HEARING

Rule 1609. Permanency Hearing Orders.

A. Court Order. After every permanency hearing, the court shall issue a written order, which provides whether the permanency plan is best suited to the safety, protection, and physical, mental, and moral welfare of the child.

B. Determination made. The court's order shall reflect a determination made pursuant to Rule 1608(D).

C. Transfer of custody. If the court decides to transfer custody of the child to a person found to be qualified to provide care, shelter, and supervision of the child, the permanency order shall include:

- 1) the name and address of such person unless disclosure is prohibited by court order;
- 2) the limitations of the order, including the type of custody granted; and
- 3) any temporary visitation rights of parents.

D. Orders on family finding.

- 1) The court order shall indicate whether family finding efforts made by the county agency were reasonable;
- 2) If the family finding efforts were not reasonable, the court shall order the county agency to engage in family finding prior to the next permanency hearing;

E. *Orders concerning education.*

1) The court's order shall address the stability and appropriateness of the child's education; and

2) When appropriate, the court shall appoint an educational decision maker pursuant to Rule 1147.

F. *Orders concerning health care and disability.*

1) The court's order shall identify, monitor, and address the child's needs concerning health care and disability; and

2) The court's orders shall authorize evaluations and treatment if parental consent cannot be obtained.

G. *Guardians.* The permanency order shall include any conditions, limitations, restrictions, and obligations imposed upon the guardian.

H. Orders concerning discontinuation of reunification goal. If the court orders the discontinuation of reunification as a goal and notice was not provided in accordance with Rule 1601(B), then the court may grant rehearing upon request or its own motion.

Comment

When issuing a permanency order, the court should issue an order that is "best suited to the safety, protection, and physical, mental, and moral welfare of the child." 42 Pa.C.S. § 6351(a). *See In re S.J.*, 906 A.2d 547, 551 (Pa. Super. [Ct.] 2006) (citing *In re Tameka M.*, [525 Pa. 348,] 580 A.2d 750 (Pa. 1990)), for issues addressing a child's mental and moral welfare.

Pursuant to paragraph (D), when making its determination for reasonable efforts made by the county agency, the court is to consider the extent to which the county agency has fulfilled its obligation pursuant to Rule 1149 regarding family finding. *See also* Rules 1240(B)(6), 1242(C)(2) & (3)(b) & (c), and 1330(B)(6) and Comments to Rules 1242, 1330, 1409, 1515, 1608, 1610, and 1611 for reasonable efforts determinations.

If the requirements of Rule 1149 regarding family finding have not been met, the court is to make necessary orders to ensure compliance by enforcing this legislative mandate. *See* 62 P.S. § 1301 *et seq.* *See also* Rules 1210(D)(8), 1242(E)(3), and 1409(C) and Comments to Rules 1242, 1408, 1409, 1512, 1514, 1515, 1608, 1610, and 1611.

Pursuant to paragraph (E), the court's order is to address the child's educational stability, including the right to an educational decision maker. The order should address the child's right to: 1) educational stability, including the right to: a) remain in the same school regardless of a change in placement when it is in the child's best interest; b) immediate enrollment when a school change is in the child's best interest; and c) have school proximity considered in all placement changes, 42 U.S.C. §§ 675(1)(G) and 11431 *et seq.*; 2) an educational decision maker pursuant to Rule 1147, 42 Pa.C.S. § 6301, 20 U.S.C. § 1439(a)(5), and 34 C.F.R. § 300.519; 3) an appropriate education, including any necessary special education, early intervention, or remedial services pursuant to 24 P.S. §§ 13-1371 and 13-1372, 55 Pa. Code § 3130.87, and 20 U.S.C. § 1400 *et seq.*; 4) the educational services necessary to support the child's transition to independent living pursuant to 42 Pa.C.S. § 6351 if the child is sixteen or older; and 5) a transition plan that addresses the child's educational needs pursuant to 42 U.S.C. § 675(5)(H) if the child will age out of care within ninety days.

Pursuant to paragraph (F), the court's order is to address the child's needs concerning health care and disability. The order should address the right of: 1) a child to receive timely and medically appropriate screenings and health care services pursuant to 55 Pa. Code §§ 3700.51 and 3800.32 and 42 U.S.C. § 1396d(r); 2) a child to a transition plan that addresses the child's health care needs, and includes specific options for how the child can obtain health insurance after leaving care pursuant to 42 U.S.C. § 675(5)(H) if the child will age out of care within ninety days; and 3) a child with disabilities to receive necessary accommodations pursuant to 42 U.S.C. § 12132; 28 C.F.R. § 35.101 *et seq.*, Section 504 of the Rehabilitation Act of 1973, *as amended*, 29 U.S.C. § 794, and implementing regulations at 45 C.F.R. § 84.1 *et seq.* In addition, the court is to ensure progress and compliance with the child's case plan for the ongoing oversight and coordination of health care services under 42 U.S.C. § 622(b)(15).

Pursuant to the Juvenile Act, the court has authority to order a physical or mental examination of a child and medical or surgical treatment of a minor, who is suffering from a serious physical condition or illness which requires prompt treatment in the opinion of a physician. The court may order the treatment even if the guardians have not been given notice of the pending hearing, are not available, or without good cause inform the court that they do not consent to the treatment. 42 Pa.C.S. § 6339(b).

See Rule 1611 for permanency hearing orders for children over the age of eighteen.

Official Note: Rule 1609 adopted August 21, 2006, effective February 1, 2007. Amended April 29, 2011, effective July 1, 2011. Amended October 21, 2013, effective December 1, 2013. Amended July 13, 2015, effective October 1, 2015. **Amended** , **2017, effective** , **2017.**

Committee Explanatory Reports:

Final Report explaining the provisions of Rule 1609 published with the Court's Order at 36 Pa.B. 5571 (September 2, 2006).

Final Report explaining the amendments to Rule 1609 published with the Court's Order at 41 Pa.B. 2413 (May 14, 2011).

Final Report explaining the amendments to Rule 1609 published with the Court's Order at 43 Pa.B. 6658 (November 9, 2013).

Final Report explaining the amendments to Rule 1609 published with the Court's Order at 45 Pa.B. 3987 (July 25, 2015).

Final Report explaining the amendments to Rule 1609 published with the Court's Order at Pa.B. (, 2017).

REPORT

Proposed Amendment of Pa.R.J.C.P. 1601 and 1609

The Juvenile Court Procedural Rules Committee proposes the amendment of Rule 1601 to require notice of the intention to seek a goal change discontinuing reunification and Rule 1609 to permit the court to grant a rehearing if such notice was not provided.

The Committee was informed of circumstances wherein permanency review hearings were resulting in goal changes discontinuing reunification without prior notice that such a goal change was to be decided at the hearing. As shared with the Committee, these events arose either when the county agency did not disclose the intention to

seek a goal change until the hearing or when the judge *sua sponte* changes the goal at the conclusion of the permanency hearing.

Presently, the Rules do not provide a mechanism for providing notice that a goal change is being sought in a permanency review hearing. The Committee notes that “goal change hearings” may be emotional for both the child and the parents. Further, it is best practice to provide notice of an upcoming goal change hearing. See Pennsylvania Children’s Roundtable Initiative. *Pennsylvania Dependency Benchbook* at p. 119. Harrisburg, PA: Office of Children and Families in the Courts, 2010.

Therefore, to provide timely notice and the opportunity to prepare for and attend the hearing, the Committee proposes to amend Rule 1601 to add paragraph (B) to require either the permanency hearing notice to indicate whether the county agency seeks to discontinue a goal of reunification or for the county agency to provide separate notice consistent with paragraph (A) in terms of recipients and timeliness.

The Committee also proposes to amend Rule 1609 to add paragraph (H) to provide for a discretionary rehearing if notice was not given in accordance with Rule 1601(B). This language is based, in part, upon Rule 1243(B) providing for a discretionary rehearing for shelter care hearings. Rule 1609(H) is not intended to encourage noncompliance with Rule 1601(B); rather, it rejects a categorical mandate for a rehearing in every instance and invests the judge with the discretion to determine whether a rehearing is warranted.

The proposed requirements of Rule 1601(B) do not include instances where the judge *sua sponte* orders discontinuation of a goal of reunification without a request from the county agency. Although believed to be a seldom occurrence, the Committee believes that the better practice is for the court to reject the current reunification goal and order the county agency to file for a change of goal so that notice may be provided.

The Committee invites all comments, concerns, and suggestions regarding this rulemaking proposal.

[Pa.B. Doc. No. 17-274. Filed for public inspection February 17, 2017, 9:00 a.m.]

Title 255—LOCAL COURT RULES

ADAMS COUNTY

New Rules of Judicial Administration 4007, 4008, 4009 and 4011; Administrative Order No. 6 of 2017

Order of Court

And Now, this 30th day of January, 2017, the Court hereby vacates Administrative Order 3 of 2017 in its entirety. The Court further Orders that Rules 4007, 4008, 4009 and 4011 of the Adams County Rules of Judicial Administration shall be created as follows:

Rule 4007. Request for Transcripts.

(a) All requests for transcripts shall be set forth on a standardized form provided by the District Court Administrator of the Commonwealth of Pennsylvania and available at the office of District Court Administrator of

Adams County and the Adams County website. The form shall indicate the current rates authorized to be charged for transcripts under these rules.

(b) For an ordinary transcript, the party requesting a full or partial transcript of a trial or other proceeding shall file the original request with the appropriate filing office (Clerk of Courts, Prothonotary, Orphans Court, or Domestic Relations Office) in which the litigation is pending. The requesting party shall also serve copies of the formal request to:

- (1) the Judge presiding over the matter,
- (2) the court reporter, recorder, or transcriptionist assigned to the proceeding,
- (3) the District Court Administrator, and
- (4) opposing counsel or party if the party is unrepresented.

(c) Where daily, expedited, or same day transcripts are requested, request for those transcripts shall be filed in writing in the appropriate filing office at least ten (10) days prior to the proceeding with copies of the request delivered as required by paragraph (b).

Where justice requires and ten (10) days prior notice cannot reasonably be provided, requests for daily, expedited, or same day transcripts shall be made by oral motion to the presiding Judge.

(d) Following receipt of a request for transcript, the presiding Judge shall forthwith produce an order:

- (1) setting forth the amount of the deposit which shall be 75 percent of the anticipated total cost of the transcript and directing the transcript to be prepared upon payment of the deposit;
- (2) setting a reduced payment rate and directing the transcript to be prepared upon payment of the reduced rate; or
- (3) approving or denying an economic hardship exemption and, where applicable, directing preparation of the transcript.

(e) Upon receipt of the court order referenced in subparagraph (d) above, the filing office shall make service of the same on the requestor. If deposit or reduced payment is required, the payment shall be paid to the filing office prior to commencement of transcript preparation. Upon receipt of the payment, the filing office shall promptly advise Court Administration of the same who thereafter shall direct the court reporter to prepare the transcript.

Rule 4008. Transcript Costs.

(a) Costs payable by a requesting party other than the Commonwealth or subdivision thereof for a transcript in electronic format shall be:

- (1) for an ordinary transcript, \$2.50 per page,
- (2) for an expedited transcript, \$3.50 per page,
- (3) for a daily transcript, \$4.50 per page, and
- (4) for same day delivery, \$6.50 per page.

(b) Costs payable by the Commonwealth or subdivision thereof for a transcript in electronic format shall be:

- (1) for an ordinary transcript, \$1.55 per page,
- (2) for an expedited transcript, \$1.75 per page,
- (3) for a daily transcript, \$2.00 per page, and
- (4) for same day delivery, \$4.00 per page.

(c) Costs payable for a transcript in paper format regardless of whether the request is made by a private litigant or the Commonwealth or subdivision thereof shall be in accordance with paragraph (a) and (b) relating to electronic format plus a surcharge of 25 cents per page.

(d) Costs payable by any person or entity requesting a copy of any transcript previously ordered, transcribed, and filed of record shall be:

- (i) 75 cents per page bound, paper format, and
- (ii) 50 cents per page electronic copy.
- (e) *Economic hardship.*

(1) A party seeking consideration of an economic hardship related to obtaining a transcript may petition the Court in utilizing the in forma pauperis self-help packet available at the Adams County Law Library or online at www.adamscounty.us. In order for a party to be considered for economic hardship, the in forma pauperis self-help packet must be fully completed and verified.

(2) A transcript requested by Legal Aid Services must include with the request for transcript a letter of certification verifying, as provided in R.J.A. 4008(b), that the client meets financial eligibility and the matter is under appeal or the transcript being requested is necessary to advance the current litigation.

(f) A request for a copy of any transcript previously ordered, transcribed, and filed of record shall comply with R.J.A. 4007(a). After the Court has set the amount to be paid, and upon satisfaction of any financial obligation related to the request, the court reporter shall provide a copy to the requesting party.

(g) Except as otherwise set forth in this rule, no filing fee shall be assessed to a litigant filing a request for transcript.

Rule 4009. Fees.

(a) Fees for all transcripts shall be payable by check, money order, or credit card as required by the respective filing office.

(b) All revenue received related to the production of transcripts or copies thereof, unless required to be held in escrow pursuant to these rules, shall be transferred to the Adams County general fund coded to the Courts' charges for services revenue line.

Rule 4011. Delivery of Transcript.

(a) The court reporter shall notify the requesting party and the District Court Administrator or designee upon completion of the transcript and shall indicate the balance to be paid at the respective filing office.

(b) The District Court Administrator or designee shall notify the filing office of the balance owed.

(c) Upon payment of the balance owed to the filing office, the filing office shall notify Court Administration, and thereafter the court reporter shall certify and deliver the original transcript to the appropriate filing office. After the original transcript has been filed, a copy shall be delivered to the requesting party by the court reporter.

These rules shall become effective after all the provisions of the Pennsylvania Rules of Judicial Administration 103 are met, to include the following:

a. Two (2) certified copies of this Order together with a computer diskette that complies with the requirement of 1 Pa. Code § 13.11(b), or other compliant format, containing the text of the local rule(s) adopted hereby shall be

distributed to the Legislative Reference Bureau for publication in the *Pennsylvania Bulletin*;

b. One copy of this Order shall be forwarded to the Administrative Office of the Pennsylvania Courts via e-mail to adminrules@pacourts.us;

c. A copy of the proposed local rule(s) shall be published on the 51st Judicial District website;

d. This Order shall be filed in the Office of the Prothonotary of Adams County and a copy thereof shall be filed with the Adams County Clerk of Courts and the Adams County Law Library for inspection and copying;

e. The effective date of the local rule(s) shall be 30 days after publication in the *Pennsylvania Bulletin*.

By the Court

MICHAEL A. GEORGE,
President Judge

[Pa.B. Doc. No. 17-275. Filed for public inspection February 17, 2017, 9:00 a.m.]

ARMSTRONG COUNTY

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

Order of Court

And Now, this 20th day of January, 2017, the following amended rule is 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*:

Rule 10.7. Filing of Inventory. Notice. Petition to Compel Filing of Inventory. Objections to Inventory.

(a) Inventories shall be filed with the Register of Wills, and not with the Clerk of the Orphans' Court Division.

(b) A copy of the inventory shall be served upon all interested parties in the same manner as an account is served. A notice substantially in the following form shall accompany the copy as its front page:

[CAPTION]
NOTICE

Attached is a true and correct copy of the Inventory/ Supplement Inventory which was filed by the personal representative in the Office of the Register of Wills on _____, 20____.

Specific written objections, if any, may be filed with the Clerk of Orphans' Court Division in accordance with Local Orphans' Court Rule 10.7(d).

Personal Representative or Attorney

(c) 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.

(d) 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 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).

By the Court

JAMES J. PANCHIK,
President Judge

[Pa.B. Doc. No. 17-276. Filed for public inspection February 17, 2017, 9:00 a.m.]

BUCKS COUNTY

Order Rescinding Administrative Order No. 68 and Promulgating Local Rules of Judicial Administration 4007, 4008 and 4009 Governing Court Reporting and Transcripts

Order

And Now, this 19th day of December, 2016, it is hereby *Ordered* that Bucks County Administrative Order No. 68 is rescinded and Bucks County Local Rules of Judicial Administration 4007, 4008 and 4009 governing court reporting and transcripts are hereby promulgated, effective January 1, 2017, as follows:

Rule 4007. Request for Transcripts.

(A) Requests for transcripts shall be set forth on the standardized Request for Transcript Form available online at www.buckscounty.org/CourtServices. The form is also available from the following offices: Prothonotary, Domestic Relations Prothonotary, Clerk of Courts and the Register of Wills/Clerk of the Orphans' Court. Once completed, the Request for Transcript Form shall be submitted to the Chief Court Reporter.

(1) A request for transcript may also be made by contacting the court reporter present at the proceeding directly or by contacting the Chief Court Reporter by telephone, in writing or by email.

(2) A request for daily, same-day or expedited transcription shall be submitted to the Chief Court Reporter at least ten (10) days prior to the scheduled proceeding. In the event of an emergency, a party may request, by oral motion, a daily, same-day or expedited transcript. The request will be accommodated when it is feasible for the court reporter to produce the transcript within the allotted period of time, and upon approval of the trial judge and the Chief Court Reporter.

(B) Upon receiving a request for a transcript:

(1) the court reporter shall, within 24 hours of receipt of said request, determine the number of copies being ordered by contacting all counsel and/or self-represented parties; and

(2) the court reporter shall send the ordering party or parties, via email or regular mail, the standardized Transcript Order Form. The Transcript Order Form shall include the estimated number of pages, the page rate and the estimated total cost of the transcript.

(C) The requesting party or parties shall make a non-refundable deposit in the amount of 95% of the estimated cost of the transcript. The deposit shall be paid by money order, certified check or law firm check made payable to the County of Bucks.

(1) The deposit, along with the completed and signed Transcript Order Form, shall be delivered to the Court Administrator's Office, 100 N. Main Street, Doylestown, Pennsylvania, within seven (7) calendar days from the date of receipt of the Transcript Order Form.

(D) The court reporter shall prepare the transcript upon direction of the Chief Court Reporter.

(E) The court reporter shall notify all ordering parties and the Chief Court Reporter upon completion of the transcript and provide the completed transcript to the trial judge for signature.

(F) The court reporter shall deliver the original transcript to the appropriate filing office and distribute copies to all ordering parties upon payment of any balance owed.

Rule 4008. Transcript Costs Payable by a Requesting Party Other than the Commonwealth or a Subdivision Thereof.

(A) *Costs*

(1) The costs payable by a requesting party, other than the Commonwealth or a subdivision thereof, for a transcript in electronic format (.pdf) shall not exceed:

- (a) ordinary transcript, \$2.50 per page;
- (b) expedited transcript, \$3.50 per page;
- (c) daily transcript, \$4.50 per page; and
- (d) same day delivery, \$6.50 per page.

(2) When the transcript is prepared in bound paper format, the costs shall be in accordance with paragraph (1) relating to electronic format (.pdf) plus a surcharge of \$0.25 per page.

(3) A Complex Trial Surcharge of \$1.00 per page will be applied in cases such as mass tort, medical malpractice or other unusually complex litigation where there is a need for the court reporter to significantly expand his or her dictionary, when approved by the presiding Judge.

(B) *Economic Hardship*

(1) A Petition to Proceed In Forma Pauperis shall be filed with the appropriate filing office (Prothonotary, Domestic Relations Prothonotary, Clerk of Courts or the Register of Wills/Clerk of the Orphans' Court) along with the Request for Transcript and Poverty Affidavit.

(2) Copies of the forms listed above shall be provided to:

- (a) the presiding judge;
- (b) the Chief Court Reporter; and
- (c) opposing counsel, or the opposing party if self-represented.

In forma pauperis and Poverty Affidavit Forms are available at www.buckscounty.org/CourtServices.

(C) When more than one ordering party requests a transcript, the transcript cost plus \$0.75 per page (paper format) and/or \$0.50 per page (electronic copy/.pdf) shall be divided equally among the ordering parties.

(D) A request for a copy of any transcript previously ordered, transcribed and filed of record shall be made by telephone, letter or email to the Chief Court Reporter and shall be provided at the cost of \$0.75 per page (paper format) and/or \$0.50 per page (electronic copy/.pdf).

Rule 4009. Fees Payable to the Court Reporter by the Courts for Court-Ordered Transcripts.

(A) A party requesting that the cost of their transcript be placed on the court must provide documentation of having been declared in forma pauperis as described in 4008(B).

(1) Any transcript request where the costs are to be placed on the court must be accompanied by Order of Court directing the notes of testimony be transcribed.

(B) Court reporters shall be paid the following amounts by the Court for court-ordered transcripts:

(1) regular delivery of the original transcript: \$1.25 per page;

(2) regular delivery of each additional copy: \$0.30 per page;

(3) regular delivery of a duplicate original: \$0.30;

(4) expedited delivery of the transcript: \$2.00 per page for the original, and \$0.60 per page for each additional copy;

(5) daily delivery of the transcript: \$3.00 per page for the original and \$0.90 per page for each additional copy; and

(6) same-day delivery of the transcript: \$3.50 per page for the original and \$1.00 per page for each additional copy.

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

By the Court

JEFFREY L. FINLEY,
President Judge

[Pa.B. Doc. No. 17-277. Filed for public inspection February 17, 2017, 9:00 a.m.]

CARBON COUNTY

Amendment of 56th Judicial District—Constable Manual; No. CP-13-AD-0000002-2017

Administrative Order No. 05-2017

And Now, this 30th day of January, 2017, it is hereby

Ordered and Decreed, that effective March 1, 2017, the Carbon County Court of Common Pleas *Amends* the following Constable Manual governing the procedures to be followed by all Constables performing judicial duties for the 56th Judicial District.

The Carbon County District Court Administrator is *Ordered and Directed* to do the following:

1. File one (1) copy electronically to adminrules@pacourts.us of this Administrative Order and Manual with the Administrative Office of Pennsylvania Courts.

2. File two (2) paper copies and one (1) electronic copy in a Microsoft Word format to bulletin@palrb.us with the Legislative Reference Bureau for publication in the *Pennsylvania Bulletin*.

3. Publish the Rule on the Carbon County Court website at <http://www.carboncourts.com>.

4. Forward one (1) copy for publication in the *Carbon County Law Journal*.

5. Forward one (1) copy to the Carbon County Law Library.

6. Keep continuously available for public inspection copies of the Administrative Order and Manual in the Clerk of Courts Office.

7. Incorporate the Manual no later than thirty (30) days after publication in the *Pennsylvania Bulletin* with this Court's complete set of Rules of Court published at <http://www.carboncourts.com>.

By the Court

ROGER N. NANOVIC,
President Judge

CONSTABLE MANUAL

56th JUDICIAL DISTRICT

I. General Provisions

A. Definitions—Subject to additional definitions contained in subsequent sections of this manual, the following words and phrases shall have, unless the context indicates otherwise, the meanings given to them in this section.

C.C.C.F.—Carbon County Correctional Facility

Clerk of Courts—The official, and that official's office, in the 56th Judicial District who, pursuant to 42 Pa.C.S.A. §§ 2756 and 2757, has the responsibility and function to maintain the official criminal case file and list of docket entries for each criminal proceeding, and to perform such other duties as required by rule or law.

Constable—All elected, court appointed, and/or deputy constables duly elected or appointed pursuant to statutory authority. As elected or appointed officials, constables are independent contractors and are not employees of the Commonwealth, the judiciary, or the municipality in which they serve.

Constable's Education and Training Board (C.E.T.B.)—The Constable's Education and Training Board established and created pursuant to 44 Pa.C.S.A. § 7143 responsible for developing basic training and firearms education for constables and to certify constables who perform judicial duties.

Controller—The duly elected County Controller for the County of Carbon empowered with the rights, duties, and responsibilities under the County Code, 16 P.S. § 101 et seq.

County—County of Carbon.

Court—The Court of Common Pleas for the 56th Judicial District.

Court Administrator—The District Court Administrator for the 56th Judicial District as designated by the Pennsylvania Supreme Court and the Administrative Offices of the Pennsylvania Courts.

Court Official—The Judges of the Court of Common Pleas for the 56th Judicial District, the Magisterial District Judges for the 56th Judicial District, the Carbon County District Court Administrator, the Chief Adult Probation Officer for the Carbon County Probation Department, and all employees in the respective offices.

Judicial Duties—Services and duties performed by a constable for the payment of fees as authorized by 44 Pa.C.S.A. § 7161, including all services specified therein regardless of whether a fee is actually sought by the constable or paid by the County.

Magisterial District Judge—A public official having the power and authority of a magisterial district judge whose jurisdiction falls within the 56th Judicial District.

P.C.C.D.—Pennsylvania Commission on Crime and Delinquency.

Prothonotary—The duly elected Prothonotary for the 56th Judicial District empowered with the rights, duties, and responsibilities under 42 Pa.C.S.A. §§ 2736 and 2737, who has the responsibility to maintain official court records and to perform such other duties as required by rule or law.

Sheriff—The duly elected Sheriff for the County of Carbon empowered with the rights, duties, and responsibilities under the County Code, 16 P.S. § 101 et seq., including all deputies appointed in compliance with the County Code.

II. Powers and Duties

A. *Requirements of Constables Performing Judicial Duties in the 56th Judicial District*—Constables performing judicial duties within the 56th Judicial District must:

1. Be certified by C.E.T.B.
2. Post a bond with the Clerk of Courts' Office in the sum of \$2,500 conditioned upon the just and faithful discharge by the constable of the duties of his/her office. The bond shall be held in trust for the use and benefit of persons who may sustain injury by reason of a constable's neglect of duty. Proof of the filing of a bond must be provided to the Court Administrator's Office.
3. Maintain a policy of professional liability insurance providing coverage for the performance of judicial duties with a minimum coverage of \$250,000 per incident and a minimum aggregate of \$500,000 per year. Proof of insurance coverage must be filed with the Clerk of Courts Office and the Court Administrator's Office annually.
4. Maintain a valid and current Pennsylvania driver's license and required financial responsibility (automobile insurance) on any vehicle used for the performance of judicial duties. Proof of licensing and insurance must be provided to the Court Administrator's Office as required by that office. Absence of a driver's license does not preclude a constable who is otherwise approved by the Court to perform judicial duties from working with a constable pursuant to 44 Pa.C.S.A. § 7161(c), provided the unlicensed or uninsured constable does not operate a motor vehicle. However, unless accompanied by another constable who maintains a valid and current Pennsylvania driver's license and required financial responsibility, a constable who does not possess a valid driver's license or required financial responsibility shall not perform judicial duties.
5. Maintain current contact information with the Court Administrator's Office. Current contact information shall include constable's current address, telephone number, and cell phone number. Contact information shall also include information as to any other communication equipment utilized by the constable to perform judicial duties (e.g. pager, fax machine).
6. If carrying a firearm in the performance of judicial duties, a constable shall provide the Court Administrator's Office with proof of certification or qualification to carry or use firearms as provided by 44 Pa.C.S.A. § 7148.
7. Complete and provide the Controller with all vendor authorization documents, including the production of a tax identification number as required by local, state, or federal law or policies and procedures of the Controller.
8. Provide the Court Administrator's Office with an executed acknowledgment evidencing the constable has received a copy of the Pennsylvania Unified Judicial System Constable Policies, Procedures, and Standards of Conduct and understands the provisions and terms set

forth therein. The acknowledgment shall be in the form attached hereto as "Exhibit A."

9. Provide the Court Administrator's Office with an executed acknowledgment evidencing the constable has received a copy of the Constable Manual for the 56th Judicial District and understands the provisions and terms set forth in the manual governing the performance of judicial duties. The acknowledgment shall be in the form attached hereto as "Exhibit A."

B. *Authorization to Perform Judicial Duties*—No Magisterial District Judge, nor any other Court Official, shall request or otherwise authorize a constable to perform judicial duties, nor shall the Controller authorize payment of fees for a constable performing judicial duties, unless the constable has been designated by the Court Administrator's Office as a constable authorized to perform judicial duties.

1. The Court Administrator's Office shall maintain a list of all constables who are authorized to perform judicial duties within the 56th Judicial District. The Court Administrator's Office shall publish the list with all Magisterial District Judges in the 56th Judicial District; any other Court office utilizing constable services in the performance of judicial duties; the Controller; and the Clerk of Courts Office on a regular basis. This list shall be updated and published at least annually. In the event the privilege of a constable to perform judicial duties is revoked by the Court, the Court Administrator's Office shall promptly notify the identified offices of the same.

2. The Court Administrator's Office shall develop policy and procedure to effectuate and ensure a constable's compliance with the requirements set forth in Section A above.

C. *Removal of Authorization to Perform Judicial Duties*—Although a constable may only be removed or disciplined for acts of malfeasance or misfeasance upon petition of the District Attorney or an individual citizen (see 13 P.S. § 31), a constable's authorization to perform judicial duties pursuant to Section B above may be revoked at any time pursuant to the authority of the President Judge for the 56th Judicial District.

1. A constable's authority to perform judicial duties may be revoked in the following circumstances:

- a. a constable permits his/her compliance with the requirements of Section A above to lapse;
- b. the constable commits a breach of the duties or requirements of this manual including, but not limited to, the Constable Code of Conduct as set forth in Section V herein;
- c. the constable commits any violation of the law while in the performance of judicial duties or is otherwise convicted of criminal conduct which places the integrity or honesty of the constable at issue;
- d. the constable commits any act which jeopardizes public trust in or brings disrespect to the Court.

2. Court Officials who know, or have reason to believe, that a constable has committed a violation of the Code of Conduct or the provisions of the Constable Manual shall promptly inform the Court Administrator's Office of the same.

3. All complaints of constable misconduct, including complaints related to failure to comply with the Constable Manual, shall be promptly investigated by the Court Administrator. The results of the investigation shall be provided to the President Judge for further action, if any.

D. *Minimum Requirements*—Compliance with the provisions of this manual does not guarantee a constable the right to perform judicial duties for a Magisterial District Judge. Rather, the provisions of this section set forth the minimum requirements which must be complied with before a constable may be utilized by a Magisterial District Judge to perform judicial duties. Magisterial District Judges retain the right to assign constable work within their reasonable discretion provided the utilized constable is otherwise in compliance with this section.

III. Warrant Procedures

A. *Definitions*—The following words and phrases shall have, unless the context indicates otherwise, the meanings given to them in this section.

Legal Holiday—For purposes of this manual, the following shall be defined as legal holidays: New Year's Day, Martin Luther King, Jr.'s Day, Presidents' Day, Good Friday, Easter, Memorial Day, Independence Day, Labor Day, Columbus Day, Veteran's Day, Thanksgiving Day, the Day after Thanksgiving Day, and Christmas Day. For those holidays identified herein which annually fall on a rotating calendar day, the actual date shall be defined as the day designated as the federal holiday.

Arrest Warrant—An arrest warrant for a misdemeanor/felony offense issued pursuant to Pa.R.Crim.P. 513 et. al by a Magisterial District Judge for private criminal complaints, including those filed by the Pennsylvania Department of Inspector General, and which have been approved by the District Attorney's Office.

Summary Warrant—A warrant issued by a Magisterial District Judge pursuant to Pa.R.Crim.P. 430. This definition includes both arrest warrants and bench warrants issued pursuant to Rule 430.

B. *Summary Warrants and Misdemeanor/Felony Warrants for Private Criminal Complaints*—The following procedures shall apply to the issuance and service of these warrants.

1. Magisterial District Judges possess the exclusive right, subject to the authority of the President Judge, to distribute warrants issued by them to a constable of their choice who satisfies the requirements of the C.E.T.B., this manual, and the Court Administrator's Office to perform judicial duties. Magisterial District Judges shall issue warrants where appropriate pursuant to the Pennsylvania Rules of Criminal Procedure and prevailing law.

2. Upon issuance of a warrant, the Magisterial District Judge may assign the warrant to a constable authorized to perform judicial duties by the Court Administrator's Office. Unless the warrant is unassigned, no constable other than the assigned constable shall serve a warrant within 60 days of the initial issuance of the warrant by the Magisterial District Court, subject to the following:

a. If the subject of the warrant is in the custody of the Sheriff's Department as a result of contact between the subject and the Sheriff's Department unrelated to the warrant or in the custody of prison officials in which case a duplicate warrant may be issued to the Sheriff's Department. In the event the Sheriff's Department serves such a warrant, the Magisterial District Judge, upon notice of the same, shall promptly alert the assigned constable that the warrant has been served; or

b. If the subject of the warrant is present in the Carbon County Courthouse and, as a result of routine examination by the Sheriff's Department of any person appearing before the Court of Common Pleas or other information acquired by the Sheriff's Department, the

Sheriff's Department learns that an individual present in or at the Courthouse is the subject of a warrant, a duplicate warrant may be issued to the Sheriff's Department. In the event the Sheriff's Department serves such a warrant, the Magisterial District Judge, upon notice of the same, shall promptly alert the assigned constable that the warrant has been served; or

c. If the subject of the warrant is in the custody of a constable who has exercised custody pursuant to another warrant issued and served in compliance with this manual in which case the original warrant shall be recalled and reissued to the constable who has custody of the subject; or

d. If the subject of the warrant is in the custody of a constable as the result of execution of another warrant issued by a Court official or Magisterial District Judge of another Judicial District of this Commonwealth in which case the original warrant shall be recalled and reissued to the Constable.

3. Upon service of the warrant, the constable to whom the warrant has been assigned shall immediately notify the issuing authority of service and promptly return a certified copy of the warrant to the District Court evidencing service of the warrant.

4. If the subject of the warrant is in the custody of a municipal or state police officer who, for any reason, has taken the subject before the issuing authority, the Magisterial District Judge shall promptly notify any constable to whom the warrant has been assigned that the warrant has been served.

5. During the normal operating hours of the Magisterial District Court, if a Constable reasonably believes he/she will be able to serve a summary warrant which has been assigned to another Constable, or is unassigned, within the next 12 hours, he/she shall contact the issuing District Court in which case a warrant may be issued to the Constable.

6. All assigned, unserved summary warrants shall be available for service by any constable authorized to perform judicial duties in the 56th Judicial District after the 60th day following issuance of the warrant. In all such cases, it shall be the responsibility of the constable seeking to serve the warrant to review the warrant and determine if the warrant is available to be served by that constable. A constable shall not request a warrant to be reissued unless imminent service of the warrant is anticipated. For purposes of this paragraph, imminent service requires a good faith belief as to the whereabouts of the subject of the warrant and the likelihood that the warrant will be served within the immediately subsequent 12-hour period.

7. When a summary warrant is issued pursuant to Pa.R.Crim.P. 430, upon service of the warrant, the constable shall either:

a. Accept a signed guilty plea together with payment in full of the amount of the fines and costs as stated on the warrant;

b. Accept from the defendant a signed not guilty plea together with payment in full of the amount of the collateral stated on the warrant; or

c. If the defendant is unable to pay the full amount of the fines and costs or collateral, cause the defendant to be taken without unnecessary delay before the issuing authority during normal court hours, or before the on-call Magisterial District Judge.

8. When a constable accepts fines and costs or collateral, the constable shall issue a receipt to the defendant setting forth the amount of the fines and costs or collateral received and promptly return a copy of the receipt, signed by the defendant and constable, to the proper issuing authority. Constables must return the warrant and any pleas, fines, costs, and/or restitution collected to the issuing authority no later than the close of business during the same business day; or if served after normal court hours, on the next business day. Constables should make every effort to resolve service of the warrant as per Pa.R.Crim.P. 430 before physically transporting the defendant to the proper issuing authority, or on-call Magisterial District Judge.

9. A constable shall not serve a summary warrant issued pursuant to Pa.R.Crim.P. 430 at a residence between the hours of 10:00 p.m. and 6:00 a.m., or after 10:00 p.m. on the day preceding a legal holiday until after 6:00 a.m. of the day following the legal holiday.

10. A constable shall not attempt to serve a summary warrant or take the subject of such a warrant into custody unless in possession of a valid warrant.

C. Return of Unserved Warrants

1. A constable who has been issued a warrant pursuant to this manual shall return the warrant to the Magisterial District Court at the expiration of sixty (60) days of its issuance or 12 hours for those warrants issued pursuant to Chapter III, B(5), (6) if the constable is unable to execute or effectuate service within those time periods. Failure to return the warrant within the time period set forth herein may, at the discretion of the President Judge, result in a revocation/restriction of one's right to perform judicial duties.

2. A constable shall not, under any circumstance, make a duplicate or copy of any warrant for purposes of service.

D. Warrant Service on Incarcerated Parties

1. Unless expressly approved in advance by the Issuing Authority, President Judge or Court Administrator, warrant service on parties already incarcerated or otherwise in the custody of prison officials [is not authorized and] will not be compensated.

2. The Court may authorize payment in Summary Warrant matters in the event, through the efforts of a constable seeking a defendant, the constable learns that a defendant is incarcerated in a County jail outside of Carbon County but within the Commonwealth, and relays that information to the issuing authority.

a. The Magisterial District Judge must indicate that he/she was unaware that the defendant was incarcerated in a County jail outside of Carbon County but within the Commonwealth when the warrant was issued.

IV. Compensation

A. *Preliminary Provisions*—Constables shall be paid fees in compliance with the fee schedule set forth in 44 Pa.C.S.A. § 7161 or subsequent legislative act or rule of court. Constables shall not be paid a fee for any judicial act committed in violation of the provisions of this manual. Fees shall not be paid unless the request for fees is made in compliance with the procedures set forth in this chapter.

B. *Reimbursement Procedure*—Constables shall comply with the procedures of this section in seeking reimbursement for services. A request for reimbursement of services not in compliance with the procedures of this section may be denied on that basis.

1. *Magisterial District Judge Warrants*—Payment for the performance of judicial duties related to the issuance of a warrant by a Magisterial District Judge shall be submitted to the Magisterial District Judge who authorized the service on the form prescribed by the Court Administrator's Office or the Administrative Office of the Pennsylvania Courts. See Exhibit "B" attached to this manual. The Magisterial District Judge shall acknowledge receipt of the request by executing the same and promptly forwarding the request to the County Controller's Office for payment. Execution of a constable's fee request by a Magisterial District Judge evidences that the Magisterial District Judge authorized the service for which fee reimbursement is being requested.

2. All reimbursement forms shall be completed in their entirety. A form which is incomplete will be returned to the constable by the Magisterial District Court promptly and shall be considered as not having been filed for purposes of the time period set forth in Section IV(C) of this manual.

C. *Time of Invoice*—Request for payment of all fees shall be made to the Magisterial District Judge in the manner directed by this manual within 30 days of the date of the performed service. Although the County's liability for the payment of fees submitted after 30 days of the date of service shall be controlled by prevailing law, failure to submit requests for payment of fees within the time period set forth herein may result in the revocation of a constable's privilege to perform judicial duties.

D. *Mileage*—The following rules shall apply to reimbursement for actual mileage:

1. Actual mileage for travel by motor vehicle shall be reimbursed at a rate equal to the highest rate allowed by the Internal Revenue Service.

2. No constable shall undertake travel in the performance of judicial duties by any mode other than motor vehicle, unless prior written consent for the same is authorized by the Court Administrator.

3. In effectuating service of a warrant, actual mileage for travel by motor vehicle for purposes of the payment of fees shall be the number of miles from the issuing authority's office to the location where the warrant is served plus the number of miles to the location of commitment, if necessary, plus the number of miles from the commitment location to the issuing authority's office. Where commitment does not occur, actual mileage for travel by motor vehicle for purposes of the payment of fees shall be the number of miles from the issuing authority's office to the location where the warrant is served plus the number of miles to the location where acceptance of payment or collateral is made, plus the number of miles from this location to the issuing authority's office.

E. *Hours Worked*—All work that calculates reimbursement by the hour shall be rounded to the nearest quarter-hour.

F. *Second Constable*—Except for those circumstances described in 44 Pa.C.S.A. § 7161(c), upon prior approval by the issuing authority, when a second constable is utilized in the service of a warrant, the second constable shall also examine the warrant to ensure that service of the warrant is in compliance with the provisions of this Manual. The second constable shall follow all requirements as described in the Manual and will be held to the same standards as the constable who obtained the warrant for service.

V. Constable Code of Conduct

A. *Introduction*—A fair and independent court system is essential to the administration of justice. Although constables are not employees of the Commonwealth, the judiciary or any municipal agency, as an independent contractor, they provide services and aid to the judicial process. Proper conduct by those involved in assisting the judicial process inspires public confidence and trust in the Courts and conveys the values of impartiality and fairness that promote the integrity of our system of justice. A constable's conduct reflects upon the Court's commitment to serving the public. A constable performing judicial duties shall observe high standards of conduct so that the integrity and independence of the judicial system are preserved. The provisions of this code shall be applied to further those objectives. All constables performing judicial duties shall observe the standards of conduct set forth in this section. These standards however shall not limit or preclude, nor be interpreted to limit or preclude, other more stringent standards as established by law or by Court order or rule.

B. *Performance of Judicial Duties*—Constables performing judicial duties shall conduct themselves in an appropriate and lawful manner at all times and shall adhere to the following standards. Constables performing judicial duties:

1. Shall not engage in any form of discrimination, harassment, or retaliation against any person as prohibited by law or Court policy;
2. Shall not engage in any form of violence, threat of violence, or disruptive conduct;
3. Shall not make intentionally false or misleading statements when performing judicial duties. Specifically, a constable may not make a false statement of material fact or law or fail to correct a false statement of material fact or law to any party for purposes of obtaining compliance or forfeiture by a person of their legal rights;
4. Shall not falsify, or improperly alter or destroy work-related documents or records;
5. Shall not be impaired by alcohol, drugs, medications, or other intoxicating substances while performing judicial duties;
6. Shall not give legal advice while performing judicial duties beyond an explanation of the duty they are performing and one's right to be represented by counsel;
7. Shall not illegally possess weapons or controlled substances while performing judicial duties;
8. Shall avoid impropriety or the appearance of impropriety in the performance of all judicial duties;
9. Shall not commit any violation of the law while performing their judicial duties;
10. Shall not be convicted of any crime which shall place their integrity, honesty, or credibility at issue or otherwise negatively reflect upon the integrity and independence of the Court or Court offices;
11. Shall not make any sexual advance, request for sexual favors, or perform other verbal or physical conduct of a sexual nature while in the performance of judicial duties. Such conduct shall include but is not limited to touching, fondling, patting, pinching, kissing, or other physical contact for sexual gratification;
12. Shall treat all those with whom they interact, including Court staff, with professionalism, dignity, respect, and impartiality;

13. Shall cooperate with all law enforcement agencies and their representatives including the Sheriff's Department, the C.C.C.F., and Carbon County staff;

14. Shall not use any means that has no substantial purpose other than to embarrass, delay, or burden the rights of another person or use methods that violate the legal rights of such person;

15. Shall not in any manner hold himself/herself out to be an agent, employee, or representative of any Court office; and

16. Shall not utilize a motor vehicle in the performance of judicial duties contrary to the provisions of the Pennsylvania Motor Vehicle Code.

C. *Confidentiality*—Constables shall not disclose or use confidential information obtained through the performance of judicial duties for any purpose not connected with the performance of their judicial duties.

D. *Conflicts of Interest*—

1. Constables shall not solicit, accept, or agree to accept anything of value from any person or entity doing or seeking to do business with, or having an interest in a matter related to the performance of judicial duties.

2. Constables shall not permit family, social, or other relationships to influence their official conduct or judgment, or to create the appearance of influence in the exercise of their official conduct or judgment, while in the performance of judicial duties. Constables performing judicial duties shall inform the Court Administrator of any situation creating undue influence or the appearance of undue influence.

3. Constables shall not use the resources, employees, property, facilities, time, or any funds under their control while in the performance of their judicial duties to improperly benefit them or any other person.

E. *Use of Force*—A constable's use of force shall be consistent with Pennsylvania law and in compliance with training and education provided by the C.E.T.B. A constable shall never employ unnecessary force or violence and shall use only such force in the discharge of duty as is reasonable under the circumstances. While the use of force is occasionally unavoidable, every constable in the performance of judicial duties shall refrain from applying any unnecessary infliction of pain or suffering and shall never engage in cruel, degrading, or inhuman treatment of any person. A constable shall not fire, unholster, or otherwise remove a firearm from its holster in the performance of judicial duties unless the same is necessary for the defense of the constable or others in response to the threat or use of deadly force against the constable or another where the action is consistent with firearms training provided by P.C.C.D. In no event shall a firearm be unholstered for purposes of intimidation.

F. *Appearance*—

1. *Dress*—All constables shall dress in customary law enforcement uniform or casual business dress while performing judicial duties. Denim jeans are considered neither customary law enforcement uniform nor casual business dress and are prohibited.

2. *Sign of Authority*—While in the performance of judicial duties, all constables shall prominently display a badge of authority on their outermost clothing. The badge of authority shall consist of either a Pennsylvania state constable patch or a badge pinned to the outermost garment, displayed around the neck, or attached to a belt. Additionally, while performing judicial duties, a constable

shall carry at all times a constable certification card issued by C.E.T.B. indicating certification number and expiration date.

G. *Duty to Report*—Constables who are arrested, charged with, or convicted of a crime, including summary offenses, which occurred while the constable was acting in the course of performing judicial duties, shall report this fact to the Court Administrator at the earliest opportunity, however, in no event shall this report be made later than three (3) business days from the date of arrest or

receipt of charges. Constables who are arrested, charged with, or convicted of a crime, other than summary traffic offenses not committed while in the performance of judicial duties, regardless of the jurisdiction in which the conduct occurred, shall report this fact to the Court Administrator at the earliest reasonable opportunity, however, in no event shall this report be made later than three (3) business days from the date of the arrest or receipt of charges.

Exhibit A

ACKNOWLEDGMENT

I, _____, have received a copy of the Pennsylvania Unified Judicial System Constable Policies, Procedures, and Standards of Conduct. I also acknowledge receipt of a copy of the Fifty-Sixth Judicial District Constable Manual. I understand that in order to perform judicial duties, or to be paid for work performed for the Fifty-Sixth Judicial District, I must abide by the procedures and requirements set forth in the Pennsylvania Unified Judicial System Constable Policies, Procedures, and Standards of Conduct and the Fifty-Sixth Judicial District Constable Manual, including the Code of Conduct, and hereby agree to abide by those procedures and requirements.

Print Name

Date

Signature

Witness

Exhibit B

CARBON COUNTY CONSTABLE PAYMENT SHEET

CONSTABLE NAME _____ CONSTABLE NUMBER _____
 DISTRICT COURT NUMBER _____ DISTRICT JUDGE _____
 DEFENDANT'S NAME _____ DOCKET NUMBER _____
 DEFENDANT'S ADDRESS _____

| SERVICE | FEE | DATE(S) SERVICES PERFORMED | SERVICE | FEE | DATE(S) SERVICES PERFORMED |
|-----------------------------|----------|----------------------------|-----------------------------|----------|----------------------------|
| WARRANT | \$ _____ | () _____ | ARRAIGNMENT | \$ _____ | * () _____ |
| HOW WAS SERVICE MADE? _____ | | | COMMIT TO | \$ _____ | * () _____ |
| _____ | | | RETURN OF SERVICE | \$ _____ | () _____ |
| TO WHOM? _____ | | | CONVEY (FINGERPRINTING) | \$ _____ | * () _____ |
| RELEASE | \$ _____ | () _____ | FINGERPRINTING | \$ _____ | * () _____ |
| CUSTODY | \$ _____ | * () _____ | RELEASED ON BOND | \$ _____ | * () _____ |
| CONVEY | \$ _____ | * () _____ | OTHER | \$ _____ | () _____ |
| TO: _____ | | | OTHER | \$ _____ | () _____ |
| TO: _____ | | | OTHER | \$ _____ | () _____ |

* MAY ONLY BE CHARGED ONCE PER DEFENDANT PER DATE HANDLED TOTAL \$ _____

NAME OF ASSISTING CONSTABLE OR DEPUTY _____

| DATE | FROM/TO | MILES | |
|---|----------------|-------------|---------------------------|
| _____ | _____ | _____ | |
| _____ | _____ | _____ | |
| _____ | _____ | _____ | |
| MILEAGE @ _____ | CENTS PER MILE | TOTAL MILES | MILES \$ _____ |
| ATTACH ADDITIONAL SHEETS, IF NECESSARY. | | | |
| | | | CETA \$ _____ |
| | | | TOTAL AMOUNT DUE \$ _____ |

I HEREBY CERTIFY THAT THE ABOVE SERVICES HAVE BEEN PERFORMED.

_____ DAY OF _____, _____

THE UNDERSIGNED HEREBY CERTIFIES THAT THE ABOVE SERVICES HAVE BEEN PERFORMED AND THAT NO OTHER REQUESTS FOR PAYMENT FOR THESE SERVICES HAS BEEN MADE.

DISTRICT JUDGE (DISTRICT COURT SEAL)

SIGNATURE OF CONSTABLE

[Pa.B. Doc. No. 17-278. Filed for public inspection February 17, 2017, 9:00 a.m.]

CHESTER COUNTY

Promulgation of Local Rule; 2017-0007R-CM

Order

And Now, this 20th day of January, 2017, Chester County Local Rules of Judicial Administration 4001, 4002, 4007 and 4008 are adopted as follows:

Rule 4001.

(A) These rules shall govern the procedure for requests for transcripts of court proceedings and fees payable for transcripts by a requesting party, other than the Commonwealth or subdivision thereof.

Rule 4002. Definitions.

Ordinary transcript means a transcript necessary for an appeal or to otherwise advance litigation and required under a time frame set by a Pennsylvania Rule of Court regarding the delivery of court transcripts or by court order. An example of a non-ordinary transcript is one requested by a litigant when no matters are open before the court or where the transcript is ordered by a third party.

Expedited transcript means a transcript delivered within seventy-two (72) hours of an official request, not including weekends or official court holidays. For the purposes of additional payment, a transcript is an expedited transcript only if it is in fact delivered within the above time limit.

Daily transcript means a transcript delivered within eighteen (18) hours of an official request, not including weekends or official court holidays. For the purposes of additional payment, a transcript is a daily transcript only if it is in fact delivered within the above time limit.

Same day delivery means transcripts delivered within 6 hours of the close of the court session, divided by morning and afternoon with the line of demarcation being lunch or mid-day recess.

Rule 4007. Request for Transcripts.

(A) All requests for transcripts shall be set forth on the standardized form provided by the Chester County Court

Administrator. The request form is available in all filing offices and at www.chesco.org.

(B) For an ordinary transcript, the party requesting a full or partial transcript of a trial or other court proceeding shall submit the original Request for Transcript to the office of the Court Administrator. Ordinary transcript is defined as a transcript necessary for an appeal or to otherwise advance litigation. The requesting party shall also serve copies of the formal request to:

- (1) The judge presiding over the matter; and
- (2) The court reporter; and
- (3) Opposing counsel or the opposing party if self-represented.

(C) If a party is requesting daily, expedited, or same day transcripts, the Request for such transcripts shall be submitted to the Court Administrator's office at least ten (10) days prior to the scheduled proceeding. Copies of the written request shall be delivered as required in paragraph B above. In the event of an emergency, a party may request by oral motion a daily, expedited or same day transcript.

(D) When a litigant requests a transcript:

(1) The litigant shall make a deposit in the amount of 75% of the estimated cost of the transcript as provided by the district court administrator. This amount shall be paid by cash or money order, certified check or check from an attorney made payable to the County of Chester and delivered to the district court administrator.

(2) The court reporter shall prepare the transcript upon direction of the district court administrator.

(3) The court reporter shall notify the ordering party and the district court administrator of the completion of the transcript and deliver the original transcript to the presiding judge.

(4) Upon payment of the final balance owed, the court reporter shall deliver the original transcript to the appropriate filing office and copies to the parties.

Rule 4008. Transcript Costs Payable by a Requesting Party Other Than the Commonwealth or a Subdivision Thereof.

(A) *Cost for Original Transcript*

(1) The costs payable by a requesting party, other than the Commonwealth or a subdivision thereof, for an original transcript in an electronic format, when available, shall be as follows:

- (a) for an ordinary transcript, \$2.50 per page;
- (b) for an expedited transcript, \$3.50 per page;
- (c) for a daily transcript, \$4.50 per page;
- (d) for same day delivery, \$6.50 per page;

(2) The costs payable by a requesting party for an original transcript in bound paper format:

- (a) for an ordinary transcript, \$2.75 per page;
- (b) for an expedited transcript, \$3.75 per page;
- (c) for a daily transcript, \$4.75 per page;
- (d) for same day delivery, \$6.75 per page;

(3) *Allocation of Costs.*

(a) When more than one party requests the transcript, or are required by general rule to file the transcript, the cost shall be divided equally among the parties.

(B) *Economic Hardship*

(1) When a litigant requests a transcript, but cannot pay for the transcript because of economic hardship, the litigant shall file in the appropriate filing office a petition to proceed in forma pauperis, requesting waiver of a portion of the transcript fees. The form for said petition is available in the Chester County Law Library and is posted at www.chesco.org.

(C) *Copies of Transcripts*

A request for a copy of any transcript previously ordered, transcribed, and filed of record shall be made to the a district court administrator and provided according to the following schedule:

- (1) \$0.75 per page paper format; and
- (2) \$0.50 per page electronic copy.

(E) *Additional Costs*

The trial judge may impose a reasonable surcharge in cases such as medical malpractice or other unusually complex litigation where there is a need for a court reporter to significantly expand his or her dictionary. Such surcharges are at the discretion of the trial judge.

(F) *Cost for other court reporter products*

(1) For preparation of a transcript index: \$25.00 flat fee for ten pages or less. Eleven pages and over, add an additional \$2.50 per page.

By the Court

JACQUELINE CARROLL CODY,
President Judge

[Pa.B. Doc. No. 17-279. Filed for public inspection February 17, 2017, 9:00 a.m.]

LANCASTER COUNTY

**Amendment of Local Rules of Civil Procedure;
CI-17-00765**

Administrative Order

And Now, this 31st day of January 2017, it is hereby Ordered that the following Local Rules of Civil Procedure of the Court of Common Pleas of the 2nd Judicial District of Pennsylvania, Lancaster County, are amended as indicated, to be effective thirty (30) days after publication in the *Pennsylvania Bulletin*.

The Lancaster County District Court Administrator is Ordered to do the following:

1. File one (1) copy to the Administrative Office of Pennsylvania Courts via email to adminrules@pacourts.us.

2. File two (2) paper copies and one (1) electronic copy in a Microsoft Word format only to bulletin@palrb.us with the Legislative Reference Bureau for publication in the *Pennsylvania Bulletin*.

3. Publish these Rules on the Lancaster County Court website at www.court.co.lancaster.pa.us.

4. Incorporation of the local rule into the set of local rules on www.court.co.lancaster.pa.us within thirty (30) days after the publication of the local rule in the *Pennsylvania Bulletin*.

5. File one (1) copy of the local rule in the appropriate filing office for public inspection and copying.

By the Court

DENNIS E. REINAKER,
President Judge

Rule 10. Business Judge.

A. The District Court Administrator shall designate the daily Business Judge. Motions and petitions, not already assigned to a judge or dealing with matters otherwise covered by these Rules for presentation to the Court, shall be forwarded to the Business Judge by the Prothonotary or may be presented by counsel directly to the Business Judge by appointment.

Revised 1-18-17 Effective 3-20-17

Rule 27. Land Use Appeals.

A. Appeal Notice

A land use appeal shall contain:

1. A caption in substantially the following form:

Name of Appellant

v.

NO. CI-_____

Name of municipality and name of body (i.e. zoning hearing board, governing body or or planning commission) which rendered decision

LAND USE APPEAL

2. When applicable, in separately numbered paragraphs and in the following order:

a. Name and address of the appellant.

b. Name and address of the zoning hearing board, governing body or planning commission ("local agency") which rendered the decision.

c. Name and address of the applicant to the local agency, if the applicant is not the appellant.

d. Name and address of the owners, both real and equitable, of any real estate which was the subject of the decision and identification of the real estate.

e. The chronology of the matter, including the following as applicable:

i. Date of filing application or appeal with zoning officer or other official.

ii. Date of action of the zoning officer or other official.

iii. Date of appeal from action of zoning officer or other official to local agency or date of filing application with local agency.

iv. Dates of all hearings or meetings of the local agency.

v. Date of written decision or, if applicable, date of deemed decision from which the appeal has been taken.

vi. Date written decision served.

f. The purpose for which the application was made.

g. The basis for appellant's standing to file the appeal.

h. All specific legal and factual grounds for the appeal.

i. Specific request for relief.

3. If a court reporter was present and if a transcript is not already in existence, appellant's certification that appellant has ordered a transcript of the proceedings and has made satisfactory arrangements with the court reporter for payment. Upon receipt of the transcript, appellant shall provide the original transcript to the solicitor of the local agency filing the return of the record. If appellant does not include a certification that appellant has ordered the transcript, any other party may file a petition requesting the Court dismiss the appeal.

B. *Intervention*

1. A notice of intervention under Section 1004-A of the Pennsylvania Municipalities Planning Code, 53 P.S. § 11004-A, shall contain:

a. The caption and number of the appeal.

b. Name and address of intervenor.

c. Nature of the interest of intervenor in the appeal.

d. Legal and factual circumstances under which intervenor claims a right to intervene.

e. Summary of intervenor's position and grounds therefor.

2. Pa.R.C.P. Nos. 2326—2350 shall govern all other intervention.

C. *Certiorari*

1. The local agency shall submit its entire record within twenty days after receipt of the writ of certiorari or receipt of the transcript(s), whichever is later, including but not limited to:

a. All original papers filed in chronological order, commencing with the application.

b. Minutes of meetings of the local agency at which the application was considered.

c. The transcript of all hearings. The local agency shall not submit its record to the Prothonotary until appellant has provided the transcript of all hearings if the transcript is not in existence and available to the local agency prior to appellant's filing the appeal.

d. The complete ordinance under which the local agency rendered its decision, including maps.

e. The findings of fact and conclusions of law of the local agency, if any, and its written decision.

f. Names and addresses of all persons the local agency recognized as parties to the proceedings.

2. The chairperson or presiding officer shall certify the submission of the record.

3. The Prothonotary shall give notice of the return of the local agency's record to appellant who shall, within four days after receipt of the notice, notify the local agency, the applicant before the local agency (if appellant was not the applicant), the legal and equitable owner of the land which was the subject of the application and all other persons recognized as parties to the local agency's proceedings. Appellant shall file proof of service.

D. *Disposition*

1. Within ten days after the Prothonotary gives notice of the filing of the complete return of the record, any party who believes the appeal is not ready for disposition may file a motion for a conference and a praecipe requesting that the appeal be forwarded to the assigned judge. The motion for a conference shall state why the party believes that the appeal is not ready for disposition and shall identify all actions that the party requests. At the conference, the Court may, inter alia:

a. Require or approve supplementation of the record.

b. Fix a time for a de novo hearing before the Court.

c. Employ expert(s) to aid the Court to frame an appropriate order.

d. Refer the appeal to a referee to receive additional evidence, with directions as to time deadlines and other matters the Court deems appropriate.

e. If allowed by law, remand the appeal to the local agency with directions as to time deadlines and other matters, including mediation.

2. After the conference, the Court shall issue an appropriate order addressing the filing of briefs.

3. If no party has filed a request for a conference, the appellant shall file a brief within forty days after the date the Prothonotary gives notice of the filing of the local agency's complete record. The appellant shall limit the brief to the issues appellant raised in the land use appeal. Each other party shall file a responsive brief within thirty days after service of appellant's brief. The appellant may file a reply brief within ten days after service of the responsive brief. Any party may thereafter file and serve a praecipe stating that the appeal is ready for disposition and requesting the Prothonotary to forward it to the assigned judge.

4. If appellant fails to file a brief within the time period established by Paragraph D.3 above or by the Court after a conference, any party may file and serve a praecipe stating that the appeal is ready for disposition together with a brief or may petition the Court for dismissal of the appeal. If a party files a praecipe

requesting disposition due to the failure of the appellant to file a brief, the Court shall render a decision, without oral argument, on the record before it.

5. Any party may request oral argument when filing its brief. The Court shall hear oral argument at its discretion.

6. An appeal from a decision the local agency renders after a remand shall be filed and docketed to the original caption and number. The party filing such appeal shall be limited to issues arising from the remand. All other requirements of this Rule shall apply to an appeal from a decision after remand.

Revised 1-18-17 Effective 3-20-17

Rule 36. Assigned Judge.

The assigned judge is the judge who has been assigned by the Prothonotary when the action is filed, or who has been assigned by the President Judge for cases filed after April 30, 2016.

Revised 1-18-17 Effective 3-20-17

Rule 206.4(c). Petition. Rule to Show Cause.

A. The procedure of Pa.R.C.P. No. 206.6 is adopted, and a rule shall issue as a matter of course pursuant to that Rule.

B. The petitioner shall attach to the petition a proposed order substantially in the following form:

ORDER

Upon consideration of the attached petition, it is hereby ordered that:

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 days of service.

3. The petition shall be decided under Pa.R.C.P. No. 206.7.

4. Discovery shall be completed within forty-five days of service of the answer.

5. The petitioner shall file a brief in support of the petition within twenty days after the discovery deadline. Any party opposing the petition shall file a responsive brief within ten days of service of the petitioner's brief. The petitioner may file a reply brief within five business days of service of a responsive brief. After all briefs have been filed, the Prothonotary shall notify the assigned Judge and forward the file to chambers for disposition. Any party may request oral argument by filing a praecipe requesting it when filing their brief.

6. The petitioner shall provide notice of the entry of this Order to all parties.

BY THE COURT:

_____ J.

_____ DATE

C. When the petitioner requests a hearing or argument date, the form of the order may be modified accordingly.

D. When the petitioner requests a stay, the form of the order may be modified accordingly.

E. All petitions, except as provided in F, shall be filed with the Prothonotary. The Prothonotary shall forward such petitions to the assigned judge for entry of the Order.

F. A petition which requests a stay, the filing of an answer in fewer than twenty days or other substantive relief shall be presented in person to the assigned judge. For such petitions, the Court shall not issue the rule to show cause unless:

1. It appears from the petition that reasonable notice has been given to all affected parties of the date, time and place of the presentation; or

2. It appears from the petition that there is an agreement of all affected parties; or

3. The Court in its discretion shall determine that there are extraordinary circumstances justifying immediate relief.

Revised 1-18-17 Effective 3-20-17

Rule 206.7. Procedure after Issuance of Rule to Show Cause.

If an answer is not filed, the petitioner may submit a proposed order and file a praecipe to forward the petition to the assigned judge for disposition.

Revised 1-18-17 Effective 3-20-17

Rule 208.1. Motion. Definition. Scope.

A. Motion means any application to Court for an order made in any action or proceeding that is not excluded by Pa.R.C.P. No. 208.1.

B. If the parties agree to the relief sought a motion shall be accompanied by a stipulation signed by all affected counsel or unrepresented parties, a prepared order and a praecipe to assign the stipulated matter for disposition.

Revised 1-18-17 Effective 3-20-17

Rule 208.2(c). Motion. Form. Content.

A motion shall be in the form required by Pa.R.C.P. No. 208.2.

Revised 1-18-17 Effective 3-20-17

Rule 208.3(a). Procedure for Disposition of Motion.

A. *Praecipe for Disposition.* Motions will be sent to the assigned judge for disposition upon completion of the briefing schedule pursuant to L.C.R.C.P. No. 208.3(b) below or by praecipe of any party.

B. *Oral Argument.* Any party may request oral argument by filing a praecipe at the time a brief is filed pursuant to Local Rule 208.3(b)A., B., or C.

C. *Emergency Motions.* Emergency motions must be presented to the assigned judge, or in the assigned judge's absence the business judge who will advise the parties how to proceed.

Revised 1-18-17 Effective 3-20-17

Rule 212.1. When an Action is at Issue.

A. When an action is at issue the Prothonotary shall notify the assigned judge and forward the file to chambers.

An action is at issue as follows:

1. *Expedited track*: All Magisterial Judges and Arbitration appeals. Any case in the expedited track will be deemed at issue 120 days after the close of the pleadings.

2. *Standard track*: All other cases that are not in the expedited track or complex track. Any case in the standard track will be deemed at issue 180 days after the close of the pleadings.

3. *Complex track*: Cases will be considered complex if all parties agree or by order of Court.

a. If all parties agree that the case is complex, they shall file with the Prothonotary a certification signed by all parties.

b. If the assigned judge deems that the case is complex an appropriate order shall be filed.

c. Any case in the complex track will be deemed at issue 365 days after the close of pleadings.

B. Absent compelling reasons, an action that is at issue must have all discovery completed, except for the exchange of expert reports.

C. When an action is at issue the trial judge shall give notice to the parties in conformance with Pa.R.C.P. No. 212.1(a). Thereafter, the parties shall proceed in accordance with the time periods of Pa.R.C.P. No. 212.1(b).

Revised 1-18-17 Effective 3-20-17

Rule 212.2. Pre-Trial Statement.

The pre-trial statement shall be in the form prescribed by Pa.R.C.P. No. 212.2.

Revised 1-18-17 Effective 3-20-17

Rule 440.1. Proof of Service.

A proof of service shall conform to Pa.R.A.P. No. 122.

Revised 1-18-17 Effective 3-20-17

Rule 1028(c). Preliminary Objections.

A. *Preliminary Objections Pursuant to Pa.R.C.P. No. 1028(a)(2), (3) or (4).*

1. *Proposed Order*. All preliminary objections shall be accompanied by a proposed order.

2. *Stipulated Matters*. If the parties agree to the relief sought, the preliminary objections shall be accompanied by a stipulation signed by all affected counsel or unrepresented parties, a proposed order and a praecipe to assign the stipulated matter for disposition.

3. *Brief*. The party filing preliminary objections shall file a supporting brief within ten days of the date of filing of the preliminary objections. If a supporting brief is not filed within ten days of the filing of the preliminary objections, the preliminary objections shall be deemed withdrawn upon praecipe of the respondent. In that event, the objecting party shall file an answer to the complaint within twenty days of the date the praecipe is filed.

4. *Responsive Brief*. If a supporting brief is filed, the respondent shall file a responsive brief within twenty days after service of the supporting brief.

5. *Reply Brief*. The moving party may file a reply brief within five days after service of the responsive brief.

6. *Assignment*. After all briefs are filed the Prothonotary shall deliver the file to the assigned judge for disposition.

7. *Oral Argument*. Any party may request oral argument by filing a praecipe at the time of the filing of their brief. Oral argument shall be at the discretion of the judge.

B. *Preliminary Objections Pursuant to Pa.R.C.P. No. 1028(a)(1), (5) or (6).*

Any party filing preliminary objections pursuant to Pa.R.C.P. No. 1028(a)(1), (5) or (6) shall attach a notice to plead. Such objections are governed by Local Rules 206.1(a), 206.4(c) and 206.7.

Revised 1-18-17 Effective 3-20-17

Rule 1034(a). Motion for Judgment on the Pleadings.

A. *Proposed Order*. All motions shall be accompanied by a proposed order.

B. *Stipulated Matters*. If the parties agree to the relief sought, the motion shall be accompanied by a stipulation signed by all affected counsel or unrepresented parties, a proposed order and a praecipe to assign the stipulated matter for disposition.

C. *Motion and Brief*. The moving party shall file the motion, proposed order and a supporting brief concurrently. If a brief is not filed with the motion, the motion shall be deemed withdrawn, without prejudice, upon praecipe of an opposing party.

D. *Responsive Brief*. Within twenty days after service of the moving party's motion and brief, any party opposing the motion shall file a responsive brief.

E. *Reply Brief*. The moving party may file a brief in reply to the responsive brief within five days after service of the responsive brief.

F. *Disposition*. After all briefs are filed the Prothonotary shall deliver the file to the assigned judge for disposition.

G. *Oral Argument*. Any party may request oral argument by filing a praecipe, at the time of the filing of their brief. Oral argument shall be at the discretion of the judge.

Revised 1-18-17 Effective 3-20-17

Rule 1035.2(a). Motion for Summary Judgment.

A. *Proposed Order*. All motions shall be accompanied by a proposed order.

B. *Stipulated Matters*. If the parties agree to the relief sought, the motion shall be accompanied by a stipulation signed by all affected counsel or unrepresented parties, a proposed order and a praecipe to assign the stipulated matter for disposition.

C. *Motion and Brief*. The moving party shall file the motion, a proposed order and a supporting brief concurrently. If a brief is not filed with the motion, the motion shall be deemed withdrawn, without prejudice, upon praecipe of an opposing party.

D. *Responsive Brief*. Within thirty days after service of the moving party's motion and brief, any party opposing the motion shall file a responsive brief, together with any opposing affidavits, depositions, transcripts or other documents. Any party who fails to file a responsive brief shall be deemed not to oppose the motion.

E. *Reply Brief*. The moving party may file a brief in reply to the responsive brief within five days after service of the responsive brief.

F. *Disposition*. After all briefs are filed the Prothonotary shall deliver the file to the assigned judge for disposition.

G. *Oral Argument*. Any party may request oral argument by filing a praecipe, at the time of the filing of their brief. Oral argument shall be at the discretion of the judge.

Revised 1-18-17 Effective 3-20-17

[Pa.B. Doc. No. 17-280. Filed for public inspection February 17, 2017, 9:00 a.m.]

WAYNE COUNTY

Local Rules of Judicial Administration; 61-2017-CV

Order

And Now, to wit, this 29th day of November, 2016, the Court hereby adopts the following new Local Rules of Judicial Administration:

Rule 4007.1. Requests for Transcripts.

(A) All requests for transcripts shall be submitted on a form provided by the district court administrator. The form shall include the current rates charged for transcripts.

(B) For an ordinary transcript, the party requesting a full or partial transcript of a trial or other proceeding shall file the original request with the district court administrator. The requesting party shall also serve copies of the formal request to:

- (1) the judge presiding over the matter;
- (2) the court recorder or transcriptionist;
- (3) opposing counsel, but if not represented, the opposing party.

(C) Daily, expedited, same day or rough draft transcripts are not available.

(D) When a litigant requests a transcript,

(1) the litigant ordering a transcript shall make payment of the estimated transcript cost. Deposit payments are to be made payable to Wayne County and shall be delivered to the Prothonotary's Office. Payment may be made by cash, check, or money order. Deposit payments are non-refundable, and proof of deposit shall be provided to the district court administrator.

(2) the court recorder or transcriptionist shall prepare the transcript upon direction of the district court administrator.

(3) the court recorder or transcriptionist shall notify the ordering party and the district court administrator of the completion of the transcript.

(4) upon payment of any balance owed, the court recorder or transcriptionist shall deliver the original transcript to the appropriate filing office for distribution. Payment of the final balance shall be made payable to Wayne County and shall be delivered to the Prothonotary's Office. Proof of payment shall be provided to the district court administrator. Copies of the transcript may be requested upon payment in full.

(E) When a litigant requests a transcript, but cannot pay for the transcript because of alleged economic hardship, the court shall determine economic hardship pursuant to the procedure set forth in Rule 4008(B). In cases of economic hardship, where the matter is under appeal or a transcript is necessary to advance the litigation, the costs of procuring the transcript shall be waived or otherwise adjusted by the court. In cases of economic hardship where there is no appeal pending or there exists no obvious need for the transcript to advance the litigation, the requesting party must demonstrate reasonable need before the court shall waive or adjust the cost of obtaining the transcript.

(F) When a transcript is requested for which the court or county is responsible for the cost, the court recorder or transcriptionist shall prepare the transcript at the direction of the district court administrator without the necessity of a deposit.

Rule 4008.1. Transcript Costs Payable by a Requesting Party Other Than the Commonwealth or a Subdivision Thereof.

(A) *Costs*

(1) The costs payable by a requesting party, other than the Commonwealth or a subdivision thereof, for a transcript in an electronic format shall be:

(a) for an ordinary transcript, \$2.50 per page.

(2) When the transcript is prepared in bound paper format, the costs shall be in accordance with paragraph (1) relating to electronic format plus a surcharge of \$0.25 per page.

(B) *Economic hardship—minimum standards*

(1) Transcript costs for ordinary transcripts in matters under appeal or where the transcript is necessary to advance the litigation shall be waived for a litigant who has been permitted by the court to proceed in forma pauperis or whose income is less than 125 percent of the poverty line as defined by the U.S. Department of Health and Human Services (HHS) poverty guidelines for the current year.

(2) Transcript costs for ordinary transcripts in matters under appeal or where the transcript is necessary to advance the litigation shall be reduced by one-half for a litigant whose income is less than 200 percent of the poverty line as defined by the HHS poverty guidelines for the current year.

(3) Transcript costs for ordinary transcripts in matters that are not subject to an appeal, where the transcript is not necessary to advance the litigation, may be waived at the court's discretion for parties who qualify for economic hardship under subdivision (B)(1) or (B)(2) and upon good cause shown.

(4) The application to waive all or a portion of costs for ordinary transcripts shall be supported by an affidavit substantially in the form required by Rule 240(h) of the Pennsylvania Rules of Civil Procedure and shall be served with the form requesting a transcript.

(C) *Assignment and allocation of transcripts costs*

(1) *Assignment of costs*. The requesting party, or party required by general rule to file a transcript, shall be responsible for the cost of the transcript. Costs shall not be assessed against any party for transcripts prepared at the initiation of the court.

(2) *Allocation of costs*. When more than one party requests the transcript, or are required by general rule to file the transcript, the cost shall be divided equally among the parties.

(D) *Copies of transcript*

A request for a copy of any transcript previously ordered, transcribed and filed of record shall be provided according to the following schedule:

- (1) \$0.75 per page bound, paper format; and,
- (2) \$0.50 per page electronic copy.

Said Local Rules of Judicial Administration shall be effective in the 22nd Judicial District of the Commonwealth of Pennsylvania thirty (30) days after publication in the *Pennsylvania Bulletin* and upon publication on the Wayne County website.

By the Court

RAYMOND L. HAMILL,
President Judge

[Pa.B. Doc. No. 17-281. Filed for public inspection February 17, 2017, 9:00 a.m.]

PROPOSED RULEMAKING

PENNSYLVANIA PUBLIC UTILITY COMMISSION

[52 PA. CODE CH. 56]

[L-2015-2508421]

Standards and Billing Practices for Residential Public Utility Service

The Pennsylvania Public Utility Commission (Commission), on July 21, 2016, adopted a proposed rulemaking order to amend Chapter 56 (relating to standards and billing practices for residential public utility service) to comply with the amended provisions of 66 Pa.C.S. Chapter 14 (relating to responsible utility customer protection).

Executive Summary

Act 155 of 2014 reauthorized and amended Chapter 14 of the Public Utility Code (66 Pa.C.S. §§ 1401–1419), Responsible Utility Customer Protection. The Act is intended to protect responsible bill paying customers from rate increases attributable to the uncollectible accounts of customers by providing public utilities with the collection mechanisms and procedures to promote timelier collections, while protecting vulnerable customers by ensuring that utility service remains available to all customers on reasonable terms and conditions. The legislation is applicable to electric distribution utilities, water distribution utilities, natural gas distribution utilities, steam heat utilities, and wastewater utilities. Chapter 56 of the *Pennsylvania Code* at 52 Pa. Code §§ 56.1 et seq. (relating to standards and billing practices for residential utility service) must be revised because amended Chapter 14 supersedes a number of Chapter 56 regulations, and the Commission is directed to revise Chapter 56 and promulgate regulations to administer and enforce Chapter 14. Pursuant to the authority of Sections 501, 1301, 1501, and 1509 of the Public Utility Code, the Commission is amending its existing regulations in Chapter 56 of the *Pennsylvania 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

Rulemaking to Amend the Provisions of 52 Pa. Code, Chapter 56 to Comply with the Amended Provisions of 66 Pa.C.S. Chapter 14; Doc. No. L-2015-2508421

Notice of Proposed Rulemaking Order

By the Commission:

On October 22, 2014, Governor Corbett signed into law HB 939, or Act 155 of 2014. This law became effective on December 22, 2014. The Act reauthorized and amended Chapter 14 of the Public Utility Code (66 Pa.C.S. §§ 1401–1419) (Responsible Utility Customer Protection). The Act is intended to protect responsible bill paying customers from rate increases attributable to the uncollectible accounts of customers by providing public utilities with the collection mechanisms and procedures to promote timelier collections, while protecting vulnerable customers by ensuring that utility service remains available to all customers on reasonable terms and conditions. The legislation is applicable to electric distribution utili-

ties, water distribution utilities, natural gas distribution utilities, steam heat utilities, and wastewater utilities.

Chapter 56 of the *Pennsylvania Code* at 52 Pa. Code §§ 56.1–56.461 (relating to the standards and billing practices for residential utility service) must be revised because the amended Chapter 14 supersedes a number of Chapter 56 regulations, and the Commission is directed to revise Chapter 56 and promulgate regulations to administer and enforce Chapter 14. Five years after the effective date and every five years thereafter, the Commission also must report to the General Assembly regarding the implementation and effectiveness of the amended Act. Chapter 14 expires on December 31, 2024, unless reenacted.

As the initial step of the implementation process, on December 10, 2014, the Commission issued a Secretarial Letter alerting all affected utilities to some of the more significant provisions of Chapter 56 that have been superseded by Act 155.¹ On that same day, the Commission issued another Secretarial Letter directed to steam heat, wastewater, and natural gas distribution utilities reminding them that Act 155 now makes Chapter 14 applicable to all of these entities.²

Secondly in the implementation process, the Commission, in a January 15, 2015 Tentative Order, proposed to start addressing the more urgent implementation matters. See Tentative Order, Chapter 14 Implementation, Docket Number M-2014-2448824 (Order entered January 15, 2015) (Tentative Order). The comments from this Tentative Order assisted us with drafting these regulations.

In reviewing Act 155, the Commission identified in the Tentative Order the following two issues as being the most need of immediate attention:

- Section 1403, Definition of Medical Certificate: The Commission is approving the “form” that a medical certificate must take.
- Section 1410.1(3) and (4): Utility reporting requirements concerning accounts with arrearages in excess of \$10,000.00 and annual reporting of medical certificate usage.

Sixteen interested parties submitted comments in response to the Tentative Order: Aqua Pennsylvania (Aqua); the Coalition for Affordable Utility Service and Energy Efficiency in Pennsylvania (CAUSE); Columbia Gas of PA (Columbia); the Consumer Advisory Council (CAC); the Disability Rights Network of Pennsylvania, MidPenn Legal Services, Neighborhood Legal Services Association and the Pennsylvania Health Law Project (collectively DRN); Duquesne Light (Duquesne); Energy Association of Pennsylvania (EAP); Metropolitan Edison Company, Pennsylvania Electric Company, Pennsylvania Power Company and West Penn Power Company (FirstEnergy); MidPenn Legal Services—Lancaster County (MidPenn); National Fuel Gas Distribution Corporation (NFGDC); the Office of Consumer Advocate (OCA); PECO Energy Company (PECO); the Philadelphia Gas Works (PGW); Peoples Natural Gas (Peoples); PPL Electric Utilities Corporation (PPL); and the Tenant Union Representative Network and Action Alliance of Senior Citizens of Greater Philadelphia (collectively TURN).

¹ See Secretarial Letter re: Act 155 of 2014 Implementation, Docket No. M-2014-2448824 (December 10, 2014); and 52 Pa. Code Chapter 56.

² See Secretarial Letter re: Act 155 of 2014 Applicability and Implementation, Docket No. M-2014-2448824 (December 10, 2014).

On July 9, 2015, the Commission issued Final Order, Chapter 14 Implementation, Docket No. M-2014-2448824 (Order entered July 9, 2015) (Implementation Order). In the Implementation Order, the Commission issued guidance as to the form and content of a medical certificate. Additionally, we summarized our guidelines for 66 Pa.C.S. § 1410.1(3) (relating to public utility duties) regarding reporting requirements for accounts exceeding \$10,000 in arrearages. We further summarized our guidelines for Section 1410.1(4) (relating to public utility duties) regarding reporting requirements for medical certificates. We ask that the parties comment further on these guidelines and the proposed amendments reflecting them in Chapter 56 at Annex A, 52 Pa. Code §§ 56.2, 56.252, 56.113, 56.353, 56.231, and 56.461.

At this point in our implementation process, we have addressed numerous issues involving the application of the amended Chapter 14 provisions. However, we must still address the remaining amended Chapter 14 provisions, including amending the definitions of applicant, customer, and public utility, and clarifying 90-day deposit payment period, revised credit methodology, and the expanded protection from abuse orders (PFAs) to include other court orders. With this Order, we propose revised Chapter 56 provisions to incorporate these amended statutory provisions into our regulations.

Upon consideration of the amended Chapter 14 and all of the comments received to date, we propose adoption of the regulations set forth in Annex A. This action continues the process of revising our Chapter 56 regulations. As provided for under law at 71 P.S. § 745.5, the Commission now seeks comments on the proposed regulations. Persons submitting comments are requested to provide supporting justification for requested revisions and to propose suggested regulatory language for incorporation into the final-form regulations.

Additionally, we are seeking comments from parties relating to the protection from abuse (PFA) subchapters L—V and the language in the amended 66 Pa.C.S. § 1417, “or a court order issued by a court of competent jurisdiction in this Commonwealth, which provides clear evidence of domestic violence against the applicant or customer.” Commentators should include suggested language relating to these other court orders.

We are also seeking comments from parties on material that should be included in the Commission’s privacy guidelines. Amended Chapter 14 referenced the Commission’s privacy guidelines at 66 Pa.C.S. § 1406(b)(1)(ii)(D) (relating to notice of termination of service) that emails, text messages or other electronic messaging must be consistent with the Commission’s privacy guidelines.

Commentators should also include in their comments a specific estimate of the costs and/or savings associated with compliance with these proposed changes, including any legal, accounting, or consulting procedures which may be required and explain how the dollar estimates were derived.

In addition to the changes to make Chapter 56 consistent with the amended Chapter 14, we also are proposing changes to align with other recent regulatory changes such as those in Chapter 57 (relating to electric service) intended to accelerate the switching of electric generation service (52 Pa. Code §§ 57.1—57.259). We also propose some minor revisions to Section 56.100(i) to clarify what is expected of the February winter survey update. Additionally, we are proposing a change to clarify that the burden of proof remains with the party who filed the

informal complaint at Sections 56.173 and 56.403. Finally, we propose some minor revisions to the collections reporting data dictionary in the Appendix C to Chapter 56 to help alleviate some confusion and to make the Chapter 56 reporting requirements more consistent with those found in Chapters 54 and 62 (relating to electricity generation customer choice and natural gas supply customer choice) (52 Pa. Code §§ 54.75 and 62.5). For a summary of all changes and additions to Chapter 56, see Attachment One to this Order.

Regulatory Review

Under section 5(a) of the Regulatory Review Act (71 P.S. § 745.5(a)), on February 6, 2017, the Commission submitted a copy of this proposed rulemaking and a copy of a Regulatory Analysis Form to the Independent Regulatory Review Commission (IRRC) and to the Chairpersons of the House Consumer Affairs Committee and the Senate Consumer Protection and Professional Licensure Committee. A copy of this material is available to the public upon request.

Under section 5(g) of the Regulatory Review Act, IRRC may convey any comments, recommendations or objections to the proposed rulemaking within 30 days of the close of the public comment period. The comments, recommendations or objections must specify the regulatory review criteria in section 5.2 of the Regulatory Review Act (71 P.S. § 745.5b) which have not been met. The Regulatory Review Act specifies detailed procedures for review, prior to final publication of the rulemaking, by the Commission, the General Assembly and the Governor of comments, recommendations or objections raised.

Order

Accordingly, under sections 501, 504, and 1401—1418 of the Public Utility Code (66 Pa.C.S. §§ 501—504 and 1401—1418); sections 201 and 202 of the act of July 31, 1968 (P.L. 769, No. 240) (45 P.S. §§ 1201 and 1202), and the regulations promulgated thereunder at 1 Pa. Code §§ 7.1, 7.2 and 7.5; section 204(b) of the Commonwealth Attorneys Act (71 P.S. § 732.204(b)); section 5 of the Regulatory Review Act (71 P.S. § 745.5); and section 612 of The Administrative Code of 1929 (71 P.S. § 232), and the regulations promulgated thereunder at 4 Pa. Code §§ 7.231—7.234, we are considering adopting the proposed regulations set forth in Annex A; *Therefore,*

It Is Ordered That:

1. A proposed rulemaking be opened to consider the regulations set forth in Annex A.
2. The Law Bureau shall submit this Order and Annex A to the Office of Attorney General for review as to form and legality and to the Governor’s Budget Office for review for fiscal impact.
3. The Law Bureau shall submit this Order and Annex A for review and comment to the Independent Regulatory Review Commission and Legislative Standing Committees.
4. The Law Bureau shall deposit this Order, Attachment One and Annex A, with the Legislative Reference Bureau to be published in the *Pennsylvania Bulletin*.
5. Interested parties may submit written comments, within 60 days from the date the notice is published in the *Pennsylvania Bulletin*, to Rosemary Chiavetta, Secretary of the Pennsylvania Public Utility Commission, Pennsylvania Public Utility Commission, P.O. Box 3265, Harrisburg, PA 17105-3265. The comments should refer-

ence the docket number of the proposed rulemaking. All comments shall be posted on the Commission website.

6. The Secretary shall serve this Order upon all jurisdictional electric utilities, natural gas utilities, steam, water, and wastewater utilities, electric generation suppliers, natural gas suppliers, the Office of Consumer Advocate, the Office of Small Business Advocate, and all parties that submitted comments at this Docket. The Order, Attachments and Annex A shall be posted and made available electronically on the Commission's website. Additionally, the Order, with Attachment and Annex A will be published by the *Pennsylvania Bulletin*, and a copy of each may also be obtained by calling the Secretary's Bureau at (717) 772-7777 or the Law Bureau at (717) 787-5000.

7. The contact persons for this matter are Daniel Mumford in the Office of Competitive Market Oversight, (717) 783-1957, Matthew Hrivnak in the Bureau of Consumer Services, (717) 783-1678, and Patricia T. Wiedt in the Law Bureau, (717) 787-5000.

ROSEMARY CHIAVETTA,
Secretary

Fiscal Note: 57-315. No fiscal impact; (8) recommends adoption.

Attachment One

§ 56.1. *Statement of purpose and policy.*

We are revising this section to expand the applicability of subchapters B—K to wastewater, steam heat and small natural gas companies, in order to align with the revised definition of public utility at 66 Pa.C.S. § 1403 (relating to definitions). Additionally, to align with revised 66 Pa.C.S. § 1417 (relating to nonapplicability), we are also revising this section to clarify that subchapters L—V now apply to not only all customers who have been granted protection from abuse orders but also to customers with a court order providing clear evidence of domestic violence against the applicant or customer and issued by a court of competent jurisdiction in this Commonwealth.

§ 56.2. *Definitions.*

We are revising the definitions of applicant, customer, and public utility to reflect the revised Chapter 14 definition at 66 Pa.C.S. § 1403. We also are adding the definitions of creditworthiness and medical certificate to this Section because they now appear in the revised 66 Pa.C.S. § 1403. We are changing the definition of payment agreement to payment arrangement to reflect the change in terminology in Chapter 14. We are changing this term throughout subchapters B—K wherever the term payment agreement was used. We are adding the definitions of small natural gas distribution utility, steam heat utility and wastewater utility to this section to reflect that these entities are now covered by subchapters B—K (see above concerning Section 56.1, Statement of purpose and policy). Because these entities are now all considered public utilities by Chapter 14 and are no longer treated distinctly, we have changed the term “utility” to “public utility” throughout the chapter. We also are adding a definition of physician assistant since Chapter 14 now permits the filing of medical certificates by physician assistants. Accordingly, we think it is important that this term be defined. This definition is based upon 49 Pa. Code § 18.151(b) (relating to the role of physician assistant).

We propose revising the definition of billing month to allow short-period bills in instances where a customer's change of commodity supplier necessitates the issuance of

a short-period bill in order to effectuate a timely switch of supplier. Recent regulatory changes intended to accelerate the switching of electric generation service now make it possible to switch commodity service in as little as three business days. See 52 Pa. Code §§ 57.173, 57.174 and 57.180 (relating to customer contacts the EGS to request a change in electric supply service; time frame requirement; and implementation). Some utilities, as part of the switching process, will issue a short-period bill to conclude the customer's connection with his or her current supplier, so that billing with the new supplier can start within the three business day timeframe. The Commission has already issued temporary waivers of the current Section 56.1 definition of billing month to facilitate this process,³ and we believe it is necessary to codify this change in billing procedures to eliminate the need for repeated waivers in the future.

§ 56.12. *Meter reading; estimated billing; customer readings.*

We propose adding a new paragraph (6)—Verification of automatic meter reading to incorporate the new requirement at Section 1411 of the Public Utility Code (relating to automatic meter readings) that utilities verify meter readings at the request of the customer.

§ 56.32. *Security and cash deposits.*

We propose to revise subsection (a) and to add a new subsection (d) to align with the new deposit payment timeframes provided for in Section 1404(a) (related to cash deposits and household information requirements). Additionally, we propose revising subsection (a)(2) to note that creditworthiness standards must be provided in a Commission-approved tariff, per Section 1404(a)(2). We propose a new subsection (e) to align with the new Section 1404(a.1) prohibition on customer assistance program (CAP)-eligible customers and applicants paying deposits.

§ 56.36. *Written procedures.*

We propose revising subsection (b) to include incorporation into the utility's written credit procedures the above-noted deposit exception for CAP-eligible applicants, per Section 1404(a.1). We also propose including in the procedures the availability of alternative credit standards, pursuant to Section 1417, for applicants with a court order issued by a court of competent jurisdiction in this Commonwealth which provides clear evidence of domestic violence, in addition to the those applicants who have been granted protection from abuse orders. We likewise propose revising paragraph (b)(1) to include a requirement that utilities provide this information to applicants in writing when credit is denied.

§ 56.38. *Payment period for deposits by applicants.*

We propose revising subsection (a) to align with the new deposit payment timeframes provided for in Section 1404(a) that an applicant has up to 90 days to pay the deposit.

§ 56.41. *General rule.*

We propose adding a new paragraph (4) to align with the new Section 1404(a.1) prohibition on CAP-eligible customers and applicants paying deposits.

§ 56.42. *Payment period for deposits by customers.*

We are revising subsection (d) to align with the new 90 day deposit payment timeframes provided for in Section 1404(a).

³ See Petition of PECO Energy Company for Temporary Waiver of Regulations Related to the Required Days In a Billing Period, Docket P-2014-2446292 (Public Meeting December 4, 2014).

§ 56.53. *Deposit hold period and refund.*

We are eliminating the 24-month deposit retention limit in subsection (a) to align with the same elimination in Section 1404(c)(1).

§ 56.57. *Interest rate.*

The mechanism for determining the interest rate applied to security deposits is being changed to align with the change at Section 1404(c)(6).

§ 56.82. *Timing of Termination.*

Section 1406(d) now only allows a utility to terminate service (for the grounds found at 1406(a) (relating to authorized termination)) Monday through Thursday. We propose revising § 56.82 to align with this new restriction.

§ 56.91. *General notice provisions and contents of termination notice.*

We are revising the information directed to customers on written 10-day termination notices in paragraph (b)(11) to include notice to customers that, pursuant to Section 1417, the special protections available for victims under a protection from abuse order are now also available to those customers with a court order providing clear evidence of domestic violence and issued by a court of competent jurisdiction in this Commonwealth.

§ 56.93. *Personal contact.*

We are revising this section to provide for the optional use of electronic messaging for providing three-day personal notice of termination, per Section 1406(b). We invite comment on the privacy protections and customer consent practices that should be required in the context of electronic messaging. See 66 Pa.C.S. § 1406(b)(1)(ii)(C) and (D).

§ 56.94. *Procedures immediately prior to termination.*

We are revising paragraph (3), addressing procedures for handling dishonored payments in the context of the termination process, to align with Section 1406(h) (relating to termination of utility service) that termination of service may proceed if a customer tenders payment electronically that is subsequently dishonored, revoked, canceled or is otherwise not authorized and which has not been cured or otherwise made full payment within three business days of the utility's notice to the customer.

§ 56.97. *Procedures upon customer or occupant contact prior to termination.*

We are revising paragraph (a)(3) to require utilities to provide universal service program information to consumers upon contact from a consumer during the termination process pursuant to Section 1410.1(1) and (2) (relating to public utility duties).

§ 56.100. *Winter termination procedures.*

We are revising subsection (i) to clarify that the February update of the survey of households without heating service in the winter is to include households terminated in December. Commission staff and utilities have encountered questions about this requirement because the current language is unclear on this point. By failing to include any December terminations, the survey result reported by utilities on February 1 is not a complete picture of the households without utility service in the winter. This proposed revision is intended to correct that possible problem.

§ 56.111. *General provision.*

The revised Chapter 14 now includes a definition of medical certificate at Section 1403, so we propose to remove the definitional information from Section 56.111 and place it in the definitions at Section 56.2. We also refer to physician assistant in addition to physician and nurse practitioner in order to align with the new definition at Section 1403.

§ 56.113. *Medical certifications.*

The Commission, in a January 15, 2015 Tentative Order, proposed to start addressing the more urgent Chapter 14 implementation matters. See Tentative Order, Chapter 14 Implementation, Docket Number M-2014-2448824 (Order entered January 15, 2015) (Tentative Order). In this Tentative Order, the Commission identified the Section 1403 definition of Medical Certificate and the "form" that a medical certificate must take as an urgent priority and asked parties to submit comments. Upon careful review of the comments filed by sixteen participating parties, on July 9, 2015, the Commission issued Chapter 14 Implementation Final Order, Docket No. M-2014-2448824 (Order entered July 9, 2015) (Implementation Order). In the Implementation Order, the Commission issued guidance as to the form and content of a medical certificate, and directed that this guidance will remain applicable until this matter can be more fully addressed in a Chapter 56 rulemaking.

To summarize the guidance the Commission provided in the Implementation Order as to the form a medical certificate shall take in accordance with Section 1403:

1. A written letter or note is permissible as long as it includes the required content.
2. Utilities may develop a form and encourage its use—but its use cannot be mandatory.
3. Utilities that develop such a form are encouraged to make these readily available to medical professionals and customers, including placement on the utility's website.
4. Electronic signatures are valid.
5. Medical certificates that are electronically transmitted (i.e. faxed, emailed, etc.) are valid.

To summarize our guidance as to the content of medical certificates, superseding the regulation at 52 Pa. Code § 56.113(1)—(5):

1. All certifications must be written. The initial oral medical certification with a 7-day window to verify in writing is no longer valid.
2. The name and address of the customer or applicant in whose name the account is registered.
3. The name and address of the afflicted person and relationship to the customer or applicant.
4. The anticipated length of the affliction.
5. The name, office address, and telephone number of the certifying physician, nurse practitioner, or physician assistant.
6. The signature of the certifying physician, nurse practitioner, or physician assistant.

As we explained in the Implementation Order, we do not read the Section 1403 definition of medical certificate to literally mean "a form." The word "form" in this section is used more in the sense of "manner" as in "a manner approved by the Commission." Utilities are free to develop a standard "form" and can encourage its use, its use

cannot be mandatory. We encouraged utilities to make any such form readily available, including ideally placing such form on each utility's website. In this rulemaking order, we propose that if the utility has a medical certificate form that they are required to place this form on the utility's website. Some parties in this proceeding suggested that a collaborative develop a single, statewide standard form—an idea that we agreed may have merit but should await the promulgation of the Chapter 56 medical certification regulations.

Also concerning the form of the medical certificate, the Commission declared that, in adding the definition of medical certificate to Chapter 14, the General Assembly gave clear and unambiguous direction on two key aspects of medical certificates: (1) that they must be written documents; and (2) that they must be signed. Accordingly, the Section 56.113 allowance of verbal medical certificates is legally incompatible with this new definition. Allowing the status quo regarding verbal medical certificates to continue would subvert the intent of the legislature's inclusion of the "written" and "signed" requirements. All medical certifications must be written.⁴ Therefore, the initial oral certification with a 7-day window to verify in writing is no longer valid. 52 Pa. Code § 56.113 (relating to medical certifications). We also noted that this interpretation does not change the current regulation at 52 Pa. Code § 56.112 which provides for a three-day postponement of termination pending receipt of a medical certificate.

As for the contents of a medical certificate at Section 56.113, several parties identified a major concern—specifically the requirements in Section 56.113(3) and (4) which require the medical certificate to include the "nature and anticipated length of the affliction" and the "specific reason for which the service is required." Some parties pointed out that this requires the medical professional to divulge information about the patient's medical condition to the utility—contrary to the privacy and confidentiality of personal medical information that patients have come to expect. The Commission agreed that the "nature" of the affliction found at 52 Pa. Code § 56.113(3) and the specific reason for which service is required found at 52 Pa. Code § 56.113(4) were no longer appropriate nor are they needed. Accordingly, we propose eliminating the "nature" of the affliction and "the specific reason for which service is required" as part of this regulation. However, we do not see the "length of the affliction" at 52 Pa. Code § 56.113(3) in this same subsection as being contrary to patient expectations of privacy; in fact, the utility needs to know this information so as to determine the duration of the medical certificate. See 52 Pa. Code § 56.114. Some parties have suggested that the medical professional's license number be included as a required element on a medical certificate. We invite parties to comment on this possibility.

We also invite parties to comment on any other medical certificate issues they think need to be addressed. For example, some parties have previously asked the Commission to clarify or revise the payment obligations of customers while protected by a medical certificate. See 52 Pa. Code § 56.116. Some parties have asked that the obligation to pay include not only current bills, but also payment towards the arrears. We ask parties that comment on this issue to include an analysis of the ability of the Commission to order payment arrangements be negotiated in these situations in the context of the restrictions

⁴ Electronically transmitted (i.e., faxed, emailed, etc.) medical certificates are considered "written," and thus meet the new requirements of Section 1403. See also 73 P.S. § 2260.303.

upon the Commission found in Section 1405. See 66 Pa.C.S. § 1405 (relating to payment arrangements).

§ 56.163. *Commission informal complaint procedure.*

We propose adding language to paragraph (1) to permit an informal complainant to receive a copy of the documents the utility provides Commission staff in response to an informal complaint. The opportunity to review this information is intended to protect the complainant's due process rights. We acknowledge that there may be some relatively rare instances where these documents may refer to parties other than the complainant. In these instances, the utility is directed to redact any information that may compromise the privacy or personal security of a third party.

§ 56.173. *Review from informal complaint decisions of the Bureau of Consumer Services.*

We propose revising this language to clarify that the burden of proof remains with the party who filed the informal complaint. This language simply makes this provision consistent with existing Commission practices.

§ 56.191. *Payment and timing.*

We are revising paragraph (c)(1) to ensure that the information notifying customers of the special protections that may be available for victims under a protection from abuse order may also now be available to those customers with a court order issued by a court of competent jurisdiction in this Commonwealth, which provides clear evidence of domestic violence, pursuant to Section 1417. See 66 Pa.C.S. § 1417 (relating to nonapplicability).

We are also adding subsection (f) to address procedures for handling dishonored payments tendered by a customer to reconnect service, per Section 1407(c)(3).

§ 56.201. *Public information.*

We are revising paragraph (b)(13) to ensure that the information directed to customers concerning the special protections that may be available for victims under a protection from abuse order may now also be available to those customers with a court order issued by a court of competent jurisdiction in this Commonwealth, which provides clear evidence of domestic violence under Section 1417. See 66 Pa.C.S. § 1417 (relating to nonapplicability).

§ 56.231. *Reporting requirements.*

We propose adding a new requirement at paragraph (a)(13) that requires the utility to report on its usage of electronic formats since Section 1406(b)(1)(ii)(C) now permits utilities to provide 3-day notice of termination by this method in addition to the current reporting of notices by telephone and in person.

We are adding subsections (b)(11), (b)(12), and (c) to incorporate the new reporting requirement at Section 1410.1(3) and (4) involving the annual reporting of accounts exceeding \$10,000 in arrears and the number of medical certificates used by consumers. 66 Pa.C.S. § 1410 (relating to public utility duties). In its Tentative Order, the Commission identified the new reporting requirements at Section 1410.1 as a priority and asked parties to submit comments. In its Implementation Order, the Commission issued guidance as to how utilities should comply with these new reporting requirements, and directed that this guidance will remain applicable until this matter can be more fully addressed in a Chapter 56 rulemaking.

Concerning the annual reporting of medical certificate usage, many parties summarized three possible interpretations of Section 1410.1(4)—noting that it could be read as:

1. To require a single number: the number of medical certificates and renewals that have been submitted and accepted.

2. To require four separate numbers, as proposed in the Tentative Order: (1) the number of initial medical certificates submitted; (2) the number of initial medical certificates accepted; (3) the number of renewals submitted; and (4) the number of renewals accepted.

3. To require: (1) the number of medical certificates and renewals that have been submitted; and (2) the number of medical certificates and renewals that have been accepted.

Many parties found that the third of these approaches is reasonable, and the Commission agreed. The Commission opined that the first interpretation, a single number, would not provide enough detail on a utility's role in overseeing medical certificates, and the second interpretation may require too much information, especially given the limitations in utility data-gathering abilities. The Commission stated that expanding this requirement to require further itemization is best left to a rulemaking where this issue can be fully vetted, and we accordingly invite parties to comment on this.

Concerning the annual reporting of accounts with arrears exceeding \$10,000, the Commission noted that this reporting requirement appears to differ significantly from the traditional utility reporting requirements. Most traditional reporting requirements consist of aggregate data (numbers, sums, totals, averages, etc.). However, with the direction to report annually "residential customer accounts which have accumulated \$10,000 or more in arrearages," it appears that the General Assembly envisioned the reporting of specific accounts in lieu of a "number of accounts" or "averages." If this section is interpreted to mean that utilities are expected to submit account specific data, this presents us with another series of questions. Assuming specific customer accounts are to be reported to the Commission, we asked parties to comment upon what information concerning these accounts is needed and appropriate. We noted that the information reported has to be sufficient for the effective monitoring of utility collection practices while at the same time not compromising the customers' privacy, especially in the context of the Commonwealth's Right-to-Know Law.⁵ In the Implementation Order, we also noted that, while the statute specifies that this reporting should take place "annually," it is silent as to the precise timing and methodology. We invited comments as to whether the Commission should designate an annual "snapshot" date for these reports or possible alternatives to the "snapshot" approach.

Upon careful review of the comments submitted by the parties, we provided the following guidance concerning the data required to comply with Section 1410.1(3):

A. Utilities shall examine their active (i.e. accounts not final-billed) residential accounts at the conclusion of each calendar year. Any account with an arrearage at or exceeding \$10,000 at the time of this "snapshot" shall be reported to the Commission by April 1 of the following year.

B. Accounts where someone has presented a Protection From Abuse (PFA) order, or a court order which provides

clear evidence of domestic violence, to the utility shall not be included in the reporting regardless of the level of arrearages.

C. Each account reported shall be identified to the Commission with a unique label that the utility can match to the account in question. The same unique identifier for each account shall be used in any subsequent reporting to identify that same account.

D. Customer names, addresses, account numbers, phone numbers, email addresses, Social Security numbers or any other information that could be used to identify the customer shall not be included.

E. The information concerning each of the accounts shall include the following:

1. Unique account identifier;
2. The account balance as of the time of the "snapshot;"
3. The date the account was established;
4. The average monthly bill amount for the previous 12 months;
5. The number of Commission informal or formal complaints;
6. The number of company payment arrangements;
7. The number of times the customer's service was terminated for non-payment.

F. Reporting shall begin, under these interim guidelines, with calendar year 2015—with the first annual report due to the Commission by April 1, 2016.

G. The Commission may request more detailed follow-up information on specific accounts.

H. Reports shall be filed at Docket No. M-2014-2448824, with an electronic copy sent to the Director of the Commission's Bureau of Consumer Services.

I. Reports shall be formatted per a specific electronic spreadsheet format provided by Commission staff. The Commission will provide this electronic format by September 1, 2015.

Implementation Order, page 18.

Customer names, addresses, account numbers, phone numbers, email addresses, Social Security numbers or any other information that could be used to identify the customer shall not be included. "Rate class" is not necessary as a data point because this reporting is applicable only to residential customers, per the definition of "customer" at Section 1403 and the language of Section 1410.1(3), which specifies "residential customer accounts."

We agreed with several utilities that the reporting deadline should be April 1 instead of March 1, so as to align with other annual collections reporting requirements found in 52 Pa. Code §§ 54.75 and 56.231. Most parties agreed that this reporting requirement is intended to collect data on individual accounts—not just aggregate data. We note that if the General Assembly had wanted just general, aggregate data (totals, averages, percentages, etc.) it could easily have asked for such. In fact, it did just that in paragraph (4) in Section 1410.1 where it specifies "number" when discussing the reporting of medical certificates. The lack of the word "number"—as in "number of accounts"—in paragraph (3) concerning the \$10,000 arrearage reporting requirement cannot be ignored.

⁵ Pennsylvania Right to Know Law (RTK), 65 P.S. §§ 67.101, et seq. For more information on the PUC's "Right to Know" procedures, see http://www.puc.pa.gov/filing_resources/obtain/file_information/right_to_know_policies_and_procedures.aspx.

As we did in the Tentative Order, we are proposing a “snapshot” approach, picking December 31 and requiring the reporting of any account at or exceeding the \$10,000 arrearage level as of that date. Almost all parties agreed that the reporting of accounts should be done in a manner to protect the identity and privacy of customers and this is what we have proposed. We propose that the accounts reported should be labeled with a unique identifier known only to the utility which protects the identity of the customer. The unique identifier shall allow the utility and the utility alone to identify the account in case additional information is requested on that account. The unique identifier shall also be used for that same account in any subsequent reporting so that the Commission can determine to what extent the same accounts are appearing on the report year after year. This ability to detect repeated appearances of the same account on subsequent reports is essential in fulfilling the General Assembly’s intent that the Commission closely monitor the effectiveness of utility collection activities.

The parties offered many different opinions on just what type of accounts should be or should not be included in the reporting. We agreed with parties that advised the reporting should only include accounts that are “active” (i.e. not final-billed) at the time of the reporting, because we want to focus this reporting on accounts that are active and can have active collection actions applied. Once an account is final-billed, collection options become more limited.

Several parties pointed out other account types that they think should be excluded from this reporting requirement for various reasons. These included CAP accounts; landlord-ratepayer accounts; bankruptcy related accounts; accounts involving civil litigation; accounts on an amortization or payment agreement; accounts involving theft or unauthorized use; and accounts associated with a PFA. The rationale offered for the possible exemption for most of these is that traditional collection tools are not necessarily available for these types of accounts. However, we note that the reporting requirement at Section 1410.1 makes no mention of the applicability of various collection methods available, and if the General Assembly had intended this reporting requirement to be specifically targeted to accounts subject to specific collection methods or subject to a specific law or regulation, it could have done so. To the contrary, we believe the General Assembly created this reporting requirement to specifically gauge the impact of various collection practices and various regulations and laws.

However, we agree with parties that sought to exempt from the reporting requirement those accounts that involve a customer with a PFA or other court order that provides evidence of domestic violence. Including PFA accounts could intrude on the privacy and security of PFA holders—a key to the security and privacy for any PFA holder is to limit the disclosure of such information to only those that have an important need to know. For the purposes of this reporting requirement, we do not find the grounds for asking for this information and including it in the reporting is sufficient enough to warrant the possible risks to the privacy and security of PFA holders. Accordingly, we propose to exclude these accounts among the accounts reported under the proposed Section 56.231(c).

The parties also offered many suggestions on what data should or should not be included in this report. The total list of possible data points submitted by the parties included the account balance as of the time of the snapshot; the time period over which the arrearage

accrued; the average monthly bill amount; the number of Commission informal or formal complaints; the number of payment arrangements; whether the ratepayer is a landlord ratepayer; the history of universal service program participation and assistance; an indication of whether de facto electric heating is occurring at the premises; the payment history; the customer’s income; the number of medical certificates filed; the number of dishonored payments; bankruptcy; the number of termination notices issued; the number of times the customer was shut off for non-payment; and any indicator of meter access problems.

While the Commission agrees that many of these items are interesting, most are not critical, and we must be mindful of the burdens on utilities to compile this information. Accordingly, we limited the data to the seven points we are proposing in Section 56.231(c). We propose including the date that the account was opened because this will provide us with meaningful data that should give us an idea as to how long the arrearage was building. We also propose the average bill amount for the previous twelve months, as we think this will give us an idea as to the customer’s usage, and more than twelve months is not necessary and could impose unreasonable burdens on the utility. We also agree with several parties that suggested the number of service terminations would be useful; it is an important indicator of the level and intensity of utility collection activity on an account, and we have included this in the proposed regulation. We also agree with the parties that suggested the data include the number of Commission informal and formal complaints filed, for these can impact the collection activities on an account (disputed account balances are usually protected from collection activity while a complaint is pending at the Commission).

Finally, we propose revising Section 56.231 by adding new subsection (d). It is important to note that this is not a new requirement—we are simply consolidating the utility reporting requirement rules in Chapter 56 into one section—Section 56.231. The new subsection (d) can currently be found in Section 56.461, which we propose to eliminate. Consolidation will assist utilities in locating and complying with these requirements.

Subchapters L—V

§ 56.251. Statement of purpose and policy.

This section has been revised to expand the applicability of subchapters L—V to now apply not only to all customers who have been granted protection from abuse orders but also to customers with a court order issued by a court of competent jurisdiction in this Commonwealth which provides clear evidence of domestic violence against the applicant or customer, as to align with revised Section 1417. See 66 Pa.C.S. § 1417 (relating to nonapplicability). Additionally, as to align with the revised definition of public utility at Section 1403 (relating to definitions), the applicability of these same subchapters to wastewater, steam heat and small natural gas companies has been removed. The applicable subchapters for these entities will be B through K—the same as other utilities. See Section 56.1, Statement of purpose and policy.

§ 56.252. Definitions.

The definition of public utility has been revised to reflect the revised Chapter 14 definition at Section 1403. See 66 Pa.C.S. § 1403 (relating to definitions).

A definition of physician assistant has been added since Chapter 14 now permits the filing of medical certificates by physician assistants. Accordingly, we think it is impor-

tant that this term be defined. This definition is based upon 49 Pa. Code § 18.151(b) (relating to the role of physician assistant). This revision provides additional protections to the customers covered by subchapters L—V.

We are adding the definitions of small natural gas distribution utility, steam heat utility and wastewater utility to this section to reflect that these entities are now covered by subchapters B—K (see above concerning Section 56.1, Statement of purpose and policy). Because these entities are now all considered public utilities by Chapter 14 and are no longer treated distinctly, we have changed the term “utility” to “public utility” throughout the chapter.

We propose revising the definition of billing month as to allow short-period bills in instances where a customer’s change of commodity supplier necessitates the issuance of a short-period bill in order to effectuate a timely switch of supplier. Recent regulatory changes intended to accelerate the switching of electric generation service now make it possible to switch commodity service in as little as three business days. See 52 Pa. Code §§ 57.173, 57.174 and 57.180. Some utilities, as part of the switching process, will issue a final short-period bill for the customer’s current supplier so that billing with the new supplier can start within the three business day timeframe. The Commission has already issued temporary waivers of the Section 56.1 definition of billing month to facilitate this process,⁶ and we believe it is necessary to codify this change in billing procedures to eliminate the need for repeated waivers in the future.

§ 56.262. *Meter reading; estimated billing; customer readings.*

We propose adding a new paragraph (6)—Verification of automatic meter reading to incorporate the new requirement at Section 1411 that utilities verify meter readings at the request of the customer. See 66 Pa.C.S. § 1411 (relating to automatic meter readings). This revision provides additional protections to the customers covered by subchapters L—V.

§ 56.282. *Credit standards.*

We propose new paragraph (4) to align with the new Section 1404(a.1) prohibition on CAP-eligible customers and applicants paying deposits. This revision provides additional protections to the customers covered by subchapters L—V.

§ 56.286. *Written procedures.*

We propose revising this regulation to include incorporation into the utility’s written credit procedures the deposit exception in Section 56.282 for CAP-eligible applicants, per Section 1404(a.1). We also propose including in the procedures the availability of alternative credit standards for applicants with a court order issued by a court of competent jurisdiction in this Commonwealth which provides clear evidence of domestic violence, in addition to the those applicants who have been granted protection from abuse orders, pursuant to Section 1417. We likewise propose revising paragraph (1) to include a requirement that utilities provide this same information to applicants in writing when credit is denied. These revisions will provide additional protections to the customers covered by subchapters L—V.

⁶ See Petition of PECO Energy Company for Temporary Waiver of Regulations Related to the Required Days In a Billing Period, Docket P-2014-2446292 (Order entered December 4, 2014).

§ 56.291. *General rule.*

We propose new paragraph (4) to align with the new Section 1404(a.1) prohibition on CAP-eligible customers and applicants paying deposits. This revision provides additional protections to the customers covered by subchapters L—V.

§ 56.306. *Interest rate.*

We propose changing the mechanism for determining the interest rate applied to security deposits to align with the change at Section 1404(c)(6). We believe this change is neutral from a customer protection perspective. Whether this change is beneficial compared to the existing language depends upon prevailing interest rates. At times, this revision will favor customers compared to the current rule; at other times, possibly not so. Since the impact on consumers is neutral, we think making the interest rate calculation the same for all security deposits is the most reasonable approach. Requiring utilities to assess and track differing interest rates on different deposits would impose burdens on utilities while providing no clear benefit to consumers.

§ 56.331. *General notice provisions and contents of termination notice.*

We propose revising the information directed to customers on written ten-day termination notices in paragraph (9) to include notice to customers that the special protections available for victims under a protection from abuse order are now also available to those customers with a court order issued by a court of competent jurisdiction in this Commonwealth, which provides clear evidence of domestic violence, per Section 1417.

§ 56.333. *Personal contact.*

We propose revising this section to provide for the optional use of electronic messaging for providing three-day personal notice of termination, per Section 1406(b). This revision provides additional protections to the customers covered by subchapters L—V. We invite comment on the privacy protections and the customer consent practices that should be required in the context of electronic messaging. See 66 Pa.C.S. § 1406(b)(1)(ii)(C) and (D).

§ 56.337. *Procedures upon customer or occupant contact prior to termination.*

We propose revising subparagraph (iv) is to require utilities to provide universal service program information to consumers upon contact from a consumer during the termination process, pursuant to Section 1410.1(1) and (2).

§ 56.340. *Winter termination procedures.*

We propose revising paragraph (5) to clarify that the February update of the survey of households without heating service in the winter is to include households terminated in December. Commission staff and utilities have encountered questions about this section because the current language is unclear on this point. By failing to include any December terminations, the survey result reported on February 1 is not a complete picture of the households without utility service in the winter. This proposed revision is intended to correct that possible problem.

§ 56.351. *General provision.*

We refer to physician assistants in addition to physician and nurse practitioner in order to align with the new

definition at Section 1403. This revision provides additional protections to the customers covered by subchapters L—V.

§ 56.353. *Medical certifications.*

We refer to physician assistants in addition to physician and nurse practitioner in order to align with the new definition at Section 1403. We also propose revising this section to make it similar to the changes we are proposing to the analogous Section 56.113—specifically by removing the requirements in Subsections 56.353(3) and (4), which require the medical certificate to include the “nature and anticipated length of the affliction” and the “specific reason for which the service is required.” This section currently requires the medical professional to divulge information about the patient’s medical condition to the utility—contrary to the privacy and confidentiality of personal medical information that patients have come to expect. Accordingly, we propose eliminating the “nature” of the affliction and “the specific reason for which service is required” as part of this regulation. However, we do not see the “length of the affliction” at Subsection 56.353 (3) as being contrary to patient expectations of privacy; in fact, the utility needs to know this information to determine the duration of the medical certificate. See 52 Pa. Code § 56.354. Some parties have suggested that the medical professional’s license number be included as a required element on a medical certificate. We invite parties to comment on this possibility.

§ 56.392. *Commission informal complaint procedure.*

We propose adding language to paragraph (1) to permit an informal complainant to receive a copy of the documents the utility provides Commission staff in response to an informal complaint. The opportunity to review this information is intended to protect the complainant’s due process rights. We acknowledge that there may be some relatively rare instances where these documents may refer to parties other than the complainant. In these instances, the utility is directed to redact any information that may compromise the privacy or personal security of a third party.

§ 56.403. *Review from informal complaint decisions of the Bureau of Consumer Services.*

We propose revising this language to clarify that the burden of proof remains with the party who filed the informal complaint. This language simply makes this provision consistent with existing Commission practices.

§ 56.421. *Payment and timing.*

We propose revising paragraph (7) to ensure that the information notifying customers that the special protections that may be available for victims under a protection from abuse order may also now be available to those customers with a court order providing clear evidence of domestic violence and issued by a court of competent jurisdiction in this Commonwealth, per Section 1417.

§ 56.431. *Public information.*

We propose revising paragraph (13) to ensure that the information directed to customers concerning the special protections that may be available for victims under a protection from abuse order may now also be available to those customers with a court order providing clear evidence of domestic violence and issued by a court of competent jurisdiction in this Commonwealth, per Section 1417.

§ 56.461. *Reporting requirements.*

We propose removing Section 56.461 and moving these requirements to the new Subsection 56.231(d). Consoli-

dating utility reporting requirements into one section of the regulations will assist utilities in locating and complying with these requirements.

Chapter 56, Appendix A

We refer to physician assistants in addition to physician and nurse practitioner in order to align with new definition at Section 1403.

Chapter 56, Appendix B

We refer to physician assistants in addition to physician and nurse practitioner in order to align with new definition at Section 1403.

Chapter 56, Appendix C

The intent of Appendix C is to provide a data dictionary to assist utilities in complying with the collections reporting requirements at Section 56.231. Providing explanations and definitions assists in obtaining consistent, uniform data from all utilities. This uniformity and consistency facilitates the validity of comparing the different utilities and their collections performances. This is essential for the Commission in complying with the Chapter 14 reporting requirements mandated by the General Assembly in Section 1415. See 66 Pa.C.S. § 1415 (relating to reporting to General Assembly and Governor). We are proposing some minor revisions to a few of the definitions. The revisions are intended to clarify a few of the definitions that have presented problems in the past and which have been questioned. Some of the revisions will also assist in aligning the Chapter 56 reporting requirements with reporting requirements found in Chapters 54 and 62. 52 Pa. Code § 54.75(1)(ii), (iii), (ix); 52 Pa. Code § 62.5(a)(1)(ii), (v), (ix), (xii).

The definition of Annual collections operating expenses as currently written is open to interpretation—causing utilities to submit inconsistent data for the reporting requirements. We are proposing to revise this definition in an attempt to establish consistency with the reporting requirements at Sections 54.75(1)(ii) and 62.5(a)(1)(ii).

The definition of Annual residential billings as currently written is open to interpretation, causing utilities to submit inconsistent data for the reporting requirements. We are proposing to revise this definition in an attempt to establish consistency with the reporting requirements at Section 62.5(a)(1)(v).

The definition of Total dollar amount of gross residential write-offs and Total dollar amount of net residential write-offs as currently written are open to interpretation, causing utilities to submit inconsistent data for the reporting requirements. We are proposing to revise this definition in an attempt to establish consistency with the reporting requirements at Sections 54.75(1)(iii) and 62.5(a)(1)(iii).

The definition of Total number of reconnections for reasons other than customer payment or medical certification as currently written is open to interpretation, causing utilities to submit inconsistent data for the reporting requirements. We are proposing to revise this definition in an attempt to establish consistency with the reporting requirements at Sections 54.75(1)(ix) and 62.5(a)(1)(xii).

Chapter 56, Appendix D

We reference Section 56.231(d) in Appendix D rather than Section 56.461 since this was deleted altogether from Annex A. These reporting requirements now appear in Section 56.231(d)

Annex A

TITLE 52. PUBLIC UTILITIES

PART I. PUBLIC UTILITY COMMISSION

Subpart C. FIXED SERVICE UTILITIES

CHAPTER 56. STANDARDS AND BILLING PRACTICES FOR RESIDENTIAL PUBLIC UTILITY SERVICE

Subchapter A. PRELIMINARY PROVISIONS FOR UTILITIES AND CUSTOMERS SUBJECT TO CHAPTER 14 OF THE PUBLIC UTILITY CODE

§ 56.1. Statement of purpose and policy.

* * * * *

(b) This subchapter and Subchapters B—K apply to electric distribution utilities, natural gas distribution utilities [and], wastewater utilities, steam heat utilities, small natural gas utilities and water distribution utilities. Subchapters L—V apply to [wastewater utilities, steam heat utilities, small natural gas utilities and to] all customers who have been granted protection from abuse orders [from courts of competent jurisdiction] as provided by 23 Pa.C.S. Chapter 61 (relating to Protection from Abuse Act) or a court order issued by a court of competent jurisdiction in this Commonwealth which provides clear evidence of domestic violence against the applicant or customer.

§ 56.2. Definitions.

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

* * * * *

Applicant—

(i) A natural person at least 18 years of age not currently receiving service who applies for residential service provided by a public utility or any adult occupant whose name appears on the mortgage, deed or lease of the property for which the residential public utility service is requested.

(ii) The term does not include a person who [seeks to transfer service within the service territory of the same public utility or to reinstate service at the same address provided that the final bill for service is not past due], within 30 days after service termination or discontinuance of service, seeks to have service reconnected at the same location or transferred to another location within the service territory of the public utility.

Basic services—

(i) Services necessary for the physical delivery of residential public utility service.

(ii) The term also includes default service as defined in this section.

Billing month—A period of not less than 26 days and not more than 35 days except in the following circumstances:

(i) An initial bill for a new customer may be less than 26 days or greater than 35 days. However, if an initial bill exceeds 60 days, the customer shall be given the opportunity to amortize the amount over a period equal to the period covered by the initial bill without penalty.

(ii) A final bill due to discontinuance may be less than 26 days or greater than 35 days but may never exceed 42 days. In cases involving termination, a final bill may be less than 26 days.

(iii) Bills for less than 26 days or more than 35 days shall be permitted if they result from a rebilling initiated by the company or customer dispute to correct a billing problem.

(iv) Bills for less than 26 days or more than 35 days shall be permitted if they result from a meter reading route change initiated by the public utility. The public utility shall informally contact the Director of the Bureau of Consumer Services at least 30 days prior to the rerouting and provide information as to when the billing will occur, the number of customers affected and a general description of the geographic area involved. If a bill resulting from a meter rerouting exceeds 60 days, the customer shall be given the opportunity to amortize the amount over a period equal to the period covered by the bill without penalty.

(v) Bills for less than 26 days shall be permitted when there is a change of the customer's electric generation supplier.

Billing period—In the case of public utilities supplying gas, electric and steam heating service, the billing period must conform to the definition of "billing month." In the case of water and wastewater service, a billing period may be monthly, bimonthly or quarterly as provided in the tariff of the public utility. Customers shall be permitted to receive bills monthly and be notified of their rights thereto.

Class A water utility—A water utility with annual revenues greater than \$1 million.

Creditworthiness—An assessment of an applicant's or customer's ability to meet bill payment obligations for utility service.

Customer—

(i) A natural person at least 18 years of age in whose name a residential service account is listed and who is primarily responsible for payment of bills rendered for the service or an adult occupant whose name appears on the mortgage, deed or lease of the property for which the residential public utility service is requested. [A natural person remains a customer after discontinuance or termination until the final bill for service is past due.]

(ii) The term includes a person who, within 30 days after service termination or discontinuance of service, seeks to have service reconnected at the same location or transferred to another location within the service territory of the public utility.

* * * * *

Delinquent account—Charges for public utility service which have not been paid in full by the due date stated on the bill or otherwise agreed upon; provided that an account may not be deemed delinquent if: prior to the due date, a payment [agreement] arrangement with the public utility has been entered into by the customer, a timely filed notice of dispute is pending before the public utility, or, under time limits provided in this chapter, an informal or formal complaint is timely filed with and is pending before the Commission.

* * * * *

Electronic notification of payment—A notification generated by an electronic payment system upon receipt of a payment from a customer using an electronic billing and payment system administered by the **public** utility or a system the **public** utility is responsible for maintaining. The notification must inform the customer of successful receipt and amount of payment and the date and time the payment was received.

* * * * *

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

Medical certificate—A written document, in a form approved by the Commission, that:

(i) Certifies that a customer or member of the customer’s household is seriously ill or has been diagnosed with a medical condition which requires the continuation of service to treat the medical condition.

(ii) Is signed by a licensed physician, nurse practitioner or physician assistant.

Natural gas distribution service—The delivery of natural gas to retail gas customers utilizing the jurisdictional facilities of a natural gas distribution utility.

* * * * *

Payment [agreement] arrangement—An [agreement] arrangement in which a customer or applicant who admits liability for billed service is permitted to amortize or pay the unpaid balance of the account in one or more payments.

Person—An individual, partnership, corporation, association, including any lessee, assignee, trustee, receiver, executor, administrator and other successors in interest.

Physician—An individual licensed to engage in the practice of medicine and surgery in all of its branches, or in the practice of osteopathy or osteopathic surgery by a jurisdiction within the United States of America.

Physician assistant—An individual licensed by the State Board of Medicine in this Commonwealth who provides any medical service, as directed by the supervising physician licensed to practice medicine in this Commonwealth, when the service is within the physician assistant’s skills, training and experience, forms a component of the physician’s scope of practice, is included in the written agreement and is provided with the amount of supervision in keeping with the accepted standards of medical practice. See 49 Pa. Code § 18.151(b) (relating to role of physician assistant).

Premises or affected premises—Unless otherwise indicated, the residence of the occupant.

Public utility—An electric distribution utility, natural gas distribution utility, **small natural gas distribution utility, steam heat utility, wastewater utility** or water distribution utility in this Commonwealth that is within the jurisdiction of the Commission.

Remote reading device—

(i) A device which by electrical impulse or otherwise transmits readings from a meter, usually located within a residence, to a more accessible location outside of a residence.

(ii) The term does not include the following:

(A) AMR devices as defined in this section.

(B) Devices that permit direct interrogation of the meter.

Residential service—

(i) Public utility service supplied to a dwelling, including service provided to a commercial establishment if concurrent service is provided to a residential dwelling attached thereto.

(ii) The term does not include public utility service provided to a hotel or motel.

Small natural gas distribution utility—A public utility providing natural gas distribution services subject to the jurisdiction of the Commission that meets one of the following:

(i) Has annual gas operating revenues of less than \$6 million per year.

(ii) Is not connected to an interstate gas pipeline by means of a direct connection or any indirect connection through the distribution system of another natural gas public utility or through a natural gas gathering system.

Steam heat utility—An entity producing, generating, distributing or furnishing steam for the production of heat or to or for the public for compensation.

Termination of service—Cessation of service, whether temporary or permanent, without the consent of the customer.

Unauthorized use of public utility service—Unreasonable interference or diversion of service, including meter tampering (any act which affects the proper registration of service through a meter), by-passing unmetered service that flows through a device connected between a service line and customer-owned facilities and unauthorized service restoral.

User without contract—A person as defined in 66 Pa.C.S. § 102 (relating to definitions) that takes or accepts public utility service without the knowledge or approval of the public utility, other than the unauthorized use of **public** utility service as defined in this section.

Wastewater utility—

(i) An entity owning or operating equipment or facilities for the collection, treatment or disposal of sewage to or for the public for compensation.

(ii) The term includes separate companies that individually provide water or wastewater service so long as the separate companies are wholly owned by a common parent company.

Water distribution utility—An entity owning or operating equipment or facilities for diverting, developing, pumping, impounding, distributing or furnishing water to or for the public for compensation.

Subchapter B. BILLING AND PAYMENT STANDARDS

BILLING

§ 56.11. Billing frequency.

* * * * *

(b) A public utility may utilize electronic billing in lieu of mailed paper bills. Electronic billing programs must include the following requirements:

* * * * *

(5) The electronic bill must include the option for the customer to contribute to the public utility's hardship fund if the **public** utility is able to accept hardship fund contributions by this method.

* * * * *

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

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

* * * * *

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

* * * * *

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

(6) Verification of automatic meter reading. Upon a customer request, the public utility shall secure an in-person meter reading to confirm the accuracy of an automatic meter reading device when a customer disconnects service or a new service request is received. A public utility may charge a fee, as provided in a Commission-approved tariff.

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

[(7)] (8) *Budget billing.* A gas, electric and steam heating public utility shall provide its residential customers, on a year-round rolling enrollment basis, with an optional billing procedure which averages estimated public utility service costs over a 10-month, 11-month or 12-month period to eliminate, to the extent possible, seasonal fluctuations in **public** utility bills. The public utility shall review accounts at least three times during the optional billing period. At the conclusion of the budget billing year, a resulting reconciliation amount exceeding \$100 but less than \$300 shall be, at the request of the

customer, amortized over a 6-month period. Reconciliation amounts exceeding \$300 shall be amortized over at least a 12-month period at the request of the customer. Shorter amortization periods are permissible at the request of the customer.

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

§ 56.17. Advance payments.

Payments may be required in advance of furnishing any of the following services:

- (1) Seasonal service.
- (2) The construction of facilities and furnishing of special equipment.
- (3) Gas and electric rendered through prepayment meters provided:

(i) The customer is nonlow income. For purposes of this section, "nonlow income" is defined as an individual who has an annual household gross income greater than 150% of the Federal poverty income guidelines and has a delinquency for which the individual is requesting a payment [**agreement**] **arrangement** but offering terms that the public utility, after consideration of the factors in § 56.97(b) (relating to procedures upon customer or occupant contact prior to termination), finds unacceptable.

(ii) The service is being rendered to an individually-metered residential dwelling, and the customer and occupants are the only individuals affected by the installation of a prepayment meter.

(iii) The customer and public utility enter into a payment [**agreement**] **arrangement** which includes, but is not limited to, the following terms:

* * * * *

(v) During the first 2 years of use of prepayment meters, the public utility thoroughly and objectively evaluates the use of prepayment meters in accordance with the following:

(A) *Content.* The evaluation should include both process and impact components. Process evaluation should focus on whether the use of prepayment meters conforms to the program design and should assess the degree to which the program operates efficiently. The impact evaluation should focus on the degree to which the program achieves the continuation of **public** utility service to participants at reasonable cost levels. The evaluation should include an analysis of the costs and benefits of traditional collections or alternative collections versus the costs and benefits of handling nonlow income positive ability to pay customers through prepayment metering. This analysis should include comparisons of customer payment behavior, energy consumption, administrative costs and actual collection costs.

* * * * *

PAYMENTS

§ 56.21. Payment.

The due date for payment of a bill may not be [**no**] less than 20 days from the date of transmittal; that is, the date of mailing, electronic transmission or physical delivery of the bill by the public utility to the customer.

* * * * *

§ 56.23. Application of partial payments between public utility and other service.

Payments received by a public utility without written instructions that they be applied to merchandise, appliances, special services, meter testing fees or other nonbasic charges and which are insufficient to pay the balance due for the items plus amounts billed for basic public utility service shall first be applied to the basic charges for residential public utility service.

§ 56.24. Application of partial payments among several bills for public utility service.

In the absence of written instructions, a disputed bill or a payment [agreement] arrangement, payments received by a public utility which are insufficient to pay a balance due both for prior service and for service billed during the current billing period shall first be applied to the balance due for prior service.

Subchapter C. CREDIT AND DEPOSITS STANDARDS POLICY PROCEDURES FOR APPLICANTS

§ 56.32. Security and cash deposits.

(a) [A public utility may require a cash deposit] In addition to the right to collect a deposit under any Commission regulation or order, the public utility may require a cash deposit, payable during a 90-day period in accordance with Commission regulations, in an amount that is equal to 1/6 of an applicant's estimated annual bill at the time the public utility determines a deposit is required, based upon the following:

(1) An applicant who previously received public utility distribution services and was a customer of the public utility and whose service was terminated for any of the following reasons:

* * * * *

(v) Failure to comply with the material terms of a payment [agreement] arrangement.

* * * * *

(2) An applicant who is unable to establish creditworthiness to the satisfaction of the public utility through the use of a generally accepted credit scoring methodology, as provided in a Commission-approved tariff, and which employs standards for using the methodology that fall within the range of general industry practice. The credit scoring methodology utilized for this purpose must specifically assess the risk of public utility bill payment.

* * * * *

(c) Prior to providing public utility service, a public utility may require the applicant to provide the names of each adult occupant residing at the location and proof of their identity. For purposes of this section, valid identification consists of one government issued photo identification. If one government issued photo identification is not available, the public utility may require the applicant to present two alternative forms of identification, as long as one of the identifications includes a photo of the individual. In lieu of requiring identification, the public utility may ask, but may not require, the individual to provide the individual's Social Security Number. Public utilities shall take all appropriate actions needed to ensure the privacy and confidentiality of identification information provided by their applicants and customers.

(d) A public utility is not required to provide service if the applicant fails to pay the full amount of the cash deposit within the time period under subsection (a).

(e) Notwithstanding subsection (a), a public utility may not require a customer that is confirmed to be eligible for a customer assistance program to provide a cash deposit.

§ 56.35. Payment of outstanding balance.

* * * * *

(b) A public utility may not require, as a condition of the furnishing of residential service, payment for residential service previously furnished under an account in the name of a person other than the applicant, except as provided for in paragraphs (1) and (2).

(1) A public utility may require the payment of an outstanding balance or portion of an outstanding balance if the applicant resided at the property for which service is requested during the time the outstanding balance accrued and for the time the applicant resided there, not exceeding 4 years from the date of the service request. The 4-year limit does not apply if the balance includes amounts that the public utility was not aware of because of fraud or theft on the part of the applicant.

* * * * *

§ 56.36. Written procedures.

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(b) A public utility shall establish written procedures for determining the credit status of an applicant and for determining responsibility for unpaid balances in accordance with § 56.35 (relating to payment of outstanding balance). The written procedures must specify that there are separate procedures and standards for victims with a protection from abuse order or a court order issued by a court of competent jurisdiction in this Commonwealth which provides clear evidence of domestic violence. The procedures must also specify that any applicant that is confirmed to be eligible for a customer assistance program will not be required to pay a deposit. A public utility employee processing applications or determining the credit status of applicants shall be supplied with or have ready access to a copy of the written procedures of the public utility. A copy of these procedures shall be maintained on file in each of the business offices of the public utility and made available, upon request, for inspection by members of the public and the Commission and be included on the public utility's web site.

(1) Reasons for denial of credit. If credit is denied, the public utility shall inform the applicant in writing of the reasons for the denial within 3 business days of the denial. This information may be provided electronically to the applicant with the applicant's consent. The written denial statement must include the provider of the credit score, information on the applicant's ability to challenge the accuracy of the credit score and how to contact the credit score provider. If the public utility is requiring payment of an unpaid balance in accordance with § 56.35, the public utility shall specify in writing the amount of the unpaid balance, the dates during which the balance accrued and the location and customer name at which the balance accrued. The statement must inform the applicant of the right to furnish a third-party guarantor in accordance with § 56.33 (relating to third-party guarantors) and the right to contact the Commission. The statement must include information informing victims of

domestic violence with a protection from abuse order or a court order issued by a court of competent jurisdiction in this Commonwealth which provides clear evidence of domestic violence that more lenient credit and liability standards may be available. The statement must also inform the applicant that if he is confirmed to be eligible for a customer assistance program a deposit is not required.

* * * * *

§ 56.38. Payment period for deposits by applicants.

(a) An applicant required to pay a deposit under § 56.32 (relating to security and cash deposits) [may be required by the public utility to pay the deposit in full prior to the provision of public utility service] shall have up to 90 days to pay the deposit in accordance with Commission regulations.

* * * * *

PROCEDURES FOR EXISTING CUSTOMERS

§ 56.41. General rule.

A public utility may require an existing customer to post a deposit to reestablish credit under the following circumstances:

(1) *Delinquent accounts.* Whenever a customer has been delinquent in the payment of any two consecutive bills or three or more bills within the preceding 12 months.

* * * * *

(ii) Except in the case of adjustments to budget billing plans, a public utility may issue a notification or subsequent request for a deposit based, in whole or in part, on a delinquent account arising out of a make-up bill as defined in § 56.14 (relating to previously unbilled public utility service) under the following conditions:

(A) The public utility has complied with § 56.14. Compliance with a payment [agreement] arrangement by the customer discharges the delinquency and a notification or request for deposit may not thereafter be issued based on the make-up bill.

(B) If a make-up bill exceeds the otherwise normal estimated bill by at least 50% and if the customer makes payment in full after the bill is delinquent but before a notification of intent to request a deposit is given to the customer, a notification or request for deposit may not thereafter be issued based on the make-up bill.

(2) *Condition to the reconnection of service.* A public utility may require a deposit as a condition to reconnection of service following a termination in accordance with § 56.191 (relating to payment and timing).

(3) *Failure to comply with payment [agreement] arrangement.* A public utility may require a deposit, whether or not service has been terminated, when a customer fails to comply with a material term or condition of a payment [agreement] arrangement.

(4) *Cash deposit prohibition.* Notwithstanding paragraphs (1)—(3), a public utility may not require a customer or an applicant that is confirmed to be eligible for a customer assistance program to provide a cash deposit.

§ 56.42. Payment period for deposits by customers.

* * * * *

(d) *Failure to comply with a payment [agreement] arrangement.* A customer paying a deposit under § 56.41(3) may be required to pay the deposit in [full upon the determination of the utility that a deposit is required] three installments: 50% billed upon the determination by the public utility that the deposit is required; 25% billed 30 days after the determination; and 25% billed 60 days after the determination. The public utility shall inform the customer of the option to pay the deposit in the installments described in this subsection. The customer retains the option to pay the deposit amount in full before the due date.

CASH DEPOSITS

§ 56.53. Deposit hold period and refund.

(a) A public utility may hold a deposit until a timely payment history is established [or for a maximum period of 24 months].

(b) A timely payment history is established when a customer has paid in full and on time for 12 consecutive months.

(c) At the end of the deposit holding period as established in subsection (a), the public utility shall deduct the outstanding balance from the deposit and return or credit any positive difference to the customer. At the option of the public utility, a cash deposit, including accrued interest, may be refunded in whole or in part, at any time earlier than the time stated in this section.

* * * * *

§ 56.57. Interest rate.

The public utility shall accrue interest on the deposit until it is returned or credited [the legal rate of interest under section 202 of the act of January 30, 1974 (P.L. 13, No. 6) (41 P.S. § 202), known as the Loan Interest and Protection Law, and return the interest with the deposit].

(1) Interest shall be computed at the simple annual interest rate determined by the Secretary of Revenue for interest on the underpayment of tax under section 806 of The Fiscal Code (72 P.S. § 806).

(2) The interest rate in effect when the deposit is required to be paid shall remain in effect until the date the deposit is refunded or credited, or December 31, whichever is later.

(3) On January 1 of each year, the new interest rate for that year will apply to the deposit.

Subchapter D. INTERRUPTION AND DISCONTINUANCE OF SERVICE

§ 56.72. Discontinuance of service.

A public utility may discontinue service without prior written notice under the following circumstances:

* * * * *

(2) *Other premises or dwellings.* Other premises or dwellings as follows:

(i) When a customer requests discontinuance at a dwelling other than the customer's residence or at a single meter multifamily residence, whether or not the customer's residence but, in either case, only under either of the following conditions:

(A) The customer states in writing that the premises are unoccupied. The statement must be on a form con-

spicuously bearing notice that information provided by the customer will be relied upon by the Commission in administering a system of uniform service standards for public utilities and that any false statements are punishable criminally. When the customer fails to provide a notice, or when the customer has falsely stated the premises are unoccupied, the customer shall be responsible for payment of public utility bills until the public utility discontinues service.

* * * * *

**Subchapter E. TERMINATION OF SERVICE
GROUNDS FOR TERMINATION**

§ 56.81. Authorized termination of service.

A public utility may notify a customer and terminate service provided to a customer after notice as provided in §§ 56.91—56.100 (relating to notice procedures prior to termination) for any of the following actions by the customer:

* * * * *

(4) Failure to comply with the material terms of a payment [**agreement**] **arrangement**.

§ 56.82. Timing of termination.

A public utility may terminate service for the reasons in § 56.81 (relating to authorized termination of service) from Monday through [**Friday**] **Thursday** as long as the public utility is able to accept payment to restore service on the day of termination and on the following day and can restore service consistent with § 56.191 (relating to payment and timing).

§ 56.83. Unauthorized termination of service.

Unless expressly and specifically authorized by the Commission, service may not be terminated nor will a termination notice be sent for any of the following reasons:

* * * * *

(6) Noncompliance with a payment [**agreement**] **arrangement** prior to the due date of the bill which forms the basis of the agreement.

(7) Nonpayment of charges for public utility service for which the **public** utility ceased billing more than 4 years prior to the date the bill is rendered.

* * * * *

NOTICE PROCEDURES PRIOR TO TERMINATION

§ 56.91. General notice provisions and contents of termination notice.

* * * * *

(b) A notice of termination must include, in conspicuous print, clearly and fully the following information when applicable:

* * * * *

(4) The date on or after which service will be terminated unless one of the following occurs:

- (i) Payment in full is received.
- (ii) The grounds for termination are otherwise eliminated.
- (iii) A payment [**agreement**] **arrangement** is established.

* * * * *

(6) A statement that the customer should immediately contact the public utility to attempt to resolve the matter. The statement must include the address and telephone number where questions may be asked, how payment [**agreements**] **arrangements** may be negotiated and entered into with the public utility, and where applications can be found and submitted for enrollment into the public utility's universal service programs, if these programs are offered by the public utility.

(7) The following statement: "If you have questions or need more information, contact us as soon as possible at (**public** utility phone number). After you talk to us, if you are not satisfied, you may file a complaint with the Public Utility Commission. The Public Utility Commission may delay the shut off if you file the complaint before the shut off date. To contact them, call 1 (800) 692-7380 or write to the Pennsylvania Public Utility Commission, P.O. Box 3265, Harrisburg, Pennsylvania 17105-3265."

* * * * *

(11) Information indicating that special protections are available for victims under a protection from abuse order **or a court order issued by a court of competent jurisdiction in this Commonwealth which provides clear evidence of domestic violence** and how to contact the public utility to obtain more information on these protections.

* * * * *

(17) Information in Spanish directing Spanish-speaking customers to the numbers to call for information and translation assistance. Similar information shall be included in other languages when census data indicates that 5% or more of the residents of the **public** utility's service territory are using that language.

(18) Contact information for customers with disabilities that need assistance.

§ 56.93. Personal contact.

(a) Except when authorized under § 56.71, § 56.72 or § 56.98 (relating to interruption of service; discontinuance of service; and immediate termination for unauthorized use, fraud, tampering or tariff violations), a public utility may not interrupt, discontinue or terminate service without attempting to contact the customer or responsible adult occupant, either in person [**or**], by telephone **or electronically with the customer's consent**, to provide notice of the proposed termination at least 3 days prior to the scheduled termination **using one of the methods in this section**. If personal contact by one method is not possible, the public utility is obligated to attempt [**the other**] **another** method.

[**(b)**] (1) Phone contact shall be deemed complete upon attempted calls on 2 separate days to the residence between the hours of 8 a.m. and 9 p.m. if the calls were made at various times each day, with the various times of the day being daytime before 5 p.m. and evening after 5 p.m. and at least 2 hours apart. Calls made to contact telephone numbers provided by the customer shall be deemed to be calls to the residence.

[**(c)**] (2) If contact is attempted in person by a home visit, only one attempt is required. The public utility shall conspicuously post a written termination notice at the residence if it is unsuccessful in attempting to personally contact a responsible adult occupant during the home visit.

(3) **Contact by e-mail, text message or other electronic messaging format consistent with the Com-**

mission’s privacy guidelines and approved by Commission order. The electronic notification option is voluntary and shall only be used if the customer has given prior consent approving the use of a specific electronic message format for the purpose of notification of a pending termination.

[(d)] (b) The content of the 3-day personal contact notice must include the earliest date at which termination may occur and the following information:

* * * * *

[(e)] (c) The public utility shall ask the customer or occupant if he has questions about the 10-day written notice the public utility previously sent.

§ 56.94. Procedures immediately prior to termination.

Immediately preceding the termination of service, a public utility employee, who may be the public utility employee designated to perform the termination, shall attempt to make personal contact with a responsible adult occupant at the residence of the customer.

* * * * *

(3) Dishonorable tender of payment after receiving termination notice. After a public utility has provided a written termination notice under § 56.91 (relating to general notice provisions and contents of termination notice) and attempted telephone contact as provided in § 56.93 (relating to personal contact), termination of service may proceed [without additional notice] when:

(i) A customer tenders payment which is subsequently dishonored under 13 Pa.C.S. § 3502 (relating to dishonor) and which has not been cured or otherwise paid in full within 3 business days of the public utility’s dishonored payment notice to the customer under § 56.93(a).

(ii) A customer tenders payment with an access device, as defined in 18 Pa.C.S. § 4106(d) (relating to access device fraud), which is unauthorized, revoked or canceled and which has not been cured or otherwise paid in full within 3 business days of the utility’s dishonored payment notice to the customer under § 56.93(a).

(iii) A customer tenders payment electronically that is subsequently dishonored, revoked, canceled or is otherwise not authorized and which has not been cured or otherwise paid in full within 3 business days of the public utility’s dishonored payment notice to the customer under § 56.93(a).

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

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

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

(iii) Paying what is past-due on the most recent previous company negotiated or Commission payment [agreement] arrangement.

[(iv) Enrolling in the public utility’s customer assistance program or its equivalent, if the public utility has these programs and the customer is eligible for the program.]

(3) Information about the public utility’s universal service programs, including the customer assistance program. Refer the customer or applicant to the universal service program administrator of the public utility to determine eligibility for a program and to apply for enrollment in a program.

[(3)] (4) The medical emergency procedures.

(b) The public utility, through its employees, shall exercise good faith and fair judgment in attempting to enter a reasonable payment [agreement] arrangement or otherwise equitably resolve the matter. Factors to be taken into account when attempting to enter into a reasonable payment [agreement] arrangement include the size of the unpaid balance, the ability of the customer to pay, the payment history of the customer and the length of time over which the bill accumulated. Payment [agreements] arrangements for heating customers shall be based upon budget billing as determined under § 56.12(7) (relating to meter reading; estimated billing; customer readings). If a payment [agreement] arrangement is not established, the company shall further explain the following:

* * * * *

§ 56.100. Winter termination procedures.

* * * * *

(e) Identification of accounts protected during the winter. Public utilities shall determine the eligibility of an account for termination during the period of December 1 through March 31 under the criteria in subsections (b) and (c) before terminating service. Public utilities are to use household income and size information they have on record provided by customers to identify accounts that are not to be terminated during the period of December 1 through March 31. Public utilities are expected to solicit from customers, who contact the public utility in response to notices of termination, household size and income information and to use this information to determine eligibility for termination. Public utilities who intend to require verification of household income information submitted by consumers relating to this subsection shall include, in their tariffs filed with the Commission, the procedures they intend to implement to obtain verification. The procedures should specify the proof or evidence the public utility will accept as verification of household income.

(f) Landlord ratepayer accounts. During the period of December 1 through March 31, a public utility may not terminate service to a premises when the account is in the name of a landlord ratepayer as defined in 66 Pa.C.S. § 1521 (relating to definitions) except for the grounds in § 56.98.

(g) Right of public utility to petition the Commission for permission to terminate service to a customer protected by the prohibitions in this section.

(1) The public utility shall comply with §§ 56.91—56.95 including personal contact, as defined in § 56.93 (relating to personal contact), at the premises if occupied.

(2) If at the conclusion of the notification process defined in §§ 56.91—56.95, a reasonable [**agreement arrangement**] cannot be reached between the public utility and the customer, the public utility shall register with the Commission, in writing, a request for permission to terminate service, accompanied by a **public** utility report as defined in § 56.152 (relating to contents of the public utility company report). At the same time, the public utility shall serve the customer a copy of the written request registered with the Commission.

(3) If the customer has filed an informal complaint or if the Commission has acted upon the public utility's written request, the matter shall proceed under §§ 56.161—56.165. Nothing in this section may be construed to limit the right of a public utility or customer to appeal a decision by the Bureau of Consumer Services under 66 Pa.C.S. § 701 (relating to complaints) and §§ 56.171—56.173 and 56.211.

(h) *Survey of terminated heat related accounts.* For premises where heat related service has been terminated within the past year for any of the grounds in § 56.81 (relating to authorized termination of service) or § 56.98, electric distribution utilities, natural gas distribution utilities and Class A water distribution utilities shall, within 90 days prior to December 1, survey and attempt to make post-termination personal contact with the occupant or a responsible adult at the premises and in good faith attempt to reach an agreement regarding payment of any arrearages and restoration of service.

(i) *Reporting of survey results.* Electric distribution utilities, natural gas distribution utilities and Class A water distribution utilities shall file a brief report outlining their pre-December 1 survey and personal contact results with the Bureau of Consumer Services on or before December 15 of each year. Each **public** utility shall update the survey and report the results to the Bureau of Consumer Services on February 1 of each year to reflect any change in the status of the accounts subsequent to the December 15 filing, **including any accounts terminated in December.** For the purposes of the February 1 update of survey results, the public utility shall attempt to contact by telephone, if available, a responsible adult person or occupant at each residence in a good faith attempt to reach an agreement regarding payment of any arrearages and restoration of service.

(j) *Reporting of deaths at locations where public utility service was previously terminated.* Throughout the year, public utilities shall report to the Commission when, in the normal course of business, they become aware of a household fire, incident of hypothermia or carbon monoxide poisoning or other event that resulted in a death and that the **public** utility service was off at the time of the incident. Within 1 business day of becoming aware of an incident, the public utility shall submit a telephone or electronic report to the Director of the Bureau of Consumer Services including, if available, the name, address and account number of the last customer of record, the date of the incident, a brief statement of the circumstances involved and, if available from an official source or the media, the initial findings as to the cause of the incident and the source of that information. The Bureau or Commission may request additional information on the incident and the customer's account. Information submitted to the Commission in accordance with this subsection will be treated in accordance with 66 Pa.C.S. § 1508 (relating to reports of accidents) and may not be open for public inspection except by order of the Commission, and may not be admitted into evidence for any purpose in any

suit or action for damages growing out of any matter or thing mentioned in the report.

EMERGENCY PROVISIONS

§ 56.111. General provision.

A public utility may not terminate service, or refuse to restore service, to a premises when [**a licensed physician or nurse practitioner has certified that the customer or an applicant seeking restoration of service under § 56.191 (relating to payment and timing) or a member of the customer's or applicant's household is seriously ill or afflicted with a medical condition that will be aggravated by cessation of service. The customer shall obtain a letter from a licensed physician verifying the condition and promptly forward it to the public utility**] **the customer or an applicant seeking restoration of service under § 56.191 (relating to payment and timing) has submitted a medical certificate to the public utility.** The determination of whether a medical condition qualifies for the purposes of this section resides entirely with the physician [**or**], nurse practitioner **or physician assistant** and not with the public utility. A public utility may not impose any qualification standards for medical certificates other than those specified in this section.

§ 56.113. Medical certifications.

[**Certifications initially may be written or oral, subject to the right of the public utility to verify the certification by calling the physician or nurse practitioner or to require written verification within 7 days. Certifications, whether written or oral, must include the following:**] **Medical certifications must be in writing. Public utilities may develop a medical certificate form. The public utility's medical certificate may not be mandatory. A medical certificate form developed by the public utility shall be made readily available and placed on the public utility's web site. Medical certificates may be electronically transmitted and electronic signatures are valid. A medical certificate must include all of the following:**

(1) The name and address of the customer or applicant in whose name the account is registered.

(2) The name and address of the afflicted person and relationship to the customer or applicant.

(3) The [**nature and**] anticipated length of the affliction.

[**(4) The specific reason for which the service is required.**

(5)] (4) The name, office address and telephone number of the certifying physician [**or**], nurse practitioner **or physician assistant.**

(5) **The signature of the certifying physician, nurse practitioner or physician assistant.**

§ 56.118. Right of public utility to petition the Commission.

* * * * *

(b) A public utility shall continue to provide service while a final Commission adjudication on the petition is pending. A petition under this section shall be accompanied by a **public** utility report described in § 56.152 (relating to contents of the public utility company report)

and shall be filed with the Secretary of the Commission with a copy served to the customer.

* * * * *

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

PUBLIC UTILITY COMPANY DISPUTE PROCEDURES

§ 56.151. General rule.

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

- (1) Not issue a termination notice based on the disputed subject matter.
- (2) Investigate the matter using methods reasonable under the circumstances, which may include telephone or personal conferences, or both, with the customer or occupant.
- (3) Make a diligent attempt to negotiate a reasonable payment [**agreement**] **arrangement** if the customer or occupant is eligible for a payment [**agreement**] **arrangement** and claims a temporary inability to pay an undisputed bill. Factors which shall be considered in the negotiation of a payment [**agreement**] **arrangement** include, but are not limited to:

* * * * *

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

- (i) If the complainant is not satisfied with the dispute resolution, the **public** utility company report must be in writing and conform to § 56.152 (relating to contents of the public utility company report). Further, in these instances, the written report shall be sent to the complaining party if requested or if the public utility deems it necessary.
- (ii) If the complaining party is satisfied with the orally conveyed dispute resolution, the written **public** utility company report may be limited to the information in § 56.152(1), (2) and, when applicable, § 56.152(7)(ii) or (8)(ii).
- (iii) The information and documents required under this subsection may be electronically provided to the complaining party as long as the complaining party has the ability to accept electronic documents and consents to receiving them electronically.

§ 56.152. Contents of the public utility company report.

A **public** utility company report must include the following:

* * * * *

(4) A statement that if the complaining party does not agree with the **public** utility company report, an informal complaint shall be filed with the Commission to ensure the preservation of all of the complaining party's rights.

* * * * *

(7) If the matter in dispute involves a billing dispute, the **public** utility company report must include the following:

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

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

(8) If the matter involves a dispute other than a billing dispute, the **public** utility company report must also state the following:

- (i) The action required to be taken to avoid the termination of service.
- (ii) The date on or after which service will be terminated in accordance with the applicable requirements unless the report is complied with, or a payment [**agreement**] **arrangement** entered into or an informal complaint filed. This date may not be earlier than the original date for compliance with the matter which gave rise to the dispute or 10 days from the date of issuance of the **public** utility company report, whichever is later. If the **public** utility company report is in writing, the information in this paragraph must be prominently displayed.

INFORMAL COMPLAINT PROCEDURES

§ 56.163. Commission informal complaint procedure.

Upon the filing of an informal complaint, which shall be captioned as "(Complainant) v. (public utility)," Commission staff will immediately notify the public utility; review the dispute; and, within a reasonable period of time, issue to the public utility and the complaining party an informal report with findings and a decision. Parties may represent themselves or be represented by counsel or other person of their choice, and may bring witnesses to appear on their behalf. The reports will be in writing and a summary will be sent to the parties if a party requests it or if the Commission staff finds that a summary is necessary.

(1) *Review techniques.* Review will be by an appropriate means, including, but not limited to, **public** utility company reports, telephone calls, conferences, written statements, research, inquiry and investigation. Procedures will be designed to ensure a fair and reasonable opportunity to present pertinent evidence and to challenge evidence submitted by the other party to the dispute, to examine a list of witnesses who will testify and documents, records, files, account data, records of meter tests and other material that the Commission staff will determine may be relevant to the issues, and to question witnesses appearing on behalf of other parties. Information and documents requested by Commission staff as part of the review process shall be provided by the public utility within 30 days of the request. If the complainant is without public utility service, or in other emergency situations as identified by Commission staff, the information requested by Commission staff shall be provided by the public utility within 5 business days of the request. **Upon request of the complainant or Commission staff, the public utility shall provide the complainant with a copy of the documents submitted to Commission staff in response to the informal complaint. The public utility shall redact documents to omit information that would possibly**

compromise the privacy or personal security of any individual other than the complainant.

* * * * *

FORMAL COMPLAINTS

§ 56.173. Review from informal complaint decisions of the Bureau of Consumer Services.

* * * * *

(f) Commission review. The Commission will review the decision of the assigned administrative law judge or special agent, commit it to advisory staff for further analysis, remand it to an administrative law judge or special agent for further development of the record or issue a final order. The burden of proof remains with the party who filed the [formal] informal complaint.

Subchapter G. RESTORATION OF SERVICE

§ 56.191. Payment and timing.

* * * * *

(c) Payment to restore service.

(1) A public utility shall provide for and inform the applicant or customer of a location where the customer can make payment to restore service. A public utility shall inform the applicant or customer that conditions for restoration of service may differ if someone in the household is a victim of domestic violence with a protection from abuse order or a court order issued by a court of competent jurisdiction in this Commonwealth which provides clear evidence of domestic violence. A public utility shall also inform the applicant or customer that the timing and conditions for restoration of service may differ if someone in the household is seriously ill or affected by a medical condition which will be aggravated without public utility service.

(2) A public utility may require:

(i) Full payment of any outstanding balance incurred together with any reconnection fees by the customer or applicant prior to reconnection of service if the customer or applicant has an income exceeding 300% of the Federal poverty level or has defaulted on two or more payment [agreements] arrangements. For purposes of this section, neither a payment [agreement] arrangement intended to amortize a make-up bill under § 56.14 (relating to previously unbilled public utility service) or the definition of "billing month" in § 56.2 (relating to definitions), nor a payment [agreement] arrangement that has been paid in full by the customer, are to be considered a default. Budget billing plans and amortization of budget plan reconciliation amounts under [§ 56.12(7)] § 56.12(8) (relating to meter reading; estimated billing; customer readings) may not be considered a default for the purposes of this section.

* * * * *

(e) Approval. A public utility may establish that an applicant or customer previously resided at a property for which residential service is requested through the use of mortgage, deed or lease information, a commercially available consumer credit reporting service or other methods approved as valid by the Commission. Public utilities shall include in their tariffs filed with the Commission the methods, other than those specifically mentioned in this subsection, used to determine liability for outstanding balances.

(f) Dishonorable tender of payment for reconnection of service. A public utility may immediately

terminate service if a payment for reconnection of service is subsequently dishonored, revoked, canceled or otherwise not authorized and which has not been cured or otherwise paid in full within 3 business days of the public utility's dishonored payment notice to the customer under § 56.93(a) (relating to personal contact).

Subchapter H. PUBLIC INFORMATION PROCEDURES; RECORD MAINTENANCE

§ 56.201. Public information.

(a) In addition to the notice requirements in this chapter, the Commission will, within 6 months of the effective date of a change to a regulation in this chapter, prepare a summary of the rights and responsibilities of the public utility and its customers affected by the change. Summaries will be mailed by the public utility to each customer of the public utility affected by the change. These summaries, as well as a summary of the rights and responsibilities of the public utility and its customers in accordance with this chapter, shall be in writing, reproduced by the public utility, displayed prominently, available on the public utility's web site if the public utility has one and available at all public utility office locations open to the general public. The public utility shall inform new customers of the availability of this information and direct where to locate it on the public utility's web site. The public utility shall deliver or mail a copy upon the request of a customer or applicant.

(b) A public utility which serves a substantial number of Spanish-speaking customers shall provide billing information in English and in Spanish. The written information must indicate conspicuously that it is being provided in accordance with this title and contain information concerning, but not limited to, the following:

* * * * *

(13) Information indicating that additional consumer protections may be available for victims of domestic violence who have a protection from abuse order or a court order issued by a court of competent jurisdiction in this Commonwealth which provides clear evidence of domestic violence, people with serious illnesses and low income households.

§ 56.202. Record maintenance.

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

(1) The payment performance of each of its customers.

(2) The number of payment [agreements] arrangements made by the public utility company and a synopsis of the terms, conditions and standards upon which [agreements] arrangements were made.

* * * * *

Subchapter K. PUBLIC UTILITY REPORTING REQUIREMENTS

§ 56.231. Reporting requirements.

(a) Within 15 days after the end of each month, each electric distribution utility, natural gas distribution utility and class A water distribution utility shall file with the Commission a report containing all of the following information concerning residential accounts for that month:

- (1) The total number of residential heating customers.
- (2) The total number of residential nonheating customers.
- (3) The total number of active residential accounts in arrears not on a payment [**agreement**] **arrangement**.
- (4) The total dollar amount in arrears for active residential accounts in arrears and not on a payment [**agreement**] **arrangement**.
- (5) The total number of active residential accounts in arrears and on a payment [**agreement**] **arrangement**.
- (6) The total dollar amount in arrears for active residential accounts in arrears and on a payment [**agreement**] **arrangement**.

* * * * *

(12) The total number of 3-day termination notices completed by telephone.

(13) The total number of 3-day termination notices completed by electronic messaging formats.

[(13)] (14) The total number of 48-hour termination notices posted.

[(14)] (15) The total number of terminations for nonpayment.

[(15)] (16) The total number of terminations for reasons other than nonpayment.

[(16)] (17) The total number of terminations for nonpayment and for reasons other than nonpayment categorized by the first three digits of each account's postal code.

[(17)] (18) The total number of reconnections for full customer payment, partial payment or payment [**agreement**] **arrangement**.

[(18)] (19) The total number of reconnections for customer submission of medical certification.

[(19)] (20) The total number of reconnections for reasons other than customer payment or medical certification.

[(20)] (21) The total number of applicants that are requested to pay or are billed a security deposit.

[(21)] (22) The total dollar amount in security deposits that are requested of or billed to applicants.

[(22)] (23) The total number of customers that are requested to pay or are billed a security deposit.

[(23)] (24) The total dollar amount in security deposits that are requested of or billed to customers.

(b) Within 90 days after the end of each year, each electric distribution utility, natural gas distribution utility and class A water distribution utility shall file with the Commission a report containing **all** of the following information concerning residential accounts for the previous year:

* * * * *

(10) The average monthly usage for a nonheating customer.

(11) The total number of medical certificates and renewals that have been submitted by customers.

(12) The total number of medical certificates and renewals that have been accepted by the public utility.

(c) Within 90 days after the end of each year, each electric distribution utility, natural gas distribution utility and class A water distribution utility shall file with the Commission a report containing all of the following information concerning all active individual residential accounts for the previous year except accounts when someone has presented a protection from abuse order or a court order issued by a court of competent jurisdiction in this Commonwealth which provides clear evidence of domestic violence. Each account reported must be identified to the Commission with a unique account identifier that the public utility can match to the account. The unique identifier for an account shall be used in any subsequent reporting to identify that account. Customer names, addresses, account numbers, phone numbers, e-mail addresses, Social Security numbers or any other information that could be used to identify the customer may not be included.

(1) Any account with an arrearage at or exceeding \$10,000 as of December 31 of the calendar year. The information concerning each individual reported account must include all of the following:

- (i) Unique account identifier.
- (ii) The account balance as of December 31 of the calendar year.
- (iii) The date the account was established.
- (iv) The average monthly bill amount for the previous 12 months.
- (v) The number of Commission informal and formal complaints.
- (vi) The number of company payment arrangements.
- (vii) The number of times the customer's service was terminated for nonpayment.

(2) The Commission may request more detailed information on an account.

(d) Within 90 days after the end of each calendar year, each small natural gas distribution utility and each steam heat utility shall file with the Commission a report containing all of the following information concerning residential accounts for the previous year:

- (1) The total number of residential customers as of the end of each month for the calendar year.
- (2) The total number of terminations for nonpayment for each month of the calendar year.
- (3) The total number of terminations for reasons other than nonpayment for each month of the calendar year.
- (4) The total number of reconnections for customer payment for each month of the calendar year.

(5) The total number of reconnections for customer submission of medical certification for each month of the calendar year.

(6) The total number of reconnections for reasons other than customer payment or medical certification for each month of the calendar year.

(7) **The total dollar amount of annual residential billings.**

(8) **The total dollar amount of annual gross residential write-offs.**

[(c)] (e) Public utilities shall refer to the data dictionary in Appendix C (relating to definitions (§ 56.231)) for additional guidance as to the terms used in this section.

Subchapter L. PROVISIONS FOR [WASTEWATER, STEAM HEAT AND SMALL NATURAL GAS DISTRIBUTION UTILITIES AND] VICTIMS OF DOMESTIC VIOLENCE WITH A PROTECTION FROM ABUSE ORDER OR A COURT ORDER ISSUED BY A COURT OF COMPETENT JURISDICTION IN THIS COMMONWEALTH WHICH PROVIDES CLEAR EVIDENCE OF DOMESTIC VIOLENCE

§ 56.251. Statement of purpose and policy.

Subchapters L—V apply to victims under a protection from abuse order **or a court order issued by a court of competent jurisdiction in this Commonwealth which provides clear evidence of domestic violence against the applicant or customer** as provided by 23 Pa.C.S. Chapter 61 (relating to Protection from Abuse Act) and 66 Pa.C.S. § 1417 (relating to nonapplicability). [**These subchapters also apply to wastewater, steam heating and natural gas distribution utilities with annual gas operating revenues of less than \$6 million per year, except when the utility seeks to provide natural gas supply services to retail gas customers outside its service territory as provided by 66 Pa.C.S. § 1403 (relating to definitions).**] These subchapters establish and enforce uniform, fair and equitable residential **public** utility service standards governing eligibility criteria, credit and deposit practices, and account billing, termination and customer complaint procedures. This chapter assures adequate provision of residential **public** utility service, to restrict unreasonable termination of or refusal to provide that service and to provide functional alternatives to termination or refusal to provide that service. Every privilege conferred or duty required under this chapter imposes an obligation of good faith, honesty and fair dealing in its performance and enforcement. This chapter will be liberally construed to fulfill its purpose and policy and to insure justice for all concerned.

§ 56.252. Definitions.

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

* * * * *

Applicant—

- (i) A person at least 18 years of age who applies for residential **public** utility service.
- (ii) The term does not include a person who, within 60 days after termination or discontinuance of service, seeks to transfer service within the service territory of the same **public** utility or to reinstate service at the same address.

Basic services—

- (i) Services necessary for the physical delivery of residential **public** utility service.
- (ii) The term also includes default service as defined in this section.

*Billing month—*A period of not less than 26 days and not more than 35 days except in the following circumstances:

- (i) An initial bill for a new customer may be less than 26 days or greater than 35 days. However, if an initial bill exceeds 60 days, the customer shall be given the opportunity to amortize the amount over a period equal to the period covered by the initial bill without penalty.
- (ii) A final bill due to discontinuance may be less than 26 days or greater than 35 days but may never exceed 42 days. In cases involving termination, a final bill may be less than 26 days.
- (iii) Bills for less than 26 days or more than 35 days shall be permitted if they result from a rebilling initiated by the company or customer dispute to correct a billing problem.
- (iv) Bills for less than 26 days or more than 35 days shall be permitted if they result from a meter reading route change initiated by the **public** utility. The **public** utility shall informally contact the Director of the Bureau of Consumer Services at least 30 days prior to the rerouting and provide information as to when the billing will occur, the number of customers affected and a general description of the geographic area involved. If a bill resulting from a meter rerouting exceeds 60 days, the customer shall be given the opportunity to amortize the amount over a period equal to the period covered by the bill without penalty.
- (v) **Bills for less than 26 days shall be permitted in instances when there is a change of the customer's electric generation supplier.**

*Billing period—*In the case of utilities supplying gas, electric and steam heating service, the billing period must conform to the definition of “billing month.” In the case of water and wastewater service, a billing period may be monthly, bimonthly or quarterly as provided in the tariff of the **public** utility. Customers shall be permitted to receive bills monthly and be notified of their rights thereto.

*Customer—*A person at least 18 years of age in whose name a residential service account is listed and who is primarily responsible for payment of bills rendered for the service.

*Customer assistance program—*A plan or program sponsored by a **public** utility for the purpose of providing universal service and energy conservation, as defined in 66 Pa.C.S. § 2202 or § 2803 (relating to definitions), in which customers make monthly payments based on household income and household size and under which customers shall comply with certain responsibilities and restrictions to remain eligible for the program.

*Cycle billing—*A system of billing employed by a **public** utility which results in the normal rendition of bills for **public** utility service to a group or portion of customers on different or specified days of one billing period.

*Default service—*Electric generation supply service provided under a default service program to a retail electric customer not receiving service from an electric generation supplier.

*Delinquent account—*Charges for **public** utility service which have not been paid in full by the due date stated on the bill or otherwise agreed upon; provided that an account may not be deemed delinquent if: prior to the due date, a payment agreement with the **public** utility has been entered into by the customer, a timely filed notice of

dispute is pending before the **public** utility or, under time limits provided in this chapter, an informal or formal complaint is timely filed with and is pending before the Commission.

Discontinuance of service—The cessation of service with the consent of the customer and otherwise in accordance with § 56.312 (relating to discontinuance of service).

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

Dwelling—A house, apartment, mobile home or single meter multiunit structure being supplied with residential service.

Electronic billing—The electronic delivery and presentation of bills and related information sent by a **public** utility to its customers using a system administered by the **public** utility or a system the **public** utility is responsible for maintaining.

Electronic notification of payment—A notification generated by an electronic payment system upon receipt of a payment from a customer using an electronic billing and payment system administered by the **public** utility or a system the **public** utility is responsible for maintaining. The notification must inform the customer of successful receipt and amount of payment and the date and time the payment was received.

Electronic remittance of payment—The electronic receipt of payment from customers to a **public** utility using a system administered by a **public** utility or a system the **public** utility is responsible for maintaining.

* * * * *

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

* * * * *

Nonbasic services—Optional recurring services which are distinctly separate and clearly not required for the physical delivery of **public** utility service or default service.

Nurse practitioner—A registered nurse licensed in this Commonwealth who is certified by the State Board of

Nursing in a particular clinical specialty area and who, while functioning in the expanded role as a professional nurse, performs acts of medical diagnosis or prescription of medical therapeutic or corrective measures in collaboration with and under the direction of a physician licensed to practice medicine in this Commonwealth.

Occupant—A natural person who resides in the premises to which **public** utility service is provided.

Payment agreement—A mutually satisfactory written agreement whereby a customer or applicant who admits liability for billed service is permitted to amortize or pay the unpaid balance of the account in one or more payments over a reasonable period of time.

Person—An individual, partnership, corporation, association, including any lessee, assignee, trustee, receiver, executor, administrator and other successors in interest.

Physician—An individual licensed to engage in the practice of medicine and surgery in all of its branches or in the practice of osteopathy or osteopathic surgery by a jurisdiction within the United States of America.

Physician assistant—An individual licensed by the State Board of Medicine in this Commonwealth who provides any medical service, as directed by the supervising physician licensed to practice medicine in this Commonwealth, when the service is within the physician assistant’s skills, training and experience, forms a component of the physician’s scope of practice, is included in the written agreement and is provided with the amount of supervision in keeping with the accepted standards of medical practice. See 49 Pa. Code § 18.151(b) (relating to role of physician assistant)

Premises or affected premises—Unless otherwise indicated, the residence of the occupant.

Public utility—An electric distribution utility, natural gas distribution utility, small natural gas distribution utility, steam heat utility, wastewater utility or water distribution utility in this Commonwealth that is within the jurisdiction of the Commission.

Remote reading device—

(i) A device which by electrical impulse or otherwise transmits readings from a meter, usually located within a residence, to a more accessible location outside of a residence.

(ii) The term does not include the following:

(A) AMR devices as defined in this section.

(B) Devices that permit direct interrogation of the meter.

Residential service—

(i) [**Utility**] **Public utility** service supplied to a dwelling, including service provided to a commercial establishment if concurrent service is provided to a residential dwelling attached thereto.

(ii) The term does not include **public** utility service provided to a hotel or motel.

Small natural gas distribution utility—A public utility providing natural gas distribution services subject to the jurisdiction of the Commission that:

(i) Has annual gas operating revenues of less than \$6 million per year.

(ii) **Is not connected to an interstate gas pipeline by means of a direct connection or any indirect connection through the distribution system of another natural gas public utility or through a natural gas gathering system.**

Steam heat utility—An entity producing, generating, distributing or furnishing steam for the production of heat or to or for the public for compensation.

Termination of service—Cessation of service, whether temporary or permanent, without the consent of the ratepayer.

Unauthorized use of public utility service—Unreasonable interference or diversion of service, including meter tampering (any act which affects the proper registration of service through a meter), by-passing (unmetered service that flows through a device connected between a service line and customer-owned facilities) and unauthorized service restoral.

User without contract—A person as defined in 66 Pa.C.S. § 102 (relating to definitions) that takes or accepts public utility service without the knowledge or approval of the public utility, other than the unauthorized use of public utility service as defined in this section.

[*Utility*—

(i) **A public utility or a municipality, subject to Commission jurisdiction, which provides wastewater services or steam heating services.**

(ii) **The term also includes natural gas distribution utilities with annual gas operating revenues of less than \$6 million per year, except when the public utility seeks to provide natural gas supply services to retail gas customers outside its service territory as provided under 66 Pa.C.S. § 1403 (relating to definitions).]**

Wastewater utility—

(i) **An entity owning or operating equipment or facilities for the collection, treatment or disposal of sewage to or for the public for compensation.**

(ii) **The term includes separate companies that individually provide water or wastewater service so long as the separate companies are wholly owned by a common parent company.**

**Subchapter M. BILLING AND PAYMENT
STANDARDS
GENERAL**

§ 56.261. Billing frequency.

(a) A public utility shall render a bill once every billing period to every residential customer in accordance with approved rate schedules.

(b) A public utility may utilize electronic billing in lieu of mailed paper bills. Electronic billing programs must include the following:

(1) The electronic billing option is voluntary and only with the prior consent of the customer. The customer retains the right to revert to conventional paper billings upon request. The customer shall provide the public utility with a one billing cycle notice of a request to revert to paper billing.

(2) A customer shall receive the same information that is included with a paper bill issued by the public utility.

(3) The electronic bill must include the same disclosures and educational messages that are required for paper bills. The electronic transmission of termination notices may not be permitted unless the customer has affirmatively consented to this method of delivery. The electronic delivery of a termination notice does not relieve the public utility of the obligation to provide termination notices as required under §§ 56.331—56.338.

(4) The electronic bill must include all required bill inserts in an easily accessed and easily readable format.

(5) The electronic bill must include the option for the customer to contribute to the public utility's hardship fund if the public utility is able to accept hardship fund contributions by this method.

(6) A customer may not be required to pay an additional fee to receive an electronic bill.

(7) The public utility shall maintain a system to deliver electronic bills if the bill is emailed to a customer.

(8) The public utility shall employ all reasonable measures to protect customer information from unauthorized disclosure and prevent access to customer account records by persons who are not properly authorized to have access.

§ 56.262. Meter reading; estimated billing; customer readings.

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

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

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

(i) Upon the request of the customer, the public utility shall, at least annually, provide preaddressed postcards on which the customer may report the reading. The public utility shall provide additional preaddressed postcards on request. The public utility may choose to make available electronic and telephonic methods for customers to report meter reading information.

(ii) The public utility may establish due dates by which the customer supplied reading shall be received for a bill to be based upon the meter reading of the customer or occupant. If the reading of a customer or occupant is not received by that due date, the public utility may estimate the quantity of usage. The public utility may establish due dates for submitting a meter reading when the customer or occupant utilizes an electronic method for reporting meter readings.

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

(4) *Estimates when public utility personnel are unable to gain access.* A public utility may estimate the bill of a

customer if **public** utility personnel are unable to gain access to obtain an actual meter reading, as long as the following apply:

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

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

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

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

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

(ii) When the actual meter reading establishes that the customer was underbilled due to an error in the registration of the remote reading device, the **public** utility may render a bill for the uncollected amount. If the rebilling exceeds the otherwise normal estimated bill for the billing period during which the bill is issued by at least 50% or at least \$50, whichever is greater, the **public** utility shall comply with § 56.264 (relating to previously unbilled **public** utility service).

(iii) When the actual meter reading establishes that the customer was overbilled due to an error in the readings of the remote reading device, the **public** utility shall credit or refund to the customer the amount overbilled plus interest calculated under § 56.411(3) (relating to duties of parties: disputing party's duty to pay undisputed portion of bills; **public** utility's duty to pay interest whenever overpayment found).

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

(6) Verification of automatic meter reading. Upon a customer request, the public utility shall secure an in-person meter reading to confirm the accuracy of an automatic meter reading device when a customer disconnects service or a new service request is received. A public utility may charge a fee as provided in a Commission-approved tariff.

[(6)] (7) *Limitation of liability.* If a water utility has estimated bills and if the customer or occupant during that period has consumed an amount of water in excess of normal seasonal usage because of a verified leak that could not reasonably have been detected or other unknown loss of water, the customer is not liable for more than 150% of the average amount of water consumed for the corresponding period during the previous year. This

section does not apply when the water utility was unable to gain access and has complied with paragraph (4).

[(7)] (8) *Budget billing.* A gas, electric and steam heating utility shall provide its residential customers, on a year-round rolling enrollment basis, with an optional billing procedure which averages estimated **public** utility service costs over a 10-month, 11-month or 12-month period to eliminate, to the extent possible, seasonal fluctuations in **public** utility bills. The **public** utility shall review accounts at least three times during the optional billing period. At the conclusion of the budget billing year, a resulting reconciliation amount exceeding \$100 but less than \$300 shall be, at the request of the customer, amortized over a 6-month period. Reconciliation amounts exceeding \$300 shall be amortized over at least a 12-month period at the request of the customer. Shorter amortization periods are permissible at the request of the customer.

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

§ 56.264. Previously unbilled **public** utility service.

When a **public** utility renders a make-up bill for previously unbilled **public** utility service which accrued within the past 4 years resulting from **public** utility billing error, meter failure, leakage that could not reasonably have been detected or loss of service, or four or more consecutive estimated bills and the make-up bill exceeds the otherwise normal estimated bill for the billing period during which the make-up bill is issued by at least 50% or at least \$50, whichever is greater:

(1) The **public** utility shall explain the bill to the customer and make a reasonable attempt to amortize the bill.

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§ 56.265. Billing information.

A bill rendered by a **public** utility for metered residential **public** utility service must state clearly the following information:

* * * * *

(11) A statement directing the customer to "register any question or complaint about the bill prior to the due date," with the address and telephone number where the customer may initiate the inquiry or complaint with the **public** utility.

(12) A statement that a rate schedule, an explanation of how to verify the accuracy of a bill and an explanation, in plain language, of the various charges, if applicable, is available for inspection in the local business office of the **public** utility and on the **public** utility's web site.

(13) A designation of the applicable rate schedule as denoted in the officially filed tariff of the **public** utility.

(14) Utilities shall incorporate the requirements in §§ 54.4 and 62.74 (relating to bill format for residential and small business customers).

§ 56.266. Transfer of accounts.

(a) A customer who is about to vacate premises supplied with **public** utility service or who wishes to have service discontinued shall give at least 7 days notice to the **public** utility and a noncustomer occupant, specifying the date on which it is desired that service be discontinued. In the absence of a notice, the customer shall be responsible for services rendered. If the **public** utility is

not, after a reasonable attempt to obtain meter access, able to access the meter for discontinuance, service shall be discontinued with an estimated meter reading upon which the final bill will be based. The resulting final bill is subject to adjustment once the **public** utility has obtained an actual meter reading.

(b) In the event of discontinuance or termination of service at a residence or dwelling in accordance with this chapter, a **public** utility may transfer an unpaid balance to a new residential service account of the same customer.

(c) If a termination notice has been issued in accordance with § 56.331 (relating to general notice provisions and contents of termination notice) and subsequent to the mailing or delivery of that notice, the customer requests a transfer of service to a new location, the termination process in §§ 56.331—56.339 may continue at the new location.

(1) When notifications set forth under § 56.331 and § 56.335 (relating to deferred termination when no prior contact) have been rendered and service has not been terminated due to a denial of access to the premises, the **public** utility may deny service at a new location when a service transfer is requested.

(2) Nothing in this section shall be construed to limit the right of a customer to dispute a bill within the meaning of §§ 56.372—56.374 (relating to dispute procedures; time for filing an informal complaint; and effect of failure to timely file an informal complaint).

§ 56.267. Advance payments.

Payments may be required in advance of furnishing any of the following services:

- (1) Seasonal service.
- (2) The construction of facilities and furnishing of special equipment.
- (3) Gas and electric rendered through prepayment meters provided:

(i) The customer is nonlow income. For purposes of this section, “nonlow income” is defined as an individual who has an annual household gross income greater than 150% of the Federal poverty income guidelines and has a delinquency for which the individual is requesting a payment agreement but offering terms that the **public** utility, after consideration of the factors in § 56.337(b) (relating to procedures upon customer or occupant contact prior to termination), finds unacceptable.

(ii) The service is being rendered to an individually-metered residential dwelling, and the customer and occupants are the only individuals affected by the installation of a prepayment meter.

(iii) The customer and **public** utility enter into a payment agreement which includes, but is not limited to, the following terms:

(A) The customer voluntarily agrees to the installation of a prepayment meter.

(B) The customer agrees to purchase prepayment credits to maintain service until the total balance is retired and the **public** utility agrees to make new credits available to the customer within 5 days of receipt of prepayment.

(C) The **public** utility agrees to furnish the customer with emergency backup credits for additional usage of at least 5 days.

(D) The customer agrees that failure to renew the credits by making prepayment for additional service constitutes a request for discontinuance under § 56.312(1) (relating to discontinuance of service), except during a medical emergency, and that discontinuance will occur when the additional usage on the emergency backup credits runs out.

(iv) The **public** utility develops a written plan for a prepayment meter program, consistent with the criteria established in this section, and submits the plan to the Commission at least 30 days in advance of the effective date of the program.

(v) During the first 2 years of use of prepayment meters, the **public** utility thoroughly and objectively evaluates the use of prepayment meters in accordance with the following:

(A) *Content.* The evaluation should include both process and impact components. Process evaluation should focus on whether the use of prepayment meters conforms to the program design and should assess the degree to which the program operates efficiently. The impact evaluation should focus on the degree to which the program achieves the continuation of **public** utility service to participants at reasonable cost levels. The evaluation should include an analysis of the costs and benefits of traditional collections or alternative collections versus the costs and benefits of handling nonlow income positive ability to pay customers through prepayment metering. This analysis should include comparisons of customer payment behavior, energy consumption, administrative costs and actual collection costs.

* * * * *

PAYMENTS

§ 56.271. Payment.

The due date for payment of a bill may not be less than 20 days from the date of transmittal; that is, the date of mailing, electronic transmission or physical delivery of the bill by the **public** utility to the customer.

(1) *Extension of due date to next business day.* If the last day for payment falls on a Saturday, Sunday, bank holiday or other day when the offices of the **public** utility which regularly receive payments are not open to the general public, the due date shall be extended to the next business day.

(2) *Date of payment by mail.* For a remittance by mail, one or more of the following applies:

(i) Payment shall be deemed to have been made on the date of the postmark.

(ii) The **public** utility may not impose a late payment charge unless payment is received more than 5 days after the due date.

(3) *Branch offices or authorized payment agents.* The effective date of payment to a branch office or authorized payment agent, unless payment is made by mail under paragraph (2), is the date of actual receipt of payment at that location.

(4) *Electronic transmission.* The effective date of a payment electronically transmitted to a **public** utility is the date of actual receipt of payment.

(5) *Fees.* Fees or charges assessed and collected by the **public** utility for utilizing a payment option must be included in the **public** utility’s tariff on file at the Commission.

(6) *Multiple notifications.* When a **public** utility advises a customer of a balance owed by multiple notices or contacts which contain different due dates, the date on or before which payment is due shall be the latest due date contained in any of the notices.

§ 56.272. **Accrual of late payment charges.**

(a) Every **public** utility subject to this chapter is prohibited from levying or assessing a late charge or penalty on any overdue **public** utility bill, as defined in § 56.271 (relating to payment), in an amount which exceeds 1.5% interest per month on the overdue balance of the bill. These charges are to be calculated on the overdue portions of the bill only. The interest rate, when annualized, may not exceed 18% simple interest per annum.

(b) An additional charge or fixed fee designed to recover the cost of a subsequent rebilling may not be charged by a regulated **public** utility.

(c) Late payment charges may not be imposed on disputed estimated bills, unless the estimated bill was required because **public** utility personnel were willfully denied access to the affected premises to obtain an actual meter reading.

(d) A **public** utility may waive late payment charges on any customer accounts.

§ 56.273. Application of partial payments between **public** utility and other service.

Payments received by a **public** utility without written instructions that they be applied to merchandise, appliances, special services, meter testing fees or other nonbasic charges and which are insufficient to pay the balance due for the items plus amounts billed for basic **public** utility service shall first be applied to the basic charges for residential **public** utility service.

§ 56.274. Application of partial payments among several bills for **public** utility service.

In the absence of written instructions, a disputed bill or a payment agreement, payments received by a **public** utility which are insufficient to pay a balance due both for prior service and for service billed during the current billing period shall first be applied to the balance due for prior service.

§ 56.275. **Electronic bill payment.**

A **public** utility may offer electronic payment options. Electronic payment programs must include the following requirements:

(1) Electronic bill payment shall be voluntary. A **public** utility may not require a customer to enroll in electronic bill payment as a condition for enrolling in electronic billing.

(2) For electronic bill payment through a charge to a customer's credit card or automatic withdrawal from a customer's financial account, the program must set forth the date (or number of days after issuance of the bill) when the automatic payment shall be made.

(3) The terms of the payment procedures shall be fully disclosed to the customer in writing, either by mail or electronically, before the customer enters the program. Program changes shall be conveyed to the customer in writing, either by mail or electronically, and the customer shall be given an opportunity to withdraw from the program if the customer does not wish to continue under the new terms.

(4) The **public** utility shall provide a receipt, or a confirmation, transaction or reference number, either electronically or on paper, to the customer upon payment through the electronic method. This requirement does not apply if the payment method is through a preauthorized automated debit from a customer's financial account.

(5) The **public** utility shall employ all reasonable measures to protect customer information from unauthorized disclosure and prevent access to customer account records by persons who are not properly authorized to have access.

Subchapter N. CREDIT AND DEPOSITS STANDARDS POLICY

PROCEDURES FOR APPLICANTS

§ 56.281. **Policy statement.**

An essential ingredient of the credit and deposit policies of each **public** utility shall be the equitable and nondiscriminatory application of those precepts to potential and actual customers throughout the service area without regard to the economic character of the area or any part thereof. Deposit policies must be based upon the credit risk of the individual applicant or customer rather than the credit history of the affected premises or the collective credit reputation or experience in the area in which the applicant or customer lives and without regard to race, sex, age over 18 years of age, National origin or marital status.

§ 56.282. **Credit standards.**

A **public** utility shall provide residential service without requiring a deposit when the applicant satisfies one of the following requirements:

(1) *Prior public utility payment history.* The applicant has been a recipient of **public** utility service of a similar type within a period of 24 consecutive months preceding the date of the application and was primarily responsible for payment for the service, so long as:

(i) The average periodic bill for the service was equal to at least 50% of that estimated for new service.

(ii) The service of the applicant was not terminated for nonpayment during the last 12 consecutive months of that prior service.

(iii) The applicant does not have an unpaid balance from that prior service.

(2) *Ownership of real property.* The applicant owns or has entered into an agreement to purchase real property located in the area served by the **public** utility or is renting the applicant's place of residence under a lease of 1 year or longer in duration, unless the applicant has an otherwise unsatisfactory credit history as a **public** utility customer within 2 years prior to the application for service.

(3) *Credit information.* The applicant provides information demonstrating that the applicant is not an unsatisfactory credit risk.

(i) The absence of prior credit history does not, of itself, indicate an unsatisfactory risk.

(ii) The **public** utility may request and consider information including:

* * * * *

(F) Significant source of income other than from employment.

(4) Cash deposit prohibition. A public utility may not require an applicant that is confirmed to be eligible for a customer assistance program to provide a cash deposit.

§ 56.283. Cash deposits; third-party guarantors.

If an applicant does not establish credit under § 56.282 (relating to credit standards), the **public** utility shall provide residential service when one of the following requirements is satisfied:

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§ 56.285. Payment of outstanding balance.

A **public** utility may require, as a condition of the furnishing of residential service to an applicant, the payment of any outstanding residential account with the **public** utility which accrued within the past 4 years from the date of the service request for which the applicant is legally responsible and for which the applicant was billed properly. The 4-year limit does not apply if the balance includes amounts that the **public** utility was not aware of because of fraud or theft on the part of the applicant. An outstanding residential account with the **public** utility may be amortized over a reasonable period of time. Factors to be taken into account include the size of the unpaid balance, the ability of the applicant to pay, the payment history of the applicant and the length of time over which the bill accumulated. A **public** utility may not require, as a condition of the furnishing of residential service, payment for residential service previously furnished under an account in the name of a person other than the applicant unless a court, district justice or administrative agency has determined that the applicant is legally obligated to pay for the service previously furnished. Examples of situations include a separated spouse or a cotenant. This section does not affect the creditor rights and remedies of a **public** utility otherwise permitted by law.

§ 56.286. Written procedures.

A **public** utility shall establish written procedures for determining the credit status of an applicant. A **public** utility employee processing applications or determining the credit status of applicants shall be supplied with or have ready access to a copy of the written procedures of the **public** utility. **The written procedures must specify that there are separate procedures and standards for victims with a protection from abuse order or a court order issued by a court of competent jurisdiction in this Commonwealth which provides clear evidence of domestic violence. The procedures must also specify that any applicant that is confirmed to be eligible for a customer assistance program is not required to pay a deposit.** A copy of these procedures shall be maintained on file in each of the business offices of the **public** utility and made available, upon request, for inspection by members of the public and the Commission and be included on the **public** utility's web site.

(1) *Reasons for denial of credit.* If credit is denied, the **public** utility shall inform the applicant in writing of the reasons for the denial within 3 business days of the denial. This information may be provided electronically to the applicant with the applicant's consent. If the **public** utility is requiring payment of an unpaid balance in accordance with § 56.285 (relating to payment of outstanding balance), the **public** utility shall specify in

writing the amount of the unpaid balance, the dates during which the balance accrued, and the location and customer name at which the balance accrued. The statement must inform the applicant of the right to furnish a third-party guarantor in accordance with § 56.283 (relating to cash deposits; third-party guarantors) and the right to contact the Commission. The statement must include information informing victims of domestic violence with a protection from abuse order **or a court order issued by a court of competent jurisdiction in this Commonwealth which provides clear evidence of domestic violence** that more lenient credit and liability standards may be available. **The statement must also inform the applicant that if he is confirmed to be eligible for a customer assistance program, a deposit is not required.**

(2) *Informing applicants of procedures.* [Utility] **Public** utility personnel shall fully explain the credit and deposit procedures of the **public** utility to each customer or applicant for service.

(3) *Third-party requests for service.* Requests from third parties to establish **public** utility service on behalf of an applicant will not be honored until the **public** utility has verified the legitimacy of the request. Verification may be accomplished by any means appropriate to confirm that the applicant consents to service being established or that the third-party is authorized to act on the applicant's behalf.

§ 56.287. General rule.

Once an applicant's application for service is accepted by the **public** utility, the **public** utility shall make a bona fide attempt to provide service within 3 business days, provided that the applicant has met all regulatory requirements. A longer time frame is permissible with the consent of the applicant. If the investigation and determination of credit status is expected to take or in fact takes longer than 3 business days commencing the date after the application is made, the **public** utility shall provide service pending completion of the investigation. If the **public** utility cannot provide service by the time frames specified in this section, the **public** utility shall inform the customer of this fact and provide a reasonable estimate of when service will be provided. These requirements do not apply to new service installations and service extensions that require construction of facilities to provide the **public** utility service.

§ 56.288. Payment period for deposits by applicants.

An applicant may elect to pay any required deposits in three installments: 50% payable upon the determination by the **public** utility that the deposit is required, 25% payable 30 days after the determination and 25% payable 60 days after the determination.

PROCEDURES FOR EXISTING CUSTOMERS

§ 56.291. General rule.

A **public** utility may require an existing customer to post a deposit to reestablish credit under the following circumstances:

(1) *Delinquent accounts.* Whenever a customer has been delinquent in the payment of any two consecutive bills or three or more bills within the preceding 12 months.

(i) Prior to requesting a deposit under this section, the **public** utility shall give the customer written notification

of its intent to request a cash deposit if current and future bills continue to be paid after the due date.

(A) Notification must clearly indicate that a deposit is not required at this time but that if bills continue to be paid after the due date a deposit will be required.

(B) Notification may be mailed or delivered to the customer together with a bill for **public** utility service.

(C) Notification must set forth the address and phone number of the **public** utility office where complaints or questions may be registered.

(D) A subsequent request for deposit must clearly indicate that a customer should register any question or complaint about that matter prior to the date the deposit is due to avoid having service terminated pending resolution of a dispute. The request must also include the address and telephone number of the **public** utility office where questions or complaints may be registered.

(ii) Except in the case of adjustments to budget billing plans, a **public** utility may issue a notification or subsequent request for a deposit based, in whole or in part, on a delinquent account arising out of a make-up bill as defined in § 56.264 (relating to previously unbilled **public** utility service), under the following conditions:

(A) The **public** utility has complied with § 56.264. Compliance with a payment agreement by the customer discharges the delinquency and a notification or request for deposit may not thereafter be issued based on the make-up bill.

(B) If a make-up bill exceeds the otherwise normal estimated bill by at least 50% and if the customer makes payment in full after the bill is delinquent but before a notification of intent to request a deposit is given to the customer, a notification or request for deposit may not thereafter be issued based on the make-up bill.

(2) *Condition to the reconnection of service.* A **public** utility may require a deposit as a condition to reconnection of service following a termination.

(3) *Failure to comply with payment agreement.* A **public** utility may require a deposit, whether or not service has been terminated, when a customer fails to comply with a material term or condition of a payment agreement.

(4) Cash deposit prohibition. A public utility may not require a customer or an applicant that is confirmed to be eligible for a customer assistance program to provide a cash deposit.

§ 56.292. Payment period for deposits by customers.

The due date for payment of a deposit other than a deposit required as a condition for the reconnection of service under § 56.291(2) (relating to general rule) may not be less than 21 days from the date of mailing or service on the customer of notification of the amount due. A customer may elect to pay a required deposit in three installments: 50% payable upon the determination by the **public** utility that the deposit is required, 25% payable 30 days after the determination and 25% payable 60 days after the determination. A **public** utility shall advise [**an applicant**] a customer of the option to pay the requested security deposit in installments at the time the deposit is requested.

CASH DEPOSITS

§ 56.301. Amount of cash deposit.

(a) *Applicants.* A **public** utility may not require a cash deposit from an applicant in excess of the average

estimated bill of the applicant for a period equal to one billing period plus 1 additional month's service, not to exceed 4 months in the case of water and wastewater utilities and 2 months in the case of gas, electric and steam heat utilities, with a minimum deposit of \$5.

(b) *Existing customer.* For an existing customer, the cash deposit may not exceed the estimated charges for service based on the prior consumption of that customer for the class of service involved for a period equal to one average billing period plus 1 average month, not to exceed 4 months in the case of wastewater utilities and 2 months in the case of gas and steam heat utilities, with a minimum of \$5.

(c) *Adjustment of deposits.* The amount of a cash deposit may be adjusted at the request of the customer or the **public** utility whenever the character or degree of the usage of the customer has materially changed or when it is clearly established that the character or degree of service will materially change in the immediate future.

§ 56.302. Deposit hold period and refund.

A cash deposit shall be refunded under the following conditions:

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

(2) *Credit established.* When a customer establishes credit under § 56.282 (relating to credit standards), the **public** utility shall refund or apply to the customer's account, any cash deposit plus accrued interest.

(3) *Third-party guarantor.* When a customer substitutes a third-party guarantor in accordance with § 56.283(2) (relating to cash deposits; third-party guarantors), the **public** utility shall refund any cash deposit, plus accrued interest, up to the limits of the guaratee.

(4) *Prompt payment of bills.* After a customer has paid bills for service for 12 consecutive months without having service terminated and without having paid a bill subsequent to the due date or other permissible period as stated in this chapter on more than two occasions or for a maximum period of 24 months, the **public** utility shall refund any cash deposit, plus accrued interest.

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

§ 56.303. Application of deposit to bills.

The customer may elect to have a deposit applied to reduce bills for **public** utility service or to receive a cash refund.

§ 56.304. Periodic review.

If a customer is not entitled to refund under § 56.302 (relating to deposit hold period and refund), the **public** utility shall review the account of the customer each succeeding billing period and make appropriate disposition of the deposit in accordance with § 56.302 and § 56.303 (relating to application of deposit to bills).

§ 56.305. Refund statement.

If a cash deposit is applied or refunded, the **public** utility shall mail or deliver to the customer a written

statement showing the amount of the original deposit plus accrued interest, the application of the deposit to a bill which had previously accrued, the amount of unpaid bills liquidated by the deposit and the remaining balance.

§ 56.306. Interest rate.

The **public** utility shall accrue interest on the deposit until it is returned or credited [**the legal rate of interest under section 202 of the act of January 30, 1974 (P.L. 13, No. 6) (41 P.S. § 202), known as the Loan Interest and Protection Law, and return the interest with the deposit. § 56.307**].

(1) **Interest shall be computed at the simple annual interest rate determined by the Secretary of Revenue for interest on the underpayment of tax under section 806 of The Fiscal Code (72 P.S. § 806).**

(2) **The interest rate in effect when deposit is required to be paid shall remain in effect until the date the deposit is refunded or credited, or December 31, whichever is later.**

(3) **On January 1 of each year, the new interest rate for that year will apply to the deposit.**

Subchapter O. INTERRUPTION AND DISCONTINUANCE OF SERVICE

§ 56.311. Interruption of service.

A **public** utility may temporarily interrupt service when necessary to effect repairs or maintenance; to eliminate an imminent threat to life, health, safety or substantial property damage; or for reasons of local, State or National emergency.

(1) *Interruption with prior notice.* When the **public** utility knows in advance of the circumstances requiring the service interruption, prior notice of the cause and expected duration of the interruption shall be given to customers and occupants who may be affected.

(2) *Interruption without prior notice.* When service is interrupted due to unforeseen circumstances, notice of the cause and expected duration of the interruption shall be given as soon as possible to customers and occupants who may be affected.

(3) *Notification procedures.* When customers and occupants are to be notified under this section, the **public** utility shall take reasonable steps, such as personal contact, phone contact and use of the mass media, to notify affected customers and occupants of the cause and expected duration of the interruption.

(4) *Permissible duration.* Service may be interrupted for only the periods of time necessary to protect the health and safety of the public, to protect property or to remedy the situation which necessitated the interruption. Service shall be resumed as soon as possible thereafter.

§ 56.312. Discontinuance of service.

A **public** utility may discontinue service without prior written notice under the following circumstances:

(1) *Customer's residence.* When a customer requests a discontinuance at the customer's residence, when the customer and members of the customer's household are the only occupants.

(2) *Other premises or dwellings.* Other premises or dwellings as follows:

(i) When a customer requests discontinuance at a dwelling other than the customer's residence or at a

single meter multifamily residence, whether or not the customer's residence but, in either case, only under either of the following conditions:

(A) The customer states in writing that the premises are unoccupied. The statement must be on a form conspicuously bearing notice that information provided by the customer will be relied upon by the Commission in administering a system of uniform service standards for utilities and that any false statements are punishable criminally. When the customer fails to provide a notice, or when the customer has falsely stated the premises are unoccupied, the customer shall be responsible for payment of **public** utility bills until the **public** utility discontinues service.

(B) The occupants affected by the proposed cessation inform the **public** utility orally or in writing of their consent to the discontinuance.

(ii) When the conditions in subparagraph (i) have not been met, the **public** utility, at least 10 days prior to the proposed discontinuance, shall conspicuously post notice of termination at the affected premises.

(A) When the premises is a multifamily residence, notice shall also be posted in common areas.

(B) Notices must, at a minimum, state: the date on or after which discontinuance will occur; the name and address of the **public** utility; and the requirements necessary for the occupant to obtain **public** utility service in the occupant's name. Further termination provisions of this chapter, except § 56.337 (relating to procedures upon customer or occupant contact prior to termination), do not apply in these circumstances.

(C) This section does not apply when the customer is a landlord ratepayer. See 66 Pa.C.S. §§ 1521—1533 (relating to discontinuance of service to leased premises).

**Subchapter P. TERMINATION OF SERVICE
GROUNDS FOR TERMINATION**

§ 56.321. Authorized termination of service.

[**Utility**] **Public** utility service to a dwelling may be terminated for one or more of the following reasons:

(1) Nonpayment of an undisputed delinquent account.

(2) Failure to post a deposit, provide a guarantee or establish credit.

(3) Unreasonable refusal to permit access to meters, service connections and other property of the **public** utility for the purpose of maintenance, repair or meter reading.

(4) Unauthorized use of the **public** utility service delivered on or about the affected dwelling.

(5) Failure to comply with the material terms of a payment agreement.

(6) Fraud or material misrepresentation of identity for the purpose of obtaining **public** utility service.

(7) Tampering with meters or other **public** utility equipment.

(8) Violating tariff provisions on file with the Commission so as to endanger the safety of a person or the integrity of the energy delivery system of the **public** utility.

§ 56.322. Timing of termination.

Except in emergencies—which include unauthorized use of **public** utility service—service may not be terminated, for nonpayment of charges or for any other reason, during the following periods:

- (1) On Friday, Saturday or Sunday.
- (2) On a bank holiday or on the day preceding a bank holiday.
- (3) On a holiday observed by the **public** utility or on the day preceding the holiday. A holiday observed by a **public** utility means any day on which the business office of the **public** utility is closed to observe a legal holiday, to attend **public** utility meetings or functions or for any other reason.
- (4) On a holiday observed by the Commission or on the day preceding the holiday.

§ 56.323. Unauthorized termination of service.

Unless expressly and specifically authorized by the Commission, service may not be terminated nor will a termination notice be sent for any of the following reasons:

- (1) Nonpayment for concurrent service of the same class received at a separate dwelling. This does not include concurrent service periods of 90 days or less accrued during the transfer of service from one location to another.
- (2) Nonpayment for a different class of service received at the same or a different location. Service may be terminated, however, when, under the tariff of the **public** utility, a change in classification is necessitated upon the completion of construction work previously billed at a different rate applicable during construction.
- (3) Nonpayment, in whole or in part of nonbasic charges for leased or purchased merchandise, appliances or special services including, but not limited to, merchandise and appliance installation fees, rental and repair costs; meter testing fees; special construction charges; and other nonrecurring or recurring charges that are not essential to delivery or metering of service, except as provided in this chapter.
- (4) Nonpayment of bills for delinquent accounts of the prior customer at the same address.
- (5) Nonpayment of a deposit which is based, in whole or in part, on a delinquent account arising out of a make-up bill as defined in § 56.264 (relating to previously unbilled **public** utility service) and the customer has complied with § 56.291(1)(ii)(A) or (B) (relating to general rule).
- (6) Noncompliance with a payment agreement prior to the due date of the bill which forms the basis of the agreement.
- (7) Nonpayment of charges for **public** utility service for which the **public** utility ceased billing more than 4 years prior to the date the bill is rendered.
- (8) Nonpayment for residential service already furnished in the names of persons other than the customer unless a court, district justice or administrative agency has determined that the customer is legally obligated to pay for the service previously furnished. This paragraph does not affect the creditor rights and remedies of a **public** utility otherwise permitted by law.
- (9) Nonpayment of charges calculated on the basis of estimated billings, unless the estimated bill was required because **public** utility personnel were unable to gain access to the affected premises to obtain an actual meter reading on two occasions and have made a reasonable effort to schedule a meter reading at a time convenient to the customer or occupant, or a subsequent actual reading

has been obtained as a verification of the estimate prior to the initiation of termination procedures.

(10) Nonpayment of delinquent accounts which accrued over two billing periods or more, which remain unpaid in whole or in part for 6 months or less, and which amount to a total delinquency of less than \$25.

(11) Nonpayment of delinquent accounts when the amount of the deposit presently held by the **public** utility is within \$25 of account balance.

NOTICE PROCEDURES PRIOR TO TERMINATION
§ 56.331. General notice provisions and contents of termination notice.

(a) Prior to a termination of service, the **public** utility shall mail or deliver written notice to the customer at least 10 days prior to the date of the proposed termination. In the event of a user without contract as defined in § 56.252 (relating to definitions), the **public** utility shall comply with §§ 56.333—56.337, but does not need to provide notice 10 days prior to termination.

(b) A notice of termination must include, in conspicuous print, clearly and fully the following information when applicable:

- (1) The reason for the proposed termination.
- (2) An itemized statement of amounts currently due, including any required deposit.
- (3) A statement that a reconnection fee will be required to have service restored after it has been terminated if a reconnection fee is a part of the tariff of the **public** utility on file with the Commission. The statement must include the maximum possible dollar amount of the reconnection fee that may apply.
- (4) The date on or after which service will be terminated unless one of the following occurs:
 - (i) Payment in full is received.
 - (ii) The grounds for termination are otherwise eliminated.
 - (iii) A payment agreement is established.
 - (iv) Enrollment is made in a customer assistance program or its equivalent, if the customer is eligible for the program.
 - (v) A dispute is filed with the **public** utility or the Commission.
 - (vi) Payment in full of amounts past due on the most recent payment agreement is received.

(5) A statement that the customer should immediately contact the **public** utility to attempt to resolve the matter. The statement must include the address and telephone number where questions may be asked, how payment agreements may be negotiated and entered into with the **public** utility, and where applications can be found and submitted for enrollment into the **public** utility's universal service programs, if these programs are offered by the **public** utility.

(6) The following statement: "If you have questions or need more information, contact us as soon as possible at (**public** utility phone number). After you talk to us, if you are not satisfied, you may file a complaint with the Public Utility Commission. The Public Utility Commission may delay the shut off if you file the complaint before the shut off date. To contact them, call (800) 692-7380 or write to the Pennsylvania Public Utility Commission, P.O. Box 3265, Harrisburg, Pennsylvania 17105-3265."

(7) A serious illness notice in compliance with the form in Appendix A (relating to medical emergency notice) except that, for the purpose of § 56.336 (relating to post-termination notice), the notice must comply with the form in Appendix B (relating to medical emergency notice).

(8) If the **public** utility has universal service programs, information indicating that special assistance programs may be available and how to contact the **public** utility for information and enrollment, and that enrollment in the program may be a method of avoiding the termination of service.

(9) Information indicating that special protections are available for victims under a protection from abuse order **or who have a court order issued by a court of competent jurisdiction in this Commonwealth which provides clear evidence of domestic violence** and how to contact the **public** utility to obtain more information on these protections.

(10) Information indicating that special protections are available for tenants if the landlord is responsible for paying the **public** utility bill and how to contact the **public** utility to obtain more information on these protections.

(11) Information indicating that if service is shut off, the customer may be required to pay more than the amount listed on the notice to have service turned back on.

(12) Information indicating that if service is shut off, the customer shall contact the **public** utility after payment has been made to arrange reconnection of the service.

(13) Information in Spanish directing Spanish-speaking customers to the numbers to call for information and translation assistance. Similar information shall be included in other languages when census data indicates that 5% or more of the residents of the **public** utility's service territory are using that language.

(14) Contact information for customers with disabilities that need assistance.

§ 56.332. Notice when dispute pending.

A **public** utility may not mail or deliver a notice of termination if a notice of initial inquiry, dispute, informal or formal complaint has been filed and is unresolved and if the subject matter of the dispute forms the grounds for the proposed termination. A notice mailed or delivered in contravention of this section is void.

§ 56.333. Personal contact.

(a) Except when authorized under § 56.311, § 56.312 or § 56.338 (relating to interruption of service; discontinuance of service; and exception for terminations based on occurrences harmful to person or property), a **public** utility may not interrupt, discontinue or terminate service without personally contacting the customer or a responsible adult occupant **in person, by telephone or electronically with the customer's consent to provide notice of the proposed termination** at least 3 days prior to the interruption, discontinuance or termination, in addition to providing other notice as specified by the properly filed tariff of the **public** utility or as required under this chapter or other Commission directive.

(b) For purposes of this section, "personal contact" means:

(1) Contacting the customer or responsible adult occupant in person or by telephone. Phone contact shall be

deemed complete upon attempted calls on 2 separate days to the residence between 8 a.m. and 9 p.m. if the calls were made at various times each day, with the various times of the day being daytime before 5 p.m. and evening after 5 p.m. and at least 2 hours apart. Calls made to contact telephone numbers provided by the customer shall be deemed to be calls to the residence.

(2) If contact is attempted in person by a home visit, only one attempt is required. The **public** utility shall conspicuously post a written termination notice at the residence if it is unsuccessful in attempting to personally contact a responsible adult occupant during the home visit.

(3) Contact by e-mail, text message or other electronic messaging format consistent with the Commission's privacy guidelines and approved by Commission order. The electronic notification option is voluntary and shall only be used if the customer has given prior consent approving the use of a specific electronic message format for the purpose of notification of a pending termination.

[(3)] (4) Contacting another person whom the customer has designated to receive a copy of a notice of termination, other than a member or employee of the Commission.

[(4)] (5) If the customer has not made the designation noted in paragraph [(3)] (4), contacting a community interest group or other entity, including a local police department, which previously shall have agreed to receive a copy of the notice of termination and to attempt to contact the customer.

[(5)] (6) If the **public** utility is not successful in establishing personal contact [**as noted in paragraphs (1) and (2)**] and the customer has not made the designation noted in paragraph [(3)] (4) and if there is no community interest group or other entity which previously has agreed to receive a copy of the notice of termination, contacting the Commission in writing.

(c) The content of the 3-day personal contact notice must include the earliest date at which termination may occur and **all of** the following information:

- (1) The date and grounds of the termination.
- (2) What is needed to avoid the termination of service.
- (3) How to contact the **public** utility and the Commission.
- (4) The availability of the emergency medical procedures.

(d) The **public** utility shall ask if the customer or occupant has questions about the 10-day written notice the **public** utility previously sent.

§ 56.334. Procedures immediately prior to termination.

Immediately preceding the termination of service, a **public** utility employee, who may be the **public** utility employee designated to perform the termination, shall attempt to make personal contact with a responsible adult occupant at the residence of the customer.

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§ 56.337. Procedures upon customer or occupant contact prior to termination.

(a) If, after the issuance of the initial termination notice and prior to the actual termination of service, a

customer or occupant contacts the **public** utility concerning a proposed termination, an authorized **public** utility employee shall fully explain the following:

- (1) The reasons for the proposed termination.
- (2) The available methods for avoiding a termination, including the following:
 - (i) Tendering payment in full or otherwise eliminating the grounds for termination.
 - (ii) Entering a payment agreement.
 - (iii) Paying what is past-due on the most recent previous company negotiated or Commission payment agreement.

[(iv) Enrolling in the utility’s customer assistance program or its equivalent, if the utility has a program and the customer is eligible for the program.]

(3) Information about the public utility’s universal service programs, including the customer assistance program. Refer the customer or applicant to the universal service program administrator of the public utility to determine eligibility for a program and to apply for enrollment in a program.

[(3)] (4) The medical emergency procedures.

(b) The **public** utility, through its employees, shall exercise good faith and fair judgment in attempting to enter a reasonable payment agreement or otherwise equitably resolve the matter. Factors to be taken into account when attempting to enter into a reasonable informal dispute settlement agreement or payment agreement include the size of the unpaid balance, the ability of the customer to pay, the payment history of the customer and the length of time over which the bill accumulated. Payment agreements for heating customers shall be based upon budget billing as determined under § 56.262(7) (relating to meter reading; estimated billing; customer readings). If a payment agreement is not established, the company shall further explain the following:

- (1) The right of the customer to file a dispute with the **public** utility and, thereafter, an informal complaint with the Commission.

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§ 56.338. Exception for terminations based on occurrences harmful to person or property.

Notwithstanding any other provision of this chapter, when a service termination is based on an occurrence which endangers the safety of any person or may prove harmful to the energy delivery system of the **public** utility, the **public** utility may terminate service without written notice so long as the **public** utility reasonably believes grounds to exist. At the time of termination, the **public** utility shall make a bona fide attempt to deliver a notice of termination to a responsible adult occupant at the affected premises and, in the case of a single meter, multiunit dwelling, shall conspicuously post the notice at the dwelling, including common areas when permissible.

§ 56.339. Use of termination notice solely as collection device prohibited.

A **public** utility may not threaten to terminate service when it has no present intent to terminate service or when actual termination is prohibited under this chapter. Notice of the intent to terminate shall be used only as a warning that service will in fact be terminated in accordance with the procedures under this chapter, unless the

customer or occupant remedies the situation which gave rise to the enforcement efforts of the **public** utility.

§ 56.340. Winter termination procedures.

Notwithstanding any provision of this chapter, during the period of December 1 through March 31, utilities subject to this subchapter shall conform to the provisions of this section. The covered utilities may not terminate service between December 1 and March 31 except as provided in this section or § 56.338 (relating to exception for terminations based on occurrences harmful to person or property).

(1) *Termination notices.* The **public** utility shall comply with §§ 56.331—56.335 including personal contact, as defined in § 56.333 (relating to personal contact), at the premises if occupied.

(2) *Request for permission to terminate service.* If at the conclusion of the notification process defined in §§ 56.331—56.335, a reasonable agreement cannot be reached between the **public** utility and the customer, the **public** utility shall register with the Commission, in writing, a request for permission to terminate service, accompanied by a **public** utility report as defined in § 56.382 (relating to contents of the **public** utility company report). At the same time, the **public** utility shall serve the customer a copy of the written request registered with the Commission.

(3) *Informal complaints.* If the customer has filed an informal complaint or if the Commission has acted upon the **public** utility’s written request, the matter shall proceed under §§ 56.391—56.394 (relating to informal complaint procedures). Nothing in this section may be construed to limit the right of a **public** utility or customer to appeal a decision by the Bureau of Consumer Services (BCS) under 66 Pa.C.S. § 701 (relating to complaints) and §§ 56.401—56.403 and 56.441.

(4) *Survey of premises previously terminated.* For premises where heat related service has been terminated prior to December 1 of each year, covered utilities shall, within 90 days prior to December 1, survey and attempt to make post-termination personal contact with the occupant or a responsible adult at the premises and in good faith attempt to reach an agreement regarding payment of any arrearages and restoration of service.

(5) *Reporting of survey results.* Utilities subject to this subchapter shall file a brief report outlining their pre-December 1 survey and personal contact results with the BCS on or before December 15 of each year. Each **public** utility shall update the survey and report the results to the BCS on February 1 of each year to reflect any change in the status of the accounts subsequent to the December 15 filing including any accounts terminated in December. For the purposes of the February 1 update of survey results, the **public** utility shall attempt to contact by telephone, if available, a responsible adult person or occupant at each residence in a good faith attempt to reach an agreement regarding payment of any arrearages and restoration of service.

(6) *Landlord ratepayer accounts.* During the period of December 1 through March 31, a **public** utility subject to this subchapter may not terminate service to a premises when the account is in the name of a landlord ratepayer as defined at 66 Pa.C.S. § 1521 (related to definitions) except for the grounds in § 56.338.

(7) *Reporting of deaths at locations where public utility service was previously terminated.* Throughout the year, utilities subject to this subchapter shall report to the

Commission when, in the normal course of business, they become aware of a household fire, incident of hypothermia or carbon monoxide poisoning or another event that resulted in a death and that the **public** utility service was off at the time of the incident. Within 1 working day of becoming aware of an incident, the **public** utility shall submit a telephone or electronic report to the Director of the BCS including, if available, the name, address and account number of the last customer of record, the date of the incident, a brief statement of the circumstances involved and, if available from an official source or the media, the initial findings as to the cause of the incident and the source of that information. The BCS or Commission may request additional information on the incident and the customer's account. Information submitted to the Commission in accordance with this paragraph shall be treated in accordance with 66 Pa.C.S. § 1508 (relating to reports of accidents) and may not be open for public inspection except by order of the Commission, and may not be admitted into evidence for any purpose in any suit or action for damages growing out of any matter or thing mentioned in the report.

EMERGENCY PROVISIONS

§ 56.351. General provision.

A **public** utility may not terminate service, or refuse to restore service, to a premises when a licensed physician [or], nurse practitioner or **physician assistant** has certified that the customer or an applicant seeking reconnection of previously terminated service under § 56.421 (relating to payment and timing) or a member of the customer's or applicant's household is seriously ill or afflicted with a medical condition that will be aggravated by cessation of service. The customer or applicant shall obtain a letter from a licensed physician [or], nurse practitioner or **physician assistant** verifying the condition and promptly forward it to the **public** utility. The determination of whether a medical condition qualifies for the purposes of this section resides entirely with the physician [or], nurse practitioner or **physician assistant** and not with the **public** utility. A **public** utility may not impose any qualification standards for medical certificates other than those listed in this section.

§ 56.352. Postponement of termination pending receipt of certificate.

If, prior to termination of service, the **public** utility employee is informed that an occupant is seriously ill or is affected with a medical condition which will be aggravated by a cessation of service and that a medical certification will be procured, termination may not occur for at least 3 days. If a certification is not produced within that 3-day period, the **public** utility may resume the termination process at the point when it was suspended.

§ 56.353. Medical certifications.

Certifications initially may be written or oral, subject to the right of the **public** utility to verify the certification by calling the physician [or], nurse practitioner or **physician assistant**, or to require written verification within 7 days. **Public utilities may develop a medical certificate form but may not make its use mandatory. A medical certificate form developed by the public utility shall be made readily available and placed on the public utility's web site. Medical certificates can be electronically transmitted and electronic signatures are valid.** Certifications, whether written or oral, must include **all of** the following:

(1) The name and address of the customer (or applicant in whose name the account is registered).

(2) The name and address of the afflicted person and the relationship to the customer or applicant.

(3) The [**nature and**] anticipated length of the affliction.

[(4) **The specific reason for which the service is required.**

(5)] (4) The name, office address and telephone number of the certifying physician [or], nurse practitioner or **physician assistant**.

(5) **If a written certificate is provided, the signature of the certifying physician, nurse practitioner or physician's assistant.**

§ 56.354. Length of postponement; renewals.

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

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

(2) *Renewals.* Certifications may be renewed in the same manner and for the same time period as provided in §§ 56.352 and 56.353 (relating to postponement of termination pending receipt of certificate; and medical certifications) and this section if the customer has met the obligation under § 56.356 (relating to duty of customer to pay bills). In instances when a customer has not met the obligation in § 56.356 to equitably make payments on all bills, the number of renewals for the customer's household is limited to two 30-day certifications filed for the same set of arrearages. In these instances, the **public** utility is not required to honor a third renewal of a medical certificate and is not required to follow § 56.358(3) (relating to right of **public** utility to petition the Commission). The **public** utility shall apply the dispute procedures in §§ 56.381 and 56.382 (relating to **public** utility company dispute procedures). When the customer eliminates these arrearages, the customer is eligible to file new medical certificates.

§ 56.355. Restoration of service.

When service is required to be restored under this section and §§ 56.351, 56.354, 56.356—56.358 and 56.421, the **public** utility shall make a diligent effort to have service restored on the day of receipt of the medical certification. In any case, service shall be reconnected within 24 hours. Each **public** utility shall have employees available or on call to restore service in emergencies.

§ 56.357. Termination upon expiration of medical certification.

When the initial and renewal certifications have expired, the original ground for termination shall be revived and the **public** utility may terminate service without additional written notice, if notice previously has been mailed or delivered within the past 60 days under § 56.331 (relating to general notice provisions and contents of termination notice). The **public** utility shall comply with §§ 56.333—56.336.

§ 56.358. Right of **public** utility to petition the Commission.

(a) A **public** utility may petition the Commission for waiver from the medical certification procedures for the following purposes:

(1) *Contest the validity of a certification.* To request an investigation and hearing by the Commission or its designee when the **public** utility wishes to contest the validity of the certification.

(2) *Terminate service prior to expiration of certification.* To request permission to terminate service for the failure of the customer to make payments on current undisputed bills.

(3) *Contest the renewal of a certification.* To request permission to terminate service, under this section and §§ 56.321—56.323 and 56.331—56.339 when customer has not met the duty under § 56.356 (relating to duty of customer to pay bills), provided that the **public** utility has informed the customer of that duty under § 56.356.

(b) A **public** utility shall continue to provide service while a final Commission adjudication on the petition is pending. A petition under this section shall be accompanied by a **public** utility report described in § 56.382 (relating to contents of the **public** utility company report) and shall be filed with the Secretary of the Commission with a copy served to the customer.

* * * * *

THIRD-PARTY NOTIFICATION

§ 56.361. Third-party notification.

Each **public** utility shall permit its customers to designate a consenting individual or agency which is to be sent, by the **public** utility, a duplicate copy of reminder notices, past due notices, delinquent account notices or termination notices of whatever kind issued by that **public** utility. When contact with a third party is made, the **public** utility shall advise the third party of the pending action and the efforts which shall be taken to avoid termination. A **public** utility shall institute and maintain a program:

(1) To allow customers to designate third parties to receive copies of a customer's or group of customers' notices of termination of service.

(2) To advise customers at least annually of the availability of a third-party notification program and to encourage its use thereof. The **public** utility shall emphasize that the third party is not responsible for the payment of the customer's bills.

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

GENERAL PROVISIONS

§ 56.371. Follow-up response to inquiry.

When a customer is waiting for a follow-up response to an initial inquiry under § 56.252 (relating to definitions), termination or threatening termination of service, for the subject matter relating to the inquiry in question, shall be prohibited until the follow-up response and, when applicable, subsequent dispute resolution is completed by the **public** utility.

§ 56.372. Dispute procedures.

A notice of dispute, including termination disputes, must proceed, according to this section:

(1) *Attempted resolution.* If, at any time prior to the actual termination of service, a customer advises the **public** utility that the customer disputes any matter covered by this chapter, including, but not limited to, credit determinations, deposit requirements, the accuracy

of **public** utility metering or billing or the proper party to be charged, the **public** utility shall attempt to resolve the dispute in accordance with § 56.381 (relating to general rule).

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§ 56.373. Time for filing an informal complaint.

To be timely filed, an informal complaint—which may not include disputes under §§ 56.285 and 56.421 (relating to payment of outstanding balance; and payment and timing)—shall be filed prior to the day on which the **public** utility arrives to terminate service. If the **public** utility arrives to terminate service and posts a deferred termination notice in lieu of termination or otherwise fails to terminate service, the time for filing an informal complaint shall be extended until the end of the business day prior to the **public** utility again arriving to terminate service.

§ 56.374. Effect of failure to timely file an informal complaint.

Failure to timely file an informal complaint, except for good cause, shall constitute a waiver of applicable rights to retain service without complying with the termination notice or conference report of the **public** utility.

PUBLIC UTILITY COMPANY DISPUTE PROCEDURES

§ 56.381. General rule.

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

* * * * *

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

(i) If the complainant is not satisfied with the dispute resolution, the **public** utility company report must be in writing and conform to § 56.382 (relating to contents of the **public** utility company report). Further, in these instances, the written report shall be sent to the complaining party if requested or if the **public** utility deems it necessary.

(ii) If the complaining party is satisfied with the orally conveyed dispute resolution, the written **public** utility company report may be limited to the information in § 56.382(1) and (2) and, when applicable, § 56.382(7)(ii) or (8)(ii).

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§ 56.382. Contents of the public utility company report.

A **public** utility company report must **all of** include the following:

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

[(b)] (2) The position of the **public** utility regarding that claim.

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

[(d)] (4) A statement that if the complaining party does not agree with the **public** utility company report, an

informal complaint shall be filed with the Commission to ensure the preservation of all of the complaining party's rights.

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

[(f)] (6) A full and complete explanation of procedures for filing an informal complaint with the Commission (see § 56.391 (relating to informal complaint filing procedures)). If a written report is not requested by the complaining party or is not deemed necessary by the **public** utility, the **public** utility shall provide the information in § 56.391(1), (2) and (5). In addition, the **public** utility shall always provide the telephone number and address of the office of the Commission where an informal complaint may be filed.

[(g)] (7) If the matter in dispute involves a billing dispute, the report must include the following:

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

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

[(h)] (8) If the matter involves a dispute other than a billing dispute, the report must also state the following:

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

[(2)] (ii) The date on or after which service shall be terminated in accordance with the applicable requirements unless the report is complied with or a payment agreement entered into or an informal complaint filed. This date may not be earlier than the original date for compliance with the matter which gave rise to the dispute or 10 days from the date of issuance of the **public** utility company report, whichever is later. If the **public** utility company report is in writing, the information in this paragraph shall be prominently displayed.

INFORMAL COMPLAINT PROCEDURES

§ 56.391. Informal complaint filing procedures.

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

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(4) The name of the **public** utility.

(5) A brief statement of the dispute.

(6) Whether the dispute formerly has been the subject of a **public** utility company investigation and report.

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§ 56.392. Commission informal complaint procedure.

Upon the filing of an informal complaint, which shall be captioned as "(Complainant) v. (**public** utility)," Commission staff will immediately notify the **public** utility; review the dispute; and, within a reasonable period of time, issue to the **public** utility and the complaining party an informal report with findings and a decision. Parties may represent themselves or be represented by counsel or other person of their choice, and may bring

witnesses to appear on their behalf. The reports will be in writing and a summary will be sent to the parties if a party requests it or if the Commission staff finds that a summary is necessary.

(1) *Review techniques.* Review will be by an appropriate means, including, but not limited to, **public** utility company reports, telephone calls, conferences, written statements, research, inquiry and investigation. Procedures will be designed to insure a fair and reasonable opportunity to present pertinent evidence and to challenge evidence submitted by the other party to the dispute, to examine a list of witnesses who will testify and documents, records, files, account data, records of meter tests and other material that the Commission staff will determine may be relevant to the issues, and to question witnesses appearing on behalf of other parties. Information and documents requested by Commission staff as part of the review process shall be provided by the **public** utility within 30 days of the request. If the complainant is without **public** utility service, or in other emergency situations as identified by Commission staff, the information requested by Commission staff shall be provided by the **public** utility within 5 business days of the request. **Upon request of the complainant or Commission staff, the public utility shall provide the complainant with a copy of the documents submitted to Commission staff in response to the informal complaint. The public utility shall redact documents to omit information that would possibly compromise the privacy or personal security of any individual other than the complainant.**

* * * * *

§ 56.393. Termination pending resolution of the dispute.

In any case alleging unauthorized use of **public** utility service, as defined in § 56.252 (relating to definitions), or the customer's failure to pay undisputed bills as required under § 56.411 (relating to duties of parties [;]: disputing party's duty to pay undisputed portion of bills; **public** utility's duty to pay interest whenever overpayment found), a **public** utility may terminate service after giving proper notice in accordance with §§ 56.331—56.338, whether or not a dispute is pending.

FORMAL COMPLAINTS

§ 56.403. Review from informal complaint decisions of the Bureau of Consumer Services.

* * * * *

(c) *Captions.* The parties to a review will be stated in the caption as they stood upon the record of the informal complaint proceeding. If the party requesting review is a **public** utility, the phrase "Complaint Appellant" will be added after its name.

* * * * *

(f) *Commission review.* The Commission will review the decision of the assigned administrative law judge or special agent, commit it to advisory staff for further analysis, remand it to an administrative law judge or special agent for further development of the record or issue a final order. The burden of proof remains with the party who filed the [**formal**] informal complaint.

§ 56.404. Ability to pay proceedings.

* * * * *

(b) *Stay of informal complaint decision.* Upon the filing of a formal complaint in a case seeking review from the

decision of the BCS, there shall be an automatic stay of payment arrangements ordered in that decision, other than current bills not at issue. The **public** utility may request that the presiding officer remove the stay and order payment of amounts in the informal complaint decision. When current bills are not at issue, the customer shall be responsible for payment of current, undisputed bills pending issuance of a final Commission order.

* * * * *

PAYMENT OF BILLS PENDING RESOLUTION OF DISPUTES AND COMPLAINTS

§ 56.411. Duties of parties: disputing party's duty to pay undisputed portion of bills; **public** utility's duty to pay interest whenever overpayment found.

Pending resolution of a dispute, including a termination dispute, the disputing party shall be required to pay the undisputed portion of bills, as described in this section.

* * * * *

(5) *Effect of acceptance of partial payment.* The acceptance by a **public** utility of a partial payment for a bill pending final outcome of a dispute may not be deemed an accord and satisfaction or waiver of the right of the **public** utility to payment in full as subsequently agreed to by the parties or decided by the Commission.

Subchapter R. RESTORATION OF SERVICE

§ 56.421. **Payment and timing.**

When service to a dwelling has been terminated, the **public** utility shall reconnect service within 24 hours after receiving one of the following:

(1) Full payment of an outstanding charge plus the reconnection fee specified in the **public** utility's tariff on file with the Commission. Outstanding charges and the reconnection fee may be amortized over a reasonable period of time. Factors to be taken into account include, but are not limited to:

* * * * *

(2) Payment of amounts currently due according to a payment agreement, plus a reasonable reconnection fee, which may be a part of the payment agreement. The **public** utility may apply the procedure in paragraph (1), if the payment history indicates that the customer has defaulted on at least two payment agreements, an informal complaint decision or a formal complaint order. For purposes of this section, neither an amortization of a make-up bill under § 56.264 (relating to previously unbilled **public** utility service) or the definition of "billing month" in § 56.252 (relating to definitions) nor a payment agreement that has been paid in full by the customer, are to be considered defaults. Budget billing plans and amortization of budget plan reconciliation amounts under [§ 56.262(7)] § 56.262(8) (relating to meter reading; estimated billing; customer readings) may not be considered defaults for the purposes of this section.

(3) Adequate assurances that any unauthorized use or practice will cease, plus full payment of the reasonable reconnection fee of the **public** utility, which may be subject to a payment agreement and compliance or adequate assurance of compliance with an applicable provision for the establishment of credit or the posting of deposits or guarantees.

(4) Service shall be restored within 24 hours for erroneous terminations or upon receipt by the **public** utility of a valid medical certification. Erroneous terminations include instances when the grounds for termination were

removed by the customer paying the amount needed to avoid termination prior to the termination of the service.

(5) Service shall be restored within 24 hours for terminations and reconnections occurring after November 30 and before April 1.

(6) A customer or applicant of a city natural gas distribution operation whose household income does not exceed 135% of the Federal poverty level shall be reinstated under this section only if the customer or applicant enrolls in the customer assistance program of the city natural gas distribution operation. This requirement may not apply if the financial benefits to the customer or applicant are greater if served outside of that assistance program.

(7) A **public** utility shall provide for and inform the applicant or customer of a location where the customer may make payment to restore service. A **public** utility shall inform the applicant or customer that conditions for restoration of service may differ if someone in the household is a victim of domestic violence with a protection from abuse order or a court order issued by a court of competent jurisdiction in this Commonwealth which provides clear evidence of domestic violence, or is seriously ill or affected by a medical condition which will be aggravated without **public** utility service.

§ 56.422. **Personnel available to restore service.**

A **public** utility shall have adequate personnel available between 9 a.m. and 5 p.m. on each working day or for a commensurate period of 8 consecutive hours to restore service when required under this chapter, specifically §§ 56.322 and 56.421 (relating to timing of termination; and payment and timing).

Subchapter S. PUBLIC INFORMATION PROCEDURES; RECORD MAINTENANCE

§ 56.431. **Public information.**

(a) In addition to the notice requirements in this chapter, the Commission will, within 6 months of the effective date of a change to a regulation in this chapter, prepare a summary of the rights and responsibilities of the **public** utility and its customers affected by the change. Summaries will be mailed by the **public** utility to each customer of the **public** utility affected by the change. These summaries, as well as a summary of the rights and responsibilities of the **public** utility and its customers in accordance with this chapter, shall be in writing, reproduced by the **public** utility, displayed prominently, available on the **public** utility's web site, if the company has one, and available at all **public** utility office locations open to the general public. The public utility shall inform new customers of the availability of this information and direct where to locate it on the **public** utility's web site. The **public** utility shall deliver or mail a copy upon the request of a customer or applicant.

(b) A **public** utility which serves a substantial number of Spanish-speaking customers shall provide billing information in English and in Spanish. The written information must indicate conspicuously that it is being provided in accordance with this title and contain information concerning[, but not limited to,] all of the following:

* * * * *

(11) Telephone numbers and addresses of the **public** utility and of the nearest regional office of the Commission where further inquiries may be made.

(12) Definitions of terms or abbreviations used by the public utility on its bills.

(13) Information indicating that additional consumer protections may be available for victims of domestic violence who have a protection from abuse order or a court order issued by a court of competent jurisdiction in this Commonwealth which provides clear evidence of domestic violence, people with serious illnesses and low income households.

§ 56.432. Record maintenance.

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

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

* * * * *

Subchapter T. INFORMAL COMPLAINTS

§ 56.441. Informal complaints.

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

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

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

Subchapter U. GENERAL PROVISIONS

§ 56.451. Availability of normal Commission procedures.

Nothing in this chapter prevents a person or a public utility from pursuing other Commission procedures in a case not described in this chapter.

§ 56.452. Applications for modification or exception.

(a) If unreasonable hardship to a person or to a public utility results from compliance with a section in this chapter or a technological advance permits an enhanced level of customer service, application may be made to the Commission for modification of the section or for temporary exemption from its requirements. The adoption of this chapter by the Commission will in no way preclude it from altering or amending it under the applicable statutory procedures, nor will the adoption of this chapter preclude the Commission from granting temporary exemptions in exceptional cases.

(b) A person or public utility that files an application under this section shall provide notice to persons who may be affected by the modification or temporary exemption. Notice may be made by a bill insert or in another reasonable manner.

Subchapter V. [UTILITY REPORTING REQUIREMENTS] (Reserved)

§ 56.461. [Reporting requirements] (Reserved).

[(a) Within 90 days after the end of each calendar year, each natural gas distribution utility with annual gas operating revenues of less than \$6 million per year, and each steam heat utility shall file with the Commission a report containing the following information concerning residential accounts for the previous year:

- (1) The total number of residential customers as of the end of each month for the calendar year.
- (2) The total number of terminations for nonpayment for each month of the calendar year.
- (3) The total number of terminations for reasons other than nonpayment for each month of the calendar year.
- (4) The total number of reconnections for customer payment for each month of the calendar year.
- (5) The total number of reconnections for customer submission of medical certification for each month of the calendar year.
- (6) The total number of reconnections for reasons other than customer payment or medical certification for each month of the calendar year.
- (7) The total dollar amount of annual residential billings.
- (8) The total dollar amount of annual gross residential write-offs.

(b) Utilities shall refer to the data dictionary in Appendix D (relating to definitions (§ 56.461)) for additional guidance as to the terms used in this section.]

APPENDIX A. MEDICAL EMERGENCY NOTICE

Let us know if someone living in your home is seriously ill or has a medical condition that will be aggravated by the cessation of service. We will not shut off your service during such illness provided you:

- (a) Have a licensed physician [or], nurse practitioner or physician assistant certify by phone or in writing that such illness exists and that it may be aggravated if your service is stopped; and
- (b) Make some equitable arrangement to pay the company your current bills for service.
- (c) Contact us by calling the following number: [(Utility)] (Public Utility) Phone Number: [(Utility)] (Public Utility) Address:
- (d) Have your licensed physician, nurse practitioner or physician assistant send a letter to the public utility within 7 days verifying the medical condition.

APPENDIX B. MEDICAL EMERGENCY NOTICE

Let us know if someone living in your home is seriously ill or has a medical condition that will be aggravated by the cessation of service. We will restore your utility service within 24 hours during such illness provided you:

- (a) Have a licensed physician [or], nurse practitioner or physician assistant certify by phone or in writing that such illness exists and that it may be aggravated if your service is not restored; and

(b) Make some equitable arrangement to pay the company your current bills for service.

(c) Contact us by calling the following number: [(Utility)] (Public Utility) Phone Number: [(Utility)] (Public Utility) Address:

(d) Have your licensed physician, **nurse practitioner or physician assistant** send a letter to the utility within 7 days verifying the medical condition.

APPENDIX C. DEFINITIONS (§ 56.231)

This data dictionary and the following definitions are to be used in relation to the reporting requirements in § 56.231 (relating to reporting requirements).

Annual collections operating expenses—Use the definition in § 54.72 or § 62.2, “include administrative expenses associated with termination activity, field visits, negotiating payment arrangements, budget counseling, investigation and resolving informal and formal complaints associated with payment arrangements, securing and maintaining deposits, tracking delinquent accounts, collection agencies’ expenses, litigation expenses other than [**already included**] **Commission-related, dunning expenses and winter survey expenses.**” Report the cumulative total as of the end of the [**reporting period/year**] **calendar year**. Exclude customer assistance program expenses **including customer assistance program administrative expenses, customer assistance program credits, also known as revenue shortfall, customer assistance program arrearage forgiveness and any other expenses directly related to customer assistance programs.**

Annual residential billings—Report the cumulative total dollar amount in residential billings [**during the reporting period/year**] **as of the end of the calendar year**. This includes “normal tariff billings,” **universal service program billings including customer assistance programs,** and “miscellaneous billings.” The latter category includes billings for late payment fees.

Average monthly bill for the previous year for a heating customer—Report the aggregate average monthly bill by calculating the average of the 12 monthly average bills for heating customers. Report the average as of the end of the [**reporting period/year**] **calendar year**.

Average monthly bill for the previous year for a nonheating customer—Report the aggregate average monthly bill by calculating the average of the 12 monthly average bills for nonheating customers. Report the average as of the end of the [**reporting period/year**] **calendar year**.

Average monthly usage for a heating customer—Report the aggregate average monthly usage by calculating the average of the 12 monthly average usages for heating customers. Report the average as of the end of the [**reporting period/year**] **calendar year**.

Average monthly usage for a nonheating customer—Report the aggregate average monthly usage by calculating the average of the twelve monthly average usages for nonheating customers. Report the average as of the end of the [**reporting period/year**] **calendar year**.

[**total**] *Total dollar amount of active residential accounts in arrears and not on a payment [**agreement**] **arrangement***—Report the total dollar amount as of the end of the [**reporting period/month**] **calendar**

month. The due date should be considered to be day zero (0) in the determination of when account is overdue. Exclude customer assistance program recipients.

*Total dollar amount of active residential accounts in arrears and on a payment [**agreement**] **arrangement***—Report the total dollar amount as of the end of the [**reporting period/month**] **calendar month**. The due date should be considered to be day zero (0) in the determination of when account is overdue. Exclude customer assistance program recipients.

Total dollar amount of gross residential write-offs—Report the cumulative total dollar amount as of the end of the [**reporting period/year**] **calendar year**. Do not include customer assistance program credits (**also known as revenue shortfall**) or customer assistance program arrearage forgiveness in this category.

Total dollar amount of inactive residential accounts in arrears—An account that has been terminated or discontinued, the final bill due date has passed, and the amount owed has not yet been written off. Report the total dollar amount as of the end of the [**reporting period/month**] **calendar month**. The due date should be considered to be day zero (0) in the determination of when an account is overdue. A terminated or final-billed account becomes inactive on the day after the final bill is due and payable.

Total dollar amount of net residential write-offs—Net write-offs are calculated by subtracting recoveries from gross write-offs. **Include all residential recoveries regardless of the year the recovered dollars were actually written off.** Report the cumulative total dollar amount as of the end of the [**reporting period/year**] **calendar year**. **Do not include customer assistance program credits, also known as revenue shortfall, or customer assistance program arrearage forgiveness in this category.**

Total dollar amount in security deposits on-hand—Report the dollar amount as of the end of the [**reporting period/year**] **calendar year**. Exclude accrued interest.

Total dollar amount in security deposits that are requested or billed to applicants—Report the cumulative total dollar amount as of the end of the [**reporting period/month**] **calendar month**.

Total dollar amount in security deposits that are requested or billed to customers—Report the cumulative total dollar amount as of the end of the [**reporting period/month**] **calendar month**.

*Total number of active residential accounts in arrears and not on a payment [**agreement**] **arrangement***—Report the total as of the end of the [**reporting period/month**] **calendar month**. The due date should be considered to be day zero (0) in the determination of when account is overdue. Exclude customer assistance program recipients.

*Total number of active residential accounts in arrears and on a payment [**agreement**] **arrangement***—Report the total as of the end of the [**reporting period/month**] **calendar month**. The due date should be considered to be day zero (0) in the determination of when account is overdue. Exclude customer assistance program recipients.

Total number of applicants that are requested or billed a security deposit—Report the cumulative number as of the end of the [**reporting period/month**] **calendar month**.

Total number of customers that are requested or billed a security deposit—Report the cumulative number as of the end of the [**reporting period/month**] **calendar month**.

Total number of dwellings receiving termination notices sent to occupants other than the customer—The grounds for termination are customer nonpayment of usage-based billings or nonpayment of a security deposit. Use this category when the termination notice was delivered to someone other than the customer, for example, a termination notice to a tenant because of nonpayment of a landlord-ratepayer. This does not include copies of termination notices sent in accordance with the third-party notification procedures in § 56.131. Report the cumulative number as of the end of the [**reporting period/month**] **calendar month**. Include customer assistance program recipients.

Total number of 48-hour termination notices posted—The grounds for termination are customer nonpayment of usage-based billings or nonpayment of a security deposit. Report the cumulative number as of the end of the [**reporting period/month**] **calendar month**. Include customer assistance program recipients. The termination notice was posted at the customer's residence in accordance with § 56.95.

Total number of inactive residential accounts in arrears—An account that has been terminated or discontinued, the final bill due date has passed, and the amount owed has not yet been written off. Report the total as of the end of the [**reporting period/month**] **calendar month**. The due date should be considered to be day zero (0) in the determination of when an account is overdue. A terminated or final-billed account becomes inactive on the day after the final bill is due and payable.

Total number of reconnections for customer submission of medical certification—Includes only reconnections because the customer has supplied the company with a valid medical certificate as the condition of reconnection. Report the cumulative number as of the end of the [**reporting period/month**] **calendar month**. Include customer assistance program recipients.

Total number of reconnections for full customer payment, partial payment or payment [agreement] arrangement—A reconnection is any residential account that was terminated for any reason covered under § 56.81 or § 56.98 and subsequently restored after the customer paid in full the outstanding balance of the account, made a partial payment or entered into a payment [agreement] arrangement regardless of whether the customer's current status is that of applicant or customer per the definitions in § 56.2. Four criteria must be met: the reconnection is for the same customer/applicant that was terminated; the location of the reconnection is the same location as the location of the termination; the dollars in debt that are the subject of the customer payment and/or customer payment [agreement] arrangement are for the same customer/applicant while at the same location; and the time that has passed since the final bill due date does not exceed 4 years. Report the cumulative number as of the end of the [**reporting period/month**] **calendar month**. Include customer assistance program recipients.

Total number of reconnections for reasons other than customer payment or medical certification—Report the cumulative number as of the end of the [**reporting period/month**] **calendar month**. This category includes any reconnection not reported under reconnections for payment/partial payment/payment arrangement or reconnections for submission of a medical certificate. Include customer assistance program recipients.

Total number of residential heating customers—Report the number as of the end of the [**reporting period/month**] **calendar month**. Report each individually billed account under a unique residential account number and residential tariff rate (Count the number of residential bills that you issue). Include customer assistance program recipients.

Total number of residential nonheating customers—Report the number as of the end of the [**reporting period/month**] **calendar month**. Report each individually billed account under a unique residential account number and residential tariff rate (Count the number of residential bills that you issue). Include customer assistance program recipients.

Total number of security deposits on-hand—Report the number as of the end of the [**reporting period/year**] **calendar year**.

Total number of 10-day termination notices issued by the public utility—The grounds for termination are customer nonpayment of usage-based billings or nonpayment of a security deposit. Report the cumulative number as of the end of the [**reporting period/month**] **calendar month**. Include customer assistance program recipients.

Total number of terminations for nonpayment—The grounds for termination are customer nonpayment of usage-based billings or nonpayment of a security deposit. Report the cumulative number as of the end of the [**reporting period/month**] **calendar month**. Include customer assistance program recipients.

Total number of terminations for nonpayment and reasons other than nonpayment categorized by the first three digits of each account's postal code—The grounds for termination are customer nonpayment of usage-based billings or nonpayment of a security deposit, failure to permit access, unauthorized use of service, fraud, meter tampering, and safety. Report the cumulative number as of the end of the [**reporting period/month**] **calendar month**. Include customer assistance program recipients. Categorize by the first three digits of the postal code of the customer's service address.

Total number of terminations for reasons other than nonpayment—The reasons for termination include failure to permit access, unauthorized use of service, fraud, meter tampering, and safety. Report the cumulative number as of the end of the [**reporting period/month**] **calendar month**. Include customer assistance program recipients.

Total number of 3-day termination notices completed by electronic messaging formats—The grounds for termination are customer nonpayment of usage-based billings or nonpayment of a security deposit. Report the cumulative number as of the end of the calendar month. Include customer assistance program recipients. The customer was contacted using email, text message or other electronic messaging format in accordance with § 56.93.

Total number of 3-day termination notices completed by personal contact in person—The grounds for termination are customer nonpayment of usage-based billings or nonpayment of a security deposit. Report the cumulative number as of the end of the [**reporting period/month**] **calendar month**. Include customer assistance program recipients. The customer was contacted in person in accordance with § 56.93.

Total number of 3-day termination notices completed by telephone—The grounds for termination are customer nonpayment of usage-based billings or nonpayment of a security deposit. Report the cumulative number as of the end of the [**reporting period/month**] **calendar month**. Include customer assistance program recipients. The customer was contacted using the telephone in accordance with § 56.93.

APPENDIX D. DEFINITIONS [(§ 56.461)]
(§ 56.231(d))

This data dictionary and the following definitions are to be used in relation to the reporting requirements in [§ 56.461] § 56.231(d) (relating to reporting requirements).

Annual residential billings—Report the cumulative total dollar amount in residential billings during the [**reporting period/year**] **calendar year**. This includes “normal tariff billings” and “miscellaneous billings.” The latter category includes billings for late payment fees.

Total dollar amount of gross residential write-offs—Report the cumulative total dollar amount as of the end of the [**reporting period/year**] **calendar year**. Do not include customer assistance program credits (revenue shortfall) or customer assistance program arrearage forgiveness in this category.

Total number of reconnections for customer payment—A reconnection is any residential account that was terminated for any reason covered under § 56.321 or § 56.338 and subsequently restored after the customer paid in full the outstanding balance of the account, or made a partial payment or entered into a payment agreement regardless of whether the customer’s current status is that of applicant or customer per the definitions in § 56.252. Four criteria must be met: the reconnection is for the same customer/applicant that was terminated; the loca-

tion of the reconnection is the same location as the location of the termination; the dollars in debt that are the subject of the customer payment or customer payment agreement, or both, are for the same customer/applicant while at the same location; and the time that has passed since the final bill due date does not exceed 4 years. Report the cumulative number as of the end of the [**reporting period/month**] **calendar month**. Include customer assistance program recipients.

Total number of reconnections for customer submission of medical certification—Includes only reconnections because the customer has supplied the company with a valid medical certificate as the condition of reconnection. Report the cumulative number as of the end of the [**reporting period/month**] **calendar month**. Include customer assistance program recipients.

Total number of reconnections for reasons other than customer payment or medical certification—Report the cumulative number as of the end of the [**reporting period/month**] **calendar month**. Include customer assistance program recipients.

Total number of residential customers—Report the number as of the end of the [**reporting period/month**] **calendar month**. Report each individually billed account under a unique residential account number and residential tariff rate (Count the number of residential bills that you issue). Include customer assistance program recipients.

Total number of terminations for nonpayment—The grounds for termination are customer nonpayment of usage-based billings or nonpayment of a security deposit. Report the cumulative number as of the end of the [**reporting period/month**] **calendar month**. Include customer assistance program recipients.

Total number of terminations for reasons other than nonpayment—The reasons for termination include failure to permit access, unauthorized use of service, fraud, meter tampering, and safety. Report the cumulative number as of the end of the [**reporting period/month**] **calendar month**. Include customer assistance program recipients.

[Pa.B. Doc. No. 17-282. Filed for public inspection February 17, 2017, 9:00 a.m.]

NOTICES

DEPARTMENT OF AGING

Pennsylvania Long-Term Care Council Meeting

The Pennsylvania Long-Term Care Council will hold a meeting on Thursday, February 23, 2017, at 10 a.m. in Conference Rooms A, B and C, Department of Aging, 555 Walnut Street, 5th Floor, Harrisburg, PA 17101. This meeting is rescheduled from February 9, 2017.

Questions concerning this meeting may be directed to Charles Quinnan, (717) 705-7296, cquinnan@pa.gov.

TERESA OSBORNE,
Secretary

[Pa.B. Doc. No. 17-283. Filed for public inspection February 17, 2017, 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 February 7, 2017.

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 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

Holding Company Acquisitions

| <i>Date</i> | <i>Name and Location of Applicant</i> | <i>Action</i> |
|-------------|---|---------------|
| 2-6-2017 | ACNB Corporation Gettysburg Adams County | Filed |
| | Application for approval to acquire 100% of New Windsor Bancorp, Inc., Taneytown, MD, and thereby indirectly acquire 100% of New Windsor State Bank, New Windsor, MD. | |

Consolidations, Mergers and Absorptions

| <i>Date</i> | <i>Name and Location of Applicant</i> | <i>Action</i> |
|-------------|---|---------------|
| 2-6-2017 | ACNB Bank Gettysburg Adams County | Filed |
| | Application for approval to merge New Windsor State Bank, New Windsor, MD, with and into ACNB Bank, Gettysburg, PA. | |

Branch Applications

De Novo Branches

| <i>Date</i> | <i>Name and Location of Applicant</i> | <i>Location of Branch</i> | <i>Action</i> |
|-------------|--|---|---------------|
| 1-24-2017 | PeoplesBank, A Codorus Valley Company York York County | 1001 East Oregon Pike Lititz Lancaster County (Limited Service Facility) | Opened |
| 1-30-2017 | PeoplesBank, A Codorus Valley Company York York County | 2001 Harrisburg Pike Lancaster Lancaster County (Limited Service Facility) | Opened |
| 2-3-2017 | CNB Bank Clearfield Clearfield County | 3606 State Road Ashtabula Ashtabula County, OH | Opened |

| <i>Date</i> | <i>Name and Location of Applicant</i> | <i>Location of Branch</i> | <i>Action</i> |
|-------------|---|--|---------------|
| 2-7-2017 | Northwest Bank Warren Warren County | 1219 French Road Depew Erie County, NY | Approved |
| 2-7-2017 | Mercer County State Bank Sandy Lake Mercer County | North Hermitage Road Hermitage Mercer County | Approved |

Branch Discontinuances

| <i>Date</i> | <i>Name and Location of Applicant</i> | <i>Location of Branch</i> | <i>Action</i> |
|-------------|---------------------------------------|---|---------------|
| 1-30-2017 | S&T Bank Indiana Indiana County | 265 Croyle Street Summerhill Cambria County | Closed |

CREDIT UNIONS**Branch Applications****De Novo Branches**

| <i>Date</i> | <i>Name and Location of Applicant</i> | <i>Location of Branch</i> | <i>Action</i> |
|-------------|--|--|---------------|
| 2-3-2017 | TruMark Financial Credit Union Fort Washington Montgomery County | 23 Nut Road Phoenixville Montgomery County | Filed |

Articles of Amendment

| <i>Date</i> | <i>Name and Location of Institution</i> | <i>Action</i> |
|-------------|---|---------------|
| 2-6-2017 | NBA Credit Union Bristol Bucks County Amendment to Article 1 of the institution's Articles of Incorporation provides for change in corporate title to Access Credit Union. Amendment to Article VIII which changes the Credit Union's Field of Membership. | Filed |

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. 17-284. Filed for public inspection February 17, 2017, 9:00 a.m.]

Maximum Lawful Rate of Interest for Residential Mortgages for the Month of March 2017

The Department of Banking and Securities (Department), under the authority contained in section 301 of the act of January 30, 1974 (P.L. 13, No. 6) (41 P.S. § 301), determines that the maximum lawful rate of interest for residential mortgages for the month of March, 2017, is 5 1/4%.

The interest rate limitations under the State's usury statute were preempted to a great extent by Federal law, the Depository Institutions Deregulation and Monetary Control Act of 1980 (Pub.L. No. 96-221). Further preemption was instituted with the signing of Pub.L. No. 96-399, which overrode State interest rate limitations on any individual who finances the sale or exchange of residential real property which such individual owns and which such individual occupies or has occupied as his principal residence.

Each month the Department is required by State law to compute and announce the ceiling rate on residential mortgages in this Commonwealth. This maximum rate is determined by adding 2.50 percentage points to the yield rate on long-term government bonds as published by the Federal Reserve Board and/or the United States Treasury. The latest yield rate on long-term government securities

is 2.73 to which was added 2.50 percentage points for a total of 5.23 that by law is rounded off to the nearest quarter at 5 1/4%.

ROBIN L. WIESSMANN,
Secretary

[Pa.B. Doc. No. 17-285. Filed for public inspection February 17, 2017, 9:00 a.m.]

DEPARTMENT OF COMMUNITY AND ECONOMIC DEVELOPMENT

Weatherization Assistance Program; Proposed State Plan; Public Hearing

The Department of Community and Economic Development (Department) will hold a public hearing at 3 p.m. on Wednesday, March 1, 2017, in PUC Hearing Room 5, Plaza Level, Commonwealth Keystone Building, 400 North Street, Harrisburg, PA. The purpose of this hearing is to receive comments on the proposed Pennsylvania 2017-2018 annually appropriated United States Department of Energy (DOE) Weatherization Assistance Program (WAP) State Plan (Plan).

The proposed 2017-2018 Plan will authorize the current 2017-2018 formula-based distribution for each county. Specific performance goals emphasize production, quality of the work product, prompt, accurate and complete reporting, and compliance with WAP standards and regulations.

The Plan includes the following significant changes:

- The WAP has now implemented the DOE-approved energy audit tool, Hancock Energy Audit Tool. In addition, the Commonwealth will continue its use of the Priority Measure List as the audit process for manufactured housing/mobile homes until the Hancock Energy Software manufactured/mobile home Energy Audit Tool has been approved for use by DOE.
- The Targeted Retrofit Energy Audit Tool, the energy audit tool for multifamily, is approved for use in this Commonwealth by DOE until May 2017. After that time, every potential multifamily WAP project must be approved by DOE.
- The American Society Heating, Refrigeration, Air-Conditioning Engineers (ASHRAE) rules to be followed have been updated to ASHRAE 62.2-2016.

These changes are part of a Quality Work Plan requirement per the DOE's implementation of the Standard Work Specifications for the weatherization workforce and

Quality Control Inspections. There is a continued National focus on coordination of efforts where other health and safety, lead-abatement, utility weatherization and housing rehab services are coordinated locally with weatherization services.

Copies of the proposed 2017-2018 WAP Plan may be obtained beginning February 17, 2017, by contacting the Department of Community and Economic Development, Center for Community Services, Commonwealth Keystone Building, 400 North Street, 4th Floor, Harrisburg, PA 17120, (717) 425-7597 or it can be downloaded from the Department's web site at www.dced.pa.gov. Written comments may be submitted to Lynette Praster, Director, Center for Community Services, Commonwealth Keystone Building, 400 North Street, 4th Floor, Harrisburg, PA 17120 until 5 p.m. on March 1, 2017.

Persons with a disability who wish to attend this hearing and require an auxiliary aid, services or other accommodations to participate in the proceedings should contact Yvonne Adams at (717) 425-7597 to discuss how the Department may accommodate their needs.

DENNIS M. DAVIN,
Secretary

[Pa.B. Doc. No. 17-286. Filed for public inspection February 17, 2017, 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

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

| NPDES No. (Type) | Facility Name & Address | County & Municipality | Stream Name (Watershed #) | EPA Waived Y/N? |
|---------------------|--|------------------------------------|------------------------------|--------------------|
| PAS503501— SW | Covanta Harrisburg, Inc. Susquehanna Resource Mgmt Complex 1670 S 19th Street Harrisburg, PA 17104 | Dauphin County/ Harrisburg City | Spring Creek/7C | Y |

Northcentral Regional Office: Clean Water Program Manager, 208 W. Third Street, Suite 101, Williamsport, PA 17701-6448. Phone: 570.327.3636.

| NPDES No. (Type) | Facility Name & Address | County & Municipality | Stream Name (Watershed No.) | EPA Waived Y/N? |
|----------------------------|--|--------------------------------------|--|--------------------|
| PA0114677 (Industrial) | J W Aluminum Co. 2475 Trenton Avenue Williamsport, PA 17701-7904 | Lycoming County Williamsport City | Unnamed Tributary of West Branch Susquehanna River (10-A) | Yes |
| PAS224804 (Storm Water) | Kuhns Brothers Lumber Company 434 Swartz Road Lewisburg, PA 17837-7659 | Union County Buffalo Township | Unnamed Tributary to Spruce Run (10-C) | Yes |
| PA0234044 (Sewage) | Singer SRSTP 2210 Balsam Road Wellsboro, PA 16901 | Tioga County Delmar Township | Unnamed Tributary to Wilson Creek (9-A) | Yes |

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

| NPDES No. (Type) | Facility Name & Address | County & Municipality | Stream Name (Watershed #) | EPA Waived Y/N? |
|-----------------------|---|--------------------------------------|---|--------------------|
| PA0238414 (Sewage) | Amy L & Roger A Sandak SFTF 114 Memory Lane New Castle, PA 16101-8346 | Lawrence County Scott Township | Unnamed Tributary to Big Run (20-A) | Yes |
| PA0222038 (Sewage) | Robert B Pangallo SRSTP 3111 Trails End Lane Sigel, PA 15860-5719 | Jefferson County Barnett Township | Unnamed Tributary to Big Run (17-B) | 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.

PA0255181, Sewage, SIC Code 8800, **Reed William T**, 143 Mill Street, Hookstown, PA 15050. Facility Name: Reed SRSTP. This proposed facility is located in Greene Township, **Beaver County**.

Description of Proposed Activity: The application is for a new NPDES permit for a new discharge of treated SRSTP Sewage.

The receiving stream(s), Unnamed Tributary to Mill Creek, is located in State Water Plan watershed 20-D and is classified for Trout Stocking, 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 400 Gallons per Day (GPD).—Yearly Limits.

| <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>Average Weekly</i> | | <i>Average Monthly</i> | <i>Maximum</i> | |
| Flow (GPD) | Report | XXX | XXX | XXX | XXX | XXX |
| Carbonaceous Biochemical Oxygen Demand (CBOD ₅) | XXX | XXX | XXX | 10.0 | XXX | 20.0 |
| Total Suspended Solids | XXX | XXX | XXX | 10.0 | XXX | 20.0 |
| Fecal Coliform (No./100 ml) | XXX | XXX | XXX | 200 Geo Mean | 1,000 | XXX |

The proposed effluent limits for Outfall 001 are based on a design flow of 400 Gallons per Day (GPD).—Monthly Limits.

| <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>Average Weekly</i> | | <i>Average Monthly</i> | <i>Maximum</i> | |
| pH (S.U.) | XXX | XXX | 6.0 | XXX | 9.0 | XXX |

The EPA Waiver is in effect.

PA0026778-A1, Sewage, **Windber Area Authority**, 1700 Stockholm Avenue, Windber, PA 15963. Facility Name: IngleSide STP. This existing facility is located in Richland Township, **Cambria County**.

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

The receiving stream(s), Stonycreek, is located in State Water Plan watershed 18-E and is classified for Warm Water Fishes, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

Part A language modified to reflect a flow limitation of 4.95 mgd to serve as the basis for determining a wet weather hydraulic overload as defined in 25 Pa. Code Chapter 94.

The EPA Waiver is not in effect.

PA0027570, Sewage, SIC Code 4952, **Western Westmoreland Municipal Authority**, 12441 Route 993, North Huntingdon, PA 15642-0366. Facility Name: Brush Creek STP. This existing facility is located in North Huntingdon Township, **Westmoreland 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 Brush Creek is located in State Water Plan watershed 19-A and is classified for Trout Stocking, 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 4.4 MGD.—Limits.

| <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> | |
| Total Nitrogen | XXX | XXX | XXX | Report Daily Max | XXX | XXX |
| Total Phosphorus | XXX | XXX | XXX | Report Daily Max | XXX | XXX |

The proposed effluent limits for Outfall 001 are based on a design flow of 4.4 MGD.—Limits.

| <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> | |
| Flow (MGD) | Report | Report Daily Max | XXX | XXX | XXX | XXX |
| pH (S.U.) | XXX | XXX | 6.0 | XXX | 9.0 Max | XXX |
| Dissolved Oxygen | XXX | XXX | 4.0 | XXX | XXX | XXX |
| Total Residual Chlorine (TRC) | XXX | XXX | XXX | 0.5 | XXX | 1.6 |
| Carbonaceous Biochemical Oxygen Demand (CBOD ₅) | 917 | 1,376 | XXX | 25 | 37.5 | 50 |
| Biochemical Oxygen Demand (BOD ₅) | | | | | | |
| Raw Sewage Influent | Report | Report | XXX | Report | Report | XXX |
| Total Suspended Solids | 1,101 | 1,651 | XXX | 30 | 45 | 60 |
| Total Suspended Solids Raw Sewage Influent | Report | Report | XXX | Report | Report | XXX |

| Parameters | Mass Units (lbs/day) | | Minimum | Concentrations (mg/L) | | Instant. Maximum |
|-----------------------------|----------------------|-------------------|---------|---------------------------------------|-------------------|---------------------|
| | Average Monthly | Weekly Average | | Average Monthly | Weekly Average | |
| Fecal Coliform (CFU/100 ml) | | | | | | |
| Oct 1 - Apr 30 | XXX | XXX | XXX | 2,000 | XXX | 10,000 |
| May 1 - Sep 30 | XXX | XXX | XXX | Geo Mean 200 Geo Mean Report | XXX | 1,000 |
| Ammonia-Nitrogen | XXX | XXX | XXX | Report | Report | XXX |

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

- This Permit authorizes the discharge of uncontaminated storm water from the STP site through storm water Outfalls 101 and 102.

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.

PA0244198, Sewage, SIC Code 8811, **Sang Mook & Hasook Ha**, 2565 Wayland Road, Berwyn, PA 19312-2146. Facility Name: Ha SRSTP. 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 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 Waters—Cold Water Fishes, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

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

| Parameters | Mass Units (lbs/day) | | Minimum | Concentrations (mg/L) | | Instant. Maximum |
|--|----------------------|-------------------|-----------------|-----------------------|---------|---------------------|
| | Average Monthly | Average Weekly | | Average Monthly | Maximum | |
| Flow (GPD) | Report | XXX | XXX | XXX | XXX | XXX |
| pH (S.U.) | XXX | XXX | 6.0 Inst Min | XXX | XXX | 9.0 |
| Carbonaceous Biochemical Oxygen Demand (CBOD ₅) | XXX | XXX | XXX | 10.0 | XXX | 20 |
| Total Suspended Solids | XXX | XXX | XXX | 10.0 | XXX | 20 |
| Fecal Coliform (No./100 ml) | XXX | XXX | XXX | 200 Geo Mean | XXX | XXX |
| Ammonia-Nitrogen | XXX | XXX | XXX | 3.0 | XXX | 6 |

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

- AMR to DEP
- DMR to DEP
- Septage and Scum Measurement
- Septic Tank Pumping
- Chlorine Optimization
- No Stormwater
- Acquire Necessary Property Rights
- Small Stream Discharge
- Proper Sludge Disposal
- Abandon STP when Municipal Sewers Available

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.

PA0244333, Sewage, SIC Code 4952, **East Brandywine Township Municipal Authority Chester County**, 1214 Horseshoe Pike, Downingtown, PA 19335. Facility Name: Applecross WWTP (aka Overlook Road Farm WWTP). This existing facility is located in East Brandywine Township, **Chester County**.

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

The receiving stream(s), Beaver Creek, is located in State Water Plan watershed 3-H and is classified for Cold Water Fishes and Migratory Fishes, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

The proposed effluent limits for Outfall 001 are based on a design flow of 0.137 MGD:

| Parameters | Mass Units (lbs/day) | | | Concentrations (mg/L) | | |
|---|----------------------|----------------|-----------------------|-----------------------|---------------|------------------|
| | Average Monthly | Weekly Average | Instantaneous Minimum | Average Monthly | Daily Maximum | Instant. Maximum |
| Flow (GPD) | 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 |
| Carbonaceous Biochemical Oxygen Demand (CBOD ₅) | 11.5 | 17.3 | XXX | 10.0 | 15.0 | 20 |
| Biochemical Oxygen Demand (BOD ₅) | | | | | | |
| Raw Sewage Influent | Report | XXX | XXX | Report | XXX | XXX |
| Total Suspended Solids | 11.5 | 17.3 | XXX | 10.0 | 15.0 | 20 |
| Total Suspended Solids Raw Sewage Influent | Report | XXX | XXX | Report | XXX | XXX |
| Fecal Coliform (CFU/100 ml) | XXX | XXX | XXX | 200 | XXX | 1,000 |
| Ultraviolet light transmittance (%) | XXX | XXX | Report | XXX | XXX | XXX |
| Nitrate-Nitrite as N | XXX | XXX | XXX | Report | XXX | XXX |
| Total Nitrogen | 11.5 | XXX | XXX | 10.0 | XXX | 20 |
| Ammonia-Nitrogen | 3.5 | XXX | XXX | 3.0 | XXX | 6 |
| Total Phosphorus | 2.3 | XXX | XXX | 2.0 | XXX | 4 |

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

- No Stormwater in Sewers
- Obtain Necessary Property Rights
- Proper Sludge Disposal
- Chlorine Minimization
- Notification of Responsible Operator

The Environmental Protection Agency (EPA) Region III established Total Maximum Daily Loads (TMDLs) for nutrients and other oxygen demanding pollutants in order to attain and maintain the applicable Water Quality Standards for Dissolved Oxygen (DO) in the Christina River Basin under Low-Flow conditions. Reallocation of the WLAs (Waste Load Allocations) for the Christina River Basin TMDL were published in the *Pennsylvania Bulletin* on March 12, 2012.

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.

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

PA0081370 A-1, Sewage, SIC Code 6512, **Timeless Towns of Americas, Inc.**, 2634 Emmitsburg Road, Gettysburg, PA 17325. Facility Name: Timeless Towns STP. This existing facility is located in Cumberland Township, **Adams County**.

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

The receiving stream(s), Unnamed Tributary of Marsh Creek, is located in State Water Plan watershed 13-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 0.105 MGD:

| Parameters | Mass Units (lbs/day) | | | Concentrations (mg/L) | | |
|---|----------------------|------------------|---------|-----------------------|---------|------------------|
| | Average Monthly | Average Weekly | Minimum | Average Monthly | Maximum | Instant. Maximum |
| Flow (MGD) | Report | Report Daily Max | XXX | XXX | XXX | XXX |
| pH (S.U.) | XXX | XXX | 6.0 | XXX | 9.0 | XXX |
| Dissolved Oxygen | | | | | | |
| Interim | XXX | XXX | 5.0 | XXX | XXX | XXX |
| Final | XXX | XXX | 6.0 | XXX | XXX | XXX |
| Ultraviolet light intensity (mW/cm ²) Final | XXX | XXX | Report | XXX | XXX | XXX |

| Parameters | Mass Units (lbs/day) | | Minimum | Concentrations (mg/L) | | Instant. Maximum |
|--|----------------------|--------------|---------|-----------------------|---------|------------------|
| | Average Monthly | Weekly | | Average Monthly | Maximum | |
| Total Residual Chlorine (TRC) | | | | | | |
| Interim | XXX | XXX | XXX | 0.1 | XXX | 0.2 |
| Final | XXX | XXX | XXX | 0.013 | XXX | 0.040 |
| CBOD ₅ | XXX | XXX | XXX | 10.0 | XXX | 20 |
| Total Suspended Solids | XXX | XXX | XXX | 10.0 | XXX | 20 |
| Fecal Coliform (No./100 ml) | | | | | | |
| May 1 - Sep 30 | XXX | XXX | XXX | 200 Geo Mean | XXX | 1,000 |
| Oct 1 - Apr 30 | XXX | XXX | XXX | 2,000 Geo Mean | XXX | 10,000 |
| Ammonia-Nitrogen | | | | | | |
| May 1 - Oct 31 | XXX | XXX | XXX | 1.0 | XXX | 2.0 |
| Nov 1 - Apr 30 | XXX | XXX | XXX | 3.0 | XXX | 6.0 |
| Total Kjeldahl Nitrogen | 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 Mo | | | | |
| Total Nitrogen (Total Load, lbs) (lbs) | XXX | Report | XXX | XXX | XXX | XXX |
| | | Total Annual | | | | |
| Total Phosphorus | Report | Report | XXX | 2.0 | XXX | 4.0 |
| | | Total Mo | | | | |
| Total Phosphorus (Total Load, lbs) (lbs) | XXX | Report | XXX | XXX | XXX | XXX |
| | | Total Annual | | | | |

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

- Compliance Schedule
- TRC Effluent Limitations below Quantitation Limits

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 in effect.

Northcentral Regional Office: Regional Clean Water Program Manager, 208 W Third Street, Suite 101, Williamsport, PA 17701-6448, Telephone: 570.327.3636.

PA0020338, Sewage, SIC Code 4952, **Kulpmont & Marion Heights Borough Joint Municipal Authority Northumberland County**, PO Box 126, Kulpmont, PA 17834-0126. Facility Name: Kulpmont Marion Heights Joint Municipal Sewer System. This existing facility is located in Coal Township, **Northumberland County**.

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

The receiving stream(s), Unnamed Tributary to Quaker Run, is located in State Water Plan watershed 6-B 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 0.5 MGD.

| Parameters | Mass Units (lbs/day) | | Minimum | Concentrations (mg/L) | | Instant. Maximum |
|---|----------------------|-----------|---------|-----------------------|------------|------------------|
| | Average Monthly | Weekly | | Average Monthly | Weekly | |
| Flow (MGD) | Report | Report | XXX | XXX | XXX | XXX |
| pH (S.U.) | XXX | XXX | 6.0 | XXX | 9.0 Max | XXX |
| Carbonaceous Biochemical Oxygen Demand (CBOD ₅) | 104 | 166 | XXX | 25 | 40 | 50 |
| Biochemical Oxygen Demand (BOD ₅) | | | | | | |
| Raw Sewage Influent | Report | Report | XXX | Report | XXX | XXX |
| | | Daily Max | | | | |
| Total Suspended Solids | 125 | 187 | XXX | 30 | 45 | 60 |
| Total Suspended Solids | | | | | | |
| Raw Sewage Influent | Report | Report | XXX | Report | XXX | XXX |
| | | Daily Max | | | | |

| <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> | |
| 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 transmittance (%) | XXX | XXX | Report | XXX | XXX | XXX |
| Nitrate-Nitrite as N | XXX | XXX | XXX | Report | Report | XXX |
| Nitrate-Nitrite as N (Total Load, lbs) | Report Total Mo | XXX | XXX | XXX | XXX | XXX |
| Total Nitrogen | XXX | XXX | XXX | Report | XXX | XXX |
| Total Nitrogen (Total Load, lbs) | Report Total Mo | XXX | XXX | XXX | XXX | XXX |
| Total Nitrogen (Total Load, lbs) Effluent Net | Report Total Mo | XXX | XXX | XXX | XXX | XXX |
| Ammonia-Nitrogen | XXX | XXX | XXX | Report | Report | XXX |
| Ammonia-Nitrogen (Total Load, lbs) | Report Total Mo | XXX | XXX | XXX | XXX | XXX |
| Total Kjeldahl Nitrogen | XXX | XXX | XXX | Report | Report | XXX |
| Total Kjeldahl Nitrogen (Total Load, lbs) | Report Total Mo | XXX | XXX | XXX | XXX | XXX |
| Total Phosphorus | XXX | XXX | XXX | Report | Report | XXX |
| Total Phosphorus (Total Load, lbs) | Report Total Mo | XXX | XXX | XXX | XXX | XXX |
| Total Phosphorus (Total Load, lbs) Effluent Net | Report Total Mo | XXX | XXX | XXX | XXX | XXX |
| Aluminum, Total | XXX | XXX | XXX | XXX | Report Daily Max | XXX |
| Iron, Total | XXX | XXX | XXX | XXX | Report Daily Max | XXX |
| Manganese, Total | XXX | XXX | XXX | XXX | Report Daily Max | XXX |

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>Monthly</i> | <i>Concentrations (mg/L)</i> | | <i>Instant. Maximum</i> |
|------------------------------------|-----------------------------|------------------------|----------------|------------------------------|----------------|-------------------------|
| | <i>Monthly</i> | <i>Annual</i> | | <i>Monthly Average</i> | <i>Maximum</i> | |
| Total Nitrogen (Total Load, lbs) | | | | | | |
| Effluent Net | XXX | 9,132 TotalAnnual | XXX | XXX | XXX | XXX |
| Total Nitrogen (Total Load, lbs) | XXX | Report Total Annual | XXX | XXX | XXX | XXX |
| Ammonia-Nitrogen (Total Load, lbs) | XXX | Report Total Annual | XXX | XXX | XXX | XXX |
| Total Phosphorus (Total Load, lbs) | | | | | | |
| Effluent Net | XXX | 1,218 TotalAnnual | XXX | XXX | XXX | XXX |
| Total Phosphorus (Total Load, lbs) | XXX | Report Total Annual | 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.

You may make an appointment to review the DEP files on this case by calling the File Review Coordinator at 570-327-3693.

The EPA Waiver is not in effect.

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

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

WQM Permit No. 461S038 A-2, Sewage, **Ligonier Borough Westmoreland County**, PO Box 730, Greensburg, PA 15601-0730.

This existing facility is located in Ligonier Borough, **Westmoreland County**.

Description of Proposed Action/Activity: construction and operation of a new aerobic sludge digester.

WQM Permit No. 0386201 A-1, Industrial, **GenOn Northeast Management Co.**, 121 Champion Way, Suite 300, Canonsburg, PA 15317-5817.

This existing facility is located in Plumcreek Township, **Armstrong County**.

Description of Proposed Action/Activity: Replacement of ash filter ponds at the Keystone Generating Station.

WQM Permit No. 9248-S A-1, Sewage, **YMCA Of Greater Pittsburgh**, 254 Deer Valley Drive, Fort Hill, PA 15540-2116.

This existing facility is located in Elk Lick Township, **Somerset County**.

Description of Proposed Action/Activity: Construction and operation of an aerated lagoon sewage treatment plant.

WQM Permit No. 6304406 A-3, Sewage, **Center-West Joint Sewer Authority**, 102 East End Road, Brownsville, PA 15417-8636.

This existing facility is located in Centerville Borough, **Washington County**.

Description of Proposed Action/Activity: The Applicant proposes to construct a Bioxide 2P2T chemical feed system at their existing Denbo Pump Station.

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

WQM Permit No. 3716201, Industrial, **PA American Water Co.**, 800 W. Hersheypark Drive, Hershey, PA 17033.

This proposed facility is located in New Beaver Borough, **Lawrence County**.

Description of Proposed Action/Activity: Construction of a new 8 million gallons per day capacity water treatment plant.

WQM Permit No. 6217402, Sewage, **James S. Stevens**, 455 Settlers Village Circle, Cranberry Township, PA 16066.

This proposed facility is located in Limestone 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> |
|-------------------------|--|---------------|-----------------------|---|
| PAD510007 | Philadelphia Energy Solutions Refining & Marketing, LLC 3144 West Passyunk Avenue Philadelphia, PA 19145 | Philadelphia | City of Philadelphia | Schuylkill River WWF-MF |
| PAD150015 | Ben K. Fisher 3647 High Point Road Cochranville, PA 19330 | Chester | Upper Oxford Township | POI A, B and C: Unnamed Tributary to East Brach Big Elk Creek HQ-TSF-MF |
| PAD150010 | Oxford Cabinetry 209 Glen Roy Road Nottingham, PA 19362 | Chester | Lower Oxford Township | Unnamed Tributary to West Branch Big Elk Creek HQ-TSF-MF |

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

Lackawanna County Conservation Dist, 1038 Montdale Road, Suite 109, Scott Twp., PA 18447.

| <i>NPDES Permit No.</i> | <i>Applicant Name & Address</i> | <i>County</i> | <i>Municipality</i> | <i>Receiving Water/Use</i> |
|-------------------------|---|---------------|---------------------|---|
| PAD350002 | Academy II, LP 100 Colliery Road Dickson City, PA 18444 | Lackawanna | Moscow Borough | Tributary to Roaring Brook (HQ-CWF, MF) |

Susquehanna County Conservation District, 88 Chenango Street, Montrose, PA 18801.

| <i>NPDES Permit No.</i> | <i>Applicant Name & Address</i> | <i>County</i> | <i>Municipality</i> | <i>Receiving Water/Use</i> |
|-------------------------|--|---------------|---------------------|---------------------------------|
| PAD580003 | Scott & Longacre Trucking, LLC 1413 Longacres Road Susquehanna, PA 18847 | Susquehanna | Great Bend Township | Salt Lick Creek (HQ-CWF, MF) |

Northcentral Region: Waterways & Wetlands Program Manager, 208 West Third Street, Williamsport, PA 17701, 570.327.3574.

Centre County Conservation District: 414 Holmes Avenue, Suite 4, Bellefonte, PA 16823, (814) 355-6817.

| <i>NPDES Permit No.</i> | <i>Applicant Name & Address</i> | <i>County</i> | <i>Municipality</i> | <i>Receiving Water/Use</i> |
|--|--|---------------|---------------------|----------------------------|
| PAD140012 Previously PAI041414002(1) | PennDOT District 2-0 70 PennDOT Dr., Box 342 Clearfield, PA 16830 and Glenn O. Hawbaker Inc 1952 Waddle Rd., Suite 203 State College, PA 16803 | Centre | Harris Twp | Spring Creek HQ-CWF |
| PAD140014 | S&A Homes 2121 Old Gatesburg Road State College, PA 16801 | Centre | Halfmoon Twp | Halfmoon Creek HQ-CWF |
| PAD140013 | CLAYCO 35 East Wacker Drive Suite 1300 Chicago, IL 60601 | Centre | College Twp | Spring Creek HQ-CWF |

Tioga County Conservation District: 50 Plaza Lane, Wellsboro, PA 16901, (570) 724-1801, X 3.

| <i>NPDES Permit No.</i> | <i>Applicant Name & Address</i> | <i>County</i> | <i>Municipality</i> | <i>Receiving Water/Use</i> |
|-------------------------|---|---------------|---------------------|-----------------------------------|
| PAD590002 | Drew Remley 1170 Salt Spring Rd. Roaring Branch, PA 17765 | Tioga | Liberty Twp | Salt Spring Run HQ-CWF/MF (EV) |

Southwest Region: Waterways & Wetlands Program Manager, 400 Waterfront Drive, Pittsburgh, PA 15222-4745. (412) 442.4315.

| <i>Permit No.</i> | <i>Applicant & Address</i> | <i>County</i> | <i>Municipality</i> | <i>Stream Name</i> |
|-------------------|---|----------------------|-------------------------|--|
| PAD630011 | Muirfield Land Partners, LLC 2585 Washington Road Building 100, Suite 130 Pittsburgh, PA 15241 | Washington County | North Strabane Township | UNT to Little Chartiers Creek (HQ-WWF) |

Northwest Region: Watershed Management Program Manager, 230 Chestnut Street, Meadville, PA 16335-3481.

| <i>NPDES Permit No.</i> | <i>Applicant Name & Address</i> | <i>County</i> | <i>Municipality</i> | <i>Receiving Water/Use</i> |
|-------------------------|---|---------------|---------------------|---|
| PAD100001 | Sarver's Mill Associates, LP 772 Pine Valley Drive Pittsburgh, PA 15239 | Butler | Buffalo Township | Little Buffalo Creek/HQ-TSF and Sarver's Run/HQ-TSF |

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.

**CAFO NMP
PUBLIC NOTICE SPREADSHEET—APPLICATIONS (Submission)**

| <i>Agricultural Operation Name and Address</i> | <i>County</i> | <i>Total Acres</i> | <i>Animal Equivalent Units (AEUs)</i> | <i>Animal Type</i> | <i>Special Protection Waters (HQ or EV or NA)</i> | <i>New or Renewal</i> |
|---|---------------|--------------------|---------------------------------------|--------------------------|---|-----------------------|
| Philip Courter 6527 Jacksonville Rd Mill Hall, PA 17751 | Clinton | 194.7 | 1,070.86 | Swine Cattle Goats | HQ-CWF | 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

Southcentral Region: Safe Drinking Water Program Manager, 909 Elmerton Avenue, Harrisburg, PA 17110.

Permit No. 2117502 MA, Minor Amendment, Public Water Supply.

| | |
|--------------|--|
| Applicant | Pennsylvania-American Water Company |
| Municipality | Silver Spring Township |

| | |
|-----------------------|--|
| County | Cumberland |
| Responsible Official | David R. Kauffman 800 West Hershey Park Drive Hershey, PA 17033 |
| Type of Facility | Public Water Supply |
| Consulting Engineer | Scott M. Thomas, P.E. Pennsylvania American Water 852 Wesley Drive Mechanicsburg, PA 17055 |
| Application Received: | 2/1/2017 |
| Description of Action | Blasting and repainting of the interior and exterior of the 0.5 MG Silver Spring water storage tank. |

Permit No. 0617501 MA, Minor Amendment, Public Water Supply.

| | |
|-----------------------|---|
| Applicant | Pennsylvania-American Water Company |
| Municipality | Exeter Township |
| County | Berks |
| Responsible Official | David R. Kauffman 800 West Hershey Park Drive Hershey, PA 17033 |
| Type of Facility | Public Water Supply |
| Consulting Engineer | Scott M. Thomas, P.E. Pennsylvania American Water 852 Wesley Drive Mechanicsburg, PA 17055 |
| Application Received: | 2/1/2017 |
| Description of Action | Blasting and repainting of the interior and exterior of the 0.25 MG Neversink Tank No. 2. |

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

Permit No. 0217501, Public Water Supply.

| | |
|-----------------------|---|
| Applicant | Tarentum Borough 318 2nd Avenue Tarentum, PA 15084 |
| [Township or Borough] | Tarentum Borough |

Responsible Official Michael Gutonski, Borough
Manager
Tarentum Borough
318 2nd Avenue
Tarentum, PA 15084

Type of Facility Water system

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

Application Received February 2, 2017
Date

Description of Action Change in coagulant at the
water treatment plant.

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. 1117501MA, Minor Amendment.

Applicant **East Taylor Municipal
Authority**
403 Donruth Lane
Johnstown, PA 15909

[Township or Borough] East Taylor Township

Responsible Official Ed Ocipa, Chairman
East Taylor Water Authority
403 Donruth Lane
Johnstown, PA 15909

Type of Facility Water system

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

Application Received February 2, 2017
Date

Description of Action Installation of an emergency
interconnection between East
Taylor Municipal Authority and
Jackson Township Water
Authority.

Application No. 1117502MA, Minor Amendment.

Applicant **Highland Water & Sewer
Authority**
120 Tank Drive
Johnstown, PA 15904

[Township or Borough] Washington Township

Responsible Official Edward J. Englehart, Manager
Highland Water & Sewer
Authority
120 Tank Drive
Johnstown, PA 15904

Type of Facility Northern End water system

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

Application Received February 2, 2017
Date

Description of Action Installation of waterline to
change the water source for six
customers from the Authority's
Beaverdam system to the
Northern End system.

LAND RECYCLING AND ENVIRONMENTAL REMEDIATION

UNDER ACT 2, 1995 PREAMBLE 1

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

Sections 302—305 of the Land Recycling and Environ-
mental Remediation Standards Act (act) (35 P.S.
§§ 6026.302—6026.305) require the Department to pub-
lish 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 remedia-
tion measures for the site and a description of the
intended future use of the site. A person who demon-
strates 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 con-
tamination identified in reports submitted to and ap-
proved by the Department. Furthermore, the person shall
not be subject to citizen suits or other contribution
actions brought by responsible persons not participating
in the remediation.

Under sections 304(n)(1)(ii) and 305(c)(2) of the act,
there is a 30-day public and municipal comment period
for sites proposed for remediation using a site-specific
standard, in whole or in part, and for sites remediated as
a special industrial area. This period begins when a
summary of the Notice of Intent to Remediate is pub-
lished 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 remedia-
tion 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:

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

Mount Joy Wire, 1000 East Main Street, Mount Joy, PA 17552, Mount Joy Borough, **Lancaster County**. BL Companies, 4242 Carlisle Pike, Suite 260, Camp Hill, PA 17011, on behalf of Mount Joy Wire Corporation, 1000 East Main Street, Mount Joy, PA 17552, submitted a Notice of Intent to Remediate site soil contaminated with lead from an acid spill. The site will be remediated to the Residential Statewide Health Standard and remain a manufacturing facility. The Notice of Intent to Remediate was published in the *LNP* on January 13, 2017.

Tim Nixon Property, 5322 Strasburg Road, Kinzers, PA 17535, Salisbury Township, **Lancaster County**. Environmental Alliance, Inc., 5341 Limestone Road, Wilmington, DE 19808, on behalf of Lewis Environmental, Inc., 155 Railroad Plaza # 1, Royersford, PA 19468, and Tim Nixon, 5322 Strasburg Road, Kinzers, PA 17535, submitted a Notice of Intent to Remediate soil and groundwater contaminated with No. 2 fuel oil. The site will be remediated to the Residential Statewide Health Standard and remain residential. The Notice of Intent to Remediate was published in the *LNP* on November 18, 2016.

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

227 Krams Avenue, 227 Krams Avenue, City of Philadelphia, **Philadelphia County**. Craig Herr, PG, RT Environmental Services Inc., 215 West Church Road, Suite 300, King of Prussia, PA 19406, Victoria Jones Long, RT Environmental Services Inc., 215 West Church Road, Suite 300, King of Prussia, PA 19406 on behalf of Jason Dempsey, 227 Krams DP Partners, LP, 967 East Swedesford Road, Suite 400, Exton, PA 19341 has submitted a Notice of Intent to Remediate. Soil at the site has been impacted with the release of benzo(a)pyrene. The site is currently being redeveloped for residential purpose. A Notice of Intent to remediate was published in the *Review* on November 30, 2016. PF815030.

Andress Residence, 444 Wellington Road, West Goshen Township, **Chester County**. Staci Cottone, J&J Environmental, P.O. Box 370, Blue Bell, PA 19422 on behalf of Estate of Mildred Andress C/D Amy Stout, DNB Fires Wealth Management, 410 Exton Square Parkway, Exton, PA 19341 has submitted a Notice of Intent to Remediate. Soil at the site has been impacted with the release of no. 2 heating oil. The future use of the property will be residential. A Notice of Intent to Remediate as published in the *Daily Local News* on January 10, 2017. PF814955.

Station Park Lot B, 330 South Warrington Road, Hatboro Borough, **Montgomery County**. Mark Fortna, DelVal Soil & Environmental Consultants, Sky Run II, Suite A1, 4050 Skyron Drive, Doylestown, PA 18902, Michael Nice, P. E. Toll Brothers, Inc., 250 Gibraltar

Road, Horsham PA 19044 on behalf of Max Ryan, Alliance HSP Station Park, LP, 40 Morris Avenue, Suite 230, Bryn Mawr, PA 19010 has submitted a Notice of Intent to Remediate. Soil at the site has been impacted with the release of svoc and vocs. The proposed future use of the property is for residential development. A Notice of Intent to Remediate was published in the *Reporter* on December 12, 2016. PF814953.

North Penn Art, 720 South Broad Street, Upper Gwynedd Township, **Montgomery County**. Bill Kunsch J&J Environmental Company, P.O. Box 370, Blue Bell, PA 19422, Richard D. Trimpi, Trimpi Associates, Inc., 1635 Old Plains Road, Pennsburg, PA 18073 on behalf of Paul Kraynak, 720 South Broad Street, Lansdale, PA 19446 has submitted a Notice of Intent to Remediate. Soil at the site has been impacted with the release of no. 2 fuel oil. The current use and proposed future use of the property is commercial and residential. A Notice of Intent to Remediate was published in the *Ambler Gazette* on November 20, 2016. PF814952.

Cardone Industries Plant 4 and 4A Properties, 4200 North Philip Street, City of Philadelphia, **Philadelphia County**. David S. Coyne, Liberty Environmental, Inc., 200 Barr Harbor Drive, Suite 400, Conshohocken, PA 19428, Glen DePalantino, Cardone Industries, Inc., 5501 Whitaker Avenue, Philadelphia, PA 19124 on behalf of Allen Burns Richard S. Burns Company, Inc., 4300 Rising Sun Avenue, Philadelphia, PA 19140 has submitted a Notice of Intent to Remediate. Groundwater at the site has been impacted with the release of vocs. The proposed future use of the property will continue to be industrial as material recycling yard. A Notice of Intent to Remediate was published in the *Philadelphia Daily News* on November 14, 2016. PF 815031.

OPERATE WASTE PROCESSING OR DISPOSAL AREA OR SITE

Application(s) 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 Solid Waste Processing or Disposal Area or Site.

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

Permit Application No. 101358. East Penn Sanitation Inc., 4687 Hanoverville Road, Bethlehem, PA 18020. A permit renewal application for the continued operation of this municipal waste transfer facility located in Lower Nazareth Township, **Northampton County**. The application was received by the Regional Office on January 31, 2017 and accepted as complete on February 7, 2017.

Comments concerning the application should be directed to Roger Bellas, Regional Waste Management Program Manager, Department of Environmental Protection, Northeast Regional Office, 2 Public Square, Wilkes-Barre, PA 18701-1915 at 570-826-2511. TDD users may contact the Department through the Pennsylvania AT&T Relay Service, (800) 654-5984. Public comments must be submitted within 60 days of this notice and may recommend revisions to, and approval or denial of the application.

AIR QUALITY

PLAN APPROVAL AND OPERATING PERMIT APPLICATIONS

The Department has developed an "integrated" plan approval, State Operating Permit and Title V Operating Permit program. This integrated approach is designed to make the permitting process more efficient for the Department, the regulated community and the general public. This approach allows the owner or operator of a facility to submit permitting documents relevant to its application for all sources related to a facility or a proposed project, affords an opportunity for public input, and provides for a decision on the issuance of the necessary permits.

The Department received applications for Plan Approval 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.

Intent to Issue Plan Approvals and Intent to Issue or Amend Operating Permits under the Air Pollution Control Act (35 P.S. §§ 4001—4015) 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.

23-0009J: The Boeing Company—Philadelphia (PO Box 16858, Philadelphia, PA 19142) for the installation of 2 new boilers, each with a heat input capacity of 36 MMBtu/hr, to replace 2 existing boilers (each rated at 42 MMBtu/hr) at Boeing's Ridley Park PA facility in Ridley Township, **Delaware County**. This facility is a major facility. Each boiler will be capable of both natural gas and No. 2 fuel oil firing. Fuel oil usage is limited to periods of boiler testing or natural gas curtailment. Each new boiler's design will include a low NO_x burner (LNB) with flue gas recirculation (FGR) to minimize emissions of NO_x (nitrogen oxides) and oxygen trim to optimize combustion and minimize all pollutants. An economizer will recover waste heat, further improving efficiency thereby minimizing emissions of all pollutants. The major pollutants emitted by the boilers are NO_x and carbon monoxide (CO). The NO_x emissions shall be limited to 30 ppmdv @ 3% O₂ when firing natural gas and 90 ppmdv @ 3% O₂ when firing No. 2 fuel oil. CO emissions shall be limited to 50 ppmdv @ 3% O₂ when firing natural gas and 75 ppmdv @ 3% O₂ when firing fuel oil. Emissions from both boilers are limited to 8.92 tons/year of NO_x and 9.04 tons/year of CO.

46-0013E: Clemens Food Group (2700 Clemens Rd., Hatfield, PA 19440-0902) for the replacement of existing control devices on the sludge dryer at the wastewater treatment plant (WWTP) with new venturi and packed tower scrubber to control particulate matter and odor emissions at their meat processing at their facility in Hatfield Township, **Montgomery County**.

As a result of potential emissions of nitrogen oxides (NO_x), the facility is Title V facility. The facility has a plantwide Federally Enforceable Emission Cap (FEEC) of 74.15 tons per year for NO_x.

In addition, the Plan Approval and Operating Permit will contain recordkeeping requirements and operating restrictions designed to keep the 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.

Notice is hereby given under 25 Pa. Code §§ 127.44 and 127.45, that the Department of Environmental Protection (Department) intends to issue a Plan Approval on the proposed Air Quality application **35-00070A for Archbald Energy Partners, LLC (the Permittee)**, 72 Glenmaura National Blvd., Moosic, PA 18507 to construct and operate a natural-gas-fired combined-cycle (NGCC) power plant to produce approximately 485 MW of electricity at the facility to be located in Archbald Borough,

Lackawanna County as described in the Permittee's February 2, 2016 Plan Approval Application and any other subsequent supplemental submissions.

Plan Approval No. 35-00070A is for the construction and operation of a natural-gas-fired combined-cycle power plant consisting of a combustion gas turbine (CT) and a steam turbine (ST) with duct burners in the heat recovery steam generator (HRSG), one diesel-fired emergency generator, one diesel-fired fire water pump, an air cooled condenser, and one aqueous ammonia storage tank at the proposed Archbald Energy Partners, LLC's NGCC Plant to be located in Archbald Borough, Lackawanna County.

The company proposes to construct a NGCC plant consisting of a GE model 7HA.02 or equivalent combined cycle natural-gas-fired turbine. The HRSG will be equipped with natural-gas-fired duct burner (DB). The facility will be capable of producing approximately 485 MW (Nominal) of electricity. The maximum heat input rating of the CT is 3,269 MMBTU/hr. The DB will have a maximum heat input rating of 111 MMBTU/hr. The company proposes to control the nitrogen oxides emissions using a dry low-NO_x (DLN) combustor and selective catalytic reduction (SCR). To control the carbon monoxide (CO) and volatile organic compounds (VOCs) emissions,

the company proposes to utilize combustion controls and oxidation catalysts.

The 670 bhp diesel-fired emergency generator and the 450 bhp diesel-fired fire pump will be restricted to a maximum of 100 hours of operation each, in any 12 consecutive month period, for non-emergency operation. The maximum sulfur content of the diesel fuel fired in these engines will be 15 ppm.

The facility will be subject to NSPS Subpart KKKK, TTTT, IIII and 25 Pa. Code § 127.12(a)(5) Best Available Technology (BAT) requirements. The visible emission will be equal to or less than 10 % at any time. The company shall be subject to and comply with 25 Pa. Code § 123.31 for malodorous emissions.

Emissions from the turbines will meet BAT, NSPS Subpart KKKK & TTTT requirements. Emissions from the emergency generator engine will meet BAT & NSPS Subpart IIII requirements. The Plan Approval and Operating Permit will include testing, monitoring, record keeping and reporting requirements designed to keep the sources operating within all applicable air quality requirements.

The following table shows the proposed emissions from the facility:

| Pollutant | Turbine | Sources | | | Total (TPY) |
|--------------------------------|-----------|-----------|-------------|-----------------|-------------|
| | | ER Engine | Fire Engine | Circuit Breaker | |
| NO _x | 99 | 0.2 | 0.1 | - | 99.3 |
| CO | 60.4 | 0.1 | 0.1 | - | 60.6 |
| VOCs (as methane) | 19.4 | - | 0.04 | - | 19.44 |
| PM ₁₀ | 48.8 | 0.003 | 0.01 | - | 48.81 |
| PM _{2.5} | 48.8 | 0.003 | 0.01 | - | 48.81 |
| SO ₂ | 22.4 | - | - | - | 22.4 |
| H ₂ SO ₄ | 13.7 | - | - | - | 13.7 |
| HAPs | 9.0 | - | - | - | 9.0 |
| Formaldehyde | 5.7 | - | - | - | 5.7 |
| CO ₂ e | 1,464,093 | 33 | 22 | 16 | 1,464,164 |

Copies of the applications, the Department's technical reviews and other supporting documents are available for public inspection between the hours of 8 a.m. and 4 p.m. at the Department's Wilkes-Barre Regional Office, 2 Public Square, Wilkes-Barre, PA 18701-1915. Appointments for scheduling a review may be made by calling (570) 826-2511.

Persons wishing to provide the Department with additional information, which they believe should be considered prior to the issuance of the Plan Approval, may submit the information to the address shown below. The Department will consider any written comments received within 30 days of the publication of this notice. Each written comment must contain the following: name, address and telephone number of the person submitting the comments; identification of the proposed Plan Approval No. 35-00070A and a concise statement regarding the relevancy of the information or any objections to the issuance of the Plan Approval.

The Department will address comments from the public before any final actions are taken on the proposals. A summary report addressing the concerns raised by the public will be released should the Department decide to issue the Plan Approval. Send written comments to Mark Wejksznar P.E., Air Quality Program Manager, Depart-

ment of Environmental Protection, Air Quality Program, Wilkes-Barre Regional Office, 2 Public Square, Wilkes-Barre, PA 18701-1915.

Persons with a disability who wish to comment and require an auxiliary aid, service or other accommodations should contact the Department at the address shown above, or the Pennsylvania AT&T Relay Service at (800) 654-5984 (TDD) to discuss how the Department may address their needs.

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

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

47-00001F: Montour, LLC (835 Hamilton Street, PL-6, Suite 150, Allentown, PA 18101-1179) for an increase in the allowable hours of operation of two 1971 vintage Model D398 diesel-fired Caterpillar emergency generator sets from 240 to 500 hours per year at their Montour Steam Electric Station located in Derry Township, **Montour County**.

The Department of Environmental Protection's (Department) review of the information submitted by Montour, LLC indicates that the increase in hours of operation will comply with all applicable air quality regulatory require-

ments including 40 CFR Part 63 Subpart ZZZZ, and 25 Pa. Code Chapter 127, Subchapter E, as well as the best available technology requirement (BAT) of 25 Pa. Code §§ 127.1 and 127.12. Based on this finding, the Department proposes to issue a plan approval for the increase in hours of operation.

The emission from each emergency generator included in this project will not exceed the following: 4.6 tons per year (TPY) NO_x, 1.2 TPY CO, 0.1 TPY PM_{2.5}, 0.1 TPY VOCs, 0.2 TPY SO_x, 0.2 TPY hazardous air pollutants.

The following is a brief description of the conditions the Department intends to place in the plan approval in order to ensure compliance with all applicable air quality regulatory requirements.

1. The total emissions from the emergency generator engines shall not exceed any of the following limitations: (a) 3.20 lb/MMBtu heat input, 18.6 lb/hr, and 4.6 tons of nitrogen oxides in any 12 consecutive month period; (b) 0.85 lb/MMBtu heat input, 4.9 lb/hr, and 1.2 ton of carbon monoxide in any 12 consecutive month period; (c) 0.07 lb/MMBtu heat input, 0.4 lb/hr, and 0.1 ton of total particulate matter (condensable and filterable), including particulate matter having an aerodynamic diameter equal to or less than 2.5 micrometers (PM_{2.5}), in any 12 consecutive month period; (d) 0.09 lb/MMBtu heat input, 0.5 lb/hr, and 0.1 ton of volatile organic compounds in any 12 consecutive month period.

2. The emergency generator engines may only be fired on # 2 or lighter diesel fuel that contains a sulfur content of 15 ppm maximum, except that any existing diesel fuel purchased by the permittee prior to the date of issuance of the plan approval may be used until depleted, provided the sulfur content of the fuel does not exceed 0.5% (by weight).

3. The emergency generator engines shall comply with the operational restrictions on non-emergency usage specified in 40 CFR Subpart ZZZZ. The total operation of each generator engine shall be less than 500 hours in any 12 consecutive month period.

4. The permittee shall keep records of the following for the emergency generator engines:

(a) The number of hours operated per 12 consecutive month period. The permittee must document how many hours are spent for emergency operation, including what classified the operation as an emergency.

(b) Records of the maintenance conducted on the emergency generators.

(c) The documentation and calculations used to verify compliance with the emissions limitations. These records shall be retained for a minimum of 5 years and shall be made available to the Department upon request.

5. The permittee shall annual reports of the hours of operation of each emergency generator engine and the calculations to demonstrate compliance with the 12-month rolling emission limitations for each engine. The annual report shall be submitted to the Department no later than March 1 for the preceding year.

6. The permittee shall maintain and operate the emergency generators in accordance with the manufacturers' specifications or develop its own maintenance plan which must provide to the extent practicable for the maintenance and operation of the sources in a manner consistent with good air pollution control practice for minimizing emissions. The permittee shall also inspect the oil and filters every 500 hours of operation or annually; inspect

the air cleaners every 1,000 hours of operation or annually; and inspect all hoses and belts every 500 hours of operation or annually.

The facility is a major (Title V) facility. If the Department determines that the project has been performed in compliance with the plan approval conditions and the specification of the application for Plan Approval 47-00001F, the requirements established in the plan approval will be incorporated into Title V Operating Permit 47-00001 pursuant to the administrative amendment provisions of 25 Pa. Code § 127.450.

All pertinent documents used in the evaluation of the application are available for public review during normal business hours at the Department's Northcentral Regional office, 208 West Third Street, Suite 101, Williamsport, PA 17701. Appointments for scheduling a review must be made by calling 570.327.0550.

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

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

AMS IP16-000221: (City of Philadelphia—Dept. of Commerce—Division of Aviation—8800 Essington Ave, Philadelphia, PA 19153) for installation of one (1) emergency generator and five (5) boilers at its Philadelphia International Airport location. The emergency generator has a capacity of 200.5 kilowatts and is fueled by diesel fuel. Four (4) of the boilers are all fueled by natural gas and No. 2 Oil and have capacities of 6.277 MMBtu/hr or 5.230 MMBTU/hr. One (1) boiler is fueled only by natural gas and has a capacity of 2.088 MMBTU/hr.

The facility's potential emissions increase from the installation are as follows: 17.381 tons per year of Nitrogen Oxides (NO_x), 1.656 ton per year of Particulate Matter, 4.802 tons per year of Carbon Monoxide, and 15.479 tons per year of Sulfur Dioxide. The plan approval will contain operating, monitoring, recordkeeping, and reporting requirements to ensure operation within all applicable requirements.

OPERATING PERMITS

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

Southeast Region: Air Quality Program, 2 East Main Street, Norristown, PA 19401.

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

46-00035: GlaxoSmithKline, LLC. (709 Swedeland Road, King of Prussia, PA 19406), for the significant modification of a Title V Operating Permit in Upper Merion Township, **Montgomery County**. GlaxoSmithKline, LLC (GSK) operates a pharmaceutical R&D and manufacturing operation at this location under TVOP 46-00035 which expires on November 6, 2018. GSK is a major facility for NO_x and VOC emissions and an area source for HAP emissions. GSK is requesting to incorporate 40 CFR Part 63 Subpart GGG section § 63.1250 pharmaceutical manufacturing operations regulations into their operating permit. There will be no increase in emissions from the incorporation of these regulations. GSK will still remain a major facility for NO_x and VOC emissions and an area source for HAP emissions. The modified permit still includes monitoring, recordkeeping and reporting requirements, and work practice standards

designed to keep the facility operating within all applicable local, State, and Federal air quality requirements.

Intent to Issue Operating Permits under the Air Pollution Control Act and 25 Pa. Code Chapter 127, Subchapter F.

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

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

45-00004: Tobyhanna Army Depot (11 Hap Arnold Boulevard, Tobyhanna, PA 18466-5002) for the operation of a commercial and service industry and supply facility in Coolbaugh Township, **Monroe County**. The sources consist of boilers, generators, painting/coating operations, metal fabrication and finishing operations. The sources are controlled by panel filters, baghouses, cyclones, and scrubbers. This is a renewal of a State-Only operating permit. The State-Only operating permit will include 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.

36-03011: Cargill Cocoa & Chocolate (48 N. Broad Street, Lititz, PA 17543) to issue a State Only Operating Permit for the Lititz Headquarters located in Lititz Borough, **Lancaster County**. The potential emissions from the facility are estimated at 1.25 tpy of PM₁₀, 1.12 tpy of PM_{2.5}, 37.29 tpy of SO₂, 11.02 tpy of NO_x, 0.40 tpy of VOC and 6.06 tpy of CO. The Operating Permit will include emission limits and work practice standards along with monitoring, recordkeeping and reporting requirements to ensure the facility complies with the applicable air quality regulations. Among other items, the conditions include provisions derived from 40 CFR Part 60, Subpart Dc—Standards of Performance for Small Industrial-Commercial-Institutional Steam Generating Units and 40 CFR Part 63, Subpart ZZZZ—National Emission Standards for Hazardous Air Pollutants for Stationary Reciprocating Internal Combustion Engines.

21-05033: Wilson Paving, Inc. (480 West Old York Road, Carlisle, PA 17015) to issue a State Only Operating Permit for operation of its batch asphalt plant in South Middleton Township, **Cumberland County**. The facility 2015 emissions were 12.09 tons of CO, 0.76 ton of NO_x, 0.82 ton of PM₁₀, 0.14 ton of SO_x, 0.25 ton of VOCs, and 0.23 ton of total HAPs. The Operating Permit will include emission limits and work practice standards along with monitoring, recordkeeping and reporting requirements to ensure the facility complies with the applicable air quality regulations. Among other items, the conditions include provisions derived from 40 CFR Part 63, Subpart I—Standards of Performance for Hot Mix Asphalt.

22-05045: Capitol Region Water (1662 South Cameron Street, Harrisburg, PA 17104) to issue a State Only Operating Permit for the waste water treatment facility in Swatara Township, **Dauphin County**. The subject facility has actual emissions of approximately 1.0 ton per year of volatile organic compounds (VOCs); 70.0 tons per year of nitrogen oxides (NO_x); and 58.0 tons per year

of carbon monoxide (CO). The operating permit will include emission limits and work practice standards along with monitoring, recordkeeping and reporting requirements to ensure the facility complies with the applicable air quality regulations. Among other items, the conditions include provisions derived from 40 CFR Part 63, Subpart JJJJJJ—National Emission Standards for Hazardous Air Pollutants for Industrial, Commercial, and Institutional Boiler Area Sources.

36-05119: Signature Custom Cabinetry Inc. (434 Springville Road, Ephrata, PA 17522) to issue a State-Only Operating Permit for the operation of a wood cabinet manufacturing facility located in Ephrata Township, **Lancaster County**. Actual emissions from the facility in 2015 were estimated at 21.06 tons VOC, 3.36 tons of a single HAP (xylene) and 4.75 tons of combined HAPs. The Operating Permit will include emission limits and work practice standards along with monitoring, recordkeeping and reporting requirements to ensure the facility complies with the applicable air quality regulations. Among other items, the conditions include surface coating provisions derived from 25 Pa. Code §§ 129.52 and 129.101—129.107.

67-05092: Starbucks Coffee Company (3000 Espresso Way, York, PA 17406) to issue a State Only Operating Permit for the coffee bean processing, roasting, and distribution facility (York Roasting Plant) located in East Manchester Township, **York County**. The actual emissions from the facility in 2015 were reported to be 91.0 tons NO_x; 25.3 tons CO; 22.2 tons PM₁₀; 22.2 tons PM_{2.5}; 9.4 tons VOC; 0.3 ton SO_x; 1.2 ton acetaldehyde; 0.2 ton formaldehyde; 0.1 ton acrolein; 1.5 ton total HAPs. The Operating Permit will include emission limits and work practice standards along with testing, monitoring, recordkeeping and reporting requirements to ensure the facility complies with the applicable air quality regulations. Among other items, the conditions include provisions derived from 40 CFR Part 60, Subpart III—Standards of Performance for Stationary Compression Ignition Internal Combustion Engines (Source IDs 203 and 204) and 40 CFR Part 63, Subpart ZZZZ—National Emission Standards for Hazardous Air Pollutants for Stationary Reciprocating Internal Combustion Engines (Source IDs 201, 203, and 204).

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

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

14-00033: Spectra Wood, Inc. (2651 Carolean Industrial Drive, State College, PA 16801) to issue a renewal State Only Operating Permit for their facility located in College Township, **Centre County**. The facility's main sources include 11 natural gas fired combustion units, seven (7) surface coating booths, woodworking operations and miscellaneous wood finishing operations.

The facility has potential emissions of 57.29 tons per year (tpy) of particulate matter/particulate matter with an effective aerodynamic diameter of less than or equal to 10 micrometer, 2.01 tpy of nitrogen oxides, 1.69 tpy of carbon monoxide, 42.05 tpy of volatile organic compounds, 4.39 tpy of hazardous air pollutants and 0.01 tpy of sulfur oxides. The potential emissions at the facility remained same since last issuance of the permit.

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 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.

17-00061: Junior Coal Contracting, Inc. (2330 Six Mile Road, Philipsburg, PA 16866) to issue the renewal State Only Operating Permit NMOP 17-00061 for their facility located in Decatur Township, **Clearfield County**. The facility is currently operating under NMOP 17-00061 issued on January 20, 2012. The facility's sources consist of various coal processing, handling and transfer equipment associated with the coal processing plant (Source ID P101). There were a couple changes to the facility since 2012. The generator engine (Source ID P102) was removed from location since it is no longer needed. Instead of the generator engine, the plant equipment is now powered electrically from the grid since grid power became available approximately five (5) years ago. Junior also requested reactivation of the wet processing equipment associated with the plant. The Department determined that emissions from the operation/reactivation of the wet processing equipment associated with the plant were of minor significance. These changes are reflected in the renewal NMOP 17-00061. The facility's potential emissions of air contaminants are equal to approximately 29.28 tpy for PM₁₀.

The coal processing plant is subject to the Standards of Performance for Coal Preparation and Processing Plants as codified in 40 CFR Part 60 Subpart Y. The dry processing equipment is also subject to the Best Available Technology (BAT) standards established pursuant to 17-305-020A. All applicable requirements have been incorporated into the renewal NMOP 17-00061. Testing, monitoring, recordkeeping, reporting and work practice conditions have been also included in the renewal NMOP 17-00061 to ensure that the facility is operating in compliance with all applicable air quality regulatory requirements in 25 Pa. Code 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: Thomas Joseph, P.E., Facilities Permitting Chief—Telephone: 412-442-4336.

Notice of Proposed Revision to the State Implementation Plan for Oxides of Nitrogen, Volatile Organic Compounds, Notice of Public Hearing, and Notice of Intent to Issue Revised Air Quality Operating **Permit 11-00258**.

Approval of a Reasonably Available Control Technology (RACT II) plan for Lilly Compressor Station located in Cresson Township, **Cambria County**.

In accordance with 25 Pa. Code §§ 129.96—129.100, the Pennsylvania Department of Environmental Protection has made a preliminary determination to approve a RACT II plan and an amendment to the State Implementation Plan (SIP) for the Cresson Township. Compressor Station owned and operated by Texas Eastern Transmission, LP in Cresson Township, Cambria County.

The proposed SIP revision does not adopt any new regulations. It incorporates the provisions and requirements contained in the amended RACT II approval for the facility, which are intended to satisfy the requirements for the 1997 National Ambient Air Quality Standard (NAAQS) and the 2008 NAAQS for ozone.

The proposed amendments to the RACT II determination, if finally approved, will be incorporated into a revised operating permit (11-00258) for the facility. The relevant RACT II requirements will be submitted to the U.S. Environmental Protection Agency (EPA) as a revision to Pennsylvania's State Implementation Plan and will remain in effect until replaced pursuant to 40 CFR 51 and approval by the EPA. Requirements that are not part of the RACT II determination will be excluded from the SIP submittal includes the provisions of the Department's presumptive Reasonably Available Control Technology (RACT II) requirements in accordance with 25 Pa. Code § 129.97, as they apply to existing sources at this facility.

The following is a summary of the proposed amendments to the RACT II determination for this operation that will be submitted to the EPA as a SIP revision:

Sources

W52 Turbine, rated at 6,040 hp
W52 Turbine, rated at 6,040 hp
GE Frame 5, rated at 19,800 hp
DC 990 Turbine, rated at 5,800 hp
LEROI Emergency IC Engine

NO_x RACT II Requirement

Alternative RACT; 107 tpy based on 8,000 hr/yr.
Alternative RACT; 107 tpy based on 8,000 hr/yr.
Alternative RACT; 292 tpy, Replacement by January 01, 2024
Presumptive RACT; 116 tpy, Meeting 150 ppmvd @ 15% O₂
Presumptive RACT; Good operating practices, 500 hr limit

Any person may submit comments, requests for the Department to hold a public hearing, or protests to the operating permit or a proposed condition thereof, by filing such submissions in writing to the Department at the Southwest Regional Office. A 30-day comment period from the date of this publication will exist for the submission of comments.

All comments, requests for a public hearing, and protests to a proposed action, shall be filed with the Depart-

ment within 30 days of the date that notice of the proposed action was published under 25 Pa. Code § 127.424 (relating to public notice). Comments, requests for a public hearing, and protests must include the name, address and telephone number of the person filing the protest, identification of the proposed permit issuance being opposed (TV Operating Permit 11-00258) and a concise statement of the objections to the permit issuance and the relevant facts upon which the objections are based.

A public hearing may be held in accordance with 25 Pa. Code § 127.429, if the Department, in its discretion, decides that such a hearing is warranted based on the information received. If a public hearing is held, all persons who have properly filed a protest under 25 Pa. Code § 127.426 may appear and give testimony. The applicant, the protestant and other participants will be notified of the decision to hold a hearing (and the time, place and purpose of such hearing) by publication in the newspaper or by the *Pennsylvania Bulletin*, or by telephone, where the Department determines such notification by telephone is sufficient.

Comments, protests and requests for a public hearing should be directed to Jesse S. Parihar, Air Quality Engineering Specialist, Department of Environmental Protection, Southwest Regional Office, 400 Waterfront Drive, Pittsburgh, PA 15222. (jparihar@pa.gov, fax 412.442.4194).

Intent to Re-issue SOOP

30-00177: Coresco LLC/Dooley Run Terminal (308 Dents Run Road, Morgantown, WV 26501) for continued operation of a coal transport and storage facility located in Dunkard Township, **Greene County**. The facility's air contamination sources consist of one crusher, belt lines, two stockpiles, and haul roads, and other supporting equipment for the purpose of transporting coal across the State line into West Virginia.

The allowable throughput is 4,000,000 tons per year through this facility. The maximum throughput of oversized coal for the crusher shall not exceed 500,000 tpy. Potential emissions from the facility are estimated to be 45.0 tpy of PM and 13.0 tpy of PM₁₀. A road sweeper and a pressurized water truck are available to be used for dust suppression purposes. In-plant roads and areas of vehicle traffic shall be watered, on an as needed basis, and earth or other material transported from the site shall be removed promptly such that visible fugitive emissions do not cross the property line. This facility is subject to the applicable requirements of 25 Pa. Code Chapters 121—145. Proposed SOOP includes conditions relating to applicable emission restrictions, testing, monitoring, recordkeeping, reporting and work practice standards requirements.

Coresco's SOOP renewal application, the Department's Air Quality Review Memorandum, and the proposed Air Quality State Only Operating Permit for this project 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 State Only Operating Permit renewal 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 State Only Operating Permit for this project, a person may contact Thomas Kaminski at tkaminski@pa.gov or 412.442.4097.

Any person may submit comments, requests for the Department to hold a public hearing, or protests to the operating permit or a proposed condition thereof, by filing such submissions in writing to the Department at the Southwest Regional Office. A 30-day comment period from the date of this publication will exist for the submission of comments.

All comments, requests for a public hearing, and protests to a proposed action, shall be filed with the Department within 30 days of the date that notice of the proposed action was published under 25 Pa. Code

§ 127.424 (relating to public notice). Comments, requests for a public hearing, and protests must include the name, address and telephone number of the person filing the protest, identification of the proposed permit issuance being opposed (SOOP-30-00177) and a concise statement of the objections to the permit issuance and the relevant facts upon which the objections are based.

A public hearing may be held in accordance with 25 Pa. Code § 127.429, if the Department, in its discretion, decides that such a hearing is warranted based on the information received. If a public hearing is held, all persons who have properly filed a protest under 25 Pa. Code § 127.426 may appear and give testimony. The applicant, the protestant and other participants will be notified of the decision to hold a hearing (and the time, place and purpose of such hearing) by publication in the newspaper or by the *Pennsylvania Bulletin*, or by telephone, where the Department determines such notification by telephone is sufficient.

Comments, protests and requests for a public hearing should be directed to Jesse S. Parihar, Air Quality Engineering Specialist, Department of Environmental Protection, Southwest Regional Office, 400 Waterfront Drive, Pittsburgh, PA 15222. (jparihar@pa.gov, fax 412.442.4194).

03-00253: Rosebud Mining Company (301 Market Street, Kittanning, PA 16201), for an initial facility-wide Natural Minor Operating Permit for the operation of a coal preparation plant, known as the Parkwood Mine Coal Preparation Plant, located in Plumcreek Township, **Armstrong County**. The facility contains air contamination sources consisting of coal stockpiles, conveyers, screens, coal cleaning plant, one emergency diesel engine (755-bhp), and roadways. Air pollution prevention equipment at the facility includes enclosures, water sprays, water truck, sweeper, and tarping of truck loads. Raw coal throughput is limited to a maximum of 800,000 tons per year. Potential facility emissions are 5.5 tons of PM₁₀, 0.9 ton of PM_{2.5}, 0.4 ton of NO_x, and 0.2 ton of CO per year. The facility is subject to the applicable requirements of 40 CFR 60, Subpart Y and 40 CFR 60, Subpart IIII and 25 Pa. Code Chapters 121—145. The permit includes emission limitations, and operational, monitoring, testing, reporting and recordkeeping requirements for the facility.

Rosebud's State Only Operating Permit renewal application, the Department's Air Quality Review Memorandum, and the proposed Air Quality State Only Operating Permit for this project 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 State Only Operating Permit renewal 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 State Only Operating Permit for this project, a person may contact Bob Novak at robernovak@pa.gov or 412.442.4000.

Any person may submit comments, requests for the Department to hold a public hearing, or protests to the operating permit or a proposed condition thereof, by filing such submissions in writing to the Department at the Southwest Regional Office. A 30-day comment period from the date of this publication will exist for the submission of comments.

All comments, requests for a public hearing, and protests to a proposed action, shall be filed with the Depart-

ment within 30 days of the date that notice of the proposed action was published under 25 Pa. Code § 127.424 (relating to public notice). Comments, requests for a public hearing, and protests must include the name, address and telephone number of the person filing the protest, identification of the proposed permit issuance being opposed (State Only Operating Permit 03-00253) and a concise statement of the objections to the permit issuance and the relevant facts upon which the objections are based.

A public hearing may be held in accordance with 25 Pa. Code § 127.429, if the Department, in its discretion, decides that such a hearing is warranted based on the information received. If a public hearing is held, all persons who have properly filed a protest under 25 Pa. Code § 127.426 may appear and give testimony. The applicant, the protestant and other participants will be notified of the decision to hold a hearing (and the time, place and purpose of such hearing) by publication in the newspaper or by the *Pennsylvania Bulletin*, or by telephone, where the Department determines such notification by telephone is sufficient.

Comments, protests and requests for a public hearing should be directed to Martin L. Hochhauser, P.E., Air Quality Engineer, Department of Environmental Protection, Southwest Regional Office, 400 Waterfront Drive, Pittsburgh, PA 15222. (mhochhause@pa.gov, fax 412-442-4194).

03-00206: Rosebud Mining Company (301 Market Street, Kittanning, PA 16201), for an initial facility-wide Natural Minor Operating Permit for the operation of a coal preparation plant, known as the Parkwood Mine Coal Preparation Plant, located in Plumcreek Township, **Armstrong County**. The facility contains air contamination sources consisting of coal stockpiles, conveyers, screens, coal cleaning plant, two emergency diesel engines (732-bhp and 1,373-bhp), and roadways. Air pollution prevention equipment at the facility includes enclosures, water sprays, water truck, sweeper, and tarping of truck loads. Raw coal throughput is limited to a maximum of 750,000 tons per year. Potential facility emissions are 5.6 tons of NO_x, 2.1 tons of PM₁₀, 0.5 ton of PM_{2.5}, and 0.4 ton of CO per year. The facility is subject to the applicable requirements of 40 CFR 60, Subpart Y and 40 CFR 60, Subpart IIII and 25 Pa. Code 121—145. The permit includes emission limitations, and operational, monitoring, testing, reporting and recordkeeping requirements for the facility.

Rosebuds's State Only Operating Permit renewal application, the Department's Air Quality Review Memorandum, and the proposed Air Quality State Only Operating Permit for this project 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 State Only Operating Permit renewal 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 State Only Operating Permit for this project, a person may contact Bob Novak at robernovak@pa.gov or 412.442.4000.

Any person may submit comments, requests for the Department to hold a public hearing, or protests to the operating permit or a proposed condition thereof, by filing such submissions in writing to the Department at the

Southwest Regional Office. A 30-day comment period from the date of this publication will exist for the submission of comments.

All comments, requests for a public hearing, and protests to a proposed action, shall be filed with the Department within 30 days of the date that notice of the proposed action was published under 25 Pa. Code § 127.424 (relating to public notice). Comments, requests for a public hearing, and protests must include the name, address and telephone number of the person filing the protest, identification of the proposed permit issuance being opposed (State Only Operating Permit 32-00432) and a concise statement of the objections to the permit issuance and the relevant facts upon which the objections are based.

A public hearing may be held in accordance with 25 Pa. Code § 127.429, if the Department, in its discretion, decides that such a hearing is warranted based on the information received. If a public hearing is held, all persons who have properly filed a protest under 25 Pa. Code § 127.426 may appear and give testimony. The applicant, the protestant and other participants will be notified of the decision to hold a hearing (and the time, place and purpose of such hearing) by publication in the newspaper or by the *Pennsylvania Bulletin*, or by telephone, where the Department determines such notification by telephone is sufficient.

Comments, protests and requests for a public hearing should be directed to Martin L. Hochhauser, P.E., Air Quality Engineer, Department of Environmental Protection, Southwest Regional Office, 400 Waterfront Drive, Pittsburgh, PA 15222. (mhochhause@pa.gov, fax 412-442-4194).

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.

30130701 and NPDES No. PA0236268. Consol Pennsylvania Coal Company LLC, (1000 Consol Energy Drive, Canonsburg, PA 15317). To revise the permit for the Bailey Central Mine Complex Coal Refuse Disposal Areas No. 7 & No. 8 in Morris Township, **Greene County** and related NPDES permit to construct the Coal Refuse Disposal Area No. 7 Facility and Outfall 701, 702 and 703. Coal Refuse Disposal Support Acres Proposed 335.0, Coal Refuse Disposal Acres Proposed 565.0. Application also includes a request for a Section 401 Water Quality Certification. Receiving stream: Boothe Run, classified for the following use: WWF. Receiving stream: Unnamed Tributary to Enlow Fork, classified for the following use: WWF. Receiving stream: Unnamed Tributary to Browns Creek, classified for the following use: HQ-WWF. The application was considered administratively complete on January 30, 2017. Application received March 31, 2016.

03961301 and NPDES No. PA0214787. Rosebud Mining Company, (301 Market Street, Kittanning, PA 16201). To renew the permit for the Tracy Lynne Mine in Kiskiminetas and Parks Townships, **Armstrong County** and related NPDES permit. No additional discharges. The

application was considered administratively complete on February 2, 2017. Application received August 25, 2016.

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

Permit No. 56140106 and NPDES No. PA0279404, Mountaineer Mining Corp., 1010 Garrett Shortcut Road, Berlin, PA 15530, commencement, operation and restoration of a bituminous surface & auger mine to add blasting activities in Brothersvalley Township, **Somerset County**, affecting 36.0 acres. Receiving streams: unnamed tributaries to Piney Run classified for the following use: cold water fishes. There are no potable water supply intakes within 10 miles downstream. Application received: January 23, 2017.

Permit No. 56140101 and NPDES No. PA PA0269441. Elk Resources, Inc., 30 Pounds Road, West Lebanon, PA 15783, transfer of an existing bituminous surface and auger mine from Sherpa Mining Contractors, Inc., 337 Benny Road, Hooversville, PA 15936, located in Shade Township, **Somerset County**, affecting 165.0 acres. Receiving streams: unnamed tributaries to/and Miller Run to Dark Shade Creek to the Stonycreek River classified for the following use: cold water fishes. There are no potable water supply intakes within 10 miles downstream. Application received: January 4, 2017.

Pottsville District Mining Office: 5 West Laurel Boulevard, Pottsville, PA 17901, 570-621-3118.

Permit No. 49910201R5. Rosini Enterprises, Inc., (P.O. Box 568, Shamokin, PA 17872), renewal of an existing anthracite coal refuse reprocessing operation in Coal Township, **Northumberland County** affecting 67.4 acres, receiving stream: Carbon Run, classified for the following use: cold water fishes. Application received: January 30, 2017.

Permit No. 49910201C3. Rosini Enterprises, Inc., (P.O. Box 568, Shamokin, PA 17872), correction to update the post-mining land use from forestland to unmanaged natural habitat of an existing anthracite coal refuse reprocessing operation in Coal Township, **Northumberland County** affecting 67.4 acres, receiving stream: Carbon Run, classified for the following use: cold water fishes. Application received: January 30, 2017.

Noncoal Applications Received

Effluent Limits—The following effluent limits will apply to NPDES permits issued in conjunction with a noncoal mining permit:

| Parameter | Table 2 | | |
|--------------------------------------|----------------|---------------------------------|-----------------------|
| | 30-day Average | Daily Maximum | Instantaneous Maximum |
| 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.

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

10060302. Waste Management Disposal Services of PA, Inc. (1000 New Ford Mill Road, Morrisville, PA 19067) Revision to an existing large industrial minerals mine to add 3.5 acres in Clay Township, **Butler County**, affecting a total of 45.5 acres. Receiving streams: Three unnamed tributaries to South Branch Slippery Rock Creek, classified for the following uses: CWF. There are no potable surface water supply intakes within 10 miles downstream. This application

also has a request for a post-mining land use change from forestland to unmanaged natural habitat on a portion of the Waste Management Disposal Services of Pennsylvania, Inc. property. Application received: January 30, 2017.

Pottsville District Mining Office: 5 West Laurel Boulevard, Pottsville, PA 17901, 570-621-3118.

Permit No. 6278031A2C13 and NPDES Permit No. PA0225657. PA Granite Corp., (375 Trythall Road, Elverson, PA 19520), correction to an existing quarry operation to include an NPDES Permit for discharge of treated mine drainage from a quarry operation in Warwick Township, **Chester County** affecting 46.3 acres, receiving stream: unnamed tributaries to French Creek, classified for the following use: EV - migratory fishes. Application received: January 18, 2017.

Permit No. 39880302A1C10 and NPDES Permit No. PA0225655. Coplay Aggregates, Inc., (21 East 10th Street, Northampton, PA 18067), correction to an existing quarry operation to include an NPDES Permit for discharge of treated mine drainage from a quarry operation in Whitehall Township, **Lehigh County** affecting 21.49 acres, receiving stream: Coplay Creek, classified for the following uses: cold water and warm water fishes. Application received: January 26, 2017.

MINING ACTIVITY NPDES DRAFT PERMITS

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

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

Effluent Limits for Coal Mining Activities

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

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

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

Alkalinity greater than acidity*

*The parameter is applicable at all times.

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

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

Effluent Limits for Noncoal Mining Activities

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

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

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

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

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

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

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

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

Coal NPDES Draft Permits

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

NPDES No. PA0207241 (Mining Permit No. 17930103), Junior Coal Contracting, Inc., 2330 Six Mile Road, Philipsburg, PA 16866, revision of an NPDES permit for a bituminous coal surface mining in Decatur Township, **Clearfield County**, affecting 309.9 acres. Receiving stream: Beaver Run classified for the following use(s): CWF. Application received: September 30, 2016.

The NPDES revision adds the following treatment facility for treatment of a discharge (identified as LB-75T) to Beaver Run.

| | |
|--------------------|--------------------------|
| <i>Outfall No.</i> | <i>New Outfall (Y/N)</i> |
| 019 (LB-75T) | Y |

The proposed effluent limits for the above listed outfall 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) | | 5.3 | 5.3 | 5.3 |
| Alkalinity greater than acidity ¹ | | | | |
| Total Suspended Solids (mg/l) | | 35 | 70 | 90 |

* As per Future Waste Load No. 5 of Moshannon Creek Watershed TMDL (page 73). Allowable loading for Future Waste Load No. 5 is 0.56 lb/day based upon an aluminum concentration of 0.75 mg/L and an average flow of 0.09 MGD (62.5 gpm). The average design flow from the LB-75 treatment system is 8.74 gpm; therefore, an allowable aluminum concentration is 5.3 mg/L which adheres to the maximum allowable TMDL loading of 0.56 lb/day.

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

NPDES No. PA0251950 (Mining permit no. 30100101), Border Energy, LLC, 103 Corporate Drive, Suite 102, Morgantown, WV 26501 renewal NPDES permit for a bituminous surface mine in Monongahela Township, **Greene County**, affecting 188.5 acres. Receiving streams: UNTs to Whiteley Creek, classified for the following use: WWF. Application received: March 25, 2016. This is a correction to the effluent limits that was published November 5, 2016.

The treated wastewater outfall(s) listed below discharge to UNTs to Whiteley Creek:

| | | |
|---------------------|--------------------------|-------------------------|
| <i>Outfall Nos.</i> | <i>New Outfall (Y/N)</i> | <i>Type</i> |
| 006, 007, 008, 009 | N | Mine Drainage Treatment |

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

| <i>Outfalls: Parameter</i> | <i>30-Day Average</i> | <i>Daily Maximum</i> | <i>Instant. Maximum</i> |
|--|-----------------------|----------------------|-------------------------|
| 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 |
| Sulfates (mg/l) | Monitor & Report | Monitor & Report | Monitor & Report |
| Total Suspended Solids (mg/l) | 35 | 70 | 90 |
| Osmotic Pressure (mOsm/kg) | Monitor & Report | Monitor & Report | Monitor & Report |
| pH (S.U.): Must be between 6.0 and 9.0 standard units at all times | | | |
| Alkalinity must exceed acidity at all times | | | |

The stormwater outfall(s) listed below discharge to UNTs to Whiteley Creek:

| | | |
|-------------------------|--------------------------|---------------|
| <i>Outfall Nos.</i> | <i>New Outfall (Y/N)</i> | <i>Type</i> |
| 001, 002, 003, 004, 005 | N | Sedimentation |

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

| <i>Outfalls: Parameter</i> | <i>30-Day Average</i> | <i>Daily Maximum</i> | <i>Instant. Maximum</i> |
|--|---------------------------|--------------------------|-----------------------------|
| 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 |
| Sulfates (mg/l) | Monitor & Report | Monitor & Report | Monitor & Report |
| Total Suspended Solids (mg/l) | 35 | 70 | 90 |
| Osmotic Pressure (mOsm/kg) | Monitor & Report | Monitor & Report | Monitor & Report |
| pH (S.U.): Must be between 6.0 and 9.0 standard units at all times | | | |
| Alkalinity must exceed acidity at all times | | | |

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

Northeast Region: Waterways and Wetlands Program Manager, 2 Public Square, Wilkes-Barre, PA 18701-1915, Telephone 570-826-2511.

E48-436. Northampton Borough, 1401 Laubach Avenue, Northampton, PA 18067, in Northampton Borough, **Northampton County**, U.S. Army Corps of Engineers, Philadelphia District.

To construct and maintain a timber deck steel I-beam superstructure with a span of 54', a width of 12' and an underclearance of 12', over Dry Run that is associated with the Delaware and Lehigh Heritage Trail. Construction will also include the rehabilitation of an existing abutment on the north end and construction of a new abutment on the south end; rock protection will be placed for scour protection around the abutments. The project is located south of the intersection of Line Alley and Main Street (Catasauqua, PA Quadrangle, Latitude: 40.40196N; Longitude: -75.2948W).

E45-603. Stroud Township, 1211 North 5th Street, Stroudsburg, PA 18360-2646, in Stroud Township an Stroudsburg Borough, **Monroe County**, U.S. Army Corps of Engineers, Philadelphia District.

To construct and maintain a 10-foot wide single-span, prefabricated steel beam truss pedestrian bridge having a 120-foot span and a 10-foot underclearance across Pocono Creek (HQ-CWF, MF). Fill will also be placed in the floodway and floodplain of the watercourse for a 10-foot wide walkway. The project is located approximately 0.1 mile south of the Columbus Avenue and Knight Street intersection (Stroudsburg, PA Quadrangle, Latitude: 40°59'11"; Longitude: -75°12'37").

Northcentral Region: Waterways & Wetlands Program Manager, 208 West Third Street, Williamsport, PA 17701, 570-327-3636.

E18-502. Renovo Borough, 128 Fifth Street, Renovo, PA 17764. Boat launch and floodway activity in Renovo Borough, **Clinton County**, ACOE Baltimore District (Renovo West, PA Quadrangle Lat: 41° 19' 27"; Long: -77° 45' 14").

Renovo Borough has applied for a Small Projects-Joint Permit Application to construct, operate and maintain a boat access measuring 210 feet long by 15 feet wide as well as a pavilion measuring 40 feet by 25 feet in the floodplain of W.Br. Susquehanna River in Renovo Borough, Clinton County.

The project proposes to have the following impacts:

| <i>ID</i> | <i>Steam Name</i> | <i>Chapter 93 Classification</i> | <i>Temporary Impact area Length (LF)</i> | <i>Permanent Impact area Length (Sq Ft)</i> | <i>Latitude</i> | <i>Longitude</i> |
|-------------|--------------------------------|--------------------------------------|--|---|-----------------|------------------|
| Boat Launch | W. Br. Susquehanna River | WWF, MF | 210 | 3,150 | 41° 19' 27" | 77° 45' 14" |

Proposed waterway impacts to 3,150 square feet.

The proposed construction will not permanently impact cultural or archaeological resources, National/State/local parks, forests recreational areas, landmarks wildlife refuge, or historical sites. W.Br. Susquehanna River is classified with a designated use of Warm Water Fishery (WWF).

E14-576. Plenary Walsh Keystone Partners, 2000 Cliff Mine Road, Pittsburgh, PA 15275. Bridge replacement in Unionville Borough, **Centre County**, ACOE Baltimore District (Bear Knob, PA Quadrangle Lat: 40° 54' 23"; Long: -77° 52' 37").

Plenary Walsh Keystone Partners have applied for a Small Projects—Joint Permit Application to remove a structurally deficient reinforced concrete T-beam bridge that spans 31.5 feet and is 36.1 feet wide and construct, operate and maintain a prestressed, concrete spread box beam bridge that spans 35.0 feet and is 38.4 feet wide over Dewitt Run in Unionville Borough, Centre County.

The project proposes to have the following impacts:

| <i>ID</i> | <i>Steam Name</i> | <i>Chapter 93 Classification</i> | <i>Temporary Impact area Length (LF)</i> | <i>Permanent Impact area Length (Sq Ft)</i> | <i>Latitude</i> | <i>Longitude</i> |
|-----------|-------------------|--------------------------------------|--|---|-----------------|------------------|
| Bridge | Dewitt Run | CWF, MF | 68 | 57 | 40.9065 | -77.8772 |

Proposed waterway impacts total 828 square feet.

The proposed construction will not permanently impact cultural or archaeological resources, National/State/local parks, forests recreational areas, landmarks wildlife refuge, or historical sites. Dewitt Run is classified with a designated use of Cold Water Fishery (CWF).

Southwest Region: Waterways & Wetlands Program Manager, 400 Waterfront Drive, Pittsburgh, PA 15222-4745.

E26-378, Plenary Walsh Keystone, 2000 Cliff Mine Road, Park West Two, 3rd Floor; Pittsburgh, PA 15275, German Township, **Fayette County**, Pittsburgh ACOE District.

The applicant proposes to:

1. Remove an existing 25' long, 17' wide bridge with a 4.2' underclearance from Middle Run (WWF);
2. Construct, operate, and maintain a replacement 51.7' long, 24' wide, 4' high concrete box culvert within Middle Run;
3. Place approximately 1 foot of additional fill over an existing 47 LF, 18" diameter culvert within an Unnamed Tributary of Middle Run (UNT 1), and
4. Remove a 15 LF section of an existing 120 LF, 30" diameter culvert within a second Unnamed Tributary of Middle Run (WWF) (UNT 2), and reconstruct 24 LF of UNT 2 below this shortened culvert;

For the purpose of replacing the existing S.R. 3013 over Middle Run (WWF) which is located at the intersection of Riffle Hollow Road and Harley Hill Road, (Carmichaels, PA USGS Topographic Quadrangle; Latitude: 39° 54' 6"; Longitude: -79° 53' 35"; Sub-basin: 19C, Pittsburgh Army Corps District) in German Township, Fayette County.

District Oil & Gas Operations: Eastern Oil & Gas District, 208 West Third Street, Suite 101, Williamsport, PA 17701.

E5829-117: New Milford Township, Bluestone Pipeline Company of Pennsylvania, LLC, 1429 Oliver Road,

New Milford, PA 18334-7516; New Milford Township, **Susquehanna County**, ACOE Baltimore District.

To construct, operate, and maintain:

- 1) a 12-inch diameter steel natural gas pipeline and temporary timber bridge crossing impacting 34 lineal feet of an unnamed tributary to Butler Creek (CWF, MF) (Harford, PA Quadrangle; Latitude: 41° 50' 34", Longitude: -75° 39' 48"),
- 2) a 12-inch diameter steel natural gas pipeline and temporary timber bridge crossing impacting 36 lineal feet of an unnamed tributary to Butler Creek (CWF, MF) (Harford, PA Quadrangle; Latitude: 41° 50' 37", Longitude: -75° 39' 44"),
- 3) a 12-inch diameter steel natural gas pipeline and temporary timber bridge crossing impacting 41 lineal feet of an unnamed tributary to Butler Creek (CWF, MF) (Harford, PA Quadrangle; Latitude: 41° 50' 38", Longitude: -75° 39' 21"),
- 4) a 12-inch diameter steel natural gas pipeline and temporary timber bridge crossing impacting 36 lineal feet of an unnamed tributary to Butler Creek (CWF, MF) (Harford, PA Quadrangle; Latitude: 41° 50' 37", Longitude: -75° 39' 20"),
- 5) a 12-inch diameter steel natural gas pipeline and temporary timber bridge crossing impacting 8 lineal feet of an unnamed tributary to Butler Creek (CWF, MF) (Harford, PA Quadrangle; Latitude: 41° 50' 37", Longitude: -75° 39' 18"),
- 6) a temporary timber bridge crossing impacting 52 lineal feet of an unnamed tributary to Butler Creek (CWF, MF) (Harford, PA Quadrangle; Latitude: 41° 50' 37", Longitude: -75° 39' 01"),
- 7) a 12-inch diameter steel natural gas pipeline and temporary timber bridge crossing impacting 44 lineal feet of an unnamed tributary to Butler Creek (CWF, MF) (Harford, PA Quadrangle; Latitude: 41° 50' 36", Longitude: -75° 39' 01"),

8) a 12-inch diameter steel natural gas pipeline and temporary timber mat crossing impacting 3,420 square feet (0.08 acre) of a palustrine emergent wetlands (PEM) (Harford, PA Quadrangle; Latitude: 41° 50' 39", Longitude: -75° 40' 02"),

9) a 12-inch diameter steel natural gas pipeline and temporary timber mat crossing impacting 1,482 square feet (0.03 acre) of a palustrine emergent wetlands (PEM) (Harford, PA Quadrangle; Latitude: 41° 50' 37", Longitude: -75° 39' 59"),

10) a 12-inch diameter steel natural gas pipeline and temporary timber mat crossing impacting 817 square feet (0.02 acre) of a palustrine forested wetlands (PFO) (Harford, PA Quadrangle; Latitude: 41° 50' 35", Longitude: -75° 39' 49"),

11) a 12-inch diameter steel natural gas pipeline and temporary timber mat crossing impacting 3,142 square feet (0.07 acre) of a palustrine forested wetlands (PFO) (Harford, PA Quadrangle; Latitude: 41° 50' 37", Longitude: -75° 39' 43"),

12) a 12-inch diameter steel natural gas pipeline and temporary timber mat crossing impacting 4,342 square feet (0.10 acre) of a palustrine scrub-shrub wetlands (PSS) (Harford, PA Quadrangle; Latitude: 41° 50' 35", Longitude: -75° 39' 42"),

13) a 12-inch diameter steel natural gas pipeline and temporary timber mat crossing impacting 1,385 square feet (0.03 acre) of a palustrine emergent wetlands (PEM) (Harford, PA Quadrangle; Latitude: 41° 50' 41", Longitude: -75° 39' 08"),

14) a 12-inch diameter steel natural gas pipeline and temporary timber mat crossing impacting 280 square feet (0.01 acre) of a palustrine emergent wetlands (PEM) (Harford, PA Quadrangle; Latitude: 41° 50' 41", Longitude: -75° 38' 48"),

15) a 12-inch diameter steel natural gas pipeline and temporary timber mat crossing impacting 276 square feet (0.01 acre) of a palustrine emergent wetlands (PEM) (Harford, PA Quadrangle; Latitude: 41° 50' 42", Longitude: -75° 38' 47"),

16) a temporary timber mat crossing impacting 427 square feet (0.01 acre) of a palustrine emergent wetlands (PEM) (Harford, PA Quadrangle; Latitude: 41° 50' 42", Longitude: -75° 38' 47"),

17) a 12-inch diameter steel natural gas pipeline and temporary timber mat crossing impacting 534 square feet (0.01 acre) of a palustrine emergent wetlands (PEM) (Harford, PA Quadrangle; Latitude: 41° 50' 43", Longitude: -75° 38' 46").

The Bluestone 39-41 Loop pipeline project consists of constructing a 12" diameter steel natural gas gathering line approximately 1.6 mile (8,448 feet) long in New Milford Township, Susquehanna County. The project will result in 295 lineal feet of temporary stream impacts,

7,804 square feet (0.18 acre) of temporary wetlands impacts, and 8,301 square feet (0.19 acre) of permanent wetland impacts all for the purpose of providing safe reliable conveyance of Marcellus Shale natural gas to market.

Northwest Region: Watershed Management Program Manager, 230 Chestnut Street, Meadville, PA 16335-3481.

E62-433, Plenary Walsh Keystone Partners, 2000 Cliff Mine Road, Park West Two, 3rd Floor, Pittsburgh, PA 15275. JV-022 State Route 0127 Section B00 Segment 0090 Offset 2381 over Gordon Run, in Triumph Township and Tidioute Borough, **Warren County**, ACOE Pittsburgh District (Tidioute, PA Quadrangle N: 41°40'47", W: -79°25'18").

To remove the existing, structurally deficient SR 0127 single-span concrete encased steel I-beam bridge over Gordon Run and to construct and maintain a single-span precast concrete box culvert having a span of 22.0-feet, length of 68.74-feet and an underclearance of 7.0-feet. The project is located approximately 1,600-feet southwest of the SR 0127 and Campbell Hill Road intersection in Triumph Township and Tidioute Borough, Warren County. The project will result in 46 linear feet of temporary stream impacts and 124 linear feet of permanent stream impacts to Gordon Run. No wetland impacts are proposed.

ENVIRONMENTAL ASSESSMENTS

Central Office: Bureau of Waterways Engineering and Wetlands, Rachel Carson State Office Building, Floor 2, 400 Market Street, P.O. Box 8460, Harrisburg, PA 17105-8460.

D11-074EA. Norbert J. and John C. Eckenrode, 49770 Township Road 514, Sarahsville, OH 43779, Clearfield, Allegheny, and East Carroll Townships, **Cambria County**, USACOE Baltimore District.

Project proposes to remove the Eckenrode Mill Dam for the purpose of eliminating a threat to public safety and restoring approximately 800 feet of stream channel to a free-flowing condition. The project is located across Chest Creek (HQ-CWF, MF) (Carrolltown, PA Quadrangle, Latitude: 40.5984; Longitude: -78.6524).

D23-057EA. Scott Sanderson, U.S. Army Corps of Engineers, Philadelphia District, Wannamaker Building, 100 Penn Square East, Philadelphia, PA 19107, Yeadon Borough, **Philadelphia County**, USACOE Philadelphia District.

Project proposes to remove the Woodland Dam for the purpose of eliminating a threat to public safety and restoring approximately 650 feet of stream channel to a free-flowing condition. The project includes the construction of a new dam upstream of the existing Woodland Dam and includes a rock fish ramp to facilitate the movements of migratory fishes. The project is located across Cobbs Creek (WWF, MF) (Philadelphia, PA Quadrangle, Latitude: 39.9173; Longitude: -75.2471).

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> |
|-----------------------------|--|--------------------------------------|--|----------------------------|
| PA0218570 (Sewage) | Central Mainline STP 4224 Portage Street Portage, PA 15946 | Cambria County Portage Township | Little Conemaugh River (18-E) | N |

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> |
|-----------------------------|---|---------------------------------------|---|----------------------------|
| PA0243906 | Delaware Valley Concrete Co., Inc. 248 East County Line Road Hatboro, PA 19040 | Bucks County New Britain Borough | Cooks Run and Unnamed Tributary to Neshaminy Creek 2-F | Y |
| PA0244091 | Patriot Sensors & Controls Corp Ametek Drexelbrook Division 205 Keith Valley Road Horsham, PA 19044-1499 | Montgomery County Horsham Township | Park Creek 2-F | Y |

| NPDES No. (Type) | Facility Name & Address | County & Municipality | Stream Name (Watershed #) | EPA Waived Y/N? |
|---------------------|--|---------------------------------------|--|--------------------|
| PA0052451 | Landenberg Village LLC 104 Landenberg Road Suite 3 Landenberg, PA 19350 | Chester County New Garden Township | East Branch White Clay Creek 3-I | N |

Northcentral Regional Office: Clean Water Program Manager, 208 W Third Street, Suite 101, Williamsport, PA 17701-6448. Phone: 570.327.3636.

| NPDES No. (Type) | Facility Name & Address | County & Municipality | Stream Name (Watershed No.) | EPA Waived Y/N? |
|-----------------------|--|--|--|--------------------|
| PA0114758 (Sewage) | Bucknell View MHP PO Box 677 Morgantown, PA 19543-0677 | Northumberland County West Chillisquaque Township | West Branch Susquehanna River (10-C) | Yes |

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

| NPDES No. (Type) | Facility Name & Address | County & Municipality | Stream Name (Watershed No.) | EPA Waived Y/N? |
|---------------------------|--|--|--------------------------------|--------------------|
| PA0218961 (Industrial) | Pittsburgh Water & Sewer Authority 1200 Penn Avenue 2nd Floor Pittsburgh, PA 15222 | Allegheny County City of Pittsburgh | Allegheny River (18-A) | Yes |
| PA0217158 (Industrial) | Charleroi Borough Authority PO Box 211 Charleroi, PA 15022-0211 | Washington County Charleroi Borough | Monongahela River (19-C) | Yes |

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

| NPDES No. (Type) | Facility Name & Address | County & Municipality | Stream Name (Watershed #) | EPA Waived Y/N? |
|---------------------------|---|--|---|--------------------|
| 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 |
| PA0101478 (Sewage) | SNPJ Recreation Center 270 Martin Road Enon Valley, PA 16120-4614 | Lawrence County North Beaver Township | Unnamed Tributary to Sugar Creek (20-B) | Yes |

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. PAI120502, Amendmet, CAFO, Inguran LLC d/b/a ST Genetics, 1141 State Road, Lincoln University, PA 19352.

This proposed facility is located in New London Township, **Chester County**.

Description of Action/Activity: Permit transferred from Sexton Technologies to Inguran LLC.

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

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

WQM Permit No. WQG01651601, Sewage, **Palmer Frederick**, 187 White Thorn Road, New Alexandria, PA 15670.

This proposed facility is located in Salem Township, **Westmoreland County**.

Description of Proposed Action/Activity: Proposed SFTF to serve proposed banquet facility.

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

WQM Permit No. 0916401, Sewage, **Lower Bucks County Joint Municipal Authority**, 7811 New Falls Road, Levittown, PA 19055.

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

Description of Action/Activity: Installation of a new centrifuge and associated equipment.

WQM Permit No. WQG010057, Sewage, **Kenneth Jonathan & Rajasekar Lydia**, 7263 Tohickon Hill Road, Pipersville, PA 18947.

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

Description of Action/Activity: Permit transferred from William & Joy Williams to Kenneth Jonathan & Rajasekar Lydia.

WQM Permit No. 2316405, Sewage, **Delcora**, P.O. Box 999, Chester, PA 19016-0999.

This proposed facility is located in City of Chester, **Delaware County**.

Description of Action/Activity: Construction and operation of a new pump station.

WQM Permit No. 1506410, Sewage, Renewal, **Aqua Pennsylvania Wastewater Inc.**, 762 West Lancaster Avenue, Bryn Mawr, PA 19010.

This proposed facility is located in Londonderry Township, **Chester County**.

Description of Action/Activity: Approval for a renewal of a WQM permit to continue discharge treated wastewater via drip irrigation.

WQM Permit No. 1504404, Sewage, Renewal, **West Bradford Township**, 1385 Campus Drive, Downingtown, PA 19335.

This proposed facility is located in West Bradford Township, **Chester County**.

Description of Action/Activity: Approval for renewal of a WQM permit to allow continued operation of a sewage treatment plant with spray irrigation.

WQM Permit No. 4616405, Sewage, **Upper Moreland-Hatboro Joint Sewer Authority**, 2875 Terwood Road, P.O. Box 535, Willow Grove, PA 19090-0535.

This proposed facility is located in Upper Moreland Township, **Montgomery County**.

Description of Action/Activity: WQM Permit to reflect a rerate in organic capacity of the Upper Moreland-Hatboro Joint Sewer Authority WWTP.

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> |
|-------------------------|---|---------------|------------------------|----------------------------|
| PAD150013 | Kenneth Graham 612 Pughtown Road Spring City, PA 19475 | Chester | East Nantmeal Township | Beaver Creek EV |
| PAD230006 | Ashford Land Company, L.P. 516 North Newtown Street Road Newtown Square, PA 19073 | Delaware | Newtown Township | Crum Creek HQ-CWF |

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

| <i>NPDES Permit No.</i> | <i>Applicant Name & Address</i> | <i>County</i> | <i>Municipality</i> | <i>Receiving Water/Use</i> |
|-------------------------|--|---------------|---|---|
| PAD450010 | Aqua Pennsylvania, Inc. c/o Joshua Shoff 1 Aqua Way White Haven, PA 18661 | Monroe | Chestnuthill Township | Pohopoco Creek (EV, MF) |
| PAD520001 | Pennsylvania Department of Transportation Engineering District 4-0 c/o Susan E. Hazelton, P.E. 55 Keystone Industrial Park Dunmore, PA 18512 | Pike | Blooming Grove, Delaware and Lehman Townships | Tributaries to Toms Creek (EV, MF) Toms Creek (EV, MF) Tributary to Delaware River (HQ-CWF, MF) Briscoe Creek (HQ-CWF, MF) Spackmans Creek (HQ-CWF, MF) Hornbeck Creek (HQ-CWF, MF) Blooming Grove Creek (HQ-CWF, MF). |
| PAD390002 | Northwestern Lehigh School District Mary Anne Wright 6493 Route 309 New Tripoli, PA 18066 | Lehigh | Heidelberg Township and Lynn Township | School Creek (EV, MF) |

Southcentral Region: Waterways & Wetlands Program, 909 Elmerton Avenue, Harrisburg, PA 17110, Nathan Crawford, Section Chief, Telephone 717.705.4802.

| <i>Permit #</i> | <i>Applicant Name & Address</i> | <i>County</i> | <i>Municipality</i> | <i>Receiving Water/Use</i> |
|------------------------|---|---------------|----------------------|---|
| PAI032816002 Issued | Shippensburg Borough Authority 111 North Fayette Street P.O. Box 129 Shippensburg, PA 17257 | Franklin | Southampton Township | UNT Middle Spring Creek (Designated use: CWF, MF) (Existing use: HQ-CWF, MF) Furnace Run (CWF, MF) UNT Furnace Run (CWF, MF) |
| PAI033116001 Issued | Andrew Gutberlet, P.E. Pennsylvania State University 139J Physical Plant University Park, PA 16802 | Huntingdon | Barree Township | Shaver Creek/ Lake Perez (HQ-CWF, MF) |

Northcentral Region: Waterways & Wetlands Program Manager, 208 West Third Street, Williamsport, PA 17701, 570.327.3574.

Centre County Conservation District: 414 Holmes Avenue, Suite 4, Bellefonte, PA 16823, (814) 355-6817.

| <i>NPDES Permit No.</i> | <i>Applicant Name & Address</i> | <i>County</i> | <i>Municipality</i> | <i>Receiving Water/Use</i> |
|-------------------------|--|---------------|-----------------------------------|--|
| PAD140005 | Penn State University 139J Physical Plant Bldg University Park, PA 16802 | Centre | State College Boro College Twp | Big Hollow, CWF Thompson Run, HQ-CWF |
| PAI041416009 | Michael Hawbaker 502 Stone Cliff Place Port Matilda, PA 16870 | Centre | Patton Twp | Buffalo Run, HQ-CWF |

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

Elk County Conservation District, 850 Washington Street, St. Marys, PA 15857.

| <i>NPDES Permit No.</i> | <i>Applicant Name & Address</i> | <i>County</i> | <i>Municipality</i> | <i>Receiving Water/Use</i> |
|-------------------------|--|---------------|---------------------|-----------------------------|
| PAD240001 | Brockway Sewage Authority 501 Main Street Brockway, PA 15824 | Elk | Horton Township | Whetstone Branch/ EV-CWF |

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

| <i>Municipality & County</i> | <i>Permit No.</i> | <i>Applicant Name & Address</i> | <i>Receiving Water/Use</i> | <i>Contact Office & Phone No.</i> |
|--|-------------------|---|-------------------------------|---|
| Olyphant Borough Lackawanna County | PAG02003516013 | Peter P. Kolcharno 101 Chaney Drive Olyphant, PA 18447 | Lackawanna River (CWF, MF) | Lackawanna County Conservation District 570-392-3086 |
| | | Joseph Gary Pruzinsky 103 Chaney Drive Olyphant, PA 18447 | | |
| Lower Milford Township Lehigh County | PAG02003916013 | Steve Castellani 7657 Catalpa Dr. Macungie, PA 18062 | Saucon Creek (CWF, MF) | Lehigh County Conservation District 610-391-9583 |
| Bethlehem Township Northampton County | PAC480006 | PPL Electric Utility Corporation 2 North Ninth St. Allentown, PA 18101 | Lehigh River (WWF, MF) | Northampton County Conservation District 610-746-1971 |

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

| <i>Municipality & County</i> | <i>Permit No.</i> | <i>Applicant Name & Address</i> | <i>Receiving Water/Use</i> | <i>Contact Office & Phone No.</i> |
|--|-------------------|--|---|--|
| West Pennsboro Cumberland Issued | PAC210021 | Melvin R Diller 128 Springview Road Carlisle, PA 17015 | Mount Rock Spring Creek (WWF-MF) | Cumberland County Conservation District 310 Allen Road Suite 301 Carlisle, PA 17013 717.240.7812 x200 |
| Hampden Township Cumberland Issued | PAC210008 | 485 St. Johns Property LP 485 St. Johns Church Road Camp Hill, PA 17011 | Cedar Run (CWF, MF) | Cumberland County Conservation District 310 Allen Road Suite 301 Carlisle, PA 17013 717.240.7812 x200 |
| Upper Allen Township Issued | PAC210026 | PPL Electric Utilities Corporation 2 North Ninth Street GENN 4 Allentown, PA 18101 | Yellow Breeches Creek (CWF-MF) Cedar Run (CWF-MF) | Cumberland County Conservation District 310 Allen Road Suite 301 Carlisle, PA 17013 717.240.7812 x200 |
| Monroe Township Juniata Issued | PAC340002 | Conrad Wenger 460 Mount Zion Road Richfield, PA 17086 | Quaker Run Mahantango Creek (CWF, MF) | Juniata County Conservation District 146 Stoney Creek Drive Suite 4 Mifflintown, PA 17059 717.436.8953 x5 |

*Northcentral Region: Watershed Management Program Manager, 208 West Third Street, Williamsport, PA 17701.**Facility Location & Municipality*

| <i>Permit No.</i> | <i>Applicant Name & Address</i> | <i>Receiving Water/Use</i> | <i>Contact Office & Phone No.</i> |
|--------------------------|-------------------------------------|---|---|
| Tush Twp, Centre Cnty | PAC140009 | Presbyterian Senior Living One Trinity Drive East Suite 201 Dillsburg, PA 17019 | Moshannon Creek, TSF |
| | | | Centre County Conservation District 414 Holmes Ave Ste 4 Bellefonte, PA 16823 (814) 355-6817 |

NOTICES

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| <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> |
|--|-------------------|--|---|--|
| Brady Twp, Clearfield Cnty | PAC170001 | Dominion Transmission Inc c/o Brian Probst 7335 Coal Hill Road Luthersburg, PA 15848 | Little Anderson Creek, CWF | Clearfield County Conservation District 511 Spruce St Ste 6 Clearfield, PA 16830 (814) 765-2629 |
| Clearfield Borough, Clearfield Cnty | PAC170005 | Pennsylvania Grain Processors LLC and Continental Carbonics Products Inc 250 Technology Dr. Clearfield, PA 16830 | West Branch of Susquehanna River, WWF | Clearfield County Conservation District 511 Spruce St Ste 6 Clearfield, PA 16830 (814) 765-2629 |
| Fairfield Twp, Lycoming Cnty | PAC410003 | Christine Weigle LCWSA PO Box 186 Montoursville, PA 17754 | Bennetts Run, WWF, MF | Lycoming County Conservation District 542 County Farm Rd Ste 202 Montoursville, PA 17754 (570) 433-3003 |
| Borough of Riverside, Northumberland Cnty | PAC490008 | Sunbury Road Subdivision Timothy S. Karr 519 North Derr Drive Lewisburg, PA 17837 | Kipps Run, CWF, MF | Northumberland County Conservation District 441 Plum Creek Rd Sunbury, PA 17801 (570) 286-7114 ext. 4 |
| Blossburg Boro, Covington, Putnam and Richmond Twps Tioga Cnty | PAC590004 | UTRRA 245 Main St. Blossburg, PA 16912 | Tioga River CWF/MF | Tioga County Conservation District 50 Plaza Ln Wellsboro, PA 16901 (570) 724-1801 X 5 |
| Covington Twp, Tioga Cnty | PAC590003 | UTRRA 245 Main St. Blossburg, PA 16912 | Wilson Creek, CWF/MF | Tioga County Conservation District 50 Plaza Ln Wellsboro, PA 16901 (570) 724-1801 X 5 |
| Charleston Twp, Tioga Cnty | PAC590002 | LGN Management, LLC 11473 SR 6 Wellsboro, PA 16901 | Charleston Creek, WWF/MF | Tioga County Conservation District 50 Plaza Ln Wellsboro, PA 16901 (570) 724-1801 X 5 |
| White Deer Twp, Union Cnty | PAC600004 | Jason Horowitz New Columbia DPP, LLC 9010 Overlook Blvd Brentwood, TN 37027 | West Branch of the Susquehanna River, WWF | Union County Conservation District Union County Government Center 155 N 15th St Lewisburg, PA 17837 (570) 524-3860 |
| New Berlin Borough, Union Cnty | PAC600005 | Mary Brouse Sun Area Technical Institute 815 Market Street New Berlin, PA 17855 | Penns Creek, WWF | Union County Conservation District Union County Government Center 155 N 15th St Lewisburg, PA 17837 (570) 524-3860 |

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> |
|---|-------------------|--|----------------------------|--|
| White Township | PAC320001 | Heritage Oaks II | UNT to McCarthy Run (CWF) | Indiana County Conservation District 625 Kolter Drive Suite 8 Indiana, PA 15701-3571 (724) 471-4751 |
| Center Township | PAC320003 | Fabin Brothers Farms, LLC 231 Bethel Church Road Indiana, PA 15701 | Cherry Run (CWF) | Indiana County Conservation District 625 Kolter Drive Suite 8 Indiana, PA 15701-3571 (724) 471-4751 |
| Peters Township | PAC630009 | Paul Henney 207 Sussex Way McMurray, PA 15317 | Brush Run (WWF) | Washington County Conservation District Suite 105 2800 North Main Street Washington, PA 15301 (724) 705-7098 |

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

| <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> |
|---|-------------------|--|-------------------------------------|---|
| City of Hermitage, Mercer County | PAC430004 | Universal Development 1607 Motor Inn Drive Suite 1 Girard, OH 44420 | Pine Hollow Run/ WWF | Mercer County Conservation District 724-662-2242 |
| Pine Grove Township, Warren County | PAC620001 | Russell DPP, LLC 9010 Overlook Boulevard Brentwood, TN 37027 | Conewango Creek/ WWF | Warren County Conservation District 814-726-1441 |
| Cussewago Township, Crawford County | PAC200037 | Cussewago Truss, LLC 23416 Middle Road Cambridge Springs, PA 16403 | West Branch Cussewago Creek/ WWF | Crawford County Conservation District 814-763-5269 |
| Borough of Mercer, Mercer County | PAC430005 | Sheetz, Inc. 5700 6th Avenue Altoona, PA 16602 | UNT to Neshannock Creek/TSF | Mercer County Conservation District 724-662-2242 |
| Union Township, Lawrence County | PAC370003 | VieCare Beaver, LLC 1323 Freedom Road Cranberry, PA 16066 | UNT to Mahoning River/WWF | Lawrence County Conservation District 724-652-4512 |
| Mahoning Township, Lawrence County | PAC370001 | Edinburg DPP, LLC 9010 Overlook Boulevard Brentwood, TN 37027 | UNT to Mahoning River/WWF | Lawrence County Conservation District 724-652-4512 |

General Permit Type—PAG-04

| <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> |
|--|-------------------|--|--|---|
| Salem Township, Westmoreland County | PAG046464 | Frederick Palmer 187 White Thorn Road New Alexandria, PA 15670 | Unnamed Tributary to Whitethorn Creek—18-C | DEP Southwest Regional Office Clean Water Program 400 Waterfront Drive Pittsburgh, PA 15222-4745 412.442.4000 |

General Permit Type—PAG-5

| | | | | |
|--|-------------------|---|--|--|
| <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> |
| South Whitehall Township Lehigh County | PAG052232 | Synergy Environmental Inc. 155 Railroad Plaza Royersford, PA 19406 | An unnamed tributary to Jordan Creek—2-C | DEP Northeast Regional Office Clean Water Program 2 Public Square Wilkes-Barre, PA 18701-1915 570.826.2511 |

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.

CAFO NMP

PUBLIC NOTICE SPREADSHEET—ACTIONS (Approval/Disapproval)

| <i>Agricultural Operation (Name and Address)</i> | <i>County</i> | <i>Total Acres</i> | <i>Animal Equivalent Units (AEUs)</i> | <i>Animal Type</i> | <i>Special Protection Waters (HQ or EV or NA)</i> | <i>Approved or Disapproval</i> |
|--|----------------|------------------------|---|------------------------|---|------------------------------------|
| Jonathan Stauffer Farm 3535 Old State Road Leck Kill, PA 17836 | Northumberland | 10 | 520.80 | Layers | NA | Disapproval |

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 appropri-

ate 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

Southcentral Region: Safe Drinking Water Program Manager, 909 Elmerton Avenue, Harrisburg, PA 17110.

Permit No. 3616506, Public Water Supply.

Applicant **Mount Joy Borough Authority**
 Municipality Mount Joy Borough
 County **Lancaster**
 Responsible Official John D. Leaman, Authority Manager
 21 East Main Street
 PO Box 25
 Mount Joy, PA 17552

Type of Facility New South Jacob Street Water Filtration Plant which includes Well No. 3, a softening system, an anion exchange nitrate treatment system, a membrane filtration system, a sodium hypochlorite disinfection system, a caustic soda pH adjustment system, a clearwell, and finished water pumps.

Consulting Engineer Matthew D. Warfel
 The ARRO Consulting, Inc.
 108 West Airport Road
 Lititz, PA 17543

Permit to Construct Issued 1/10/2017

Permit No. 4416501 MA, Minor Amendment, Public Water Supply.

Applicant **Newton Hamilton Borough**
 Municipality Newton Hamilton Borough
 County **Mifflin**
 Responsible Official Edward Morrison, President of Council
 PO Box 63
 Newton Hamilton, PA 17075

Type of Facility Replacement of 15,000 feet of water main starting at Walls Road in Wayne Township and continuing down Ferguson Valley Road to the Borough limits.

Consulting Engineer John R. Segursky, P.E.
 Uni-Tec consulting Engineers Inc
 2007 Cato Avenue
 State College, PA 16801

Permit to Construct Issued 1/25/2017

Permit No. 3816506 MA, Minor Amendment, Public Water Supply.

Applicant **Cornwall Borough Municipal Authority**
 Municipality Cornwall Borough

County **Lebanon**
 Responsible Official Barbara Henry, Executive Director
 44 Rexmont Road
 Lebanon, PA 17042

Type of Facility Installation of PAX mixing system in Miners Village Tank No. 1.

Consulting Engineer Donnell Duncan, P.E.
 Utility Service Company Inc
 1230 Peachtree Street NE
 Atlanta, GA 30309

Permit to Construct Issued 1/25/2017

Permit No. 2216510 MA, Minor Amendment, Public Water Supply.

Applicant **Suez Water Pennsylvania**
 Municipality Susquehanna Township
 County **Dauphin**
 Responsible Official John D. Hollenbach, Vice President
 4211 East Park Circle
 Harrisburg, PA 17111-0151

Type of Facility Replacement of two caustic tanks at the 6th Street Water Treatment Plant.

Consulting Engineer Mark C. Baker, P.E.
 United Water Pennsylvania, Inc
 4405 North 6th Street
 Harrisburg, PA 17110

Permit to Construct Issued 2/1/2017

Operation Permit No. 0615501 MA issued to: **Borough of Shoemakersville (PWS ID No. 3060100)**, Shoemakersville Borough, **Berks County** on 1/25/2017 for facilities approved under Construction Permit No. 0615501 MA.

Operation Permit No. 6715514 issued to: **Pennsylvania American Water (PWS ID No. 7210029)**, Fairview Township, **York County** on 1/25/2017 for facilities approved under Construction Permit No. 6715514.

Operation Permit No. 6716505 MA issued to: **The York Water Company (PWS ID No. 7670100)**, Spring Garden Township, **York County** on 1/30/2017 for facilities approved under Construction Permit No. 6716505 MA.

Operation Permit No. 7280969 issued to: **MBC Development, LP (PWS ID No. 7280969)**, Antrim Township, **Franklin County** on 2/1/2017 for facilities approved under Construction Permit No. 7280969.

Operation Permit No. 7500302 issued to: **Mr. Tim Ricker & Ms. Laloni Sheaffer (PWS ID No. 7500302)**, Carroll Township, **Perry County** on 1/25/2017 for facilities at Pandemonium Bar & Grill submitted under Application No. 7500302.

Rescission of Operation Permits issued to: **Stockman's Village, Inc. (PWS ID No. 7010024)**, Reading Township, **Adams County** on 1/25/2017. Action is for the rescission of all approved facilities for Stockman's-Village MHP.

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

Permit No. 1415503—Partial Operation No. 2—Public Water Supply.

| | |
|-----------------------|--|
| Applicant | The Pennsylvania State University |
| Township/Borough | College Township |
| County | Centre |
| Responsible Official | Mr. James K. Baird, P.E. 152N Physical Plant Building University Park, PA 16802-1118 |
| Type of Facility | Public Water Supply |
| Consulting Engineer | N/A |
| Permit Issued | February 2, 2017 |
| Description of Action | Permit authorizes operation of the rehabilitated Water Towers 3 and 4 only. |

Salem Hill Haven Home (Public Water Supply), Gregg Township, **Centre County**: On February 6, 2017, the Safe Drinking Water Program approved the Source Water Protection (SWP) plan for the Salem Hill Haven Home, Gregg 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 (Marcus J. Kohl, P.E., (570) 327-3695).

Permit No. 1416507-MA—Construction/Operation—Public Water Supply.

| | |
|-----------------------|---|
| Applicant | Haines-Woodward Municipal Authority |
| Township/Borough | Haines Township |
| County | Centre |
| Responsible Official | Susan Kauffman, Chairman PO Box 147 Woodward, PA 16882 |
| Type of Facility | Public Water Supply |
| Consulting Engineer | Eric S. Lundy, P.E. Nittany Engineering & Associates LLC Suite 1 2836 Earlstown Rd. Centre Hall, PA 16828-9162 |
| Permit Issued | February 7, 2017 |
| Description of Action | Permit authorizes the replacement of the well pump for Well No. 1 that was destroyed by a lightning hit in July 2016 with a new pump. |

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

Operations Permit issued to: **Cowanshannock Township Municipal Authority**, PO Box 127, NuMine, PA 16224, (**PWSID # 5030021**) Plumcreek Township, **Armstrong County** on February 2, 2017 for the operation of facilities approved under Construction Permit # 0315504MA.

Operations Permit issued to: **Cowanshannock Township Municipal Authority**, PO Box 127, NuMine, PA 16224, (**PWSID # 5030021**) Cowanshannock Township, **Armstrong County** on February 2, 2017 for the operation of facilities approved under Construction Permit # 0316501.

Operations Permit issued to: **Central Indiana County Water Authority**, 30 East Wiley Street, Central City, PA 15748, (**PWSID # 5320040**) Homer City, **Indiana County** on February 2, 2017 for the operation of facilities approved under Construction Permit # 3215509MA.

Operations Permit issued to: **Central Indiana County Water Authority**, 30 East Wiley Street, Central City, PA 15748, (**PWSID # 5320040**) Center Township, **Indiana County** on February 2, 2017 for the operation of facilities approved under Construction Permit # 3215508MA.

Operations Permit issued to: **Green Township Municipal Authority** (Barr Slope), 77 Musser Street, Commodore, PA 15729, (**PWSID # 5320010**) Green Township, **Indiana County** on February 2, 2017 for the operation of facilities approved under Construction Permit # 3215504MA.

Permit No. 6516513MA, Minor Amendment. Public Water Supply.

| | |
|----------------------------|--|
| Applicant | Municipal Authority of Westmoreland County 124 Park & Pool Road New Stanton, PA 15672 |
| [Borough or Township] | Salem Township |
| County | Westmoreland |
| Type of Facility | Dominion Office Building waterline |
| Consulting Engineer | Gibson-Thomas Engineering Co., Inc. 1004 Ligonier Street PO Box 853 Latrobe, PA 15650 |
| Permit to Construct Issued | February 2, 2017 |

Permit No. 1116511MA, Minor Amendment. Public Water Supply.

| | |
|----------------------------|--|
| Applicant | Greater Johnstown Water Authority 640 Franklin Street PO Box 1407 Johnstown, PA 15901-1407 |
| [Borough or Township] | City of Johnstown |
| County | Cambria |
| Type of Facility | Horner Street waterline project |
| Consulting Engineer | Gibson-Thomas Engineering Co., Inc. 1004 Ligonier Street PO Box 853 Latrobe, PA 15650 |
| Permit to Construct Issued | February 7, 2017 |

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

Permit No. 4300503-T1-MA12. Public Water Supply.

Applicant **Aqua Pennsylvania, Inc.**
 Township or Borough Shenango Township
 County **Mercer County**
 Type of Facility Public Water Supply
 Consulting Engineer Robert L. Horvat, P.E.
 Entech Engineering, Inc.
 400 Rouser Road
 Building # 2, Suite 200
 Coraopolis, PA 15108
 Permit to Construct Issued January 31, 2017

Permit No. 2716501. Public Water Supply.

Applicant **Jill E. Huddleson**
 Township or Borough Howe Township
 County **Forest County**
 Type of Facility Public Water Supply
 Consulting Engineer Michael A. Basista, P.E.
 Bankson Engineers, Inc.
 267 Blue Run Road
 Suite 200
 Cheswick, PA 15024
 Permit to Construct Issued January 31, 2017

Operation Permit issued to **Pennsylvania American Water Company, PWSID No. 5100012**, Butler Township, **Butler County**. Permit Number 1015504 issued February 7, 2017 for the operation of the Oak Hills Booster Pump Station. This permit is issued in response to an operation inspection conducted by the Department of Environmental Protection personnel on January 18, 2017.

Operation Permit issued to **Pennsylvania American Water Company, PWSID No. 5100012**, Butler Township, **Butler County**. Permit Number 1015502 issued February 7, 2017 for the operation of the Mt. Chestnut Booster Pump Station. This permit is issued in response to an operation inspection conducted by the Department of Environmental Protection personnel on January 18, 2017.

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 environ-

mental 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:

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

2797 Fair Road Property, 2797 Fair Road, South Manheim Township, **Schuylkill County**. Pennsylvania Tectonics, Inc., 723 Main Street, Archbald, PA 18403, on behalf of Mr. Francis Courtney, 2797 Fair Road, Auburn, PA 17922, submitted a Final Report concerning remediation of site soil and groundwater contaminated with Benzene, Cumene, Ethylbenzene, MTBE, Naphthalene, Toluene, 1,2,4-TMB, and 1,3,5-TMB. The report is intended to document remediation of the site to meet the Statewide Health Standard.

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

Former Armstrong Environmental Services Facility, 205 Greenfield Road, Lancaster, PA 17601, East Lampeter Township, **Lancaster County**. Reliance Environmental, Inc., 235 North Duke Street, Lancaster, PA 17602, on behalf of 205 Greenfield LP, 5 Holland Street, Salunga, PA 17538, submitted a Final Report concerning remediation of site soil and groundwater contaminated with No. 2 fuel oil. The Report is intended to document remediation of the site to meet the Residential Statewide Health and Site Specific Standards.

Family First Health Corporation & 2 Trone Rental Properties, 1230 & 1250 High Street, Hanover, PA 17331, Conewago Township, **Adams County**. Ramboll Environ US Corporation, 4350 North Fairfax Drive, Suite 300, Arlington, VA 22203, on behalf of Miller Chemical & Fertilizer, LLC, 120 Radio Road, Hanover, PA 17332; Family First Health Corporation, 116 South George Street, York, PA 17401; and Trone Rental Properties, 350 3rd Street, Hanover, PA, submitted a Final Report concerning remediation of site soils contaminated with fertilizers and inorganics. The Report is intended to document remediation of the site to meet the Residential Statewide Health Standard.

Northcentral Region: Environmental Cleanup Program Manager, 208 West Third Street, Williamsport, PA 17701.

Clyde Muth Well # 845, Bell Township, **Clearfield County**. Gwin, Dobson & Foreman, Inc., 3121 Fairway Drive, Altoona, PA 16602, on behalf of Alliance Petroleum Corporation, 1341 Martin Road, Indiana, PA 15701, has submitted a Final Report concerning the remediation of site soils contaminated with inorganics. The Report is intended to document remediation of the site to meet the Statewide Health Standard.

Intransit Logistics Accident Route 15 N, Liberty Township, **Tioga County**. Northridge Group, Inc., P.O. Box 231, Northumberland, PA 17857, on behalf of Intransit Logistics, 14413 Import Road, Laredo, TX 78045, has submitted a Final report concerning remediation of site soil contaminated with diesel fuel and motor oil. 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.

Former Mulach Steel Property, South Fayette Township, **Allegheny County**. American Geosciences, Inc, 3925 Reed Boulevard, Suite 400, Murrysville, PA 15668-1848 on behalf of South Fayette Hotel Associates, LP, 375 Southpointe Boulevard, Suite 410, Canonsburg, PA 15317 has submitted a Remedial Investigation Report (RIR). Notice of the RIR was published in the *Pittsburgh Post-Gazette* on January 12, 2017.

Speedway Store # 2910 Neville Township, Pittsburgh, **Allegheny County**. ATC Group Services, LLC, 270 William Pitt Way, Pittsburgh, PA 15238 on behalf of Speedway, LLC, 500 Speedway Drive, Enon, OH 45323, has submitted a Final Report concerning the remediation of site soil and groundwater contaminated with VOCs, SVOC and metals. The Final Report seeks attainment of a Statewide health and site-specific standard and notice was published to the *Pittsburgh Post-Gazette* on January 9, 2017.

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, 701 Alpha Drive, 1st Floor, Pittsburgh, PA, 15238-2820 has submitted a Remedial Investigation (RIR) and Final Report (FR) concerning the remediation of site soil contaminated with metals, volatile organic compounds, polycyclic aromatic hydrocarbons and groundwater contaminated with cadmium and 1,1,1, dichloroethylene. Notice of this RIR and FR was published in the *Pittsburgh Post-Gazette* on January 25, 2017.

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

217-219 East State Street, Kennett Square Borough, **Chester County**. Paul White, Brickhouse Environmental, 515 South Franklin Street, West Chester, PA 19382 on behalf of Russell Richardson, Richardson Properties Corporation, P.O. Box 546, 15 Smithbridge Road, Chester Heights, PA 19017 has submitted a 90-day Final Report concerning remediation of site soil contaminated with heating oil. The report is intended to document remediation of the site to meet the Statewide Health Standard. PF815033.

North Penn Art, 720 South Broad Street, Upper Gwynedd Township, **Montgomery County**. Richard D. Trimpi, Trimpi Associates, Inc., 1635 Old Plains Road, Pennsburg, PA 18073, Bill Kunsch, J&J Environmental Company, P.O. Box 370, Blue Bell, PA 19422 on behalf of Paul Kraynak, 720 South Broad Street, Lansdale PA 19446 has submitted a Final Report concerning remediation of site soil contaminated with no. 2 fuel oil. The report is intended to document remediation of the site to meet the Statewide Health Standard. PF814952.

Brightview Wayne, 293-319 Conestoga Road, Tredyffrin Township, **Chester County**. David Holland, Brightview Wayne LLC, 218 North Charles Street, Suite # 220, Baltimore, MD 21201, Richard Lake, Geo-Technology Associates Inc., 14 Words Fair Drive, Somerset, NJ 08873 on behalf of Joseph Norcini, 293 East Conestoga Road, Wayne, PA 19087 has submitted a Remedial Investigation/Cleanup Plan concerning remediation of site soil and groundwater contaminated with metals and semi-volatile organic compounds. The report is intended to document remediation of the site to meet the Site Specific Standard. PF812169.

Lawndale Plaza Site, 6301-6395 Oxford Avenue, City of Philadelphia, **Philadelphia County**. Michael L. Beardsley, BL Companies, 4242 Carlisle Pike, Suite 260, Camp Hill, PA 17011 on behalf of Todd Schlvely, Cedar Lawndale, LLC, 3307 Trindle Road, Camp Hill, PA 17011 has submitted a Remedial Investigation/Final Report concerning remediation of site soil and groundwater contaminated with chlorinated solvent. The report is intended to document remediation of the site to meet the Site Specific Standard. PF793908.

Cardone Industries Plant 4 & 4A Property, 4200 North Philip Street, City of Philadelphia, **Philadelphia County**. David S. Coyne, QEP, Liberty Environmental Inc., 200 Barr Harbor Drive, Suite 400, Conshohocken, PA 19428, Glenn DePalantino, Cardone Industries Inc., 5501 Whitaker Avenue, Philadelphia, PA 19124 on behalf of Allen Burns, Richard S. Burns Company, Inc., 4300 Rising Avenue, Philadelphia, PA 19140 has submitted a Remedial Investigation/Final Report concerning remediation of site groundwater contaminated with other organics. The report is intended to document remediation of the site to meet the Site Specific Standards. PF687651.

Superior Tube, 3900 Germantown Avenue, Lower Providence Township, **Montgomery County**. Raymond Lees, PE, Langan Engineering and Environmental Services, 2700 Kelly Road, Suite 200, Warrington, PA 18976 on behalf of Rich Warden, Superior Group Inc., 100 Front Street, Suite 525, Conshohocken, PA 19428 has submitted a Final Report concerning remediation of site groundwater contaminated with tce, pce and vinyl chlorinate. The report is intended to document remediation of the site to meet the Site Specific Standard. P618859.

Andress Residence, 444 Wellington Road, West Goshen Township, **Chester County**. Staci Cottone, J&J Environmental, P.O. Box 370, Blue Bell, PA 19422 on behalf of Estate of Mildred Andress c/o Amy Stout, DNB First Wealth Management, 410 Exton, Square Parkway, Exton, PA 19341 has submitted a Final Report concerning remediation of site soil contaminated with no. 2 fuel oil. The report is intended to document remediation of the site to meet the Statewide Health Standard. PF814955.

227 Krams Avenue, 227 Krams Avenue, City of Philadelphia, **Philadelphia County**. Craig Herr, P.G., RT Environmental Services, Inc., 215 West Church Road,

Suite 300, King of Prussia, PA 19406 on behalf of Jason Dempsey, 227 Krams DP Partners, LP, 967 East Swedesford Road, Suite 400, Exton, PA 19341 has submitted a Final Report concerning remediation of site soil contaminated with no. 2 fuel oil. The report is intended to document remediation of the site to meet the Statewide Health Standard. PF815030.

5 Ways Lane, 5 Way Lane, Kennett Township, **Chester County**. Richard S. Werner, Environmental Consulting, Inc., 2002 Renaissance, Boulevard, Suite 110, King of Prussia, PA 19406 on behalf of Joe Pepe, Ways Rental, LLC, 609 Cope Road, Kennett Square, PA 19348 has submitted a Remedial Investigation/Cleanup Plan/Risk Assessment/Final Report concerning remediation of site soil contaminated with arsenic and lead. The report is intended to document remediation of the site to meet the Site Specific Standard. PF811547.

1301-1331 North 8th Street & 1326-1330 North Perth Street, 1301-1331 North 8th Street & 1326-1330 North Perth Street, City of Philadelphia, **Philadelphia County**. Andrew D. Hubley Environmental Consulting Inc., 2002 Renaissance, Boulevard, Suite 110, King of Prussia, PA 19406, Richard S. Burns Company, Inc., 4300 Rising Avenue, Philadelphia, PA 19140 on behalf of Janet Stearns, Project H.O.M.E., 1845 North 23rd Street, Philadelphia, PA 19121 has submitted a Risk Assessment/Remedial Investigation/Cleanup Plan concerning remediation of site groundwater and soil contaminated with pah, metals, and tcl and vocs. The report is intended to document remediation of the site to meet the Site Specific Standard. PF 814753.

St Laurentius Church, 1608 East Berks Street, City of Philadelphia, **Philadelphia County**. Christophe Orzechowski, PG, Keating Environmental Management, Inc., 835 Springdale Drive, Suite 200, Exton, PA 19341, Paul M. Davis, Keating Environmental Management, Inc., 835 Springdale Drive, Suite 200, Exton, PA 19341, St. Laurentius Church, Archdiocese of Philadelphia, 222 North 17th Street, Philadelphia, PA 19103 on behalf of James J. Bock, Jr, Archdiocese of Philadelphia, 222 North 17th Street, Philadelphia PA 19103 has submitted a Remedial Investigation/Cleanup Plan concerning remediation of site soil and groundwater contaminated with no. 2 fuel oil. The report is intended to document remediation of the site to meet the Site Specific Standard. PF684831.

Oxford Former MGP Site, 402 South Street, Borough of Oxford, **Chester County**. Bryan Sladky, P.G., Silar Services Inc., 1851 French Creek Road, Phoenixville, PA 19460 on behalf of Chris Langman, CHMM, UGI Central Penn Gas, 2525 North 12th Street, Suite 360, Reading, PA 19612-2677 has submitted a Cleanup Plan/Final Report concerning remediation of site soil and groundwater contaminated with pah. The report is intended to document remediation of the site to meet the Site Specific Standard. PF640375.

Wawa Food Market No. 265, 100 Darby Road (1038 Darby Road) Haverford Township, **Delaware County**. Nicholas Larabel, Leggette Brashears & Graham, Inc., 5787 Stadium Drive, Suite D, Kalamazoo, MI 49009 on behalf of Joseph Standen, Wawa, Inc., 260 West Baltimore Pike, Wawa, PA 19063 has submitted a Remedial Investigation/Final Report concerning remediation of site soil and groundwater contaminated with unleaded gasoline. The report is intended to document remediation of the site to meet the Site Specific Standard. PF805157.

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.

General Dynamics Land Systems, 175 East Street, Archbald Township, **Lackawanna County**. Trimpi Associates Inc., 1635 Old Plains Road, Pennsburg, PA 18073, on behalf of General Dynamics Land Systems, 175 East Street, Eynon, PA 18403, submitted a Final Report

concerning the remediation of site groundwater contaminated with Benzene, Toluene, Ethylbenzene, Isopropylbenzene, Naphthalene, Total Xylenes, Chlorobenzene, 1,2-Dibromoethane, 1,2-Dichloroethane, 1,1-Dichloroethene, 1,1-Dichloroethane, cis 1,2-Dichloroethene, trans 1,2-Dichloroethene, Methylene Chloride, 1,1,1-Trichloroethane, 1,1,2-Trichloroethane, Trichloroethane, and Lead. The Final Report demonstrated attainment of the Statewide Health Standard, and was approved by the Department on January 30, 2017.

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

Growmark FS, LLC, 3150 Stoney Point Road, East Berlin, PA 17316, Latimore Township, **Adams County**. Groundwater Sciences Corporation, 2601 Market Place Street, Suite 310, Harrisburg, PA 17110-9340, on behalf of Growmark FS LLC, 308 NE Front Street, Milford, DE 19963, submitted a Remedial Investigation Report concerning site soils and groundwater contaminated with herbicides and fertilizers. The Report was approved by the Department on January 30, 2017.

Sun Pipeline/Walters Farm, 539 Swamp Road, Reinholds, PA 17569, West Cocalico Township, **Lancaster County**. Aquaterra Technologies, Inc., 122 South Church Street, West Chester, PA 19382, on behalf of Pipeline Operations, A Series of Evergreen Resources Group, LLC, 2 Righter Parkway, Suite 200, Wilmington, DE 19803, and John and Cliff Walter, 530 Swamp Church Road, Reinholds, PA 17569, submitted a Final Report concerning remediation of site groundwater contaminated with unleaded gasoline from a pipeline release. The Final Report demonstrated attainment of the Residential Statewide Health Standard, and was approved by the Department on February 1, 2017.

Former McCrory Stores, 2925 East Market Street, York, PA, Springettsbury Township, **York County**. ARCADIS, 35 Columbia Road, Branchburg, NJ 08876, on behalf of Safe Harbor Reserve, Inc., 789 Kings Mill Road, York, PA 17403 and 2925 East Market LP, 40 Morris Avenue, Suite 230, Bryn Mawr, PA 19010, submitted a Remedial Investigation Report concerning site soils and groundwater contaminated with VOCs, SVOCs, and inorganics. The Report was disapproved by the Department on January 30, 2017.

FCI USA, Inc., 320 Busser Road, Emigsville, PA 17318-0248, Manchester Township, **York County**. HRP Associates, Inc., 197 Scott Swamp Road, Farmington, CT 06032, on behalf of AFCI Americas, 825 Old Trail Road, Etters, PA 17319, submitted a Remedial Investigation Report concerning remediation of site soil and groundwater contaminated with Chlorinated Solvents. The Report was disapproved by the Department on February 3, 2017.

Northcentral Region: Environmental Cleanup Program Manager, 208 West Third Street, Williamsport, PA 17701.

Range Resources Laurel A Unit 25H, Jackson Township, **Lycoming County**. Mountain Research LLC, 825 25th Street, Altoona, PA 16601, on behalf of Range Resources, 80 Health Drive, Lock Haven, PA 17745, has submitted a Final Report concerning remediation of site soil contaminated with inorganics. The Final Report demonstrated attainment of the Statewide Health Standard and was approved by the Department on January 31, 2017.

Clark's Feed Mills, Inc. Project, West Chillisquaque Township, **Northumberland County**. Northridge Group, Inc., PO Box 231, Northumberland, PA 17857, on behalf of Clark's Feed Mills, Inc., SR 61 North, 19 Mountain Road, Shamokin, PA 17872, has submitted a Final Report concerning remediation of site soils contaminated with diesel fuel. The Final Report demonstrated attainment of the Statewide Health Standard and was approved by the Department on January 26, 2017.

124 Legion Road, Scott Township, **Columbia County**. Crawford Environmental Services, 20 Cardinal Drive, Birdsboro, PA 19508, on behalf of Boyer Oil Service, Inc., 1311 Old Berwick Road, Bloomsburg, PA 17815, has submitted a Final Report concerning remediation of site soils contaminated with fuel oil. The Final Report demonstrated attainment of the Statewide Health Standard and was approved by the Department on February 7, 2017.

Northwest Region: Environmental Cleanup & Brownfields Program Manager, 230 Chestnut Street, Meadville, PA 16335-3481.

Heath Oil Incident (Mullet & Mattis Properties), 24504—24540 State Route 27, East Mead Township, **Crawford County**. Environmental Remediation & Recovery, Inc., 4250 Route 6N, Edinboro, PA 16412, on behalf of Heath Oil, Inc., P.O. Box 1128, Oil City, PA 16301, submitted a Final Report concerning the remediation of site soil and groundwater contaminated with benzene, ethylbenzene, isopropylbenzene, methyl-tert-butyl-ether, naphthalene, toluene, 1,2,4 trimethylbenzene, 1,3,5 trimethylbenzene, and total xylenes. The Final Report demonstrated attainment of the Statewide Health Standard, and was approved by the Department on February 7, 2017.

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.

Hazardous Waste Transporter License Reissued

Ecoflo, Inc., 2750 Patterson St, Greensboro, NC 27407. License No. PA-AH 0225. Effective Feb 03, 2017.

EQ Northeast, Inc., 185 Industrial Rd, Wrentham, MA 02093-0617. License No. PA-AH 0224. Effective Feb 06, 2017.

TIER Environmental Services, Inc., 5745 Lincoln Hwy, Gap, PA 17527. License No. PA-AH 0680. Effective Feb 06, 2017.

Renewal Applications Received

Ecoflo, Inc., 2750 Patterson St, Greensboro, NC 27407. License No. PA-AH 0225. Effective Feb 02, 2017.

EQ Northeast, Inc., 185 Industrial Rd, Wrentham, MA 02093-0617. License No. PA-AH 0224. Effective Feb 02, 2017.

Tier Environmental Services, Inc., 5745 Lincoln Hwy, Gap, PA 17527. License No. PA-AH 0680. Effective Feb 06, 2017.

**REGULATED MEDICAL AND
CHEMOTHERAPEUTIC WASTE TRANSPORTER
LICENSES**

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

Alpha Bio/Med Services, LLC, PO Box 118, Paradise, PA 17562. License No. PA-HC 0234. Effective Feb 01, 2017.

S-J Transportation Co., Inc., 1176 US Route 40, Woodstown, NJ 08098. License No. PA-HC 0031. Effective Feb 01, 2017.

Stericycle, Inc., 1525 Chestnut Hill Rd., Morgantown, PA 19543. License No. PA-HC 0196. Effective Feb 03, 2017.

Renewal Applications Received

Alpha Bio/Med Services, LLC, PO Box 118, Paradise, PA 17562. License No. PA-HC 0234. Effective Feb 01, 2017.

Stericycle, Inc., 1525 Chestnut Hill Rd., Morgantown, PA 19543. License No. PA-HC 0196. Effective Feb 02, 2017.

**DETERMINATION FOR APPLICABILITY FOR
MUNICIPAL WASTE GENERAL PERMITS**

Application(s) for Determination of Applicability for General Permit Approved Under the Solid Waste Management Act; the Municipal Waste Planning, Recycling and Waste Reduction Act (53 P.S. §§ 4000.101—4000.1904); and Municipal Waste Regulations for a General Permit to Operate Municipal Waste Processing Facilities and/or the Beneficial Use of Municipal Waste.

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

General Permit Application No. WMGM055. Program ID No. WMGM055NE002. Bethlehem Renewable Energy, LLC, 1300 North 17th Street, Suite 1600, Arlington, VA 22209. A determination of applicability for coverage under the WMGM055 General Permit for the beneficial use of landfill gas generated by IESI PA Bethlehem Landfill located in Lower Saucon Township, **Northampton County**. The application for determination of applicability was approved on February 1, 2017.

Persons wishing to review the permit should contact Roger Bellas, Environmental Program Manager, Waste Management Program, Northeast Regional Office, 2 Public Square, Wilkes-Barre, PA 18711-0790 at 570-826-2511. TDD users may contact the Department through the Pennsylvania AT&T Relay Service, (800) 654-5984.

**OPERATE WASTE PROCESSING OR DISPOSAL
AREA OR SITE**

Permit(s) issued Under the Solid Waste Management Act, the Municipal Waste Planning, Recycling and Waste Reduction Act and Regulations to Operate Solid Waste Processing or Disposal Area or Site.

Northcentral Region: Regional Solid Waste Manager, 208 West Third Street, Williamsport, PA 17701.

Permit No. 301197. GenOn Northeast Management Company, 250 Power Plant Road, Shawville, PA 16873, Bradford Township, **Clearfield County**. Renewal of a captive residual waste landfill permit for the Shawville Ash Disposal Site. The permit was issued by Northcentral Regional Office on January 31, 2017.

Persons interested in reviewing the permit may contact Lisa D. Houser, P.E., Facilities Manager, Williamsport Regional Office, 208 West Third Street, Suite 101, Williamsport, PA 17701, (570) 327-3740. TDD users may contact the Department through the Pennsylvania AT&T Relay Service, (800) 654-5984.

AIR QUALITY

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

Southeast Region: Air Quality Program, 2 East Main Street, Norristown, PA 19401.

Contact: James Beach, New Source Review Chief—Telephone: 484-250-5920.

GP3-46-0146: Tamco Construction Co. (539 E. Dark Hollow Road, Pipersville, PA 18947) On February 2, 2017 for relocation of a portable nonmetallic mineral processing plant in Whitpain Township, **Montgomery County**.

GP9-46-0098: Tamco Construction Co. (539 E. Dark Hollow Road, Pipersville, PA 18947) On February 2, 2017 for relocation of a diesel-fired internal combustion engine in Whitpain Township, **Montgomery County**.

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

Contact: Raymond Kempa, New Source Review Chief—Telephone: 570-826-2531.

GP3-40-018A: Cedar Rock Materials Corp. (208 West 11th Street, Berwick, PA 18603) on January 30, 2017 for the construction and operation of a Portable Crushing Operation with watersprays at the Cedar Rock Quarry Site located in Salem Twp., **Luzerne 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 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.

ER-07-05008A: Team Ten, LLC (1600 Pennsylvania Avenue, Tyrone, PA 16686) on January 31, 2017, for an Air Quality Emission Reduction Credit (ERC) approval of the following emission reductions from the permanent shutdown of the following sources: Babcock & Wilcox No. 7 Coal-Fired Boiler, Source 033A: NO_x: 379.7 tpy; VOC: 2.48 tpy; SO_x: 2,638.21 tpy, at the paper mill in Tyrone Borough, **Blair County**.

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

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

19-00007B: Transcontinental Gas Pipe Line Company, LLC. (PO Box 1396, Houston, TX 77251-1396) for the construction of a 16,000 ISO horsepower natural-gas-fired combustion turbine at Compressor Station 517 located in Jackson Township, **Columbia County**.

19-00007C: Transcontinental Gas Pipe Line Company, LLC. (PO Box 1396, Houston, TX 77251-1396) for the application of 69.0 tons of NO_x emission reduction credits to offset contemporaneous net emissions increases at Compressor Station 517 located in Jackson Township, **Columbia County**.

14-00002R: Graymont (PA), Inc. (965 East College Avenue, Pleasant Gap, PA 16823-6823) on January 30, 2017, the Department of Environmental Protection issued plan approval for the construction of the Lime Processing Project at the Pleasant Gap plant in Spring Township, **Centre 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.

Southeast Region: Air Quality Program, 2 East Main Street, Norristown, PA 19401.

Contact: James A. Beach, New Source Review Chief—Telephone: 484-250-5920.

09-0024J: Waste Management of PA (1000 New Ford Mill Road, Morrisville, PA 19067-6702) On February 2, 2017 for installation of interim and permanent landfill gas collection and treatment systems for the sale and for the on-site use of landfill gas in engine in Tullytown Borough, **Bucks County**.

23-0119: Sunoco Partners Marketing & Terminal (100 Green Street, Marcus Hook, PA 19061-4800) On January 31, 2017 to install two cryogenic storage tanks for liquid ethane and propane from the Marcellus Shale formation, including piping components and flares and load racks in Marcus Hook Borough, **Delaware County**.

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

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

41-00084A: Panda Patriot, LLC (50 Patriot Lane, Montgomery, PA 17752) on February 3, 2017, to extend the authorization for the construction of the natural gas-fired power plant at their Panda Patriot Generation Plant facility located in Clinton Township, **Lycoming County** to August 4, 2017. The plan approval has been extended.

41-00084B: Panda Patriot, LLC (50 Patriot Lane, Montgomery, PA 17752) on February 3, 2017, to extend the authorization for the construction of the natural

gas-fired power plant at their Panda Patriot Generation Plant facility located in Clinton Township, **Lycoming County** to August 4, 2017. The plan approval has been extended.

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

Southeast Region: Air Quality Program, 2 East Main Street, Norristown, PA 19401.

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

09-00030: Brightsmith LLC. (120 Enterprise Ave, Morrisville, PA 19067-3703) On February 2, 2017 for the renewal of their Title V Operating Permit for their metal coil coating operation located in Falls Township, **Bucks 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.

39-00011: Lafarge Corporation (5160 Main Street, Whitehall, PA 18052) on January 30, 2017 for renewal of a Title V Operating Permit for their facility in Whitehall Township, **Lehigh 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.

36-05002: Armstrong Flooring, Inc. (1067 Dillerville Road, Lancaster, PA 17603-2613) on January 27, 2017, for the vinyl flooring manufacturing facility located in Lancaster City, **Lancaster County**. The Title V permit was renewed.

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.

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

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

08-00025A: Richards Funeral Home, Inc. (502 North Keystone Ave., South Waverly, PA 18840-2943) on February 1, 2017, to extend the authorization for the construction of a crematory unit the Northern Bradford Crematory facility located in South Waverly Borough, **Bradford County** to August 1, 2017. The plan approval has been extended.

60-00002: NGC Industries, LLC (PO Box 210, West Milton, PA 17886-0210) on January 25, 2017, was issued a revised state only (synthetic minor) operating permit for their facility located in White Deer Township, **Union County** to incorporate the terms and conditions of Plan Approval 60-00002A. The revised state only operating permit contains all applicable regulatory requirements including monitoring, recordkeeping and reporting conditions.

41-00005: Lycoming Engines (652 Oliver Street, Williamsport, PA 17701) on January 23, 2017, was issued

a revised Title V operating permit for their facility located in the City of Williamsport, **Lycoming County** to incorporate applicable presumptive RACT II requirements. The facility's main sources include engine testing, surface coating, and degreasing/cleaning operations. The facility also operates one Perchloroethylene Degreaser and numerous storage tanks and small natural gas-fired combustion units. The Title V operating permit contains all applicable regulatory requirements including monitoring, recordkeeping and reporting conditions.

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

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.

36-05152: Kellogg's USA, Inc. (2050 State Road, Lancaster, PA 17604). Pursuant to 25 Pa. Code § 127.449(i), this *PA Bulletin* Notice is for a de minimis emissions increase of 0.012 TPY PM₁₀ resulting from the modification of the waste feed system to handle dry fines that are dropped into the waste feed trailer. In order to decrease the fine dust in the waste feed area, retractable chutes are being installed from hoppers above the waste feed trailer to minimize the amount of particulate that becomes airborne. The particulate that does become airborne will be collected and processed via a new dust collector at its breakfast foods facility located in East Hempfield Township, **Lancaster County**. This is the first de minimis emissions increase at the facility during the term of the current operating permit.

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.

30831303 and NPDES No. PA0013511. Cumberland Coal Resources, LP, (158 Portal Road, P.O. Box 1020, Waynesburg, PA 15370). To revise the permit for the Cumberland Mine in Whiteley and Center Townships, **Greene County** and related NPDES Permit for raw coal stockpile expansion. Surface Acres Proposed 7.47. No additional discharges. The application was considered

administratively complete on May 16, 2016. Application received November 25, 2015. Permit issued January 31, 2017.

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

Permit No. 56130107 and NPDES No. PA0269484. Rosebud Mining Company, 301 Market Street, Kittanning, PA 16201, commencement, operation and restoration of a bituminous surface mine in Jenner Township, **Somerset County**, affecting 311.2 acres. Receiving streams: unnamed tributaries to/and Two Mile Run classified for the following use: cold water fishes. The first downstream potable water supply intake from the point of discharge is Greater Johnstown Water Authority. Application received: September 2, 2015. Permit issued: January 25, 2017.

The permit includes wetland encroachments in which 0.17 acre of wetlands will be removed and replaced with .25 acre of reconstructed wetlands.

Permit No. 56150102 and NPDES Permit No. PA0269492, PBS Coals, Inc., P.O. Box 260, Friedens, PA 15541, commencement, operation and restoration of a bituminous surface and highwall mine in Stonycreek Township, **Somerset County**, affecting 234.0 acres. Receiving streams: Schrock Run and Unnamed Tributary # 2 to Glades Creek classified for the following uses: cold water fishes and warm water fishes. There are no potable water supply intakes within 10 miles downstream. Application received: September 16, 2015. Permit issued: January 30, 2017.

Permit No. 56020101 and NPDES No. PA 0249122. Rosebud Mining Co., 301 Market Street, Kittanning, PA 16201, permit renewal for reclamation only of a bituminous surface and auger mine in Jenner Township, **Somerset County**, affecting 57.3 acres. Receiving streams: unnamed tributaries to/and Roaring Run classified for the following use: cold water fishes. The first downstream potable water supply intake from the point of discharge within 10 miles downstream is the Quemahoning Reservoir. Application received: April 28, 2014. Permit issued: January 30, 2017.

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

17050104 and NPDES PA0256200. RES Coal LLC (224 Grange Hall Road, P.O. Box 228, Armagh, PA 15920). Revision to permit boundary adding 8.8 acres and deleting 8.8 acres of unaffected area to a bituminous surface and auger mine in Chest Township, **Clearfield County** affecting 295.9 acres. Receiving streams: North Camp Run classified for the following use(s): CWF. There are no potable water supply intakes within 10 miles downstream. Application received: December 20, 2016. Permit issued: February 1, 2017.

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). Permit renewal issued 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. Application received: July 14, 2016. Renewal permit issued: January 31, 2017.

65060101 and NPDES Permit No. PA0250856. Coal Loaders, Inc. (210 E. Main Street, Ligonier, PA 15658). Permit renewal issued for reclamation only to an existing

bituminous surface mine, this also includes a land use change from pastureland/land occasionally cut for hay to commercial/industrial, located in South Huntingdon Township, **Westmoreland County**, affecting 23.2 acres. Receiving stream: unnamed tributary A to the Youghiogheny River. Application received: November 17, 2016. Renewal permit issued: February 2, 2017.

65990101 and NPDES Permit No. PA0202428. Coal Loaders, Inc. (210 E. Main Street, Ligonier, PA 15658). Permit issued for land use change from pastureland/land occasionally cut for hay to commercial/industrial, located in South Huntingdon Township, **Westmoreland County**, affecting 19 acres. Receiving stream: unnamed tributary Youghiogheny River. Application received: November 17, 2016. Permit issued: February 2, 2017.

Noncoal Permits Issued

Pottsville District Mining Office: 5 West Laurel Boulevard, Pottsville, PA 17901, 570-621-3118.

Permit No. 7775SM3C4 and NPDES Permit No. PA0594679. Lehigh Cement Co., LLC, (7660 Imperial Way, Allentown, PA 18195), renewal of an NPDES Permit for discharge of treated mine drainage from a quarry operation in Richmond and Maxatawny Townships, **Berks County** affecting 202.08 acres, receiving stream: unnamed tributary to Moselem Creek. Application received: December 16, 2011. Renewal issued: January 31, 2017.

Permit No. 7776SM1A3C7 and NPDES Permit No. PA0611883. Martin Stone Quarries, Inc., (1355 North Reading Avenue, Bechtelsville, PA 19505), renewal of an NPDES Permit for discharge of treated mine drainage from a quarry operation in Colebrookdale Township, **Berks County** affecting 349.35 acres, receiving stream: unnamed tributary to Swamp Creek. Application received: July 31, 2012. Renewal issued: January 31, 2017.

Permit No. 64080301C and NPDES Permit No. PA0224693. H & K Group, Inc., (P.O. Box 196, Skip-pack, PA 19474), renewal of an NPDES Permit for discharge of treated mine drainage from a quarry operation in Palmyra Township, **Wayne County** affecting 79.2 acres, receiving stream: unnamed tributary to Lake Wallenpaupack. Application received: August 28, 2013. Renewal issued: January 31, 2017.

Permit No. 66880301C4 and NPDES Permit No. PA0594229. H & K Group, Inc., (P.O. Box 196, Skip-pack, PA 19474), renewal of an NPDES Permit for discharge of treated mine drainage from a quarry operation in Falls Township, **Wyoming County** affecting 94.6 acres, receiving stream: Buttermilk Creek. Application received: December 11, 2013. Renewal issued: January 31, 2017.

Permit No. 64000301C3 and NPDES Permit No. 0224073. H & K Group, Inc., (P.O. Box 196, Skip-pack, PA 19474), renewal of an NPDES Permit for discharge of treated mine drainage from a quarry operation in Lebanon Township, **Wayne County** affecting 225.0 acres, receiving stream: unnamed tributary to Big Brook. Application received: December 12, 2013. Renewal issued: January 31, 2017.

Permit No. 06980301C4 and NPDES Permit No. PA0223883. Highway Materials, Inc., (409 Stenton Avenue, Flourtown, PA 19031), renewal of an NPDES Permit for discharge of treated mine drainage from a quarry operation in Alsace Township, **Berks County** affecting 52.5 acres, receiving stream: unnamed tributary

to Bernhart Creek. Application received: June 4, 2014. Renewal issued: January 31, 2017.

Permit No. 06080301C3 and NPDES Permit No. PA0224715. Dyer Quarry, Inc., (P.O. Box 188, Birdsboro, PA 19508), renewal of an NPDES Permit for discharge of treated mine drainage from a quarry operation in Robeson Township, **Berks County** affecting 101.6 acres, receiving stream: Indian Corn Creek. Application received: July 18, 2014. Renewal issued: January 31, 2017.

Permit No. 6575SM1C9 and NPDES Permit No. PA0594415. Hanson Aggregates PA, LLC, (7660 Imperial Way, Allentown, PA 18195), renewal of an NPDES Permit for discharge of treated mine drainage from a quarry operation in Hamilton Township, **Monroe County** affecting 180.0 acres, receiving streams: unnamed tributaries to Lake Creek and Cherry Creek. Application received: January 6, 2015. Renewal issued: January 31, 2017.

Permit No. 6276SM1A1C6 and NPDES Permit No. PA0594571. New Enterprise Stone & Lime Co., Inc. d/b/a Martin Limestone, Inc., (P.O. Box 550, Blue Ball, PA 17506), renewal of an NPDES Permit for discharge of treated mine drainage from a quarry operation in Salisbury Township, **Lancaster County** affecting 93.0 acres, receiving stream: unnamed tributary to Pequea Creek. Application received: July 20, 2011. Renewal issued: February 3, 2017.

Permit No. 6276SM1A1C8 and NPDES Permit No. PA0594571. New Enterprise Stone & Lime Co., Inc. d/b/a Martin Limestone, Inc., (P.O. Box 550, Blue Ball, PA 17506), renewal of an NPDES Permit for discharge of treated mine drainage from a quarry operation in Salisbury Township, **Lancaster County** affecting 93.0 acres, receiving stream: unnamed tributary to Pequea Creek. Application received: August 2, 2016. Renewal issued: February 3, 2017.

Permit No. 8275SM5C9 and NPDES Permit No. PA0595381. New Enterprise Stone & Lime Co., Inc. d/b/a Martin Limestone, Inc., (P.O. Box 550, Blue Ball, PA 17506), renewal of an NPDES Permit for discharge of treated mine drainage from a quarry operation in East Cocalico Township, **Lancaster County** affecting 149.5 acres, receiving stream: Stony Run. Application received: April 30, 2012. Renewal issued: February 3, 2017.

Permit No. 8274SM2C10 and NPDES Permit No. PA0612871. New Enterprise Stone & Lime Co., Inc. d/b/a Eastern Industries, Inc., (3724 Crescent Court West, Whitehall, PA 18052), renewal of an NPDES Permit for discharge of treated mine drainage from a quarry operation in West Cocalico Township, **Lancaster County** affecting 309.0 acres, receiving stream: unnamed tributary to Indian Run. Application received: May 31, 2012. Renewal issued: February 3, 2017.

Permit No. 8275SM2A3C7 and NPDES Permit No. PA0593885. New Enterprise Stone & Lime Co., Inc. d/b/a Martin Limestone, Inc., (PO Box 550, Blue Ball, PA 17506), renewal of an NPDES Permit for discharge of treated mine drainage from a quarry operation in Earl and Ephrata Townships, **Lancaster County** affecting 238.0 acres, receiving streams: Conestoga Creek and unnamed tributary to Conestoga Creek. Application received: May 16, 2012. Renewal issued: February 6, 2017.

Permit No. 8274SM5C6 and NPDES Permit No. PA0123480. Allan Myers Materials PA, Inc. d/b/a Allan Myers Materials, (638 Lancaster Avenue, Malvern, PA 19355), renewal of an NPDES Permit for

discharge of treated mine drainage from a quarry operation in Fulton Township, **Lancaster County** affecting 321.82 acres, receiving stream: Octoraro Creek. Application received: December 15, 2014. Renewal issued: February 6, 2017.

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

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

65174001. Geokinetics (1500 Citywest Blvd, Suite 800, Houston, TX 77042). Blasting activity permit for the Interstellar 3D, to conduct seismic activity located in Allegheny, Lower Burrell, Upper Burrell, Washington, Salem, Murrysburg, Penn, North Huntingdon, and Hempfield Townships, **Westmoreland County**; Plum, White Oak and Monroeville Boroughs, Penn Hills and North Versailles Townships, **Allegheny County** with an expiration date of January 31, 2018. Blasting permit issued: January 30, 2017.

Pottsville District Mining Office: 5 West Laurel Boulevard, Pottsville, PA 17901, 570-621-3118.

Permit No. 06174101. J Roy's, Inc., (P.O. Box 125, Bowmansville, PA 17507), construction blasting for Willow Glen Lots 97, 98 & 99 in Ontelaunee Township, **Berks County** with an expiration date of January 18, 2018. Permit issued: January 6, 2017.

Permit No. 67174101. J Roy's, Inc., (P.O. Box 125, Bowmansville, PA 17507), construction blasting for York Incinerator in Manchester Township, **York County** with an expiration date of January 18, 2018. Permit issued: January 6, 2017.

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 appropri-

ate 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

Northeast Regional Office, Waterways and Wetlands Program, 2 Public Square, Wilkes-Barre, PA 18701-1915, Telephone 570-826-2511.

E48-437. Moravian College, 1200 Main Street, Bethlehem, PA 18018. City of Bethlehem, **Northampton County**, Army Corps of Engineers Philadelphia District.

To remove an existing fire-damaged building and construct and maintain an approximately 1.0 acre paved parking lot over the existing concrete floor slabs within the floodway of Monocacy Creek (HQ-CWF, MF). The activities are associated with Moravian College. The project is located on the west side of Mauch Chunk Road, immediately north of the intersection with West Laurel Street (Catasauqua Quadrangle Latitude: 40°63'03"; Longitude: -75°38'76").

E39-544. Borough of Emmaus Public Library, 11 East Main Street, Emmaus, PA 18049. Borough of Emmaus, **Lehigh County**, Army Corps of Engineers Philadelphia District.

To construct and maintain an at-grade paved parking area of which approximately 325 square feet is in the floodway of an Unnamed Tributary to Little Lehigh Creek (HQ-CWF, MF). The project is associated with the Emmaus Public Library Addition. The project is located at 11 East Main Street, Emmaus, PA 18049 (Allentown East, PA Quadrangle Latitude: 40.540914 N; Longitude: -75.487099 W).

E39-542. Lehigh-Northampton Airport Authority, 3311 Airport Road, Allentown, PA 18109. Hanover Township, **Lehigh County**, Army Corps of Engineers Philadelphia District.

To remove an existing undersized box culvert and to construct and maintain the following water obstructions and encroachments within the floodway of an unnamed tributary to Catasauqua Creek (CWF, MF), associated with offsite roadway improvements for the Allen Township Industrial Subdivision:

1. A road crossing of an unnamed tributary to Catasauqua Creek consisting of a 23' x 5.75' precast concrete box culvert depressed 6 inches with an R-7 rock apron for outlet protection;

2. Two storm water outfall pipes in the floodway of an unnamed tributary to Catasauqua Creek, each consisting of 18-inch diameter reinforced concrete pipes, concrete endwalls, and riprap aprons;

3. Two vegetated storm water outfall channels with a bottom width of 4 feet and 2 feet and side slopes of 4:1 in the floodway of an unnamed tributary to Catasauqua Creek;

4. An 8-inch diameter PVC sanitary sewer utility pipe crossing of an unnamed tributary to Catasauqua Creek.

The project is located along Willowbrook Road, approximately 600 feet north of its intersection with East Race Street (Catasauqua, PA Quadrangle Latitude: 40.6588 N; Longitude: -75.4477 W) in Hanover Township, Lehigh County.

E58-318. Tri-Boro Municipal Authority, 83 Erie Boulevard # B, Susquehanna, PA 18847-9998. Susquehanna Depot Borough, **Susquehanna County**, Army Corps of Engineers Baltimore District.

To construct and maintain a 260-foot long, 6-foot high concrete floodwall in the floodway and floodway fringe of the Susquehanna River (WWF, MF). The activities are associated with the Tri-Boro Municipal Authority Wastewater Treatment Plant. The project is located at 216 Exchange Street (Susquehanna, PA Quadrangle Latitude: 41°56'52"; Longitude: -75°36'16").

Northcentral Region: Waterways & Wetlands Program Manager, 208 West Third Street, Williamsport, PA 17701, 570-327-3636.

E19-314. Patricia & Stanley Bohenek, 1269B Scotch Valley Road, Bloomsburg, PA 17815. Bridge in Beaver Township, **Columbia County**, ACOE Baltimore District (Nuremberg, PA Quadrangle Lat: 40° 59' 17"; Long: -76° 14' 50").

Patricia & Stanley Bohenek have applied for a Small Projects—Joint Permit Application to construct, operate and maintain 20 feet of culvert pipe measuring 87 inches by 63 inches in Scotch Run in Beaver Township, Columbia County.

The project proposes to have the following impacts

| ID | Stream Name | Chapter 93 Classification | Temporary Impact area Length (LF) | Permanent Impact area Length (Sq Ft) | Latitude/ Longitude |
|---------|-------------|---------------------------|-----------------------------------|--------------------------------------|-------------------------|
| Culvert | Scotch Run | CWF, MF | 0 | 500 | 40° 59' 17" 76° 14' 50" |

Proposed waterway impacts total 500 square feet.

The proposed construction will not permanently impact cultural or archaeological resources, national/state/local parks, forests recreational areas, landmarks wildlife refuge, or historical sites. Scotch Run is classified with a designated use of Cold Water Fishery (CWF).

EA14-009. Clearwater Conservancy, 2555 North Atherton Street, State College, PA 16803. Radzwich Property Streambank Restoration and Protection Project, in Ferguson Township, **Centre County**, ACOE Baltimore District (Pine Grove Mills, PA Quadrangle N: 40.727712; W: 77.931014°).

To restore 640 feet of stream channel that has been severely impacted by cattle, stabilize 114 feet of vertical eroding banks, restore a pool-riffle sequence where appropriate, improve in-stream aquatic habitat, install two cattle crossings, and remove a non-functioning agricultural impoundment. Once the stream work is completed, the applicant will place riparian fencing in conjunction with the planting of riparian vegetation including trees and shrubs. The area within the proposed limit of disturbance (LOD) boundary will be approximately 1.91 acre and will include 0.30 acre of permanent stream impacts, 0.24 acre of permanent and 0.63 acre of temporary floodplain impacts, 0.02 acre of permanent wetland impacts and 0.39 acre of temporary upland impacts. Earth disturbance will not occur within the remaining 0.33 acre of the LOD. This activity was authorized under Section 105.12(a)(16) "Waiver of Permit." This waiver also includes 401 Water Quality Certification.

E14-573. Ferguson Township, 3147 Research Drive, State College, PA 16801-2752. Fairbrook Park Parking Lot Improvement, in Ferguson Township, **Centre County**, ACOE Baltimore District (Pine Grove Mills, PA Quadrangle N: 40.723777; W: 77.932475).

To place 275 cubic yards of clean fill in the mapped FEMA 100-year flood plain of an unnamed tributary of Beaver Branch to create an easier to maintain 181-foot-long by 135-foot-wide paved parking lot at the Fairbrook Park located immediately south of the intersection of Tadpole Road and Oak Glen Road. This permit was issued under Section 105.13(e) "Small Projects."

Northwest Region: Watershed Management Program Manager, 230 Chestnut Street, Meadville, PA 16335-3481.

Project Description for PA Bulletin Publication Notice

E43-365, PA Department of Transportation, District 1-0, 255 Elm Street, Oil City, PA 16301. S.R. 0208 Roadway Improvements in Springfield and Pine Township, **Mercer County**, ACOE Pittsburgh District (Grove City and Mercer, PA Quadrangle N: 41° 9' 22.3"; W: 80° 7' 24.7").

To conduct roadway improvements along SR 0208 from its intersection with SR 0258 east to its intersection with Gregg Street (Grove City and Mercer, PA Quadrangle N: 41° 9' 22.3"; W: 80° 7' 24.7") in Springfield and Pine Township, Mercer County, which includes the replacement of the existing structure over a UNT to Black Run with a reinforced concrete box culvert having a 10.0-foot by 6.5-foot clear waterway opening, placement of approximately 392 cubic yards of fill within the 100-year flood plain of Barmore Run, temporary impact to a total of 0.148 acre of wetland and permanent impact to a total of 0.069 acre of wetlands. Project includes debit from PennDOT's Butler County Wetland Bank for the permanent wetland impact.

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 sec-

tion 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.

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

ESCGP-2 # ESX12-125-0121 (Major Modification)
Applicant Name Rice Drilling B, LLC
Contact Person Joseph Mallow
Address 2200 Rice Drive
City, State, Zip Canonsburg, PA 15317
County Washington County
Township(s) North Bethlehem Township and Somerset Township
Receiving Stream(s) and Classification(s) UNT (39744) to Pigeon Creek (WWF) and UNT (39743) to Pigeon Creek (WWF)

ESCGP-2 # ESX12-125-0116 (Major Modification)
Applicant Name MarkWest Liberty Midstream and Resources, LLC
Contact Person Rick Lowry
Address 4600 J. Barry Court
City, State, Zip Canonsburg, PA 15317
County Washington County
Township(s) Jefferson, Hanover, Smith and Cross Creek Townships
Receiving Stream(s) and Classification(s) UNT to Harmon Creek (WWF), Harmon Creek (WWF), UNT to Ward Run (WWF), UNT to North Fork Cross Creek (WWF), North Fork Cross Creek (WWF), UNT to Burgetts Fork (WWF), Burgetts Fork (WWF)

ESCGP-2 # ESX10-059-0075 (Major Modification)
Applicant Name EQT Production Company
Contact Person Todd Klaner
Address 2400 Zenith Ridge Road, Suite 200
City, State, Zip Canonsburg, PA 15317
County Greene County
Township(s) Morgan Township
Receiving Stream(s) and Classification(s) UNTs to Browns Run (WWF), Browns Run (WWF), UNT South Fork Ten Mile Creek
Secondary: South Fork Ten Mile Creek

ESCGP-2 # ESX12-125-0101 (Major Modification)
Applicant Name Noble Energy Inc
Contact Person Nicholas Frosini

Address 1000 Noble Energy Drive
City, State, Zip Canonsburg, PA 15317
County Washington County
Township(s) West Finley Township
Receiving Stream(s) and Classification(s) UNTs to Enlow Fork (TSF), Enlow Fork (TSF)

ESCGP-2 # ESG16-125-0033
Applicant Name MarkWest Liberty Midstream and Resources, LLC
Contact Person Rick Lowry
Address 4600 J. Barry Court
City, State, Zip Canonsburg, PA 15317
County Washington County
Township(s) East Finley Township
Receiving Stream(s) and Classification(s) UNTs to Sawhill Run and UNTs to Buffalo Creek (HQ-WWF)

ESCGP-2 # ESX15-125-0066
Applicant Name Range Resources Appalachia, LLC
Contact Person Karl Matz
Address 3000 Town Center Boulevard
City, State, Zip Canonsburg, PA 15317
County Washington County
Township(s) South Franklin Townships
Receiving Stream(s) and Classification(s) UNTs to Fork of Bane Creek (TSF)
Secondary: Ten Mile Creek

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

ESCGP-2 # ESX16-129-0006
Applicant Name CNX Gas Company, LLC
Contact Person Erika Whetstone
Address 200 Evergreene Drive
City, State, Zip Waynesburg, PA 15330
County Westmoreland County
Township(s) Washington Township
Receiving Stream(s) and Classification(s) UNTs to Beaver Run Reservoir (HQ-CWF), Beaver Run Reservoir (HQ-CWF)
Secondary: Kiskiminetas River

ESCGP-2 # ESX16-007-0004
Applicant Name Penn Energy Resources, LLC
Contact Person Gregg Stewart
Address 1000 Commerce Drive, Park Place One, Suite 100
City, State, Zip Pittsburgh, PA 15275
County Beaver County
Township(s) New Sewickley Township
Receiving Stream(s) and Classification(s) UNT to Slippery Rock Creek (WWF), UNT to Pine Run (WWF), Pine Run (WWF)
Secondary: Brush Creek and Ohio River

ESCGP-2 # ESG15-059-0012
Applicant Name Rice Poseidon, LLC
Contact Person Kyle Shirey
Address 2200 Rice Drive
City, State, Zip Cannonsburg, PA 15317
County Greene County
Township(s) Center Township
Receiving Stream(s) and Classification(s) UNTs to Claylick Run (HQ-WWF)
Secondary: Claylick Run

ESCGP-2 # ESX16-129-0014
Applicant Name Dominion Transmission Inc
Contact Person Matthew Goralczyk
Address 925 White Oaks Blvd
City, State, Zip Bridgeport, WV 26330

County Westmoreland
Township(s) Hempfield
Receiving Stream(s) and Classification(s) UNT to Little
Sewickly Ck (TSF)
Secondary—Little Sewickly Ck

ESCGP-2 # ESX15-059-0034
Applicant Name PA Land Resources LLC DBA P L
Resources LLC
Contact Person Scott Sweder
Address P O Box 247
City, State, Zip Waynesburg, PA 15370
County Greene
Township(s) Whiteley
Receiving Stream(s) and Classification(s) UNTs to Dyers
Fork (TSF); UNTs to Patterson Run (TSF)
Secondary—Dyers Fork (TSF); Patterson Run (TSF)

ESCGP-2 # ESX16-125-0028
Applicant Name EQT Production Co
Contact Person Todd Klaner
Address 2400 Zenith Ridge Rd, Suite 200
City, State, Zip Canonsburg, PA 15317
County Washington
Township(s) W Bethlehem
Receiving Stream(s) and Classification(s) UNTs to Little
Tenmile Ck (TSF)
Secondary—Little Tenmile Ck (TSF)

ESCGP-2 # ESX16-125-0042
Applicant Name MarkWest Liberty Midstream and
Resources LLC
Contact Person Rick Lowry
Address 4600 J Barry Court, Suite 500
City, State, Zip Canonsburg, PA 15317
County Washington
Township(s) Jefferson & Smith
Receiving Stream(s) and Classification(s) UNTs to
Harmon Ck (WWF); UNTs to Burgetts Fork (WWF)
Secondary—Harmon Ck (WWF); Burgetts Fork (WWF)

ESCGP-2 # ESG16-059-0040
Applicant Name Rice Drilling B LLC
Contact Person Joseph Mallow
Address 2200 Rice Dr
City, State, Zip Canonsburg, PA 15317
County Greene
Township(s) Jackson
Receiving Stream(s) and Classification(s) UNTs to Job Ck
(TSF); UNTs to Garner Run (HQ-WWF)
Secondary—Job Ck (TSF); Garner Run (HQ-WWF)

ESCGP-2 # ESX16-125-0012
Applicant Name COME Midstream Partners LLC
Contact Person Carol Phillips
Address 200 Evergreene Dr
City, State, Zip Waynesburg, PA 15370
County Washington
Township(s) East Finley
Receiving Stream(s) and Classification(s) Cowanesque
River (WWF); Yarnell Brook (WWF); Crooked Ck
(WWF)

*Eastern Region: Oil & Gas Management Program Man-
ager, 208 West Third Street, Williamsport, PA 17701.*

ESCGP-2 # ESX29-117-16-0041
Applicant Name SWEPI LP
Contact Person Jason Shoemaker
Address 150 N Dairy Ashford, E1296-E
City, State, Zip Houston, TX 77079
County Tioga

Township(s) Farmington
Receiving Stream(s) and Classification(s) Thornbottom Ck
(WWF)

ESCGP-2 # ESG29-113-16-0012
Applicant Name SWN Production Co LLC
Contact Person Justin Moore
Address 917 SR 92 N
City, State, Zip Tunkhannock, PA 18657
County Sullivan
Township(s) Elkland
Receiving Stream(s) and Classification(s) Kings Ck
(HW-CWF); Elk Ck (HQ-CWF)

ESCGP-2 # ESX29-117-16-0037
Applicant Name SWEPI LP
Contact Person Jason Shoemaker
Address 150 N Dairy Ashford, E1296-E
City, State, Zip Houston, TX 77079
County Tioga
Township(s) Chatham & Deerfield
Receiving Stream(s) and Classification(s) Cowanesque
River (WWF); Yarnell Brook (WWF); Crooked Creek
(WWF)

SPECIAL NOTICES

Notice of Proposed Revision to the State Implementation Plan for Oxides of Nitrogen, Volatile Organic Compounds, Notice of Public Hearing, and Notice of Intent to Issue Revised Air Quality Operating Permit 48-00009

Approval of a Reasonably Available Control Technology (RACT II) plan for Victaulic Company located in Forks Township, Northampton County.

In accordance with 25 Pa. Code §§ 129.96—129.100, the Pennsylvania Department of Environmental Protection has made a preliminary determination to approve a RACT II plan and an amendment to the State Implementation Plan (SIP) for the foundry, surface coating, and distribution operations owned and operated by Victaulic Company located in Forks Township, Northampton County.

The proposed SIP revision does not adopt any new regulations. It incorporates the provisions and requirements contained in the amended RACT II approval for the facility, which are intended to satisfy the requirements for the 1997 National Ambient Air Quality Standard (NAAQS) and the 2008 NAAQS for ozone.

The proposed amendments to the RACT II determination, if finally approved, will be incorporated into a revised operating permit (48-00009) for the facility. The relevant RACT II requirements will be submitted to the U.S. Environmental Protection Agency (EPA) as a revision to Pennsylvania's State Implementation Plan and will remain in effect until replaced pursuant to 40 CFR 51 and approval by the EPA. Requirements that are not part of the RACT II determination will be excluded from the SIP submittal.

The following is a summary of the proposed amendments to the RACT II determination for this operation that will be submitted to the EPA as a SIP revision:

| | |
|--|---|
| <i>Source</i> | <i>RACT II Requirement</i> |
| Pouring/Casting Operations Sand Handling system | Volatile Organic Compounds. The permittee will have a limit of 134,784 tons of Metal/hour (7,488 hr/yr) |
| Core Room Operations | Volatile Organic Compounds. The permittee will have a limit of 60,000 tons of sand/hour (8,760 hr/yr) |

Persons wishing to file a written protest or provide comments or request a public hearing, which they believe should be considered prior to the issuance of a permit, may submit the information to Mark Wejkszner, Air Quality Program Manager, Northeast Regional Office, 2 Public Square, Wilkes-Barre, PA 18701-1915. A 30-day comment period from the date of publication in the *Pennsylvania Bulletin* will exist for the submission of comments, protests and hearing request. Each submission must contain the name, address and telephone number of the person submitting the comments, identification of the proposed RACT II Operating Permit including the permit number and a concise statement regarding the relevancy of the information or objections to issuance of the proposed RACT II Plan. 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, Chief, New Source Review Section, Air Quality Program, 2 Public Square, Wilkes-Barre, PA 18701-1915.

All pertinent application documents are available for public review between 8 a.m. and 4 p.m. at the Pa DEP Northeast Regional Office, 2 Public Square, Wilkes-Barre, PA 18701-1915. Appointments for scheduling a review may be made by calling 570-826-2419.

Persons with a disability who wish to comment and require an auxiliary aid, service or other accommodations to do so should contact Colleen Connolly at 570-826-2035 or the Pennsylvania AT&T Relay Service at 1-800-654-5984 (TDD) to discuss how the Department may accommodate your needs.

Drinking Water State Revolving Fund Special Notice

Special Notice Under the Federal Safe Drinking Water Act (SDWA); 42 U.S.C.A. §§ 300f, et. seq.

Northeast Region: Safe Drinking Water Program Manager, 2 Public Square, Wilkes-Barre, PA 18701-1915.

Project Location:

| <i>Applicant</i> | <i>Applicant Address</i> | <i>County</i> |
|---------------------------------|---|--|
| Easton Suburban Water Authority | 3700 Hartley Avenue Easton, PA 18043 | City of Easton, Wilson Borough and Forks Township Northampton County |

Project Description: The Pennsylvania Infrastructure Investment Authority, which administers the Commonwealth's State Revolving Fund, is intended to be the funding source for this project, known as the ESWA Canal Street and Wood Avenue Water Main and Control Valve Chamber Improvement Project. ESWA proposes a distribution system replacement project of approximately 1.6 mile (8,400 LF) of 8-inch, 12-inch and 16-inch DI distribution main and necessary appurtenances (valves, hydrants, service laterals up to the curb stop) including the installation of three control valve chambers in the areas of Canal St., Wood Avenue, Berwick St., Seitz St., and Wilkes-Barre St. in the City of Easton, Wilson Borough and Forks Township, Northampton County. The Department's review of the project and the information received for the project has not identified any significant, adverse environmental impact resulting from this proposal. The Department hereby approves a Categorical Exclusion for the project.

Conditional State Water Quality Certification for the Maxwell Locks and Dam Hydroelectric Project, FERC Project No. 13766

On February 27, 2014, Solia 5 Hydroelectric, LLC (Applicant) filed an application with the Federal Energy Regulatory Commission (FERC) for a license to construct and operate a 13-megawatt (MW) hydropower facility at the Maxwell Lock and Dam, owned and operated by the U.S. Army Corps of Engineers (Corps), on the Monongahela River, at river mile 61.2, in Washington and Fayette Counties, Pennsylvania (Project). The Applicant is required pursuant to section 401(a) of the Federal

Clean Water Act (act) (33 U.S.C.A. § 1341(a)) to provide FERC with certification from the Commonwealth of Pennsylvania (Commonwealth) that any discharge from the Project to waters of the Commonwealth will comply with provisions of the act relating to water quality standards, and necessary measures to achieve and maintain those standards. The Commonwealth has established such standards and programs to achieve and maintain them under State law, which have been approved by the U.S. Environmental Protection Agency as consistent with the applicable provisions of the act. The Pennsylvania Department of Environmental Protection (Department) administers the Commonwealth's water quality standards programs under State law, and is responsible for the review of requests from applicants for water quality certification made pursuant to section 401 of the act.

On February 5, 2016, Applicant requested a State water quality certification from the Department, as required by Section 401 of CWA (33 U.S.C.A. § 1341), to ensure that the construction, operation and maintenance of the Project will protect water quality in Pennsylvania through compliance with State water quality standards and associated State law requirements, which are consistent with CWA requirements.

On September 27, 2016, Rye Development, LLC provided the Department with a complete application for State Water Quality Certification, including an Environmental Assessment for the Project, on behalf of the Applicant. The Project would consist of a new 130-foot-long intake channel to be excavated into the riverbed downstream of the existing gated spillway. The intake

channel would lead to a concrete intake structure that would convey flows past a trash rack with 3-inch clear bar spacing, to a new concrete powerhouse that is 150 feet long. The powerhouse would house two (2) horizontal pit Kaplan turbine generator units with a combined capacity of 13 MW. Flows would exit the powerhouse into a 160-foot-long tailrace excavated into the riverbed. Two (2) gates, with a combined width of 84 feet, would be constructed within the intake area, to pass the flow equivalent of one existing gate bay in a fully open position. Project power would be transmitted from the powerhouse to a new project 40' × 40' substation, and then from the new substation to an existing distribution line, with a 350-foot-long, overhead transmission line, with a voltage between 69 and 138 kilovolts.

The Department published notice of its proposed State water quality certification in the *Pennsylvania Bulletin*, at 46 Pa.B. 7543 (December 3, 2016), and received zero (0) comments from the public.

By this notice, the Department certifies that the construction, operation and maintenance of the Project complies with the applicable provisions of sections 301–303, 306 and 307 of CWA (33 U.S.C.A. §§ 1311–1313, 1316 and 1317), and will not violate the Commonwealth's water quality standards set forth in 25 Pa. Code Chapter 93, provided that the construction, operation and maintenance of the Project complies with the conditions for this certification as listed below, and the terms and conditions of the State law permits required to demonstrate compliance with Pennsylvania's Water Quality Standards:

1. *Conditional State Water Quality Certification*—This conditional State water quality certification is based upon the information that is available, to date, due to the FERC licensing process, and is granted with the understanding that the applicant will be submitting a final Environmental Assessment (EA) to the Department, to be reviewed and approved by the Department, prior to the start of construction. Within its final EA, the Applicant shall also provide written documentation that it has complied with each of the conditions within this Conditional Water Quality Certification. This final EA shall be submitted to the Department at the same time that the Applicant submits its application to the U.S. Army Corps of Engineers (USACE or Corps) for a Section 404 Permit, to facilitate a coordinated review between the Department and USACE. The final EA that is submitted to the Department must be developed from final design plans, specifications and reports.

2. *Erosion and Sediment Control*—The Applicant shall comply with the rules and regulations of 25 Pa. Code Chapter 102. The Applicant shall obtain and comply with an NPDES permit from the Department for the discharge of stormwater if the earth disturbance activities associated with the Project will result in a total disturbance equal to or greater than 1 acre. Earth disturbance activities associated with discharging dredged or fill material from the Project to waters of the United States which require permit coverage under Section 404 of CWA (33 U.S.C.A. § 1344) need not obtain an additional NPDES Permit from the Department for earth disturbance activities covered by the Section 404 permit. The Applicant shall submit final detailed erosion and sediment control and post construction stormwater management plans for all Project activities to the Department and County Conservation District for their review and approval prior to commencement of construction. Specific guidance on the requirements of the NPDES Permit for Stormwater Discharges Associated with Construction Ac-

tivities can be obtained from the County Conservation District or the DEP Regional Office.

3. *Water Obstruction and Encroachment Permit*—The Applicant shall comply with the rules and regulations of 25 Pa. Code Chapter 105 relating to dam safety and waterway management. The Applicant shall obtain, from the Department, and comply with Chapter 105 Water Obstruction and Encroachment Permit(s) (WO&EP), for the construction, operation and maintenance of any water obstruction or encroachment associated with the Project that is outside the scope of work licensed under the Federal Power Act, pursuant to the Clean Streams Law (35 P.S. §§ 691.1–691.1001), Dam Safety and Encroachments Act (32 P.S. §§ 673.1–693.27), and Flood Plain Management Act (32 P.S. §§ 679.101–679.601.), and all applicable implementing regulations.

4. *Submerged Lands License Agreement*—The Applicant shall obtain, from the Department, and comply with a Submerged Lands License Agreement, pursuant to Section 15 of the Dam Safety and Encroachments Act, 32 P.S. § 693.15, to occupy submerged lands of the Commonwealth in navigable waters as necessary to construct, operate and maintain the Project.

5. *Water Resource Planning Act Registration*—In accordance with the Pennsylvania Water Resources Planning Act, 27 Pa.C.S. § 3118, and the regulations thereunder, 25 Pa. Code Chapter 110, the Applicant must register the hydropower facility with the Department, and report water usage to the Department, annually.

6. *Limited Power Permit*—The Applicant shall obtain and comply with a permit from the Department as required by the Water Power and Water Supply Permits Act, Act of June 14, 1923, 32 P.S. §§ 591–625, related to the construction of a power dam or for a “change in stream” to develop power. The Applicant shall submit an application for this permit to the Department on the form available from the Department.

7. *Water Quality Monitoring*—During final design, the Applicant shall develop a water quality monitoring plan, to be implemented during the construction and operation of this project, and shall submit this plan to the Department for review and approval, prior to the start of construction, to ensure that the receiving water quality is not adversely impacted by the Applicant's construction, operation or maintenance of the Project. This water quality monitoring plan shall include adequate provisions to ensure that monitoring will assess any potential cumulative effect upon water quality, from the operation of all the currently proposed hydroelectric projects, within the greater Pittsburgh region. Thereafter, Applicant shall submit the results of the water quality monitoring to the Department and the USACE, along with suggested modifications in the operation or maintenance of the Project for inclusion in the adaptive management plan, should adverse impacts to water quality result from the project. The Department retains the right to specify additional studies or monitoring to ensure that the receiving water quality is not adversely impacted by the Applicant's construction, operation or maintenance of the Project.

8. *Operating Plan and Adaptive Management Plan*—The applicant will be developing an operating plan, Memorandum of Agreement, and an adaptive management plan with the USACE. Applicant will submit these plans to the Department for review and approval, prior to the start of construction, to evaluate potential effects of these plans upon, and compliance with, state water quality standards.

9. *Final Project Design Development*—During final design, applicant shall evaluate alternative designs for the proposed Project that may have the potential to reduce expected fish entrainment and mortality, such as, but not limited to, reducing and/or modifying the proposed 3-inch trash rack spacing, intake channel design, or other alternative designs, pursuant to Section 105.14(b)(4) and (6) of the Department's regulations, 25 Pa. Code § 105.13(e)(1)(viii) and 105.14(b)(4) and (6). This alternatives analysis shall be included in the Applicant's final EA, to be submitted to the Department for review and approval, prior to the start of construction. The final design shall also take into account the cumulative impact evaluations associated with conditions (10), (11), (12).

10. *Cumulative Impacts to Fish Populations*—Since the project is one of several, currently proposed hydroelectric projects on the Ohio, Monongahela and Allegheny Rivers within the greater Pittsburgh area river basins, the applicant, during final design, shall further evaluate the cumulative impacts from these hydroelectric projects, upon area fish populations, due to expected fish entrainment and mortality. Applicant shall include this evaluation in its final EA, to be submitted to the Department for review and approval, prior to the start of construction.

11. *Cumulative Impacts to Mussel Populations*—Since the Project is one of several currently proposed hydroelectric projects on the Ohio, Monongahela and Allegheny Rivers within the greater Pittsburgh area river basins, the applicant shall further evaluate, during final design, the cumulative impacts from these hydroelectric projects, upon local mussel populations, due to potential unavailability of host fish from expected fish entrainment and mortality. Applicant shall include this evaluation in its final EA, to be submitted to the Department for review and approval, prior to the start of construction.

12. *Cumulative Impacts to Riverine Habitat and Food Chain*—Since the project is one of several, currently proposed hydroelectric projects on the Ohio, Monongahela and Allegheny Rivers within the greater Pittsburgh area river basins, and since the development of locks and dams for navigation has compressed the flowing water habitat within these rivers to tailrace areas below these dams, the Applicant, during final design, shall further evaluate the cumulative impacts from these hydroelectric projects, upon riverine habitat and the food chain, within the three (3) river basins. Applicant shall include this evaluation in its final EA, to be submitted to the Department for review and approval, prior to the start of construction.

13. *Minimum By-pass Flows*—Applicant has proposed a seasonal minimum by-pass flow, through the tainter gates; however, during the final design, Applicant shall further evaluate the amount of by-pass flows necessary for the purposes of protection of public health, water quality control, conservation of fisheries, and aquatic habitat, improvement of recreation, and protection of instream and downstream water uses. Since the Applicant's model simulations indicate that dissolved oxygen levels, in particular during average and dry hydrology years, will be reduced by the operation of the proposed hydropower facility, the Applicant shall consider within its evaluation whether year-round by-pass flows, increased by-pass flow volumes, and/or aeration equipment are needed to maintain state water quality standards. Applicant shall provide this evaluation to the Department, within its final EA, for the Department's review and approval, prior to the start of construction. By-pass flows shall be provided across the length of the dam.

14. *Aids to Navigation (ATON) Plan*—Applicant shall develop an ATON Plan, to avoid or minimize impacts to recreational boating. This plan must be reviewed and approved by the PA Fish and Boat Commission (PFBC), prior to the start of construction. Please contact the PA Fish and Boat Commission, PO Box 67000, Harrisburg, PA 17106, regarding the requirements for an ATON Plan.

15. *Hydraulic Modeling*—The results of any additional hydraulic modeling shall be included in the applicant's final EA that is to be submitted to the Department, for the Department to review and approve, prior to the start of construction. In addition, the applicant shall use the results of the additional hydraulic modeling to further evaluate potential impacts to fish, freshwater mussels, and aquatic habitat, within the project area, and any other potential impacts that may be identified during the Department's review of the Applicant's final EA. Alternative designs may need to be considered, to avoid or minimize any adverse environmental impacts that may be identified from this additional modeling and/or additional evaluations for impacts. Mitigation may be required to compensate for any adverse environmental impacts that cannot be avoided. The development of these site-specific hydraulic studies should be coordinated with the Department and the PA Fish and Boat Commission, before conducting them.

16. *Wetland Delineation*—Applicant has indicated that the proposed access road would be in close proximity to bodies of water, including wetlands. Accordingly, Applicant shall identify the regulated Waters of the Commonwealth on the site. The wetlands shall be identified and delineated in accordance with the Department's Wetland Delineation Policy. The Applicant shall include this information within its final EA to be submitted to the Department, for review and approval, prior to the start of construction. If the proposed access road will impact any watercourse, floodway, and/or bodies of water, including wetlands, the Applicant may need to submit application(s) for, and obtain, Water Obstruction and Encroachment Permit(s), from the Department, prior to the start of construction.

17. *Programmatic Agreement*—The PA Historical and Museum Commission (PHMC) has determined that FERC's issuance of an original license to Solia 5 Hydroelectric, LLC to construct, operate, and maintain the Maxwell Locks and Dam Hydroelectric Project may affect properties included in or eligible for inclusion in the National Register of Historic Places. Accordingly, Applicant shall work with PHMC in the creation of a mitigation plan to protect this structure, which may include the Applicant complying with a Final Programmatic Agreement Between the Federal Energy Regulatory Commission and the Pennsylvania State Historic Preservation Office for Managing Historic Properties that may be Affected by Issuing an Original License to Solia 5 Hydroelectric, LLC for the Construction, Operation, and Maintenance of the Maxwell Locks and Dam Hydroelectric Project Located in Washington County, Pennsylvania (FERC No. 13766-002).

18. *Riparian Property*—Within its final EA, Applicant shall submit evidence that it has obtained notarized and signed releases, or has acquired rights of occupancy and use other than fee title, from the owners of any affected riparian property. This conditional water quality certification does not convey any real property rights or interests or authorization to trespass on privately-owned riparian land.

19. *Corps Authorization*—This conditional water quality certification does not relieve the Applicant of the responsibility to obtain any applicable approval/permit from the District Engineer, Pittsburgh District, U.S. Army Corps of Engineers, Room 1817, Federal Building, 1000 Liberty Avenue, Pittsburgh, PA 15222, under Section 10 of the Rivers and Harbor Act or Section 404 of the Clean Water Act of 1977.

20. *Fish and Mussel Surveys and Mitigation*—The Project footprint will reduce riverine habitat below the dam by approximately 1.9 acre. Accordingly, fish and mussel surveys shall be conducted three (3) years after project construction, to evaluate the project's impact to fish and mussel species in the project area. The plans for these surveys shall be included within the Applicant's final EA, for the Department's review and approval. In addition, the results of these surveys shall be submitted to the Department for review, within 60 days of completion of these surveys. If the results of these surveys indicate an adverse environmental impact to fish and mussels in the project area, Applicant shall develop a remediation plan to eliminate or reduce the adverse environmental impact. In addition, the applicant may have to provide compensation for the adverse environmental impact.

21. *Cumulative Environmental Impact Assessment*—The Project is one of several, currently proposed hydroelectric projects in the Ohio, Monongahela, and Allegheny Rivers, within the greater Pittsburgh area river basins. Fish species, such as walleye, smallmouth bass, darters, etc., inhabit the area that can exhibit some migratory behavior, and could pass through multiple hydroelectric projects. In addition, the Applicant's Fish Entrainment Study reports mortality to fish species, such as catfish, drum, darters and bass, that are more likely to be host fish that are important to mussel propagation. Accordingly, Applicant shall develop a plan to conduct fish and mussel surveys, after the construction of all, or at least 50%, of the currently proposed hydroelectric projects, to evaluate the potential for cumulative impacts to area fish and mussel populations. This plan shall be included with the Applicant's final EA, for the Department's review and approval. If the results of these surveys indicate an adverse environmental impact to fish and mussels in the project area, Applicant shall develop a remediation plan to eliminate or reduce the adverse environmental impact. In addition, the Applicant may have to provide compensation for the adverse environmental impact.

22. *Clean Water Program Coordination*—Applicant shall evaluate the cumulative impacts of lowering Dissolved Oxygen (DO) concentration below existing levels on overall water quality. This analysis shall include an evaluation of the effects of lower DO levels on other dischargers, whose dissolved oxygen analysis could be impacted by any reduction in DO due to the proposed project. The Applicant shall include, within its final EA to be submitted to the Department, a full analysis depicting the pre- and post-construction dissolved oxygen using a Q7-10 flow, and achieving a 7-day average of 5.5 mg/l and a minimum of 5.0 mg/l at the project site, and all points potentially impacted downstream of the project, in accordance with The Clean Streams Law (35 P.S. §§ 691.1—691.1001) and the regulations promulgated thereunder, and 25 Pa. Code § 93.7.

23. *Water Quality Requirements*—The project must maintain the applicable water quality standard of a 7-day average DO concentration of 5.5 mg/l and a minimum DO concentration of 5.0 mg/l, at Q7-10 low flow conditions, unless the analysis required by the preceding condition

indicates that a higher DO level is needed to maintain the DO water quality standard within the pool behind Lock & Dam 4 (aka Charleroi Lock & Dam), given consideration of all existing, permitted dischargers currently within the pool in accordance with The Clean Streams Law (35 P.S. §§ 691.1—691.1001) and the regulations promulgated thereunder.

24. *Stream and Habitat Mitigation*—Since the Project will eliminate approximately 1.9 acre of riverine habitat, Applicant shall include, within its final EA to be submitted to the Department, a plan to mitigate for this lost habitat, for the Department's review and approval, prior to the start of construction.

25. *Fishing Access*—During final design, Applicant shall develop a plan to compensate for lost recreational fishing by providing angler access that is comparable to, or better than, current conditions. Applicant shall consider providing angler access that is close to normal water surface elevations and the water's edge, and adequately compensate for the footage of fishing access lost.

26. *Fish Mitigation*—Since the project will impact fish, Applicant shall include, within its final EA to be submitted to the Department, a mitigation plan to compensate for this environmental impact, for the Department's review and approval, prior to the start of construction.

27. *Fish and Mussel Salvage*—Applicant shall further develop its fish and mussel salvage plan to safely remove fishes and mussels from the project area that would otherwise be trapped behind the proposed coffer dams during the dewatering process. These fish and mussels should be relocated to areas outside of the project area. The Applicant shall include this salvage plan within its final EA, to be reviewed and approved by the Department, prior to the start of construction.

28. *River Sediment Testing*—Applicant shall manage dredge material removed from the river in accordance with the Solid Waste Management Act, Act of July 7, 1980, P.L. 380, No. 97, as amended, 35 P.S. §§ 6018.101—6018.1003 ("Solid Waste Management Act") and regulations promulgated thereunder. Permittee should contact the Facilities Chief, Waste Management Program, Southwest Regional Office, with questions regarding this requirement. The project shall be consistent with the Department's Management of Fill policy and the analytic requirements therein. If the testing reveals that the dredged material exceeds the requirements for unrestricted use as clean fill, then the Applicant shall arrange for off-site disposal of the dredged sediments, after applying for and obtaining approval from the Department's Waste Management Program, 400 Waterfront Drive, Pittsburgh, PA 15222-4745.

29. *Threatened, Endangered and Special Concern Species*—The results obtained from utilizing the Pennsylvania Natural Diversity Inventory's Pennsylvania Natural Diversity Inventory (PNDI), and any determinations received from an appropriate jurisdictional agency during any associated consultations, are valid only for 2 years. Accordingly, Applicant must include new PNDI search results within its final EA, along with evidence of any necessary follow-up with the appropriate jurisdictional agency(s). In addition, PNDI search results and clearances must be current and valid, prior to the start of construction.

30. *Geotechnical Testing*—If a temporary road, drilling platform or other structure is needed to conduct any core boring drilling operations or geotechnical testing, within the Commonwealth's waterways, Applicant shall obtain a

permit(s) or other authorization(s) from the Department, prior to conducting any core boring drilling operations or geotechnical testing.

31. *Preparedness, Prevention and Contingency Plan*—The Applicant shall develop and maintain on site a Preparedness, Prevention and Contingency Plan (PPC Plan) for any project activities utilizing pollutants, pursuant to Section 91.34 of the regulations, 25 Pa. Code § 91.34. The PPC Plan shall be developed in accordance with the “Guidelines for the Development and Implementation of Environmental Emergency Response Plans” which can be found at: <http://www.elibrary.dep.state.pa.us/dsweb/Get/Document-48522/400-2200-001.pdf>

32. *Operation*—The Applicant shall at all times properly operate and maintain all Project facilities and systems of treatment and control and related appurtenances which are installed to achieve compliance with the terms and conditions of this State Water Quality Certification and all required permits, authorizations and approvals. Proper operation and maintenance includes adequate laboratory controls, appropriate quality assurance procedures, and the operation of backup or auxiliary facilities or similar systems installed by the Applicant.

33. *Inspection*—The Project, including all relevant records, are subject to inspection at reasonable hours and intervals by an authorized representative of the Department to determine compliance with this State Water Quality Certification, including all required state water quality permits and state water quality standards. A copy of this certification shall be made available for inspection by the Department during such inspections of the Project.

34. *Transfer of Projects*—If the Applicant intends to transfer any legal or equitable interest in the Project which is affected by this State Water Quality Certification, the Applicant shall serve a copy of this certification upon the prospective transferee of the legal and equitable interest at least thirty (30) days prior to the contemplated transfer and shall simultaneously inform the Department’s Southwest Regional Office of such intent. Notice to the Department shall include a transfer agreement signed by the existing and new owner containing a specific date for transfer of certification responsibility, coverage, and liability between them. The existing owner shall continue to be responsible for construction and operations at the Project until a transfer to the new owner has been completed. The new owner shall comply with the conditions of this certification, which shall remain in effect, unless modified, in writing, by the Department.

35. *Correspondence*—All correspondence with and submittals to the Department concerning this State Water Quality Certification shall be addressed to the Department of Environmental Protection, Southwest Regional Office, Waterways and Wetlands Program, 400 Waterfront Drive, Pittsburgh, PA 15222, and shall reference DEP File No. WQ05-008, APS ID # 890428, or Authorization No. 1107073.

36. *Reservation of Rights*—The Department may suspend or revoke this State Water Quality Certification if it determines that the Applicant has not complied with the terms and conditions of this certification. The Department reserves the right to require additional measures to achieve compliance with applicable laws and/or regulations, subject to the Applicant’s applicable procedural and substantive rights.

37. *Other Laws*—Nothing in this State Water Quality Certification shall be construed to preclude the institution of any legal action or relieve the Applicant from any

responsibilities, liabilities, or penalties established pursuant to any applicable Federal or State law or regulation.

38. *FERC Original License*—The Applicant shall supply to the Department a copy of the Original License issued by FERC for this project, not later than ten days after the issuance of such license. The Department may revoke, suspend or modify this Conditional Water Quality Certification as it deems appropriate, depending upon the terms of said license.

39. *Compliance with Terms and Conditions*—This Conditional State Water Quality Certification does not relieve the Applicant of the responsibility for any discharge to waters of the Commonwealth, or allow for any inappropriate discharge to occur. Failure to comply with the terms and conditions of this Conditional State Water Quality Certification will result in the automatic nullification and voidance of this certification, and may subject the Applicant and responsible parties to pay fines of up to \$10,000, per violation, for each day the violation occurs, constituting a separate violation.

40. *Severability*—The provisions of this State Water Quality Certification are severable and should any provision of this certification be declared invalid or unenforceable, the remainder of the certification shall not be affected thereby.

Any person aggrieved by this action may appeal, pursuant to Section 4 of the Environmental Hearing Board Act, 35 P.S. § 7514, and the Administrative Agency Law, 2 Pa.C.S. Chapter 5A, 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 Environmental Hearing Board within 30 days of publication of this notice, or within 30 days of receipt of written notice of this action, whichever occurs first. Copies of the appeal form and the Board’s rules of practice and procedure may be obtained from the Board. The appeal form and the Board’s rules of practice and procedure are also available in braille or on audiotape from the Secretary to the Board at 717-787-3483. This paragraph does not, in and of itself, create any right of appeal beyond that permitted by applicable statutes and decisional law.

If you want to challenge this action, your appeal must reach the Board within 30 days. You do not need a lawyer to file an appeal with the Board.

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

[Pa.B. Doc. No. 17-287. Filed for public inspection February 17, 2017, 9:00 a.m.]

Air Quality Technical Advisory Committee Meeting Cancellation

The Air Quality Technical Advisory Committee (Committee) meeting scheduled for February 23, 2017, has been cancelled. The next Committee meeting is scheduled for Thursday, April 20, 2017, at 9:15 a.m. in Room 105, Rachel Carson State Office Building, 400 Market Street, Harrisburg, PA.

For additional information contact Kirit Dalal at (717) 772-3436 or kdalal@pa.gov. The agenda and materials for the April 20, 2017, meeting will be available through the Public Participation tab on the Department of Environmental Protection's (Department) web site at <http://www.dep.pa.gov>.

Persons in need of accommodations as provided for in the Americans with Disabilities Act of 1990 should contact Kirit Dalal at (717) 772-3436 or through the Pennsylvania AT&T Relay Service at (800) 654-5984 (TDD) or (800) 654-5988 (voice users) to discuss how the Department may accommodate their needs.

PATRICK McDONNELL,
Acting Secretary

[Pa.B. Doc. No. 17-288. Filed for public inspection February 17, 2017, 9:00 a.m.]

Rates to be Used for Calculating Long-Term Operation and Maintenance Cost Bonds for Water Supply Replacement-Mining Operations

The Department of Environmental Protection (Department) announces the rates to be used to calculate bond amounts for water supply replacement operation and maintenance costs for anthracite and bituminous coal and industrial mineral mining operations. The authority for bonding mining operations is found under The Clean Streams Law (35 P.S. §§ 691.1—691.1001), the Surface Mining Conservation and Reclamation Act (52 P.S. §§ 1396.1—1396.19b), the Coal Refuse Disposal Control Act (52 P.S. §§ 30.51—30.66), The Bituminous Mine Subsidence and Land Conservation Act (52 P.S. §§ 1406.1—1406.21), the Noncoal Surface Mining Conservation and Reclamation Act (52 P.S. §§ 3301—3326) and the regulations promulgated thereunder at 25 Pa. Code Chapters 77 and 86 (relating to noncoal mining; and surface and underground coal mining; general).

The rates are used in calculating the water supply operation and maintenance bond amounts for replace-

ment water supplies affected by activities at mining operations including surface mines, coal refuse disposal sites, coal refuse reprocessing sites, coal processing facilities, underground coal mining operations and industrial mineral surface mines. The procedures for calculating water supply operation and maintenance bonds are described in Technical Guidance 562-4000-102, "Increased Operation and Maintenance Costs of Replacement Water Supplies," which is available on the Department's eLibrary web site at www.elibrary.dep.state.pa.us.

The Department may review the adequacy of bonds on existing permits at any time. The Department will conduct these reviews before issuing permit renewals. The Department may conduct similar reviews at the midterm of a permit and before approving a permit revision.

Rates

The Department calculated the rate of inflation and rate of return using 5-year averages. For the rate of inflation, the Consumer Price Index (Northeast Urban) from the United States Department of Labor, Bureau of Labor Statistics, was averaged for the calendar years 2012—2016, resulting in a rate of 1.13%. For the rate of return, the interest rate for the 20-year Treasury bill as reported by the Federal Reserve was averaged for the calendar years 2012—2016 resulting in a rate of 2.7%.

For background information and supporting documentation regarding the rates, contact the Bureau of Mining Programs, Division of Permitting and Compliance, P.O. Box 8461, Harrisburg, PA 17105-8461, (717) 787-5103.

Effective Date

The rates in this notice will become effective on April 1, 2017. They will remain in effect until new rates are published. It is anticipated that these new rates will be published in February 2018, to be effective April 1, 2018.

PATRICK McDONNELL,
Acting Secretary

[Pa.B. Doc. No. 17-289. Filed for public inspection February 17, 2017, 9:00 a.m.]

DEPARTMENT OF HEALTH

Ambulatory Surgical Facilities; Requests for Exceptions

The following ambulatory surgical facility (ASF) has filed a request for exception 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).

Facility Name

Crozer Keystone Surgery Center at Brinton Lake

Regulation

28 Pa. Code § 551.21 (relating to criteria for ambulatory surgery)

The previously listed request 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 or 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. 17-290. Filed for public inspection February 17, 2017, 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> |
|--|--|
| Conemaugh Miners Medical Center | 28 Pa. Code § 103.31 (relating to the chief executive officer) |
| Guthrie Towanda Memorial Hospital | 28 Pa. Code § 103.31 |
| Nason Hospital | 28 Pa. Code § 103.31 |
| Troy Community Hospital | 28 Pa. Code § 103.31 |
| WellSpan Surgery and Rehabilitation Hospital | 28 Pa. Code § 107.4 (relating to medical staff status) |

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> |
|----------------------------------|-----------------------------|--|-------------------------|
| Charles Cole Memorial Hospital | 2.2-3.4.8.2 | Patient toilet rooms | 2014 |
| | 2.2-3.4.8.3 | Patient changing rooms | 2014 |
| Penn Presbyterian Medical Center | 2.1-4.3.8.11(2)(iii) | Refrigeration equipment (food and supply storage) | 2014 |
| | A2.1-4.3.8.11(2)(a) and (b) | Appendix—refrigeration equipment (food and supply storage) | 2014 |
| UPMC Presbyterian Shadyside | 2.1-8.5.3.2 | Size (TDRs) | 2014 |

All previously listed requests 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 or 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. 17-291. Filed for public inspection February 17, 2017, 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 § 205.67(k) (relating to electric requirements for existing and new construction):

Harrison Senior Living of Christiana
41 Newport Avenue
Christiana, PA 17509
FAC ID # 080502

The following long-term care nursing facility is seeking an exception to 28 Pa. Code § 205.6(a) and (b) (relating to function of building):

United Zion Retirement Community
722 Furnace Hills Pike
Lititz, PA 17543
FAC ID # 470402

The following long-term care nursing facility is seeking an exception to 28 Pa. Code § 205.28(b) (relating to nurses' station):

United Zion Retirement Community
722 Furnace Hills Pike
Lititz, PA 17543
FAC ID # 470402

The following long-term care nursing facility is seeking an exception to 28 Pa. Code § 205.33(a) (relating to utility room):

United Zion Retirement Community
722 Furnace Hills Pike
Lititz, PA 17543
FAC ID # 470402

The following long-term care nursing facility is seeking an exception to 28 Pa. Code § 211.9(g) (relating to pharmacy services):

Elizabethtown Nursing and Rehabilitation Center
141 Heisey Avenue
Elizabethtown, PA 17022
FAC ID # 123202

These requests are on file with the Department of Health (Department). Persons may receive a copy of a request for exception by requesting a copy from the Department of Health, Division of Nursing Care Facilities, Room 526, Health and Welfare Building, Harrisburg, PA 17120, (717) 787-1816, fax (717) 772-2163, ra-paexcept@pa.gov.

Persons who wish to comment on an exception request may do so by sending a letter by mail, e-mail or facsimile to the Division at the address listed previously.

Comments received by the Department within 10 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of the request and/or provide comments to the Department and require an auxiliary aid, service or other accommodation to do so should contact the Division at the address or phone number listed previously, or for speech and/or hearing impaired persons V/TT (717) 783-6514 or the Pennsylvania AT&T Relay Service (800) 654-5984 (TT).

KAREN M. MURPHY, PhD, RN,
Secretary

[Pa.B. Doc. No. 17-292. Filed for public inspection February 17, 2017, 9:00 a.m.]

DEPARTMENT OF HUMAN SERVICES

Payments to Nonpublic and County Nursing Facilities; Final Rates for State Fiscal Year 2016-2017

This notice announces the Department of Human Services (Department) final annual case-mix per diem payment rates for State Fiscal Year (FY) 2016-2017 for nonpublic and county nursing facilities that participate in the Medical Assistance (MA) Program.

Nonpublic Nursing Facility Per Diem Rates

As required by the case-mix payment methodology in 55 Pa. Code Chapter 1187, Subchapter G (relating to rate setting), the Department sets an annual MA per diem rate for each nonpublic nursing facility provider. Each facility's annual per diem rate is comprised of four components: resident care; other resident related; administrative; and capital. For each quarter of FY 2016-2017, the Department will adjust the resident care component of each facility's rate by multiplying the resident care component by the facility's MA case-mix index for the appropriate picture date.

The Centers for Medicare & Medicaid Services (CMS) approved State Plan Amendment (SPA) 16-0034 on November 8, 2016, which includes the budget adjustment factor (BAF) formula the Department will use for nonpublic nursing facilities in FY 2016-2017. SPA 16-0034 provides that the BAF will limit the estimated Statewide day-weighted average payment rate for MA nursing facility services for county and nonpublic nursing facilities so that the average payment rate in effect for the fiscal year is limited to the amount permitted by the funds appropriated by the General Appropriations Act for the fiscal year. For FY 2016-2017, the Department calculated a base BAF for nonpublic nursing facilities for July, October and January rates. The formula the Department used to determine a base BAF equals the target rate divided by the acuity-adjusted weighted average rate. For the April BAF, the weighted average April rate will be compared to the April target rate. If the difference between the weighted average April rate and the April target rate is more than 25¢, a BAF for the April—June 2017 calendar quarter will be determined by dividing the April target rate by the weighted average April rate at 100%. For the 2016-2017 rate year, July, October and January rates, the base BAF is 0.82958. The BAF for the April—June 2017 calendar quarter will be in the April 2017 rate file that will be posted on the Department's web site prior to April 1, 2017.

County Nursing Facility Per Diem Rates

As required by the rate methodology in 55 Pa. Code Chapter 1189, Subchapter D (relating to rate setting), the Department sets an annual MA per diem rate for each county nursing facility provider. As stated in 55 Pa. Code § 1189.91(b) (relating to per diem rates for county nursing facilities), for each rate year beginning on or after July 1, 2007, the per diem rate paid to a county nursing facility for a rate year will be the facility's prior rate year per diem multiplied by a BAF.

In addition, as required by 55 Pa. Code § 1189.91(d), the Department used the formula set forth in the Commonwealth's approved State Plan to determine that the BAF for FY 2016-2017 for county nursing facilities is 1.0. CMS approved SPA 16-0033 on November 8, 2016, which

includes the BAF formula the Department will use for county nursing facilities in FY 2016-2017.

SPA 16-0033 provides that for rate setting year 2016-2017, the BAF shall limit the estimated Statewide day-weighted average payment rate for MA nursing facility services for county and nonpublic nursing facilities so that the average payment rate is limited to the amount permitted by the funds appropriated by the General Appropriations Act. The BAF as it applies to county nursing facilities is 1.0.

The final annual per diem rates for FY 2016-2017 rate year are available on the Department's web site at <http://www.dhs.pa.gov/provider/longtermcarecasemixinformation/index.htm> and at local county assistance offices (CAO) throughout this Commonwealth or by contacting Marilyn Yocum, Department of Human Services, Office of Long-Term Living, (717) 772-2549. As they become available, the adjusted quarterly rates will be accessible on the Department's web site, at CAOs or by contacting Marilyn Yocum.

Public Process

The Department published the notice Payment for Nursing Facility Services Provided by County and Nonpublic Nursing Facilities; Notice of Change in Methods and Standards of Setting Payment Rates; Budget Adjustment Factor at 46 Pa.B. 3354 (June 25, 2016) announcing the proposed change in the BAF formula for county and nonpublic nursing facilities. The Department also published a second notice, Payments to Nonpublic and County Nursing Facilities; Proposed Rates for State Fiscal Year 2016-2017, at 46 Pa.B. 3359 (June 25, 2016) announcing that the FY 2016-2017 base BAF that will be applied to nonpublic nursing facilities rates and the annual BAF that will be applied to county nursing facilities rates are available on the Department's website. Both notices invited public comments and the Department received no comments.

Appeals

Following publication of this notice, the Department will send rate letters to each MA nursing facility to notify the facilities of their final rates for FY 2016-2017. The rate letter will also advise each facility that it may file an administrative appeal if the facility believes that the Department made any errors or otherwise disagrees with its final rates for FY 2016-2017. A provider's appeal must be in writing and filed with the Department's Bureau of Hearings and Appeals, 2330 Vartan Way, 2nd Floor, Harrisburg, PA 17110-9721, within 33 days of the date of the Department's letter notifying the facility of its final rates. Facilities should refer to 67 Pa.C.S. Chapter 11 (relating to Medical Assistance hearings and appeals) and the Department's regulations in 55 Pa. Code Chapter 41 (relating to Medical Assistance provider appeal procedures) for more detail regarding their appeal rights and the requirements related to written appeals.

Fiscal Impact

There is no fiscal impact associated with this change.

Public Comment

Interested persons are invited to submit written comments regarding these payment rates to the Department of Human Services, Office of Long-Term Living, Bureau of Policy and Regulatory Management, Attention: Marilyn Yocum, P.O. Box 8025, Harrisburg, PA 17105-8025. Comments received within 30 days will be reviewed and considered for any subsequent revision of the notice.

Persons with a disability who require an auxiliary aid or service may submit comments using the Pennsylvania AT&T Relay Service at (800) 654-5984 (TDD users) or (800) 654-5988 (voice users).

THEODORE DALLAS,
Secretary

Fiscal Note: 14-NOT-1112. No fiscal impact; (8) recommends adoption.

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Peer Groups, Peer Group Medians and Peer Group Prices for Nonpublic Nursing Facilities Including Hospital-Based Nursing Facilities and Special Rehabilitation Facilities for Fiscal Year 2016-2017

The purpose of this notice is to announce the Department of Human Services' (Department) peer groups, peer group medians and peer group prices for nonpublic nursing facilities including hospital-based nursing facilities and special rehabilitation facilities (SRF) codified in 55 Pa. Code Chapter 1187, Appendix B (relating to medians and prices) under 55 Pa. Code § 1187.95(a)(4) (relating to general principles for rate and price setting). The Department used the peer groups, peer group medians and peer group prices to determine case-mix rates for nonpublic nursing facilities for State Fiscal Year (FY) July 1, 2016, through June 30, 2017. The Department calculated the peer groups, peer group medians and peer group prices announced in this notice in accordance with 55 Pa. Code Chapter 1187 (relating to nursing facility services). The data that the Department used to determine the peer group medians and prices is available on the Department's web site at <http://www.dhs.pa.gov/provider/longtermcarecasemixinformation/index.htm>.

To establish the database for the calculation of peer group medians and prices, the Department used each nursing facility's three most recent audited cost reports that were issued by the Department on or before March 31, 2016, and indexed the costs for each report forward to the common date of December 31, 2016, using the Centers for Medicare & Medicaid Services' Nursing Home Without Capital Market Basket Index. The following is a listing, by group, of the number of nursing facilities with a particular year-end and the inflation factor used to roll the costs of each facility forward to the common date of December 31, 2016.

Nonpublic Nursing Facilities (other than hospital-based and special rehabilitation facilities)

| <i>Facility Year End</i> | <i>Number of Facilities*</i> | <i>Inflation Factor</i> |
|--------------------------|----------------------------------|-------------------------|
| June 30, 2009 | 3 | 1.1712 |
| December 31, 2009 | 1 | 1.1623 |
| June 30, 2010 | 3 | 1.1488 |
| December 31, 2010 | 25 | 1.1403 |
| June 30, 2011 | 20 | 1.1227 |
| December 31, 2011 | 309 | 1.1154 |
| June 30, 2012 | 212 | 1.1012 |
| December 31, 2012 | 329 | 1.0908 |
| June 30, 2013 | 212 | 1.0772 |

| <i>Facility Year End</i> | <i>Number of Facilities*</i> | <i>Inflation Factor</i> |
|--------------------------|------------------------------|-------------------------|
| December 31, 2013 | 342 | 1.0747 |
| June 30, 2014 | 207 | 1.0590 |
| December 31, 2014 | 28 | 1.0470 |

Hospital-Based Nursing Facilities

| <i>Facility Year End</i> | <i>Number of Facilities*</i> | <i>Inflation Factor</i> |
|--------------------------|------------------------------|-------------------------|
| June 30, 2012 | 13 | 1.1012 |
| June 30, 2013 | 13 | 1.0772 |
| June 30, 2014 | 12 | 1.0590 |
| December 31, 2014 | 1 | 1.0470 |

Special Rehabilitation Facilities

| <i>Facility Year End</i> | <i>Number of Facilities*</i> | <i>Inflation Factor</i> |
|--------------------------|------------------------------|-------------------------|
| December 31, 2011 | 2 | 1.1154 |
| June 30, 2012 | 6 | 1.1012 |
| December 31, 2012 | 2 | 1.0908 |
| June 30, 2013 | 6 | 1.0772 |
| December 31, 2013 | 2 | 1.0747 |
| June 30, 2014 | 6 | 1.0590 |

* As a result of using the three most recent audited cost reports, the "Number of Facilities" column reflects a number in excess of actual enrolled nursing facilities.

After the database was inflated using the inflation values, the Department grouped the facilities in the correct geographic and bed size groupings. In accordance with 55 Pa. Code § 1187.94 (relating to peer grouping for price setting), to establish peer groups, the Department used the Metropolitan Statistical Areas (MSA) group classification published in the Federal Office of Management and Budget Bulletin No. 99-04, regarding revised statistical definitions of Metropolitan Areas and guidance on uses of Metropolitan Area definitions, to classify each nursing facility into one of three MSA groups or one non-MSA group. The Department then used the bed complement of the nursing facility on the final day of the reporting period of the most recent audited MA-11 used in the Nursing Information System database to classify nursing facilities into one of three bed complement groups. These groups are 3—119 beds, 120—269 beds, and 270 beds and over. Peer groups 7 and 10 have been collapsed in accordance with 55 Pa. Code § 1187.94(1)(iv). Peer group 13 is designated for SRFs only and peer group 14 is designated for hospital-based nursing facilities only, regardless of geographic location or bed size.

After the database was established and the peer groups determined, the Department calculated the medians and prices for each peer group. For peer group 13, the Department arrayed the SRFs classified on or before July 1, 2000, to set the peer group median and prices for those facilities. The Department arrayed any SRFs classified after July 1, 2000, with all other SRFs to set their peer group medians and prices.

To calculate the resident care cost medians, the Department divided the inflated audited allowable resident care costs for each cost report by the total facility case-mix index from the available February 1, picture date closest to the midpoint of the cost report period to obtain case-mix neutral total resident care cost for the cost report year. The Department then divided the case-mix

neutral total resident care cost for each cost report by the total audited actual resident days for the cost report year to obtain the case-mix neutral resident care cost per diem for the cost report year. The Department calculated the 3-year arithmetic mean of the case-mix neutral resident care cost per diem for each nursing facility to obtain the average case-mix neutral resident care cost per diem of each facility. The Department arrayed the average case-mix neutral resident care cost per diem for each nursing facility within the respective peer groups and determined a median for each peer group.

To calculate the other resident related cost medians, the Department first divided the inflated audited allowable other resident related costs for each cost report by the total audited actual resident days for the cost report year to obtain the other resident related cost per diem for the cost report year. The Department calculated the 3-year arithmetic mean of the other resident related cost for each nursing facility to obtain the average other resident related cost per diem of each facility. The Department arrayed the average other resident related cost per diem for each nursing facility within the respective peer groups and determined a median for each peer group.

To calculate the administrative cost medians, the Department adjusted, as appropriate, the total audited actual resident days for each cost report to a minimum 90% occupancy in accordance with 55 Pa. Code § 1187.23 (relating to nursing facility incentives and adjustments). The Department then divided the inflated audited allowable administrative cost for each cost report by the total audited actual resident days, adjusted to 90% occupancy, if applicable, to obtain the administrative cost per diem for the cost report year. The Department calculated the 3-year arithmetic mean of the administrative cost for each nursing facility to obtain the average administrative cost per diem of each facility. The Department arrayed the average administrative cost per diem for each nursing facility within the respective peer groups to determine a median for each peer group.

After the medians were determined for each peer group, the Department set prices using the medians. To set peer group prices, the Department multiplied the resident care cost median of each peer group by 1.17 to obtain the resident care cost peer group price; multiplied the other resident related cost median of each peer group by 1.12 to obtain the other resident related peer group price; and multiplied the administrative cost median of each peer group by 1.04 to obtain the administrative cost peer group price.

The peer groups, peer group medians and peer group prices for nonpublic nursing facilities including hospital-based and SRFs for Year 22 are in the list of Medians and Prices for 2016-2017.

A Medical Assistance nursing facility provider may file an administrative appeal if the facility believes that the Department made any errors or the provider otherwise disagrees with the Year 22 peer group prices that the Department established for its peer group. A provider's appeal must be in writing and filed with the Department's Bureau of Hearings and Appeals, 2330 Vartan Way, Second Floor, Harrisburg, PA 17110-9721, within 30 days of the date of this notice. If a provider chooses to appeal, the provider will be afforded the opportunity for a de novo hearing before the Bureau of Hearings and Appeals. The peer group prices applied in setting the facility's rates may be changed as a result of the final adjudication of the facility's peer group price appeal.

Facilities should refer to 67 Pa.C.S. Chapter 11 (relating to Medical Assistance hearings and appeals) and the Department's regulations in 55 Pa. Code Chapter 41 (relating to Medical Assistance provider appeal procedures) for more detail regarding their appeal rights and the requirements related to their written appeals.

Fiscal Impact

There is no fiscal impact associated with this change in FY 2016-2017.

Public Comment

Interested persons are invited to submit written comments regarding these peer groups, peer group medians and peer group prices for nonpublic nursing facilities to

the Department of Human Services, Office of Long-Term Living, Bureau of Policy and Regulatory Management, Attention: Marilyn Yocum, P.O. Box 8025, Harrisburg, PA 17105-8025. Comments received within 30 days will be reviewed and considered for any subsequent revision of the notice.

Persons with a disability who require an auxiliary aid or service may submit comments using the Pennsylvania AT&T Relay Service at (800) 654-5984 (TDD users) or (800) 654-5988 (voice users).

THEODORE DALLAS,
Secretary

Fiscal Note: 14-NOT-1113. No fiscal impact; (8) recommends adoption.

Appendix B

MEDIANS AND PRICES FOR 2016-2017

| <i>Median Peer Group</i> | <i>Current Provider Name</i> | <i>Most Recent Cost Report End Date</i> | <i>Second Most Recent Cost Report End Date</i> | <i>Third Most Recent Cost Report End Date</i> |
|--------------------------|--|---|--|---|
| 1 | ABRAMSON RESIDENCE | 6/30/2014 | 6/30/2013 | 6/30/2012 |
| 1 | BROOMALL REHAB AND NURSING CENTER | 12/31/2013 | 12/31/2012 | 12/31/2011 |
| 1 | CARE PAVILION NURSING AND REHAB CENTER | 12/31/2013 | 12/31/2012 | 6/30/2011 |
| 1 | IMMACULATE MARY CTR FOR REHAB & HLTHCARE | 6/30/2014 | 6/30/2013 | 6/30/2012 |
| 1 | ST FRANCIS CENTER FOR REHAB & HEALTHCARE | 6/30/2014 | 6/30/2013 | 6/30/2012 |
| 1 | ST JOHN SPECIALTY CARE CENTER | 6/30/2014 | 6/30/2013 | 6/30/2012 |
| 1 | ST JOSEPH'S MANOR (DBA ENTITY OF HRHS) | 6/30/2014 | 6/30/2013 | 6/30/2012 |
| <i>PG1 Median</i> | <i>Resident Care 5.12</i> | <i>Other Resident Rltd</i> | <i>Administrative</i> | |
| | \$144.71 | \$53.78 | \$28.23 | |
| <i>PG1 Price</i> | <i>Resident Care 5.12</i> | <i>Other Resident Rltd</i> | <i>Administrative</i> | |
| | \$169.31 | \$60.23 | \$29.36 | |
| <i>Median Peer Group</i> | <i>Current Provider Name</i> | <i>Most Recent Cost Report End Date</i> | <i>Second Most Recent Cost Report End Date</i> | <i>Third Most Recent Cost Report End Date</i> |
| 2 | ASBURY HEALTH CENTER | 12/31/2013 | 12/31/2012 | 12/31/2011 |
| 2 | ATTLEBORO NURSING AND REHAB CENTER | 12/31/2013 | 12/31/2012 | 12/31/2011 |
| 2 | BALA NURSING AND RETIREMENT CENTER | 6/30/2014 | 6/30/2013 | 6/30/2012 |
| 2 | BALDWIN HEALTH CENTER | 6/30/2014 | 6/30/2013 | 6/30/2012 |
| 2 | BAPTIST HOMES OF WESTERN PENNSYLVANIA | 6/30/2014 | 6/30/2013 | 6/30/2012 |
| 2 | BEAVER VALLEY NURSING AND REHAB CENTER | 6/30/2014 | 6/30/2013 | 6/30/2012 |
| 2 | BRANDYWINE HALL | 6/30/2014 | 6/30/2013 | 6/30/2012 |
| 2 | BRIARCLIFF PAVILION HEALTH AND REHAB CTR | 12/31/2013 | 12/31/2011 | 12/31/2010 |
| 2 | BRIARLEAF NURSING AND CONVAL CENTER | 6/30/2014 | 6/30/2013 | 6/30/2012 |
| 2 | BROOKSIDE HEALTHCARE AND REHAB CENTER | 12/31/2013 | 12/31/2012 | 12/31/2011 |
| 2 | BROOMALL MANOR | 12/31/2014 | 12/31/2013 | 12/31/2012 |
| 2 | BROOMALL PRESBYTERIAN VILLAGE | 12/31/2013 | 12/31/2012 | 12/31/2011 |
| 2 | BRYN MAWR EXTENDED CARE CENTER | 12/31/2014 | 12/31/2013 | 12/31/2012 |
| 2 | BUCKINGHAM VALLEY REHAB AND NURSING CTR | 6/30/2014 | 6/30/2013 | 6/30/2012 |
| 2 | CARING HEART REHAB AND NURSING CENTER | 6/30/2014 | 6/30/2013 | 6/30/2012 |
| 2 | CARING HEIGHTS COMMUNITY CARE & REHAB | 12/31/2014 | 12/31/2013 | 12/31/2012 |
| 2 | CATHEDRAL VILLAGE | 6/30/2014 | 6/30/2013 | 6/30/2012 |
| 2 | CENTENNIAL HEALTHCARE & REHAB CENTER | 12/31/2013 | 12/31/2012 | 12/31/2011 |
| 2 | CHAPEL MANOR | 6/30/2014 | 6/30/2013 | 6/30/2012 |
| 2 | CHARLES M. MORRIS NURSING AND REHAB CTR | 6/30/2014 | 6/30/2013 | 6/30/2012 |
| 2 | CHELTENHAM NURSING AND REHAB CENTER | 6/30/2014 | 6/30/2013 | 6/30/2012 |
| 2 | CHERRY TREE NURSING CENTER | 12/31/2013 | 12/31/2012 | 12/31/2011 |
| 2 | CHESTER VALLEY REHAB AND NURSING CENTER | 12/31/2013 | 12/31/2012 | 12/31/2011 |
| 2 | CHESTNUT HILL LODGE HEALTH AND REHAB CTR | 12/31/2013 | 12/31/2012 | 12/31/2011 |
| 2 | CLIVEDEN NSG & REHAB CTR | 12/31/2013 | 12/31/2012 | 6/30/2011 |
| 2 | CONCORDIA LUTHERAN HEALTH AND HUMAN CARE | 6/30/2014 | 6/30/2013 | 6/30/2012 |
| 2 | CONSULATE HEALTH CARE OF CHESWICK | 12/31/2013 | 12/31/2012 | 12/31/2011 |

| <i>Median Peer Group</i> | <i>Current Provider Name</i> | <i>Most Recent Cost Report End Date</i> | <i>Second Most Recent Cost Report End Date</i> | <i>Third Most Recent Cost Report End Date</i> |
|----------------------------------|--|---|--|---|
| 2 | COUNTRY MEADOWS OF SOUTH HILLS | 12/31/2013 | 12/31/2012 | 12/31/2011 |
| 2 | CRANBERRY PLACE | 6/30/2014 | 6/30/2013 | 6/30/2012 |
| 2 | CRESTVIEW CENTER | 6/30/2014 | 6/30/2013 | 6/30/2012 |
| 2 | DEER MEADOWS REHABILITATION CENTER | 6/30/2014 | 6/30/2013 | 6/30/2012 |
| 2 | ELKINS CREST HEALTH AND REHAB CENTER | 6/30/2014 | 6/30/2013 | 6/30/2012 |
| 2 | EVANGELICAL MANOR | 12/31/2013 | 12/31/2012 | 12/31/2011 |
| 2 | FAIRVIEW CARE CENTER OF BETHLEHEM PIKE | 6/30/2014 | 6/30/2013 | 6/30/2012 |
| 2 | FAIRVIEW CARE CENTER OF PAPERMILL ROAD | 6/30/2014 | 6/30/2013 | 6/30/2012 |
| 2 | FORBES CENTER FOR REHAB & HEALTHCARE LLC | 12/31/2013 | 12/31/2012 | 12/31/2010 |
| 2 | GARDEN SPRING CENTER | 6/30/2014 | 6/30/2013 | 6/30/2012 |
| 2 | GERMANTOWN HOME | 6/30/2014 | 6/30/2013 | 6/30/2012 |
| 2 | GLENDALE UPTOWN HOME | 12/31/2013 | 12/31/2012 | 12/31/2011 |
| 2 | GOLDEN LIVINGCENTER-DOYLESTOWN | 12/31/2013 | 12/31/2012 | 12/31/2011 |
| 2 | GOLDEN LIVINGCENTER-LANSDALE | 12/31/2013 | 12/31/2012 | 12/31/2011 |
| 2 | GOLDEN LIVINGCENTER-MONROEVILLE | 12/31/2013 | 12/31/2012 | 12/31/2011 |
| 2 | GOLDEN LIVINGCENTER-MT LEBANON | 12/31/2013 | 12/31/2012 | 12/31/2011 |
| 2 | GOLDEN LIVINGCENTER-MURRYSVILLE | 12/31/2013 | 12/31/2012 | 12/31/2011 |
| 2 | GOLDEN LIVINGCENTER-PHOENIXVILLE | 12/31/2013 | 12/31/2012 | 12/31/2011 |
| 2 | GOLDEN LIVINGCENTER-UNIONTOWN | 12/31/2013 | 12/31/2012 | 12/31/2011 |
| 2 | GREENERY SPECIALTY CARE CENTER | 12/31/2013 | 12/31/2012 | 12/31/2011 |
| 2 | GREENLEAF NURSING HOME AND CONVAL CENTER | 6/30/2014 | 6/30/2013 | 6/30/2012 |
| 2 | GREENSBURG CARE CENTER | 12/31/2013 | 12/31/2012 | 12/31/2011 |
| 2 | GWYNEDD SQUARE CTR FOR NSG & CONVAL CARE | 6/30/2014 | 6/30/2013 | 6/30/2012 |
| 2 | HARMAR VILLAGE CARE CENTER | 12/31/2013 | 12/31/2012 | 12/31/2011 |
| 2 | HARSTON HALL | 6/30/2014 | 6/30/2013 | 6/30/2012 |
| 2 | HEMPFIELD MANOR | 12/31/2014 | 12/31/2013 | 12/31/2012 |
| 2 | HIGHLAND PARK CARE CENTER | 12/31/2013 | 12/31/2012 | 12/31/2011 |
| 2 | HILLCREST CENTER | 6/30/2014 | 6/30/2013 | 6/30/2012 |
| 2 | IVY HILL REHABILITATION AND NURSING CTR | 6/30/2014 | 6/30/2013 | 6/30/2012 |
| 2 | LAFAYETTE-REDEEMER (DBA ENTITY OF HRHS) | 6/30/2014 | 6/30/2013 | 6/30/2012 |
| 2 | LANGHORNE GARDENS REHAB AND NURSING CTR | 6/30/2014 | 6/30/2013 | 6/30/2012 |
| 2 | LGAR HEALTH AND REHABILITATION CENTER | 12/31/2013 | 12/31/2012 | 12/31/2011 |
| 2 | LIFEQUEST NURSING CENTER | 6/30/2014 | 6/30/2013 | 6/30/2012 |
| 2 | LITTLE FLOWER MANOR | 6/30/2014 | 6/30/2013 | 6/30/2012 |
| 2 | LOYALHANNA CARE CENTER | 12/31/2013 | 12/31/2012 | 12/31/2011 |
| 2 | LUTHER WOODS CONVALESCENT CENTER | 12/31/2013 | 12/31/2012 | 12/31/2011 |
| 2 | MAJESTIC OAKS REHAB & NURSING CENTER | 6/30/2013 | 6/30/2012 | 6/30/2011 |
| 2 | MANATAWNY MANOR INC | 12/31/2013 | 12/31/2012 | 12/31/2011 |
| 2 | MANORCARE HEALTH SERVICES-WALLINGFORD | 6/30/2014 | 6/30/2013 | 6/30/2012 |
| 2 | MANORCARE HEALTH SVCS-BETHEL PARK | 12/31/2013 | 12/31/2012 | 12/31/2011 |
| 2 | MANORCARE HEALTH SVCS-GREEN TREE | 12/31/2013 | 12/31/2012 | 12/31/2011 |
| 2 | MANORCARE HEALTH SVCS-HUNTINGDON VALLEY | 12/31/2013 | 12/31/2012 | 12/31/2011 |
| 2 | MANORCARE HEALTH SVCS-KING OF PRUSSIA | 12/31/2013 | 12/31/2012 | 12/31/2011 |
| 2 | MANORCARE HEALTH SVCS-LANSDALE | 12/31/2013 | 12/31/2012 | 12/31/2011 |
| 2 | MANORCARE HEALTH SVCS-MERCY FITZGERALD | 6/30/2014 | 6/30/2013 | 6/30/2012 |
| 2 | MANORCARE HEALTH SVCS-MONROEVILLE | 12/31/2013 | 12/31/2012 | 12/31/2011 |
| 2 | MANORCARE HEALTH SVCS-NORTH HILLS | 12/31/2013 | 12/31/2012 | 12/31/2011 |
| 2 | MANORCARE HEALTH SVCS-OXFORD VALLEY | 12/31/2013 | 12/31/2012 | 12/31/2011 |
| 2 | MANORCARE HEALTH SVCS-PETERS TOWNSHIP | 12/31/2013 | 12/31/2012 | 12/31/2011 |
| 2 | MANORCARE HEALTH SVCS-PITTSBURGH | 6/30/2014 | 6/30/2013 | 6/30/2012 |
| 2 | MANORCARE HEALTH SVCS-POTTSTOWN | 12/31/2013 | 12/31/2012 | 12/31/2011 |
| 2 | MANORCARE HEALTH SVCS-SHADYSIDE | 6/30/2014 | 6/30/2013 | 6/30/2012 |
| 2 | MANORCARE HEALTH SVCS-WHITEHALL BOROUGH | 12/31/2013 | 12/31/2012 | 12/31/2011 |
| 2 | MANORCARE HEALTH SVCS-YEADON | 12/31/2013 | 12/31/2012 | 12/31/2011 |
| 2 | MAPLEWOOD NURSING AND REHABILITATION CTR | 12/31/2013 | 12/31/2012 | 6/30/2011 |
| 2 | MARIAN MANOR CORPORATION | 6/30/2014 | 6/30/2013 | 6/30/2012 |
| 2 | MASONIC VILLAGE AT SEWICKLEY | 12/31/2013 | 12/31/2012 | 12/31/2011 |
| 2 | MOUNT MACRINA MANOR NURSING HOME | 6/30/2014 | 6/30/2013 | 6/30/2012 |
| 2 | MOUNTAINVIEW SPECIALTY CARE CENTER | 12/31/2013 | 12/31/2012 | 12/31/2011 |
| 2 | OAKWOOD HEALTHCARE & REHABILITATION CTR | 6/30/2014 | 6/30/2013 | 6/30/2012 |
| 2 | OXFORD HEALTH CENTER | 12/31/2013 | 12/31/2012 | 12/31/2011 |
| 2 | PASSAVANT RETIREMENT AND HEALTH CENTER | 6/30/2014 | 6/30/2013 | 6/30/2012 |
| 2 | PAUL'S RUN | 12/31/2013 | 12/31/2012 | 12/31/2011 |
| 2 | PEMBROOKE HEALTH AND REHAB CENTER | 6/30/2013 | 6/30/2012 | 6/30/2011 |
| 2 | PENN CENTER FOR REHABILITATION AND CARE | 6/30/2014 | 6/30/2013 | 6/30/2012 |

| <i>Median Peer Group</i> | <i>Current Provider Name</i> | <i>Most Recent Cost Report End Date</i> | <i>Second Most Recent Cost Report End Date</i> | <i>Third Most Recent Cost Report End Date</i> |
|----------------------------------|--|---|--|---|
| 2 | PENNSBURG MANOR | 6/30/2014 | 6/30/2013 | 6/30/2012 |
| 2 | PHILADELPHIA PROTESTANT HOME | 12/31/2013 | 12/31/2012 | 12/31/2011 |
| 2 | PHOEBE RICHLAND HCC | 6/30/2014 | 6/30/2013 | 6/30/2012 |
| 2 | PINE RUN HEALTH CENTER | 6/30/2014 | 6/30/2013 | 6/30/2012 |
| 2 | POWERBACK REHABILITATION 1526 | 6/30/2014 | 6/30/2013 | 6/30/2012 |
| 2 | PROSPECT PARK HEALTH AND REHAB CENTER | 6/30/2013 | 6/30/2012 | 6/30/2011 |
| 2 | PROVIDENCE CARE CENTER | 12/31/2013 | 12/31/2012 | 12/31/2011 |
| 2 | QUAKERTOWN CENTER | 6/30/2014 | 6/30/2013 | 6/30/2012 |
| 2 | REGINA COMMUNITY NURSING CENTER | 6/30/2014 | 6/30/2013 | 6/30/2012 |
| 2 | REHAB & NURSING CTR GREATER PITTSBURGH | 12/31/2013 | 12/31/2012 | 12/31/2011 |
| 2 | RENAISSANCE HEALTHCARE & REHAB CENTER | 6/30/2014 | 6/30/2012 | 6/30/2011 |
| 2 | RIVER'S EDGE NURSING AND REHAB CENTER | 12/31/2013 | 12/31/2012 | 12/31/2011 |
| 2 | RIVERSIDE CARE CENTER | 12/31/2013 | 12/31/2012 | 12/31/2011 |
| 2 | ROCHESTER MANOR | 12/31/2013 | 12/31/2012 | 12/31/2011 |
| 2 | SAINT ANNE HOME | 6/30/2014 | 6/30/2013 | 6/30/2012 |
| 2 | SANATOGA CENTER | 6/30/2014 | 6/30/2013 | 6/30/2012 |
| 2 | SAUNDERS HOUSE | 6/30/2014 | 6/30/2013 | 6/30/2012 |
| 2 | SENECA PLACE | 6/30/2014 | 6/30/2013 | 6/30/2012 |
| 2 | SILVER LAKE CENTER | 6/30/2014 | 6/30/2013 | 6/30/2012 |
| 2 | SILVER STREAM CENTER | 6/30/2014 | 6/30/2013 | 6/30/2012 |
| 2 | SIMPSON HOUSE, INC | 12/31/2013 | 12/31/2012 | 12/31/2011 |
| 2 | SOMERTON CENTER | 6/30/2014 | 6/30/2013 | 6/30/2012 |
| 2 | SOUTHMONT OF PRESBYTERIAN SENIORCARE | 12/31/2014 | 12/31/2013 | 12/31/2012 |
| 2 | SQUIRREL HILL CTR FOR REHAB AND HEALING | 12/31/2013 | 12/31/2012 | 12/31/2011 |
| 2 | ST JOHN NEUMANN CTR FOR REHAB & HLTHCARE | 6/30/2014 | 6/30/2013 | 6/30/2012 |
| 2 | ST MARTHA CENTER FOR REHAB & HEALTHCARE | 6/30/2014 | 6/30/2013 | 6/30/2012 |
| 2 | ST MARY CENTER FOR REHAB & HEALTHCARE | 6/30/2014 | 6/30/2013 | 6/30/2012 |
| 2 | ST MONICA CENTER FOR REHAB & HEALTHCARE | 6/30/2014 | 6/30/2013 | 6/30/2012 |
| 2 | ST. BARNABAS NURSING HOME | 12/31/2013 | 12/31/2012 | 12/31/2011 |
| 2 | ST. IGNATIUS NURSING & REHAB CENTER | 6/30/2014 | 6/30/2013 | 6/30/2012 |
| 2 | STERLING HEALTH CARE AND REHAB CENTER | 6/30/2014 | 6/30/2013 | 6/30/2012 |
| 2 | SUBURBAN WOODS HEALTH AND REHAB CENTER | 12/31/2013 | 12/31/2012 | 12/31/2011 |
| 2 | TEL HAI RETIREMENT COMMUNITY | 6/30/2014 | 6/30/2013 | 6/30/2012 |
| 2 | THE BELVEDERE CENTER, GENESIS HEALTHCARE | 6/30/2014 | 6/30/2013 | 6/30/2012 |
| 2 | THE RIDGE AT WHITEMARSH HEALTH AND REHAB | 12/31/2013 | 12/31/2012 | 12/31/2011 |
| 2 | TOWNE MANOR EAST | 12/31/2013 | 12/31/2012 | 12/31/2011 |
| 2 | TRANSITIONS HEALTHCARE NORTH HUNTINGDON | 6/30/2014 | 6/30/2013 | 6/30/2012 |
| 2 | TRANSITIONS HEALTHCARE WASHINGTON PA | 6/30/2014 | 6/30/2013 | 6/30/2012 |
| 2 | TUCKER HOUSE NSG & REHAB CTR | 12/31/2013 | 12/31/2012 | 6/30/2011 |
| 2 | TWIN PINES HEALTH CARE CENTER | 12/31/2014 | 12/31/2013 | 12/31/2012 |
| 2 | UPMC HERITAGE PLACE | 6/30/2014 | 6/30/2013 | 6/30/2012 |
| 2 | VALLEY MANOR NURSING AND REHAB CENTER | 6/30/2014 | 6/30/2013 | 6/30/2012 |
| 2 | VILLA SAINT JOSEPH OF BADEN INC. | 6/30/2014 | 6/30/2013 | 6/30/2012 |
| 2 | VILLAGE AT PENNWOOD | 6/30/2014 | 6/30/2013 | 6/30/2012 |
| 2 | VINCENTIAN HOME | 6/30/2014 | 6/30/2013 | 6/30/2012 |
| 2 | WESLEY ENHANCED LIVING AT STAPELY | 6/30/2014 | 6/30/2013 | 6/30/2012 |
| 2 | WEST HAVEN MANOR | 6/30/2014 | 6/30/2013 | 6/30/2012 |
| 2 | WEST HILLS HEALTH AND REHAB CENTER | 6/30/2014 | 6/30/2013 | 6/30/2012 |
| 2 | WEXFORD HEALTHCARE CENTER | 6/30/2014 | 6/30/2013 | 6/30/2012 |
| 2 | WILLIAM PENN CARE CENTER | 12/31/2013 | 12/31/2012 | 12/31/2011 |
| 2 | WILLOW TERRACE | 12/31/2013 | 12/31/2012 | 12/31/2011 |
| 2 | WILLOWS OF PRESBYTERIAN SENIORCARE, THE | 12/31/2014 | 12/31/2013 | 12/31/2012 |
| 2 | WOODHAVEN CARE CENTER | 12/31/2013 | 12/31/2012 | 12/31/2011 |
| 2 | YORK NURSING AND REHABILITATION CENTER | 12/31/2013 | 12/31/2012 | 6/30/2011 |
| <i>PG2 Median</i> | <i>Resident Care 5.12</i> | <i>Other Resident Rltd</i> | <i>Administrative</i> | |
| | \$139.03 | \$45.64 | \$25.56 | |
| <i>PG2 Price</i> | <i>Resident Care 5.12</i> | <i>Other Resident Rltd</i> | <i>Administrative</i> | |
| | \$162.67 | \$51.12 | \$26.58 | |

| <i>Median Peer Group</i> | <i>Current Provider Name</i> | <i>Most Recent Cost Report End Date</i> | <i>Second Most Recent Cost Report End Date</i> | <i>Third Most Recent Cost Report End Date</i> |
|----------------------------------|--|---|--|---|
| 3 | AMBLER EXTENDED CARE CENTER | 12/31/2014 | 12/31/2013 | 12/31/2012 |
| 3 | ARTMAN LUTHERAN HOME | 6/30/2014 | 6/30/2013 | 6/30/2012 |
| 3 | BARCLAY FRIENDS | 12/31/2013 | 12/31/2012 | 12/31/2011 |
| 3 | BEAVER ELDER CARE AND REHAB CENTER | 12/31/2013 | 12/31/2012 | 12/31/2011 |
| 3 | BELAIR HEALTH AND REHABILITATION CENTER | 6/30/2014 | 6/30/2013 | 6/30/2012 |
| 3 | BELLE HAVEN SKILLED NURSING & REHAB CTR | 12/31/2013 | 12/31/2011 | 12/31/2010 |
| 3 | BETHLEN HM OF THE HUNGARIAN RFRMD FED | 12/31/2013 | 12/31/2012 | 12/31/2011 |
| 3 | BRINTON MANOR | 6/30/2014 | 6/30/2013 | 6/30/2012 |
| 3 | CANTERBURY PLACE | 12/31/2013 | 12/31/2012 | 12/31/2011 |
| 3 | CHANDLER HALL HEALTH SERVICES INC | 12/31/2013 | 12/31/2012 | 12/31/2011 |
| 3 | CHICORA MEDICAL CENTER | 6/30/2014 | 6/30/2013 | 6/30/2012 |
| 3 | CHRIST'S HOME RETIREMENT COMMUNITY | 6/30/2014 | 6/30/2013 | 6/30/2012 |
| 3 | CONCORDIA AT THE CEDARS | 12/31/2013 | 12/31/2012 | 12/31/2011 |
| 3 | CONNER-WILLIAMS NURSING HOME | 6/30/2014 | 6/30/2013 | 6/30/2012 |
| 3 | CONSULATE HEALTH CARE OF NORTH STRABANE | 12/31/2013 | 12/31/2012 | 12/31/2011 |
| 3 | COVENTRY MANOR HEALTH AND REHAB CTR | 12/31/2013 | 12/31/2011 | 12/31/2010 |
| 3 | DOCK TERRACE | 6/30/2014 | 6/30/2013 | 6/30/2012 |
| 3 | DRESHER HILL HEALTH AND REHAB CENTER | 6/30/2014 | 6/30/2013 | 6/30/2012 |
| 3 | EDGEHILL NURSING AND REHAB CENTER | 6/30/2014 | 6/30/2013 | 6/30/2012 |
| 3 | ELDERCREST NURSING CENTER | 6/30/2014 | 6/30/2013 | 6/30/2012 |
| 3 | ELM TERRACE GARDENS | 6/30/2014 | 6/30/2013 | 6/30/2012 |
| 3 | EVERGREEN HEALTH AND REHAB CENTER | 12/31/2013 | 12/31/2011 | 12/31/2010 |
| 3 | FAIR WINDS MANOR | 6/30/2014 | 6/30/2013 | 6/30/2012 |
| 3 | FREDERICK LIVING-CEDARWOOD | 12/31/2013 | 12/31/2012 | 12/31/2011 |
| 3 | FRIENDSHIP VILLAGE OF SOUTH HILLS | 12/31/2013 | 12/31/2012 | 12/31/2011 |
| 3 | GOLDEN LIVINGCENTER-ROSEMONT | 12/31/2013 | 12/31/2012 | 12/31/2011 |
| 3 | GOLDEN LIVINGCENTER-SOUTH HILLS | 12/31/2013 | 12/31/2012 | 12/31/2011 |
| 3 | GOLDEN LIVINGCENTER-STENTON | 12/31/2013 | 12/31/2012 | 12/31/2011 |
| 3 | HARMON HOUSE CARE CENTER | 12/31/2013 | 12/31/2012 | 12/31/2011 |
| 3 | HAVENCREST NURSING CENTER | 6/30/2014 | 6/30/2013 | 6/30/2012 |
| 3 | HENRY CLAY VILLA, LP | 6/30/2014 | 6/30/2013 | 6/30/2012 |
| 3 | HICKORY HOUSE NURSING HOME | 12/31/2013 | 12/31/2012 | 12/31/2011 |
| 3 | HOLY FAMILY HOME | 12/31/2013 | 12/31/2012 | 12/31/2011 |
| 3 | HOPKINS CENTER | 6/30/2014 | 6/30/2013 | 6/30/2012 |
| 3 | JEFFERSON HILLS MANOR | 12/31/2013 | 12/31/2012 | 12/31/2011 |
| 3 | KADE HEALTH AND REHABILITATION CENTER | 12/31/2013 | 12/31/2011 | 12/31/2010 |
| 3 | KEARSLEY REHAB AND NURSING CENTER | 12/31/2013 | 12/31/2012 | 6/30/2011 |
| 3 | LAFAYETTE MANOR, INC | 12/31/2013 | 12/31/2012 | 12/31/2011 |
| 3 | LATROBE HEALTH AND REHABILITATION CENTER | 12/31/2012 | 12/31/2011 | 6/30/2009 |
| 3 | LAUREL RIDGE CENTER | 6/30/2014 | 6/30/2013 | 6/30/2012 |
| 3 | LAWSON NURSING HOME, INC. | 12/31/2013 | 12/31/2012 | 12/31/2011 |
| 3 | LITTLE SISTERS OF THE POOR | 12/31/2013 | 12/31/2012 | 12/31/2011 |
| 3 | LUTHERAN COMMUNITY AT TELFORD | 6/30/2014 | 6/30/2013 | 6/30/2012 |
| 3 | MANORCARE HEALTH SERVICES-NORTHSIDE | 6/30/2014 | 6/30/2013 | 6/30/2012 |
| 3 | MARWOOD REST HOME, INC | 6/30/2014 | 6/30/2013 | 6/30/2012 |
| 3 | MASONIC VILLAGE AT LAFAYETTE HILL | 12/31/2013 | 12/31/2012 | 12/31/2011 |
| 3 | MASONIC VILLAGE AT WARMINSTER | 12/31/2013 | 12/31/2012 | 12/31/2011 |
| 3 | MCMURRAY HILLS MANOR | 6/30/2014 | 6/30/2013 | 6/30/2012 |
| 3 | MEADOWCREST NURSING CENTER | 6/30/2014 | 6/30/2013 | 6/30/2012 |
| 3 | MON VALLEY CARE CENTER | 12/31/2013 | 12/31/2012 | 12/31/2011 |
| 3 | NAAMANS CREEK COUNTRY MANOR | 6/30/2014 | 6/30/2013 | 6/30/2012 |
| 3 | NORTH HILLS HEALTH AND REHAB CENTER | 6/30/2014 | 6/30/2013 | 6/30/2012 |
| 3 | OAK HILL NURSING AND REHAB CENTER | 6/30/2014 | 6/30/2013 | 6/30/2012 |
| 3 | OAKMONT CENTER FOR NURSING AND REHAB | 12/31/2013 | 12/31/2012 | 12/31/2011 |
| 3 | PENNYPACK CENTER | 6/30/2014 | 6/30/2013 | 6/30/2012 |
| 3 | PETER BECKER COMMUNITY | 6/30/2014 | 6/30/2013 | 6/30/2012 |
| 3 | PHOEBE WYNCOTE | 6/30/2014 | 6/30/2013 | 6/30/2012 |
| 3 | PICKERING MANOR HOME | 6/30/2014 | 6/30/2013 | 6/30/2012 |
| 3 | PLATINUM RIDGE CTR FOR REHAB & HEALING | 6/30/2013 | 6/30/2012 | 6/30/2011 |
| 3 | POWERBACK REHABILITATION 1700 | 6/30/2014 | 6/30/2013 | 6/30/2012 |
| 3 | POWERBACK REHABILITATION 3485 | 6/30/2014 | 6/30/2013 | 6/30/2012 |
| 3 | REDSTONE HIGHLANDS HEALTH CARE CENTER | 6/30/2014 | 6/30/2013 | 6/30/2012 |
| 3 | REFORMED PRESBYTERIAN HOME | 12/31/2013 | 12/31/2012 | 12/31/2011 |
| 3 | RICHBORO REHAB AND NURSING CENTER | 6/30/2014 | 6/30/2013 | 6/30/2012 |
| 3 | ROCKHILL MENNONITE COMMUNITY | 6/30/2014 | 6/30/2013 | 6/30/2012 |

| <i>Median Peer Group</i> | <i>Current Provider Name</i> | <i>Most Recent Cost Report End Date</i> | <i>Second Most Recent Cost Report End Date</i> | <i>Third Most Recent Cost Report End Date</i> |
|--------------------------|--|---|--|---|
| 3 | RYDAL PARK OF PHILADELPHIA PRSBYTR HOMES | 12/31/2013 | 12/31/2012 | 12/31/2011 |
| 3 | SAINT JOSEPH VILLA | 6/30/2014 | 6/30/2013 | 6/30/2012 |
| 3 | SAXONY HEALTH CENTER | 12/31/2013 | 12/31/2012 | 12/31/2011 |
| 3 | SCOTTDALE MANOR REHABILITATION CENTER | 12/31/2013 | 12/31/2012 | 12/31/2011 |
| 3 | SHERWOOD OAKS | 6/30/2014 | 6/30/2013 | 6/30/2012 |
| 3 | SOUDERTON MENNONITE HOMES | 6/30/2014 | 6/30/2013 | 6/30/2012 |
| 3 | SOUTH FAYETTE NURSING CENTER | 6/30/2014 | 6/30/2013 | 6/30/2012 |
| 3 | SOUTHWESTERN NURSING CARE CENTER | 6/30/2013 | 6/30/2012 | 6/30/2011 |
| 3 | SPRINGS AT THE WATERMARK, THE | 12/31/2013 | 12/31/2012 | 12/31/2011 |
| 3 | STATESMAN HEALTH AND REHAB CENTER | 6/30/2014 | 6/30/2013 | 6/30/2012 |
| 3 | TOWNE MANOR WEST | 12/31/2013 | 12/31/2012 | 12/31/2011 |
| 3 | TOWNVIEW HEALTH AND REHAB CENTER | 6/30/2014 | 6/30/2013 | 6/30/2012 |
| 3 | TRANSITIONS HEALTHCARE AUTUMN GROVE | 6/30/2014 | 6/30/2013 | 6/30/2012 |
| 3 | VALENCIA WOODS AT ST BARNABAS | 12/31/2013 | 12/31/2012 | 12/31/2011 |
| 3 | VINCENTIAN DE MARILLAC | 6/30/2014 | 6/30/2013 | 6/30/2012 |
| 3 | WAYNE CENTER | 6/30/2014 | 6/30/2013 | 6/30/2012 |
| 3 | WESLEY ENHANCED LIVING MAIN LINE REHAB | 12/31/2013 | 12/31/2012 | 12/31/2011 |
| 3 | WESLEY ENHANCED LIVING-DOYLESTOWN | 12/31/2013 | 12/31/2012 | 12/31/2011 |
| 3 | WESTGATE REHABILITATION AND NURSING CTR | 12/31/2013 | 12/31/2012 | 12/31/2011 |
| 3 | WILLOWBROOKE COURT AT BRITTANY POINTE | 12/31/2013 | 12/31/2012 | 12/31/2011 |
| <i>PG3 Median</i> | <i>Resident Care 5.12</i> | <i>Other Resident Rltd</i> | <i>Administrative</i> | |
| | \$143.73 | \$49.30 | \$27.55 | |
| <i>PG3 Price</i> | <i>Resident Care 5.12</i> | <i>Other Resident Rltd</i> | <i>Administrative</i> | |
| | \$168.16 | \$55.22 | \$28.65 | |

| <i>Median Peer Group</i> | <i>Current Provider Name</i> | <i>Most Recent Cost Report End Date</i> | <i>Second Most Recent Cost Report End Date</i> | <i>Third Most Recent Cost Report End Date</i> |
|--------------------------|--|---|--|---|
| 4 | ALLIED SERVICES SKILLED NURSING CENTER | 6/30/2014 | 6/30/2013 | 6/30/2012 |
| 4 | CAMBRIA CARE CENTER | 12/31/2013 | 12/31/2012 | 12/31/2011 |
| 4 | COLONIAL MANOR NURSING HOME | 12/31/2013 | 12/31/2012 | 12/31/2011 |
| 4 | CONESTOGA VIEW | 12/31/2013 | 12/31/2012 | 12/31/2011 |
| 4 | CROSS KEYS VILLAGE-BRETHREN HM COMM, THE | 6/30/2014 | 6/30/2013 | 6/30/2012 |
| 4 | GOLDEN LIVINGCENTER-WEST SHORE | 12/31/2013 | 12/31/2012 | 12/31/2011 |
| 4 | LACKAWANNA HEALTH AND REHAB CENTER | 6/30/2014 | 6/30/2013 | 12/31/2009 |
| 4 | MASONIC VILLAGE AT ELIZABETHTOWN | 12/31/2013 | 12/31/2012 | 12/31/2011 |
| 4 | MOUNTAIN CITY NURSING AND REHAB CENTER | 12/31/2013 | 12/31/2012 | 12/31/2011 |
| 4 | MOUNTAIN VIEW, A NURSING AND REHAB CTR | 12/31/2013 | 12/31/2012 | 12/31/2011 |
| 4 | PHOEBE ALLENTOWN HEALTH CARE | 6/30/2014 | 6/30/2013 | 6/30/2012 |
| 4 | SPRING CREEK REHAB AND HEALTH CARE CTR | 12/31/2013 | 12/31/2012 | 12/31/2011 |
| <i>PG4 Median</i> | <i>Resident Care 5.12</i> | <i>Other Resident Rltd</i> | <i>Administrative</i> | |
| | \$153.72 | \$53.62 | \$24.50 | |
| <i>PG4 Price</i> | <i>Resident Care 5.12</i> | <i>Other Resident Rltd</i> | <i>Administrative</i> | |
| | \$179.85 | \$60.05 | \$25.48 | |

| <i>Median Peer Group</i> | <i>Current Provider Name</i> | <i>Most Recent Cost Report End Date</i> | <i>Second Most Recent Cost Report End Date</i> | <i>Third Most Recent Cost Report End Date</i> |
|--------------------------|---|---|--|---|
| 5 | ABINGTON MANOR | 6/30/2014 | 6/30/2013 | 6/30/2012 |
| 5 | BERKSHIRE CENTER | 6/30/2014 | 6/30/2013 | 6/30/2012 |
| 5 | BERWICK RETIREMENT VILLAGE NRSNG CTR II | 6/30/2014 | 6/30/2013 | 6/30/2012 |
| 5 | BIRCHWOOD NURSING AND REHAB CENTER | 12/31/2013 | 12/31/2012 | 12/31/2011 |
| 5 | BLOOMSBURG HEALTH CARE CENTER | 6/30/2014 | 6/30/2013 | 6/30/2012 |
| 5 | BRETHREN VILLAGE | 6/30/2014 | 6/30/2013 | 6/30/2012 |
| 5 | COLONIAL PARK CARE CENTER | 12/31/2013 | 12/31/2012 | 12/31/2011 |
| 5 | CORRY MANOR | 12/31/2014 | 12/31/2013 | 12/31/2012 |
| 5 | EASTON HEALTH AND REHABILITATION CENTER | 12/31/2013 | 12/31/2011 | 12/31/2010 |
| 5 | EDINBORO MANOR | 12/31/2014 | 12/31/2013 | 12/31/2012 |
| 5 | EPHRATA MANOR | 12/31/2013 | 12/31/2012 | 12/31/2011 |

| <i>Median Peer Group</i> | <i>Current Provider Name</i> | <i>Most Recent Cost Report End Date</i> | <i>Second Most Recent Cost Report End Date</i> | <i>Third Most Recent Cost Report End Date</i> |
|----------------------------------|--|---|--|---|
| 5 | FAIRVIEW MANOR | 12/31/2014 | 12/31/2013 | 12/31/2012 |
| 5 | FELLOWSHIP MANOR | 6/30/2014 | 6/30/2013 | 6/30/2012 |
| 5 | FREY VILLAGE | 12/31/2013 | 12/31/2012 | 12/31/2011 |
| 5 | GOLDEN LIVINGCENTER-EAST MOUNTAIN | 12/31/2013 | 12/31/2012 | 12/31/2011 |
| 5 | GOLDEN LIVINGCENTER-LANCASTER | 12/31/2013 | 12/31/2012 | 12/31/2011 |
| 5 | GOLDEN LIVINGCENTER-READING | 12/31/2013 | 12/31/2012 | 12/31/2011 |
| 5 | GOLDEN LIVINGCENTER-SCRANTON | 12/31/2013 | 12/31/2012 | 12/31/2011 |
| 5 | GOLDEN LIVINGCENTER-SUMMIT | 12/31/2013 | 12/31/2012 | 12/31/2011 |
| 5 | GOLDEN LIVINGCENTER-TUNKHANNOCK | 12/31/2013 | 12/31/2012 | 12/31/2011 |
| 5 | GOLDEN LIVINGCENTER-WESTERN RESERVE | 12/31/2013 | 12/31/2012 | 12/31/2011 |
| 5 | HANOVER HALL | 12/31/2013 | 12/31/2012 | 12/31/2011 |
| 5 | HARRISON SENIOR LIVING OF CHRISTIANA | 12/31/2013 | 12/31/2012 | 12/31/2011 |
| 5 | HIGHLAND MANOR REHAB & NURSING CENTER | 6/30/2013 | 6/30/2012 | 6/30/2011 |
| 5 | HOLY FAMILY MANOR | 12/31/2013 | 12/31/2012 | 12/31/2011 |
| 5 | HOMEWOOD AT PLUM CREEK | 12/31/2013 | 12/31/2012 | 12/31/2011 |
| 5 | JEWISH HOME OF EASTERN PENNSYLVANIA | 12/31/2013 | 12/31/2012 | 12/31/2011 |
| 5 | JEWISH HOME OF GREATER HARRISBURG | 6/30/2014 | 6/30/2013 | 6/30/2012 |
| 5 | KUTZTOWN MANOR | 6/30/2014 | 6/30/2013 | 6/30/2012 |
| 5 | LANCASHIRE HALL | 12/31/2013 | 12/31/2012 | 12/31/2011 |
| 5 | LAUREL CENTER | 6/30/2014 | 6/30/2013 | 6/30/2012 |
| 5 | LEHIGH CENTER | 6/30/2014 | 6/30/2013 | 6/30/2012 |
| 5 | LIBERTY NURSING AND REHAB CENTER | 6/30/2014 | 6/30/2013 | 6/30/2012 |
| 5 | LITTLE FLOWER MANOR OF DIOCESE SCRANTON | 12/31/2013 | 12/31/2012 | 12/31/2011 |
| 5 | LUTHERAN HOME AT TOPTON | 12/31/2013 | 12/31/2012 | 12/31/2011 |
| 5 | MAHONING VALLEY NURSING AND REHAB CENTER | 12/31/2013 | 12/31/2012 | 12/31/2011 |
| 5 | MANORCARE HEALTH SERVICES-ERIE | 6/30/2014 | 6/30/2013 | 6/30/2012 |
| 5 | MANORCARE HEALTH SVCS-ALLENTOWN | 12/31/2013 | 12/31/2012 | 12/31/2011 |
| 5 | MANORCARE HEALTH SVCS-BETHLEHEM (2021) | 12/31/2013 | 12/31/2012 | 12/31/2011 |
| 5 | MANORCARE HEALTH SVCS-BETHLEHEM (2029) | 12/31/2013 | 12/31/2012 | 12/31/2011 |
| 5 | MANORCARE HEALTH SVCS-CAMP HILL | 12/31/2013 | 12/31/2012 | 12/31/2011 |
| 5 | MANORCARE HEALTH SVCS-CARLISLE | 12/31/2013 | 12/31/2012 | 12/31/2011 |
| 5 | MANORCARE HEALTH SVCS-DALLASTOWN | 12/31/2013 | 12/31/2012 | 12/31/2011 |
| 5 | MANORCARE HEALTH SVCS-EASTON | 12/31/2013 | 12/31/2012 | 12/31/2011 |
| 5 | MANORCARE HEALTH SVCS-KINGSTON | 12/31/2013 | 12/31/2012 | 12/31/2011 |
| 5 | MANORCARE HEALTH SVCS-KINGSTON COURT | 6/30/2014 | 6/30/2013 | 6/30/2012 |
| 5 | MANORCARE HEALTH SVCS-LANCASTER | 12/31/2013 | 12/31/2012 | 12/31/2011 |
| 5 | MANORCARE HEALTH SVCS-LAURELDALE | 12/31/2013 | 12/31/2012 | 12/31/2011 |
| 5 | MANORCARE HEALTH SVCS-LEBANON | 12/31/2013 | 12/31/2012 | 12/31/2011 |
| 5 | MANORCARE HEALTH SVCS-SINKING SPRING | 12/31/2013 | 12/31/2012 | 12/31/2011 |
| 5 | MANORCARE HEALTH SVCS-WEST READING NORTH | 12/31/2013 | 12/31/2012 | 12/31/2011 |
| 5 | MANORCARE HEALTH SVCS-YORK NORTH | 6/30/2014 | 6/30/2013 | 6/30/2012 |
| 5 | MANORCARE HEALTH SVCS-YORK SOUTH | 6/30/2014 | 6/30/2013 | 6/30/2012 |
| 5 | MEADOWS NURSING AND REHAB CENTER | 6/30/2014 | 6/30/2013 | 6/30/2012 |
| 5 | MENNONITE HOME, THE | 6/30/2014 | 6/30/2013 | 6/30/2012 |
| 5 | MESSIAH LIFEWAYS AT MESSIAH VILLAGE | 6/30/2014 | 6/30/2013 | 6/30/2012 |
| 5 | MIFFLIN CENTER | 6/30/2014 | 6/30/2013 | 6/30/2012 |
| 5 | MORAVIAN MANOR | 12/31/2013 | 12/31/2012 | 12/31/2011 |
| 5 | MOUNTAIN VIEW CARE CENTER | 6/30/2014 | 6/30/2013 | 6/30/2012 |
| 5 | OLD ORCHARD HEALTH CARE CENTER | 12/31/2013 | 12/31/2012 | 12/31/2011 |
| 5 | ORANGEVILLE HEALTH AND REHAB CENTER | 12/31/2013 | 12/31/2011 | 12/31/2010 |
| 5 | PHOEBE BERKS HEALTH CARE CENTER, INC | 6/30/2014 | 6/30/2013 | 6/30/2012 |
| 5 | PLEASANT VIEW RETIREMENT COMMUNITY | 12/31/2014 | 12/31/2013 | 12/31/2012 |
| 5 | PRESQUE ISLE REHAB & NURSING CENTER | 12/31/2013 | 12/31/2012 | 12/31/2011 |
| 5 | QUARRYVILLE PRESBYTERIAN RETIREMENT COMM | 6/30/2014 | 6/30/2013 | 6/30/2012 |
| 5 | REST HAVEN-YORK | 6/30/2014 | 6/30/2013 | 6/30/2012 |
| 5 | RIVER RUN REHAB AND NURSING CENTER | 12/31/2012 | 12/31/2011 | 12/31/2010 |
| 5 | RIVERSIDE REHABILITATION AND NURSING CTR | 12/31/2013 | 12/31/2012 | 12/31/2011 |
| 5 | RIVERSTREET MANOR | 6/30/2014 | 6/30/2013 | 6/30/2012 |
| 5 | SAINT MARY'S EAST | 12/31/2013 | 12/31/2012 | 12/31/2011 |
| 5 | SHIPPENSBURG HEALTH CARE CENTER | 12/31/2013 | 12/31/2012 | 12/31/2011 |
| 5 | SLATE BELT NURSING AND REHAB CENTER | 6/30/2014 | 6/30/2013 | 6/30/2012 |
| 5 | SPRUCE MANOR NURSING AND REHAB CENTER | 6/30/2014 | 6/30/2013 | 6/30/2012 |
| 5 | STONERIDGE TOWNE CENTRE | 12/31/2013 | 12/31/2012 | 12/31/2011 |
| 5 | SUSQUEHANNA VALLEY NURSING AND REHAB CTR | 12/31/2013 | 12/31/2012 | 12/31/2011 |
| 5 | THE MANOR AT PERRY VILLAGE | 12/31/2013 | 12/31/2012 | 12/31/2011 |

| <i>Median Peer Group</i> | <i>Current Provider Name</i> | <i>Most Recent Cost Report End Date</i> | <i>Second Most Recent Cost Report End Date</i> | <i>Third Most Recent Cost Report End Date</i> |
|--------------------------|--|---|--|---|
| 5 | THE MANOR AT SUSQUEHANNA VILLAGE | 12/31/2013 | 12/31/2012 | 12/31/2011 |
| 5 | THE PAVILION AT ST LUKE VILLAGE | 12/31/2013 | 12/31/2012 | 12/31/2011 |
| 5 | TIMBER RIDGE HEALTH CENTER | 12/31/2013 | 12/31/2012 | 12/31/2011 |
| 5 | WEATHERWOOD NURSING HOME AND REHAB CTR | 12/31/2013 | 12/31/2012 | 12/31/2011 |
| 5 | WESLEY VILLAGE | 12/31/2013 | 12/31/2012 | 12/31/2011 |
| <i>PG5 Median</i> | <i>Resident Care 5.12</i> | <i>Other Resident Rltd</i> | <i>Administrative</i> | |
| | \$130.25 | \$41.23 | \$23.71 | |
| <i>PG5 Price</i> | <i>Resident Care 5.12</i> | <i>Other Resident Rltd</i> | <i>Administrative</i> | |
| | \$152.39 | \$46.18 | \$24.66 | |

| <i>Median Peer Group</i> | <i>Current Provider Name</i> | <i>Most Recent Cost Report End Date</i> | <i>Second Most Recent Cost Report End Date</i> | <i>Third Most Recent Cost Report End Date</i> |
|--------------------------|--|---|--|---|
| 6 | ABINGTON CREST NURSING AND REHAB CENTER | 6/30/2014 | 6/30/2013 | 6/30/2012 |
| 6 | AUDUBON VILLA HEALTH AND REHAB CENTER | 12/31/2013 | 12/31/2011 | 12/31/2010 |
| 6 | BALANCED CARE BLOOMSBURG | 12/31/2013 | 12/31/2012 | 12/31/2011 |
| 6 | BALL PAVILION, THE | 6/30/2014 | 6/30/2013 | 6/30/2012 |
| 6 | BELLE REVE HEALTH CARE CENTER | 12/31/2013 | 12/31/2012 | 12/31/2011 |
| 6 | BETHANY VILLAGE RETIREMENT CENTER | 12/31/2013 | 12/31/2012 | 12/31/2011 |
| 6 | BONHAM NURSING CENTER | 12/31/2013 | 12/31/2012 | 12/31/2011 |
| 6 | BUTLER VALLEY MANOR HLTH AND REHAB CTR | 12/31/2013 | 12/31/2011 | 12/31/2010 |
| 6 | CALVARY FELLOWSHIP HOMES, INC | 6/30/2014 | 6/30/2013 | 6/30/2012 |
| 6 | CARBONDALE NURSING AND REHAB CENTER | 12/31/2014 | 12/31/2013 | 12/31/2012 |
| 6 | CHAPEL POINTE AT CARLISLE | 12/31/2013 | 12/31/2012 | 12/31/2011 |
| 6 | CHURCH OF GOD HOME, INC | 12/31/2013 | 12/31/2012 | 12/31/2011 |
| 6 | CORNWALL MANOR | 12/31/2013 | 12/31/2012 | 12/31/2011 |
| 6 | COUNTRY MEADOWS NURSING CENTER-BETHLEHEM | 12/31/2013 | 12/31/2012 | 12/31/2011 |
| 6 | COUNTRYSIDE CHRISTIAN COMMUNITY | 12/31/2013 | 12/31/2012 | 12/31/2011 |
| 6 | COURTYARD GARDENS NURSING AND REHAB CTR | 12/31/2013 | 12/31/2012 | 12/31/2011 |
| 6 | CREEKSIDE HEALTH AND REHABILITATION CTR | 12/31/2013 | 6/30/2012 | 6/30/2011 |
| 6 | CUMBERLAND CROSSINGS RETIREMENT COMM | 12/31/2013 | 12/31/2012 | 12/31/2011 |
| 6 | DENVER HEALTH AND REHABILITATION CENTER | 12/31/2013 | 12/31/2011 | 12/31/2010 |
| 6 | DUNMORE HEALTH CARE CENTER | 12/31/2014 | 12/31/2013 | 12/31/2012 |
| 6 | ELMWOOD GARDENS | 12/31/2013 | 12/31/2012 | 12/31/2011 |
| 6 | FAIRMOUNT HOMES | 6/30/2014 | 6/30/2013 | 6/30/2012 |
| 6 | FOREST PARK HEALTH CENTER | 12/31/2013 | 12/31/2012 | 12/31/2011 |
| 6 | FORESTVIEW | 12/31/2013 | 12/31/2012 | 12/31/2011 |
| 6 | GARDEN SPOT VILLAGE | 6/30/2014 | 6/30/2013 | |
| 6 | GOLDEN LIVINGCENTER-BLUE RIDGE MOUNTAIN | 12/31/2013 | 12/31/2012 | 12/31/2011 |
| 6 | GOLDEN LIVINGCENTER-CAMP HILL | 12/31/2013 | 12/31/2012 | 12/31/2011 |
| 6 | GOLDEN LIVINGCENTER-WALNUT CREEK | 12/31/2013 | 12/31/2012 | 12/31/2011 |
| 6 | GREEN RIDGE CARE CENTER | 12/31/2014 | 12/31/2013 | 12/31/2012 |
| 6 | GUARDIAN ELDER CARE CENTER | 12/31/2013 | 12/31/2012 | 12/31/2011 |
| 6 | HAMILTON ARMS CENTER | 6/30/2014 | 6/30/2013 | 6/30/2012 |
| 6 | HAMPTON HOUSE | 6/30/2014 | 6/30/2013 | 6/30/2012 |
| 6 | HOLY FAMILY RESIDENCE | 12/31/2013 | 12/31/2012 | 12/31/2011 |
| 6 | HOMELAND CENTER | 6/30/2014 | 6/30/2013 | 6/30/2012 |
| 6 | HOMESTEAD VILLAGE, INC | 6/30/2014 | 6/30/2013 | 6/30/2012 |
| 6 | KEPLER CENTER FOR NURSING AND REHAB | 12/31/2012 | 12/31/2011 | 12/31/2010 |
| 6 | KINGSTON HEALTH CARE CENTER | 12/31/2012 | 12/31/2011 | 12/31/2010 |
| 6 | KINKORA PYTHIAN HOME | 6/30/2014 | 6/30/2013 | 6/30/2012 |
| 6 | LAKESIDE HEALTH AND REHABILITATION CTR | 12/31/2013 | 12/31/2011 | 12/31/2010 |
| 6 | LANDIS HOMES | 6/30/2014 | 6/30/2013 | 6/30/2012 |
| 6 | LEBANON VALLEY BRETHREN HOME | 12/31/2013 | 12/31/2012 | 12/31/2011 |
| 6 | LEBANON VALLEY HOME THE | 12/31/2013 | 12/31/2012 | 12/31/2011 |
| 6 | LINWOOD NURSING AND REHABILITATION CTR | 6/30/2014 | 6/30/2013 | 6/30/2012 |
| 6 | LUTHER ACRES MANOR | 12/31/2013 | 12/31/2012 | 12/31/2011 |
| 6 | LUTHER CREST NURSING FACILITY | 12/31/2013 | 12/31/2012 | 12/31/2011 |
| 6 | MANCHESTER COMMONS | 12/31/2013 | 12/31/2012 | 12/31/2011 |
| 6 | MANORCARE HEALTH SVCS-ELIZABETHTOWN | 12/31/2013 | 12/31/2012 | 12/31/2011 |
| 6 | MAPLE FARM | 6/30/2014 | 6/30/2013 | 6/30/2012 |
| 6 | MERCY CENTER NURSING UNIT, INC | 12/31/2013 | 12/31/2012 | 12/31/2011 |

| <i>Median Peer Group</i> | <i>Current Provider Name</i> | <i>Most Recent Cost Report End Date</i> | <i>Second Most Recent Cost Report End Date</i> | <i>Third Most Recent Cost Report End Date</i> |
|--------------------------|---|---|--|---|
| 6 | MID VALLEY HEALTH CARE CENTER | 12/31/2012 | 12/31/2011 | 12/31/2010 |
| 6 | MILFORD SENIOR CARE AND REHAB CENTER | 12/31/2013 | 12/31/2012 | 12/31/2011 |
| 6 | MILLCREEK MANOR | 6/30/2014 | 6/30/2013 | 6/30/2012 |
| 6 | MILLVILLE HEALTH AND REHABILITATION CTR | 12/31/2013 | 12/31/2011 | 12/31/2010 |
| 6 | MISERICORDIA NURSING & REHAB CENTER | 12/31/2013 | 12/31/2012 | 12/31/2011 |
| 6 | MORAVIAN HALL SQ. HLTH AND WELLNESS CTR | 6/30/2014 | 6/30/2013 | 6/30/2012 |
| 6 | MOSSER NURSING HOME | 6/30/2014 | 6/30/2013 | 6/30/2012 |
| 5 | MOUNT HOPE NAZARENE RETIREMENT COMMUNITY | 6/30/2014 | 6/30/2013 | 6/30/2012 |
| 6 | MOUNTAIN TOP SENIOR CARE AND REHAB CTR | 12/31/2013 | 12/31/2012 | 12/31/2011 |
| 6 | NEW EASTWOOD HEALTHCARE AND REHAB CENTER | 6/30/2014 | 12/31/2012 | 12/31/2011 |
| 6 | NORMANDIE RIDGE | 12/31/2013 | 12/31/2012 | 12/31/2011 |
| 6 | PALMYRA HEALTH AND REHABILITATION CTR | 12/31/2013 | 12/31/2011 | 12/31/2010 |
| 6 | PRAXIS ALZHEIMER'S FACILITY | 12/31/2013 | 12/31/2011 | 12/31/2010 |
| 6 | RHEEMS NURSING AND REHABILITATION CENTER | 12/31/2013 | 12/31/2012 | 12/31/2011 |
| 6 | SAINT ANNE'S RETIREMENT COMMUNITY | 6/30/2014 | 6/30/2013 | 6/30/2012 |
| 6 | SAINT MARY'S AT ASBURY RIDGE | 12/31/2013 | 12/31/2012 | 12/31/2011 |
| 6 | SAINT MARY'S VILLA NURSING HOME, INC | 12/31/2013 | 12/31/2012 | 12/31/2011 |
| 6 | SARAH A TODD MEMORIAL HOME | 12/31/2013 | 12/31/2012 | 12/31/2011 |
| 6 | SARAH REED SENIOR LIVING | 6/30/2014 | 6/30/2013 | 6/30/2012 |
| 6 | SCRANTON HEALTH CARE CENTER | 12/31/2014 | 12/31/2013 | 12/31/2012 |
| 6 | SMITH HEALTH CARE, LTD | 6/30/2014 | 6/30/2013 | 6/30/2012 |
| 6 | SPANG CREST MANOR | 12/31/2013 | 12/31/2012 | 12/31/2011 |
| 6 | SPIRITRUST LUTHERAN VLG AT SHREWSBURY | 12/31/2013 | 12/31/2012 | 12/31/2011 |
| 6 | SPIRITRUST LUTHERAN VLG AT SPRENKLE DRIVE | 12/31/2013 | 12/31/2012 | 12/31/2011 |
| 6 | SPIRITRUST LUTHERAN VLG AT UTZ TERRACE | 12/31/2013 | 12/31/2012 | 12/31/2011 |
| 6 | ST. LUKE'S VILLA | 6/30/2014 | 6/30/2013 | 6/30/2012 |
| 6 | STONEBRIDGE HEALTH AND REHAB CENTER | 12/31/2013 | 12/31/2012 | 12/31/2011 |
| 6 | STONERIDGE POPLAR RUN | 12/31/2013 | 12/31/2012 | 12/31/2011 |
| 6 | SWAIM HEALTH CENTER | 12/31/2013 | 12/31/2012 | 12/31/2011 |
| 6 | THE MANOR AT ST LUKE VILLAGE | 12/31/2013 | 12/31/2012 | 12/31/2011 |
| 6 | THORNWALD HOME | 12/31/2013 | 12/31/2012 | 12/31/2011 |
| 6 | TWIN OAKS HEALTH AND REHAB CENTER | 12/31/2013 | 12/31/2011 | 12/31/2010 |
| 6 | UNITED ZION RETIREMENT COMMUNITY | 12/31/2013 | 12/31/2012 | 12/31/2011 |
| 6 | VILLAGE AT LUTHER SQUARE | 12/31/2013 | 12/31/2012 | 12/31/2011 |
| 6 | WESTMINSTER VILLAGE | 12/31/2013 | 12/31/2012 | 12/31/2011 |
| 6 | WESTON REHABILITATION AND NURSING CENTER | 6/30/2012 | 6/30/2011 | 6/30/2010 |
| 6 | WYOMISSING HEALTH AND REHABILITATION CTR | 12/31/2013 | 12/31/2012 | 12/31/2011 |
| 6 | ZERBE SISTERS NURSING CENTER, INC. | 6/30/2014 | 6/30/2013 | 6/30/2012 |

| | | | |
|-------------------|---------------------------|----------------------------|-----------------------|
| <i>PG6 Median</i> | <i>Resident Care 5.12</i> | <i>Other Resident Rltd</i> | <i>Administrative</i> |
| | \$146.31 | \$47.86 | \$27.01 |
| <i>PG6 Price</i> | <i>Resident Care 5.12</i> | <i>Other Resident Rltd</i> | <i>Administrative</i> |
| | \$171.18 | \$53.60 | \$28.09 |

| <i>Median Peer Group</i> | <i>Current Provider Name</i> | <i>Most Recent Cost Report End Date</i> | <i>Second Most Recent Cost Report End Date</i> | <i>Third Most Recent Cost Report End Date</i> |
|--------------------------|--|---|--|---|
| 8 | ALTOONA CENTER FOR NURSING CARE | 12/31/2013 | 12/31/2012 | 12/31/2011 |
| 8 | ARBUTUS PARK MANOR | 6/30/2014 | 6/30/2013 | 6/30/2012 |
| 8 | CHURCH OF THE BRETHREN HOME | 6/30/2014 | 6/30/2013 | 6/30/2012 |
| 8 | GARVEY MANOR | 12/31/2013 | 12/31/2012 | 12/31/2011 |
| 8 | GOLDEN LIVINGCENTER-HILLVIEW | 12/31/2013 | 12/31/2012 | 12/31/2011 |
| 8 | HEARTHIDE REHAB AND NURSING CENTER, THE | 12/31/2013 | 12/31/2012 | 12/31/2011 |
| 8 | HOMEWOOD AT MARTINSBURG PA INC | 12/31/2013 | 12/31/2012 | 12/31/2011 |
| 8 | LAUREL WOOD CARE CENTER | 12/31/2013 | 12/31/2012 | 12/31/2011 |
| 8 | LOYALSOCK CREEK REHAB AND NURSING CTR | 12/31/2013 | 12/31/2012 | 12/31/2011 |
| 8 | MANORCARE HEALTH SVCS-JERSEY SHORE | 12/31/2013 | 12/31/2012 | 12/31/2011 |
| 8 | MANORCARE HEALTH SVCS-WILLIAMSPORT NORTH | 12/31/2013 | 12/31/2012 | 12/31/2011 |
| 8 | MEADOW VIEW NURSING CENTER | 6/30/2014 | 6/30/2013 | 6/30/2012 |
| 8 | MORRISONS COVE HOME | 12/31/2013 | 12/31/2012 | 12/31/2011 |
| 8 | ORCHARD MANOR, INC | 6/30/2014 | 6/30/2013 | 6/30/2012 |
| 8 | ROSE VIEW CENTER | 6/30/2014 | 6/30/2013 | 6/30/2012 |
| 8 | SAINT PAUL HOMES | 12/31/2013 | 12/31/2012 | 12/31/2011 |

| <i>Median Peer Group</i> | <i>Current Provider Name</i> | <i>Most Recent Cost Report End Date</i> | <i>Second Most Recent Cost Report End Date</i> | <i>Third Most Recent Cost Report End Date</i> |
|--------------------------|--|---|--|---|
| 8 | SIEMONS' LAKEVIEW MANOR NSG AND REHAB | 12/31/2013 | 12/31/2012 | 6/30/2011 |
| 8 | VALLEY VIEW NURSING CENTER | 12/31/2013 | 12/31/2012 | 12/31/2011 |
| 8 | WHITE CLIFF HEALTH AND REHAB CENTER | 12/31/2013 | 12/31/2011 | 12/31/2010 |
| 8 | WILLIAMSPORT HOME, THE | 12/31/2013 | 12/31/2012 | 12/31/2011 |
| 8 | WINDY HILL VILLAGE OF PRESBYTERIAN HOMES | 12/31/2013 | 12/31/2012 | 12/31/2011 |
| <i>PG8 Median</i> | <i>Resident Care 5.12</i> | <i>Other Resident Rltd</i> | <i>Administrative</i> | |
| | \$124.32 | \$45.92 | \$22.81 | |
| <i>PG8 Price</i> | <i>Resident Care 5.12</i> | <i>Other Resident Rltd</i> | <i>Administrative</i> | |
| | \$145.45 | \$51.43 | \$23.72 | |

| <i>Median Peer Group</i> | <i>Current Provider Name</i> | <i>Most Recent Cost Report End Date</i> | <i>Second Most Recent Cost Report End Date</i> | <i>Third Most Recent Cost Report End Date</i> |
|--------------------------|--|---|--|---|
| 9 | AVALON SPRINGS NURSING CENTER | 12/31/2013 | 12/31/2012 | 12/31/2011 |
| 9 | CLEPPER MANOR | 12/31/2013 | 12/31/2012 | 12/31/2011 |
| 9 | COUNTRYSIDE CONVAL HOME LTD PARTNERSHIP | 6/30/2014 | 6/30/2013 | 6/30/2012 |
| 9 | EPWORTH MANOR | 12/31/2013 | 12/31/2012 | 12/31/2011 |
| 9 | GOLDEN LIVINGCENTER-HAIDA | 12/31/2013 | 12/31/2012 | 12/31/2011 |
| 9 | GOLDEN LIVINGCENTER-MEYERSDALE | 12/31/2013 | 12/31/2012 | 12/31/2011 |
| 9 | GOLDEN LIVINGCENTER-RICHLAND | 12/31/2013 | 12/31/2012 | 12/31/2011 |
| 9 | GROVE MANOR | 6/30/2014 | 6/30/2013 | 6/30/2012 |
| 9 | HOSPITALITY CARE CENTER OF HERMITAGE INC | 12/31/2014 | 12/31/2013 | 12/31/2012 |
| 9 | LAUREL VIEW VILLAGE | 6/30/2014 | 6/30/2013 | 6/30/2012 |
| 9 | LUTHERAN HOME AT HOLLIDAYSBURG, THE | 12/31/2013 | 12/31/2012 | 12/31/2011 |
| 9 | LUTHERAN HOME AT JOHNSTOWN, THE | 12/31/2013 | 12/31/2012 | 12/31/2011 |
| 9 | MANORCARE HEALTH SVCS-WILLIAMSPORT SOUTH | 12/31/2013 | 12/31/2012 | 12/31/2011 |
| 9 | MAPLE WINDS CARE CENTER | 12/31/2013 | 12/31/2012 | 12/31/2011 |
| 9 | NUGENT CONVALESCENT HOME | 12/31/2013 | 12/31/2012 | 12/31/2011 |
| 9 | PRESBYTERIAN HOME OF GREATER JOHNSTOWN | 12/31/2013 | 12/31/2012 | 12/31/2011 |
| 9 | PRESBYTERIAN HOMES-PRESBYTERY-HUNTINGDON | 12/31/2013 | 12/31/2012 | 12/31/2011 |
| 9 | SAINT JOHN XXIII HOME | 12/31/2014 | 12/31/2013 | 12/31/2012 |
| 9 | THE PATRIOT, A CHOICE COMMUNITY | 12/31/2013 | 12/31/2012 | 12/31/2011 |
| 9 | TRINITY LIVING CENTER | 6/30/2014 | 6/30/2013 | 6/30/2012 |
| <i>PG9 Median</i> | <i>Resident Care 5.12</i> | <i>Other Resident Rltd</i> | <i>Administrative</i> | |
| | \$113.72 | \$42.60 | \$20.72 | |
| <i>PG9 Price</i> | <i>Resident Care 5.12</i> | <i>Other Resident Rltd</i> | <i>Administrative</i> | |
| | \$133.05 | \$47.71 | \$21.55 | |

| <i>Median Peer Group</i> | <i>Current Provider Name</i> | <i>Most Recent Cost Report End Date</i> | <i>Second Most Recent Cost Report End Date</i> | <i>Third Most Recent Cost Report End Date</i> |
|--------------------------|---|---|--|---|
| 11 | BROAD ACRES HEALTH AND REHAB CENTER | 12/31/2013 | 12/31/2012 | 12/31/2011 |
| 11 | BROAD MOUNTAIN NURSING AND REHAB CENTER | 6/30/2014 | 6/30/2013 | 6/30/2012 |
| 11 | CHRIST THE KING MANOR | 6/30/2014 | 6/30/2013 | 6/30/2012 |
| 11 | CLARVIEW NURSING AND REHAB CENTER | 12/31/2013 | 12/31/2012 | 12/31/2011 |
| 11 | DUBOIS NURSING HOME | 6/30/2014 | 6/30/2013 | 6/30/2012 |
| 11 | ELK HAVEN NURSING HOME | 6/30/2014 | 6/30/2013 | 6/30/2012 |
| 11 | ELLEN MEMORIAL HEALTH CARE CENTER | 6/30/2014 | 6/30/2013 | 6/30/2012 |
| 11 | FOREST CITY NURSING AND REHAB CENTER | 12/31/2014 | 12/31/2013 | 12/31/2012 |
| 11 | GOLDEN HILL NURSING AND REHAB | 6/30/2013 | 6/30/2012 | 6/30/2011 |
| 11 | GOLDEN LIVINGCENTER-SHIPPENVILLE | 12/31/2013 | 12/31/2012 | 12/31/2011 |
| 11 | GOLDEN LIVINGCENTER-STROUD | 12/31/2013 | 12/31/2012 | 12/31/2011 |
| 11 | GOLDEN LIVINGCENTER-WILLIAM PENN | 12/31/2013 | 12/31/2012 | 12/31/2011 |
| 11 | GRANDVIEW HEALTH HOMES, INC | 6/30/2014 | 6/30/2013 | 6/30/2012 |
| 11 | GREEN HOME, INC, THE | 6/30/2014 | 6/30/2013 | 6/30/2012 |
| 11 | HIGHLANDS CARE CENTER, THE | 12/31/2013 | 12/31/2012 | 12/31/2011 |
| 11 | HOMETOWN NURSING AND REHAB CENTER | 12/31/2014 | 12/31/2013 | 12/31/2012 |
| 11 | JEFFERSON MANOR HEALTH CENTER | 6/30/2014 | 6/30/2013 | 6/30/2012 |
| 11 | JULIA POUND CARE CENTER | 12/31/2013 | 12/31/2012 | 12/31/2011 |

| <i>Median Peer Group</i> | <i>Current Provider Name</i> | <i>Most Recent Cost Report End Date</i> | <i>Second Most Recent Cost Report End Date</i> | <i>Third Most Recent Cost Report End Date</i> |
|--------------------------|--|---|--|---|
| 11 | JULIA RIBAUDO EXTENDED CARE CENTER | 12/31/2014 | 12/31/2013 | 12/31/2012 |
| 11 | KITTANNING CARE CENTER | 12/31/2013 | 12/31/2012 | 12/31/2011 |
| 11 | MANORCARE HEALTH SVCS-CHAMBERSBURG | 12/31/2013 | 12/31/2012 | 12/31/2011 |
| 11 | MANORCARE HEALTH SVCS-POTTSVILLE | 12/31/2013 | 12/31/2012 | 12/31/2011 |
| 11 | MANORCARE HEALTH SVCS-SUNBURY | 12/31/2013 | 12/31/2012 | 12/31/2011 |
| 11 | MENNO-HAVEN, INC. | 12/31/2013 | 12/31/2012 | 12/31/2011 |
| 11 | MILTON NURSING AND REHABILITATION CENTER | 6/30/2011 | 6/30/2010 | 6/30/2009 |
| 11 | MOUNT CARMEL NURSING AND REHAB CENTER | 12/31/2014 | 12/31/2013 | 12/31/2012 |
| 11 | MOUNTAIN LAUREL NRC | 6/30/2014 | 6/30/2013 | 6/30/2012 |
| 11 | NOTTINGHAM VILLAGE | 12/31/2013 | 12/31/2012 | 12/31/2011 |
| 11 | OAKWOOD HEIGHTS | 12/31/2013 | 12/31/2012 | 12/31/2011 |
| 11 | OHESON MANOR | 12/31/2013 | 12/31/2012 | 12/31/2011 |
| 11 | ORWIGSBURG CENTER | 6/30/2014 | 6/30/2013 | 6/30/2012 |
| 11 | PENNKNOX VILLAGE | 12/31/2013 | 12/31/2012 | 12/31/2011 |
| 11 | QUINCY RETIREMENT COMMUNITY | 12/31/2013 | 12/31/2012 | 12/31/2011 |
| 11 | RIDGEVIEW ELDER CARE REHAB CENTER | 12/31/2013 | 12/31/2012 | 12/31/2011 |
| 11 | RIVERWOODS | 12/31/2013 | 12/31/2012 | 12/31/2011 |
| 11 | ROLLING FIELDS, INC | 12/31/2013 | 12/31/2012 | 12/31/2011 |
| 11 | ROLLING MEADOWS | 6/30/2014 | 6/30/2013 | 6/30/2012 |
| 11 | SCHUYLKILL CENTER | 6/30/2014 | 6/30/2013 | 6/30/2012 |
| 11 | SENA-KEAN MANOR | 12/31/2013 | 12/31/2012 | 12/31/2011 |
| 11 | SETON MANOR INC | 6/30/2014 | 6/30/2013 | 6/30/2012 |
| 11 | SHENANDOAH MANOR NURSING CENTER | 12/31/2014 | 12/31/2013 | 12/31/2012 |
| 11 | SUGAR CREEK STATION SKILLED NSG & REHAB | 12/31/2013 | 12/31/2012 | 12/31/2011 |
| 11 | SWEDEN VALLEY MANOR | 12/31/2014 | 12/31/2013 | 12/31/2012 |
| 11 | THE MANOR AT PENN VILLAGE | 12/31/2013 | 12/31/2012 | 12/31/2011 |
| 11 | TRANSITIONS HEALTHCARE GETTYSBURG | 12/31/2013 | 12/31/2012 | 12/31/2010 |
| 11 | TREMONT HEALTH AND REHABILITATION CENTER | 6/30/2014 | 6/30/2013 | 6/30/2012 |
| 11 | VALLEY VIEW HAVEN, INC | 12/31/2013 | 12/31/2012 | 12/31/2011 |
| 11 | WARREN MANOR | 12/31/2014 | 12/31/2013 | 12/31/2012 |
| 11 | WATSONTOWN NURSING AND REHAB CENTER | 6/30/2011 | 6/30/2010 | 6/30/2009 |
| 11 | WAYNE WOODLANDS MANOR | 6/30/2014 | 6/30/2013 | 6/30/2012 |
| 11 | WESBURY UNITED METHODIST COMMUNITY | 12/31/2013 | 12/31/2012 | 12/31/2011 |
| 11 | WOODLAND RETIREMENT COMMUNITY | 12/31/2013 | 12/31/2012 | 12/31/2011 |
| <i>PG11 Median</i> | <i>Resident Care 5.12</i> | <i>Other Resident Rltd</i> | <i>Administrative</i> | |
| | \$121.57 | \$42.15 | \$20.96 | |
| <i>PG11 Price</i> | <i>Resident Care 5.12</i> | <i>Other Resident Rltd</i> | <i>Administrative</i> | |
| | \$142.24 | \$47.21 | \$21.80 | |

| <i>Median Peer Group</i> | <i>Current Provider Name</i> | <i>Most Recent Cost Report End Date</i> | <i>Second Most Recent Cost Report End Date</i> | <i>Third Most Recent Cost Report End Date</i> |
|--------------------------|--|---|--|---|
| 12 | AVALON NURSING CENTER | 6/30/2014 | 6/30/2013 | 6/30/2012 |
| 12 | BEACON RIDGE, A CHOICE COMMUNITY | 12/31/2013 | 12/31/2012 | 12/31/2011 |
| 12 | BRADFORD ECUMENICAL HOME, INC | 12/31/2013 | 12/31/2012 | 12/31/2011 |
| 12 | BRADFORD MANOR | 12/31/2014 | 12/31/2013 | 12/31/2012 |
| 12 | BROOKLINE MANOR AND REHABILITATIVE SRVCS | 12/31/2013 | 12/31/2012 | 12/31/2011 |
| 12 | BROOKMONT HEALTHCARE CENTER LLC | 12/31/2013 | 12/31/2012 | 12/31/2011 |
| 12 | BUFFALO VALLEY LUTHERAN VILLAGE | 12/31/2013 | 12/31/2012 | 12/31/2011 |
| 12 | CARING PLACE, THE | 6/30/2014 | 6/30/2013 | 6/30/2012 |
| 12 | CARLETON SENIOR CARE AND REHAB CENTER | 12/31/2013 | 12/31/2012 | 12/31/2011 |
| 12 | DARWAY ELDER CARE REHABILITATION CENTER | 12/31/2013 | 12/31/2012 | 12/31/2011 |
| 12 | DONAHOE MANOR | 6/30/2014 | 6/30/2013 | 6/30/2012 |
| 12 | DR ARTHUR CLIFTON MCKINLEY HEALTH CENTER | 6/30/2014 | 6/30/2013 | 6/30/2012 |
| 12 | EDISON MANOR NURSING AND REHAB CENTER | 12/31/2014 | 12/31/2013 | 12/31/2012 |
| 12 | EMMANUEL CENTER FOR NURSING AND REHAB | 12/31/2013 | 12/31/2012 | 12/31/2011 |
| 12 | FRIENDLY NURSING HOME-PITMAN | 6/30/2014 | 6/30/2013 | 6/30/2012 |
| 12 | GETTYSBURG CENTER | 6/30/2014 | 6/30/2013 | 6/30/2012 |
| 12 | GOLDEN LIVINGCENTER-CLARION | 12/31/2013 | 12/31/2012 | 12/31/2011 |
| 12 | GOLDEN LIVINGCENTER-GETTYSBURG | 12/31/2013 | 12/31/2012 | 12/31/2011 |

| <i>Median Peer Group</i> | <i>Current Provider Name</i> | <i>Most Recent Cost Report End Date</i> | <i>Second Most Recent Cost Report End Date</i> | <i>Third Most Recent Cost Report End Date</i> |
|--------------------------|--|---|--|---|
| 12 | GOLDEN LIVINGCENTER-KINZUA | 12/31/2013 | 12/31/2012 | 12/31/2011 |
| 12 | GOLDEN LIVINGCENTER-MANSION | 12/31/2013 | 12/31/2012 | 12/31/2011 |
| 12 | GOLDEN LIVINGCENTER-OIL CITY | 12/31/2013 | 12/31/2012 | 12/31/2011 |
| 12 | GOLDEN LIVINGCENTER-TITUSVILLE | 12/31/2013 | 12/31/2012 | 12/31/2011 |
| 12 | GOLDEN LIVINGCENTER-WAYNESBURG | 12/31/2013 | 12/31/2012 | 12/31/2011 |
| 12 | GOLDEN LIVINGCENTER-YORK TERRACE | 12/31/2013 | 12/31/2012 | 12/31/2011 |
| 12 | GUY AND MARY FELT MANOR, INC | 6/30/2014 | 6/30/2013 | 6/30/2012 |
| 12 | HAVEN CONVALESCENT HOME, INC | 12/31/2013 | 12/31/2012 | 12/31/2011 |
| 12 | HIGHLAND VIEW HEALTHCARE & REHAB CENTER | 12/31/2013 | 12/31/2012 | 12/31/2011 |
| 12 | HILLSDALE REHABILITATION AND NURSING CTR | 12/31/2013 | 12/31/2012 | 12/31/2011 |
| 12 | HUNTINGDON HILLS REHAB & NURSING CENTER | 6/30/2014 | 6/30/2013 | 6/30/2012 |
| 12 | JAMESON CARE CENTER | 12/31/2013 | 12/31/2012 | 12/31/2011 |
| 12 | LAKEVIEW SENIOR CARE AND LIVING CENTER | 12/31/2013 | 12/31/2012 | 12/31/2011 |
| 12 | LAUREL CARE NURSING AND REHAB CENTER | 12/31/2013 | 12/31/2012 | 12/31/2011 |
| 12 | LOCUST GROVE RETIREMENT VILLAGE | 12/31/2013 | 12/31/2012 | 12/31/2011 |
| 12 | LUTHERAN HOME AT KANE, THE | 12/31/2013 | 12/31/2012 | 12/31/2011 |
| 12 | MEADOW VIEW HEALTHCARE & REHAB CENTER | 12/31/2013 | 12/31/2012 | 12/31/2011 |
| 12 | MULBERRY SQUARE | 12/31/2013 | 12/31/2012 | 12/31/2011 |
| 12 | OVERLOOK HEALTH AND REHAB CENTER | 12/31/2013 | 12/31/2011 | 12/31/2010 |
| 12 | PARK AVENUE REHAB AND NURSING CENTER | 12/31/2013 | 12/31/2012 | 12/31/2011 |
| 12 | PAVILION AT BRMC | 6/30/2014 | 6/30/2013 | 6/30/2012 |
| 12 | PENN HALL AT MENNO HAVEN | 12/31/2013 | 12/31/2012 | 12/31/2011 |
| 12 | RICHFIELD SENIOR LIVING AND REHAB CENTE | 12/31/2013 | 12/31/2012 | 12/31/2011 |
| 12 | RIDGEVIEW HEALTHCARE & REHAB CENTER, LLC | 12/31/2013 | 12/31/2012 | 12/31/2010 |
| 12 | ROLLING HILLS MANOR | 12/31/2013 | 12/31/2012 | 12/31/2011 |
| 12 | SAYRE HEALTH CARE CENTER, LLC | 6/30/2014 | 6/30/2013 | 6/30/2011 |
| 12 | SCENERY HILL HEALTHCARE & REHAB CENTER | 12/31/2013 | 12/31/2012 | 12/31/2011 |
| 12 | SHENANGO PRESBYTERIAN SENIORCARE | 12/31/2013 | 12/31/2012 | 12/31/2011 |
| 12 | SHOOK HOME, THE | 12/31/2013 | 12/31/2012 | 12/31/2011 |
| 12 | SILVER OAKS HEALTH AND REHAB CENTER | 12/31/2013 | 12/31/2011 | 12/31/2010 |
| 12 | SNYDER MEMORIAL HEALTH CARE CENTER | 12/31/2013 | 12/31/2012 | 12/31/2011 |
| 12 | SPIRITRUST LUTHERAN VLG AT GETTYSBURG | 12/31/2013 | 12/31/2012 | 12/31/2011 |
| 12 | SUGAR CREEK REST | 6/30/2014 | 6/30/2013 | 6/30/2012 |
| 12 | WESTMINSTER WOODS AT HUNTINGDON | 12/31/2013 | 12/31/2012 | 12/31/2011 |
| 12 | WHITESTONE CARE CENTER | 12/31/2014 | 12/31/2013 | 12/31/2012 |

| | | | |
|--------------------|---------------------------|----------------------------|-----------------------|
| <i>PG12 Median</i> | <i>Resident Care 5.12</i> | <i>Other Resident Rltd</i> | <i>Administrative</i> |
| | \$118.24 | \$40.13 | \$21.89 |
| <i>PG12 Price</i> | <i>Resident Care 5.12</i> | <i>Other Resident Rltd</i> | <i>Administrative</i> |
| | \$138.34 | \$44.95 | \$22.77 |

| <i>Median Peer Group</i> | <i>Current Provider Name</i> | <i>Most Recent Cost Report End Date</i> | <i>Second Most Recent Cost Report End Date</i> | <i>Third Most Recent Cost Report End Date</i> |
|--------------------------|---------------------------------|---|--|---|
| 13 | ARISTACARE AT MEADOW SPRINGS | 6/30/2014 | 6/30/2013 | 6/30/2012 |
| 13 | FOX SUBACUTE AT CLARA BURKE | 12/31/2013 | 12/31/2012 | 12/31/2011 |
| 13 | FOX SUBACUTE AT MECHANICSBURG | 6/30/2014 | 6/30/2013 | 6/30/2012 |
| 13 | FOX SUBACUTE CENTER | 12/31/2013 | 12/31/2012 | 12/31/2011 |
| 13 | GOOD SHEPHERD HOME RAKER CENTER | 6/30/2014 | 6/30/2013 | 6/30/2012 |
| 13 | GOOD SHEPHERD HOME-BETHLEHEM | 6/30/2014 | 6/30/2013 | 6/30/2012 |
| 13 | INGLIS HOUSE | 6/30/2014 | 6/30/2013 | 6/30/2012 |
| 13 | MARGARET E. MOUL HOME | 6/30/2014 | 6/30/2013 | 6/30/2012 |

| | | | |
|--------------------|---------------------------|----------------------------|-----------------------|
| <i>PG13 Median</i> | <i>Resident Care 5.12</i> | <i>Other Resident Rltd</i> | <i>Administrative</i> |
| | \$221.35 | \$70.51 | \$48.00 |
| <i>PG13 Price</i> | <i>Resident Care 5.12</i> | <i>Other Resident Rltd</i> | <i>Administrative</i> |
| | \$258.98 | \$78.97 | \$49.92 |

| <i>Median Peer Group</i> | <i>Current Provider Name</i> | <i>Most Recent Cost Report End Date</i> | <i>Second Most Recent Cost Report End Date</i> | <i>Third Most Recent Cost Report End Date</i> |
|--------------------------|---------------------------------|---|--|---|
| 13 | GOOD SHEPHERD HOME RAKER CENTER | 6/30/2014 | 6/30/2013 | 6/30/2012 |
| 13 | GOOD SHEPHERD HOME-BETHLEHEM | 6/30/2014 | 6/30/2013 | 6/30/2012 |
| 13 | INGLIS HOUSE | 6/30/2014 | 6/30/2013 | 6/30/2012 |
| 13 | MARGARET E. MOUL HOME | 6/30/2014 | 6/30/2013 | 6/30/2012 |
| <i>PG13 Median</i> | <i>Resident Care 5.12</i> | <i>Other Resident Rltd</i> | <i>Administrative</i> | |
| | \$221.35 | \$92.51 | \$44.70 | |
| <i>PG13 Price</i> | <i>Resident Care 5.12</i> | <i>Other Resident Rltd</i> | <i>Administrative</i> | |
| | \$258.98 | \$103.61 | \$46.49 | |

| <i>Median Peer Group</i> | <i>Current Provider Name</i> | <i>Most Recent Cost Report End Date</i> | <i>Second Most Recent Cost Report End Date</i> | <i>Third Most Recent Cost Report End Date</i> |
|--------------------------|--|---|--|---|
| 14 | BARNES-KASSON COUNTY HOSPITAL SNF | 6/30/2014 | 6/30/2013 | 6/30/2012 |
| 14 | BERWICK RETIREMENT VILLAGE NRSNG CTR I | 6/30/2014 | 6/30/2013 | 6/30/2012 |
| 14 | BUCKTAIL MEDICAL CENTER | 6/30/2014 | 6/30/2013 | 6/30/2012 |
| 14 | CHARLES COLE MEMORIAL HOSPITAL ECF | 6/30/2014 | 6/30/2013 | 6/30/2012 |
| 14 | FULTON COUNTY MEDICAL CENTER LTCU | 6/30/2014 | 6/30/2013 | 6/30/2012 |
| 14 | GUTHRIE TOWANDA MEMORIAL HOSPITAL SNU | 6/30/2014 | 6/30/2013 | 6/30/2012 |
| 14 | HAVEN SKILLED REHABILITATION AND NURSING | 6/30/2014 | 6/30/2013 | 6/30/2012 |
| 14 | PINECREST MANOR | 6/30/2014 | 6/30/2013 | 6/30/2012 |
| 14 | ST LUKE'S REHABILITATION AND NURSING CTR | 6/30/2014 | 6/30/2013 | 6/30/2012 |
| 14 | SUMMIT AT BLUE MOUNTAIN NURSING & REHAB | 6/30/2014 | 6/30/2013 | 6/30/2012 |
| 14 | SUNBURY COMMUNITY HEALTH & REHAB CENTER | 12/31/2014 | 6/30/2013 | 6/30/2012 |
| 14 | SUSQUEHANNA HLTH SKILLED NSG & REHAB CTR | 6/30/2014 | 6/30/2013 | 6/30/2012 |
| 14 | WILLOWCREST | 6/30/2014 | 6/30/2013 | 6/30/2012 |
| <i>PG14 Median</i> | <i>Resident Care 5.12</i> | <i>Other Resident Rltd</i> | <i>Administrative</i> | |
| | \$153.24 | \$58.78 | \$25.25 | |
| <i>PG14 Price</i> | <i>Resident Care 5.12</i> | <i>Other Resident Rltd</i> | <i>Administrative</i> | |
| | \$179.29 | \$65.83 | \$26.26 | |

[Pa.B. Doc. No. 17-294. Filed for public inspection February 17, 2017, 9:00 a.m.]

Review of Appendices I and J of the Consolidated and Person/Family Directed Support Waivers

The purpose of this notice is to make available for public review and comment Appendices I and J of the Office of Developmental Programs' proposed renewals of the Consolidated and Person/Family Directed Support (P/FDS) Waivers (Waivers).

Background

Home-based and community-based waivers permitted under section 1915(c) of the Social Security Act (42 U.S.C.A. § 1396n(c)) are approved by the Centers for Medicare & Medicaid Services (CMS) for a 5-year renewal period. The current Waivers expire on June 30, 2017; therefore, the proposed renewals of the Waivers are to be submitted to CMS no later than March 30, 2017.

In the request for renewal of the Waivers, the Department of Human Services (Department) expects to propose the following substantive changes to Appendices I and J, effective July 1, 2017:

- The rate determination methods have been updated to include the following new proposed services for which a Medical Assistance Fee Schedule Rate will be set, effective July 1, 2017: Advanced Supported Employment; Community Participation Support; Music, Art and Equine

Assisted Therapy; Benefits Counseling; Communication Specialist; Consultative Nutritional Services; Housing Transition and Tenancy Sustaining Services; Family/Caregiver Training and Support (excluding training registration and fees) and Supported Living.

- Effective January 1, 2018, rates for the following services in the Consolidated waiver only will transition to the Medical Assistance Fee Schedule: Unlicensed and Licensed Residential Habilitation and Unlicensed and Licensed Life Sharing. When this occurs, Additional Individualized Staffing will no longer be available as a discrete service as it will be included in the rate for Residential Habilitation and Life Sharing Services.

- Effective January 1, 2018, transportation (per trip) will be the only service remaining that utilizes the cost-based methodology.

- The registration and fees for the new Family/Caregiver Training and Support Service will have an outcome-based payment for vendor goods and services effective July 1, 2017. In the P/FDS Waiver only, the new Participant Directed Goods and Services will also have an outcome-based payment for vendor goods and services effective July 1, 2017.

- The factors related to estimated annual average per capita Medicaid costs have been updated to reflect the most recent data available.

• To reflect consideration for differences in costs observed across this Commonwealth, the Department has established two geographical areas, effective July 1, 2017. The reduction from three areas to two was driven by Commonwealth-specific wage and population data compiled during the fee schedule market-based rate development process.

The proposed Appendices I and J for the Waivers are available at: http://www.dhs.pa.gov/provider/developmental_programs/2017waiverrenewals/.

Fiscal Impact

It is anticipated that there will be an additional \$399.413 million (\$192.477 million in State funds) cost to the Commonwealth in Fiscal Year (FY) 2017-2018 related to Appendices I and J of the Consolidated and P/FDS Waivers renewals as discussed in this public notice. For FY 2018-2019, the additional cost is estimated to be \$427.578 million (\$206.007 million in State funds).

Public Comment

Interested persons are invited to submit written comments regarding the proposed renewals of the Waivers. Comments should be addressed to the Department of Human Services, Office of Developmental Programs, Division of Provider Assistance and Rate Setting, 4th Floor, Health and Welfare Building, 625 Forster Street, Harrisburg, PA 17120. Comments may also be submitted to the Department at ra-ratesetting@pa.gov. Use the subject header "Appendices I and J." Comments received within 30 days of publication of this notice will be reviewed and considered for revisions to Appendices I and J of the proposed renewals of the Waivers.

Persons with a disability who require an auxiliary aid or service may submit comments using the Pennsylvania

AT&T Relay Service by dialing 7-1-1 or by using one of the following toll free numbers: (800) 654-5984 (TDD users), (800) 654-5988 (voice users), (844) 308-9292 (Speech-to-Speech) or (844) 308-9291 (Spanish).

Copies of this notice may be obtained at the local Mental Health/Intellectual Disability County Program, Administrative Entity or regional Office of Developmental Programs in the corresponding regions:

- *Western Region:* Piatt Place, Room 4900, 301 5th Avenue, Pittsburgh, PA 15222, (412) 565-5144
- *Northeast Region:* Room 315, Scranton State Office Building, 100 Lackawanna Avenue, Scranton, PA 18503, (570) 963-4749
- *Southeast Region:* 801 Market Street, Suite 5071, Philadelphia, PA 19107, (215) 560-2242 or (215) 560-2245
- *Central Region:* P.O. Box 2675, Harrisburg, PA 17105, (717) 772-6507

THEODORE DALLAS,
Secretary

Fiscal Note: 14-NOT-1116. (1) General Fund; (2) Implementing Year 2016-17 is \$0; (3) 1st Succeeding Year 2017-18 is \$192,477; 2nd Succeeding Year 2018-19 is \$206,007; 3rd Succeeding Year 2019-20 is \$211,294; 4th Succeeding Year 2020-21 is \$215,196; 5th Succeeding Year 2021-22 is \$215,196; (4) 2015-16 Program—\$1,202,683; 2014-15 Program—\$1,074,887; 2013-14 Program—\$1,026,790; (7) ID—Community Waiver Program; (8) recommends adoption. Funds have been included in the budget to cover this increase.

[Pa.B. Doc. No. 17-295. Filed for public inspection February 17, 2017, 9:00 a.m.]

DEPARTMENT OF LABOR AND INDUSTRY

Current Prevailing Wage Act Debarments

The following contractors have been determined to have intentionally violated the Pennsylvania Prevailing Wage Act (act) (43 P.S. §§ 165-1—165-17). This notice is published for the information and convenience of public bodies subject to the act. Under section 11(e) of the act (43 P.S. § 165-11(e)), no contracts for public work shall be awarded to these contractors, or either one of them, or any firms, corporations or partnerships in which either one of these contractors has an interest, for 3 years after the date listed.

| <i>Contractor</i> | <i>Address</i> | <i>Date of Debarment</i> |
|--|--------------------------------------|--------------------------|
| Chrystal Clean and More, Chrystal Nelson, individually FEIN No. 46-3844229 | 550 Chicora Road Butler, PA 16001 | 1/27/2016 |

KATHY M. MANDERINO,
Secretary

[Pa.B. Doc. No. 17-296. Filed for public inspection February 17, 2017, 9:00 a.m.]

DEPARTMENT OF MILITARY AND VETERANS AFFAIRS

Per Diem Rates at Pennsylvania State Veterans' Homes

The Department of Military and Veterans Affairs (Department) has established the following per diem rates for the costs of care for residents at Pennsylvania's six State Veterans' Homes. These rates are based on costs of care for the period July 1, 2015, to June 30, 2016. The

Department has implemented and will continue to implement cost-savings measures for the State Veterans' Homes, which are reflected in these per diem rates.

These per diem rates are effective January 1, 2017, until further notice.

| | |
|--|-------|
| <i>Hollidaysburg Veterans' Home, Hollidaysburg:</i> | |
| Nursing Care | \$421 |
| Personal Care (Domiciliary) | \$206 |
| <i>Pennsylvania Soldiers' and Sailors' Home, Erie:</i> | |
| Nursing Care | \$369 |
| Personal Care (Domiciliary) | \$187 |

Southeastern Veterans' Center, Spring City:

| | |
|-----------------------------|-------|
| Nursing Care | \$376 |
| Personal Care (Domiciliary) | \$225 |

Gino J. Merli Veterans' Center, Scranton:

| | |
|-----------------------------|-------|
| Nursing Care | \$400 |
| Personal Care (Domiciliary) | N/A |

Southwestern Veterans' Center, Pittsburgh:

| | |
|-----------------------------|-------|
| Nursing Care | \$387 |
| Personal Care (Domiciliary) | N/A |

Delaware Valley Veterans' Home, Philadelphia:

| | |
|-----------------------------|-------|
| Nursing Care | \$386 |
| Personal Care (Domiciliary) | \$174 |

ANTHONY J. CARRELLI,
Brigadier General,
Pennsylvania Air National Guard,
The Adjutant General

[Pa.B. Doc. No. 17-297. Filed for public inspection February 17, 2017, 9:00 a.m.]

DEPARTMENT OF REVENUE

Pennsylvania \$\$\$ Instant Lottery Game 1270

Under the State Lottery Law (72 P.S. §§ 3761-101—3761-314) and 61 Pa. Code § 819.203 (relating to notice of instant game rules), the Secretary of Revenue hereby provides public notice of the rules for the following instant lottery game:

1. *Name:* The name of the game is Pennsylvania \$\$\$ (hereinafter “\$\$\$”). The game number is PA-1270.

2. *Price:* The price of a \$\$\$ instant lottery game ticket is \$1.

3. *Play Symbols:* Each \$\$\$ instant lottery game ticket will contain one play area. The play area will contain a “WINNING NUMBER” area and a “YOUR NUMBERS” area. The play symbols and their captions located in the “WINNING NUMBER” area are: 1 (ONE), 2 (TWO), 3 (THREE), 4 (FOUR), 5 (FIVE), 6 (SIX), 7 (SEVEN), 8 (EIGHT), 9 (NINE), 10 (TEN), 11 (ELEVN), 12 (TWLV), 13 (THRTN), 14 (FORTN), 15 (FIFTN), 16 (SIXTN), 17 (SVNTN), 18 (EGHTN), 19 (NINTN) and 20 (TWENT). The play symbols and their captions located in the “YOUR NUMBERS” area are: 1 (ONE), 2 (TWO), 3 (THREE), 4 (FOUR), 5 (FIVE), 6 (SIX), 7 (SEVEN), 8 (EIGHT), 9 (NINE), 10 (TEN), 11 (ELEVN), 12 (TWLV), 13 (THRTN), 14 (FORTN), 15 (FIFTN), 16 (SIXTN), 17 (SVNTN), 18 (EGHTN), 19 (NINTN), 20 (TWENT) and a \$\$\$ (TRIPLE) symbol.

4. *Prize Symbols:* The prize symbols and their captions located in the “YOUR NUMBERS” area are: FREE (TICKET), \$1⁰⁰ (ONE DOL), \$2⁰⁰ (TWO DOL), \$3⁰⁰ (THR DOL), \$5⁰⁰ (FIV DOL), \$6⁰⁰ (SIX DOL), \$9⁰⁰ (NIN DOL), \$10⁰⁰ (TEN DOL), \$12⁰⁰ (TWELV), \$15⁰⁰ (FIFTN), \$20⁰⁰ (TWENTY), \$30⁰⁰ (THIRTY), \$50⁰⁰ (FIFTY), \$60⁰⁰ (SIXTY), \$90⁰⁰ (NINTY), \$100 (ONE HUN), \$300 (THR HUN), \$1,000 (ONE THO) and \$10,000 (TEN THO).

5. *Prizes:* The prizes that can be won in this game are: Free \$1 ticket, \$1, \$2, \$3, \$5, \$6, \$9, \$10, \$12, \$15, \$20, \$30, \$50, \$60, \$90, \$100, \$300, \$1,000 and \$10,000. A player can win up to 5 times on a ticket.

6. *Approximate Number of Tickets Printed For the Game:* Approximately 10,800,000 tickets will be printed for the \$\$\$ instant lottery game.

7. Determination of Prize Winners:

(a) Holders of tickets upon which any one of the “YOUR NUMBERS” play symbols matches the “WINNING NUMBER” play symbol and a prize symbol of \$10,000 (TEN THO) appears in the “prize” area under the matching “YOUR NUMBERS” play symbol, on a single ticket, shall be entitled to a prize of \$10,000.

(b) Holders of tickets upon which any one of the “YOUR NUMBERS” play symbols matches the “WINNING NUMBER” play symbol and a prize symbol of \$1,000 (ONE THO) appears in the “prize” area under the matching “YOUR NUMBERS” play symbol, on a single ticket, shall be entitled to a prize of \$1,000.

(c) Holders of tickets upon which any one of the “YOUR NUMBERS” play symbols is a \$\$\$ (TRIPLE) symbol, and a prize symbol of \$300 (THR HUN) appears in the “prize” area under that \$\$\$ (TRIPLE) symbol, on a single ticket, shall be entitled to a prize of \$900.

(d) Holders of tickets upon which any one of the “YOUR NUMBERS” play symbols matches the “WINNING NUMBER” play symbol and a prize symbol of \$300 (THR HUN) appears in the “prize” area under the matching “YOUR NUMBERS” play symbol, on a single ticket, shall be entitled to a prize of \$300.

(e) Holders of tickets upon which any one of the “YOUR NUMBERS” play symbols is a \$\$\$ (TRIPLE) symbol, and a prize symbol of \$100 (ONE HUN) appears in the “prize” area under that \$\$\$ (TRIPLE) symbol, on a single ticket, shall be entitled to a prize of \$300.

(f) Holders of tickets upon which any one of the “YOUR NUMBERS” play symbols is a \$\$\$ (TRIPLE) symbol, and a prize symbol of \$90⁰⁰ (NINTY) appears in the “prize” area under that \$\$\$ (TRIPLE) symbol, on a single ticket, shall be entitled to a prize of \$270.

(g) Holders of tickets upon which any one of the “YOUR NUMBERS” play symbols matches the “WINNING NUMBER” play symbol and a prize symbol of \$100 (ONE HUN) appears in the “prize” area under the matching “YOUR NUMBERS” play symbol, on a single ticket, shall be entitled to a prize of \$100.

(h) Holders of tickets upon which any one of the “YOUR NUMBERS” play symbols matches the “WINNING NUMBER” play symbol and a prize symbol of \$90⁰⁰ (NINTY) appears in the “prize” area under the matching “YOUR NUMBERS” play symbol, on a single ticket, shall be entitled to a prize of \$90.

(i) Holders of tickets upon which any one of the “YOUR NUMBERS” play symbols is a \$\$\$ (TRIPLE) symbol, and a prize symbol of \$30⁰⁰ (THIRTY) appears in the “prize” area under that \$\$\$ (TRIPLE) symbol, on a single ticket, shall be entitled to a prize of \$90.

(j) Holders of tickets upon which any one of the “YOUR NUMBERS” play symbols matches the “WINNING NUMBER” play symbol and a prize symbol of \$60⁰⁰ (SIXTY) appears in the “prize” area under the matching “YOUR NUMBERS” play symbol, on a single ticket, shall be entitled to a prize of \$60.

(k) Holders of tickets upon which any one of the “YOUR NUMBERS” play symbols is a \$\$\$ (TRIPLE) symbol, and a prize symbol of \$20.⁰⁰ (TWENTY) appears in the “prize” area under that \$\$\$ (TRIPLE) symbol, on a single ticket, shall be entitled to a prize of \$60.

(l) Holders of tickets upon which any one of the “YOUR NUMBERS” play symbols matches the “WINNING NUMBER” play symbol and a prize symbol of \$50.⁰⁰ (FIFTY) appears in the “prize” area under the matching “YOUR NUMBERS” play symbol, on a single ticket, shall be entitled to a prize of \$50.

(m) Holders of tickets upon which any one of the “YOUR NUMBERS” play symbols is a \$\$\$ (TRIPLE) symbol, and a prize symbol of \$15.⁰⁰ (FIFTEEN) appears in the “prize” area under that \$\$\$ (TRIPLE) symbol, on a single ticket, shall be entitled to a prize of \$45.

(n) Holders of tickets upon which any one of the “YOUR NUMBERS” play symbols matches the “WINNING NUMBER” play symbol and a prize symbol of \$30.⁰⁰ (THIRTY) appears in the “prize” area under the matching “YOUR NUMBERS” play symbol, on a single ticket, shall be entitled to a prize of \$30.

(o) Holders of tickets upon which any one of the “YOUR NUMBERS” play symbols is a \$\$\$ (TRIPLE) symbol, and a prize symbol of \$10.⁰⁰ (TEN DOL) appears in the “prize” area under that \$\$\$ (TRIPLE) symbol, on a single ticket, shall be entitled to a prize of \$30.

(p) Holders of tickets upon which any one of the “YOUR NUMBERS” play symbols matches the “WINNING NUMBER” play symbol and a prize symbol of \$20.⁰⁰ (TWENTY) appears in the “prize” area under the matching “YOUR NUMBERS” play symbol, on a single ticket, shall be entitled to a prize of \$20.

(q) Holders of tickets upon which any one of the “YOUR NUMBERS” play symbols matches the “WINNING NUMBER” play symbol and a prize symbol of \$15.⁰⁰ (FIFTEEN) appears in the “prize” area under the matching “YOUR NUMBERS” play symbol, on a single ticket, shall be entitled to a prize of \$15.

(r) Holders of tickets upon which any one of the “YOUR NUMBERS” play symbols is a \$\$\$ (TRIPLE) symbol, and a prize symbol of \$5.⁰⁰ (FIVE DOL) appears in the “prize” area under that \$\$\$ (TRIPLE) symbol, on a single ticket, shall be entitled to a prize of \$15.

(s) Holders of tickets upon which any one of the “YOUR NUMBERS” play symbols matches the “WINNING NUMBER” play symbol and a prize symbol of \$12.⁰⁰ (TWELVE) appears in the “prize” area under the matching “YOUR NUMBERS” play symbol, on a single ticket, shall be entitled to a prize of \$12.

(t) Holders of tickets upon which any one of the “YOUR NUMBERS” play symbols matches the “WINNING NUMBER” play symbol and a prize symbol of \$10.⁰⁰ (TEN DOL) appears in the “prize” area under the matching “YOUR NUMBERS” play symbol, on a single ticket, shall be entitled to a prize of \$10.

(u) Holders of tickets upon which any one of the “YOUR NUMBERS” play symbols matches the “WINNING NUMBER” play symbol and a prize symbol of \$9.⁰⁰ (NINE DOL) appears in the “prize” area under the match-

ing “YOUR NUMBERS” play symbol, on a single ticket, shall be entitled to a prize of \$9.

(v) Holders of tickets upon which any one of the “YOUR NUMBERS” play symbols is a \$\$\$ (TRIPLE) symbol, and a prize symbol of \$3.⁰⁰ (THREE DOL) appears in the “prize” area under that \$\$\$ (TRIPLE) symbol, on a single ticket, shall be entitled to a prize of \$9.

(w) Holders of tickets upon which any one of the “YOUR NUMBERS” play symbols matches the “WINNING NUMBER” play symbol and a prize symbol of \$6.⁰⁰ (SIX DOL) appears in the “prize” area under the matching “YOUR NUMBERS” play symbol, on a single ticket, shall be entitled to a prize of \$6.

(x) Holders of tickets upon which any one of the “YOUR NUMBERS” play symbols is a \$\$\$ (TRIPLE) symbol, and a prize symbol of \$2.⁰⁰ (TWO DOL) appears in the “prize” area under that \$\$\$ (TRIPLE) symbol, on a single ticket, shall be entitled to a prize of \$6.

(y) Holders of tickets upon which any one of the “YOUR NUMBERS” play symbols matches the “WINNING NUMBER” play symbol and a prize symbol of \$5.⁰⁰ (FIVE DOL) appears in the “prize” area under the matching “YOUR NUMBERS” play symbol, on a single ticket, shall be entitled to a prize of \$5.

(z) Holders of tickets upon which any one of the “YOUR NUMBERS” play symbols matches the “WINNING NUMBER” play symbol and a prize symbol of \$3.⁰⁰ (THREE DOL) appears in the “prize” area under the matching “YOUR NUMBERS” play symbol, on a single ticket, shall be entitled to a prize of \$3.

(aa) Holders of tickets upon which any one of the “YOUR NUMBERS” play symbols is a \$\$\$ (TRIPLE) symbol, and a prize symbol of \$1.⁰⁰ (ONE DOL) appears in the “prize” area under that \$\$\$ (TRIPLE) symbol, on a single ticket, shall be entitled to a prize of \$3.

(bb) Holders of tickets upon which any one of the “YOUR NUMBERS” play symbols matches the “WINNING NUMBER” play symbol and a prize symbol of \$2.⁰⁰ (TWO DOL) appears in the “prize” area under the matching “YOUR NUMBERS” play symbol, on a single ticket, shall be entitled to a prize of \$2.

(cc) Holders of tickets upon which any one of the “YOUR NUMBERS” play symbols matches the “WINNING NUMBER” play symbol and a prize symbol of \$1.⁰⁰ (ONE DOL) appears in the “prize” area under the matching “YOUR NUMBERS” play symbol, on a single ticket, shall be entitled to a prize of \$1.

(dd) Holders of tickets upon which any one of the “YOUR NUMBERS” play symbols matches the “WINNING NUMBER” play symbol and a prize symbol of FREE (TICKET) appears in the “prize” area under the matching “YOUR NUMBERS” play symbol, on a single ticket, shall be entitled to a prize of one \$\$\$ instant game ticket or one Pennsylvania Lottery instant game ticket of equivalent sale price which is currently on sale.

8. *Number and Description of Prizes and Approximate Odds:* The following table sets forth the approximate number of winners, amounts of prizes, and approximate odds of winning:

When Any Of Your Numbers Match The Winning Number, Win Prize Shown Under The Matching Number. Win With:

| | Win: | Approximate Odds Are 1 In: | Approximate No. Of Winners Per 10,800,000 Tickets |
|---|-----------------|----------------------------|---|
| FREE | FREE \$1 TICKET | 9.52 | 1,134,000 |
| \$1 x 2 | \$2 | 46.15 | 234,000 |
| \$2 | \$2 | 50 | 216,000 |
| \$1 x 3 | \$3 | 150 | 72,000 |
| \$2 + \$1 | \$3 | 300 | 36,000 |
| \$1 w/ \$\$\$ | \$3 | 50 | 216,000 |
| \$3 | \$3 | 100 | 108,000 |
| \$1 x 5 | \$5 | 3,000 | 3,600 |
| \$3 + \$2 | \$5 | 3,000 | 3,600 |
| (\$1 w/ \$\$\$) + (\$1 x 2) | \$5 | 1,500 | 7,200 |
| (\$1 w/ \$\$\$) + \$2 | \$5 | 1,500 | 7,200 |
| \$5 | \$5 | 3,000 | 3,600 |
| \$3 x 2 | \$6 | 3,000 | 3,600 |
| (\$1 w/ \$\$\$) + (\$1 x 3) | \$6 | 1,500 | 7,200 |
| (\$1 w/ \$\$\$) x 2 | \$6 | 500 | 21,600 |
| \$2 w/ \$\$\$ | \$6 | 300 | 36,000 |
| \$6 | \$6 | 3,000 | 3,600 |
| \$3 x 3 | \$9 | 3,000 | 3,600 |
| (\$2 w/ \$\$\$) + (\$1 w/ \$\$\$) | \$9 | 600 | 18,000 |
| (\$1 w/ \$\$\$) x 3 | \$9 | 600 | 18,000 |
| \$3 w/ \$\$\$ | \$9 | 300 | 36,000 |
| \$9 | \$9 | 750 | 14,400 |
| \$2 x 5 | \$10 | 3,000 | 3,600 |
| (\$1 w/ \$\$\$) x 2 + (\$2 x 2) | \$10 | 3,000 | 3,600 |
| (\$2 w/ \$\$\$) + (\$1 w/ \$\$\$) + \$1 | \$10 | 3,000 | 3,600 |
| (\$2 w/ \$\$\$) + (\$1 x 4) | \$10 | 3,000 | 3,600 |
| \$10 | \$10 | 3,000 | 3,600 |
| \$6 x 2 | \$12 | 3,000 | 3,600 |
| (\$3 w/ \$\$\$) + (\$1 w/ \$\$\$) | \$12 | 3,000 | 3,600 |
| (\$1 w/ \$\$\$) x 4 | \$12 | 3,000 | 3,600 |
| (\$2 w/ \$\$\$) x 2 | \$12 | 3,000 | 3,600 |
| \$12 | \$12 | 3,000 | 3,600 |
| \$3 x 5 | \$15 | 3,000 | 3,600 |
| \$5 x 3 | \$15 | 3,000 | 3,600 |
| (\$3 w/ \$\$\$) + (\$2 w/ \$\$\$) | \$15 | 1,500 | 7,200 |
| (\$1 w/ \$\$\$) x 5 | \$15 | 1,500 | 7,200 |
| \$5 w/ \$\$\$ | \$15 | 1,500 | 7,200 |
| \$15 | \$15 | 3,000 | 3,600 |
| \$6 x 5 | \$30 | 4,800 | 2,250 |
| \$10 x 3 | \$30 | 4,800 | 2,250 |
| \$15 x 2 | \$30 | 4,800 | 2,250 |
| (\$2 w/ \$\$\$) x 5 | \$30 | 2,400 | 4,500 |
| (\$5 w/ \$\$\$) x 2 | \$30 | 2,400 | 4,500 |
| \$10 w/ \$\$\$ | \$30 | 685.71 | 15,750 |
| \$30 | \$30 | 4,800 | 2,250 |
| \$15 x 4 | \$60 | 24,000 | 450 |
| \$30 x 2 | \$60 | 24,000 | 450 |
| (\$15 w/ \$\$\$) + (\$5 w/ \$\$\$) | \$60 | 24,000 | 450 |
| (\$10 w/ \$\$\$) x 2 | \$60 | 24,000 | 450 |
| \$20 w/ \$\$\$ | \$60 | 24,000 | 450 |
| \$60 | \$60 | 24,000 | 450 |
| \$30 x 3 | \$90 | 48,000 | 225 |
| (\$10 w/ \$\$\$) + (\$15 x 4) | \$90 | 48,000 | 225 |
| (\$20 w/ \$\$\$) + (\$10 w/ \$\$\$) | \$90 | 48,000 | 225 |
| (\$10 w/ \$\$\$) x 3 | \$90 | 48,000 | 225 |
| \$30 w/ \$\$\$ | \$90 | 48,000 | 225 |
| \$90 | \$90 | 48,000 | 225 |
| \$20 x 5 | \$100 | 120,000 | 90 |
| (\$30 w/ \$\$\$) + (\$5 x 2) | \$100 | 120,000 | 90 |
| \$100 | \$100 | 120,000 | 90 |
| \$60 x 5 | \$300 | 1,080,000 | 10 |
| (\$90 w/ \$\$\$) + (\$10 w/ \$\$\$) | \$300 | 1,080,000 | 10 |
| \$100 w/ \$\$\$ | \$300 | 1,080,000 | 10 |

When Any Of Your Numbers Match The Winning Number, Win Prize Shown Under The Matching Number. Win With:

| | Win: | Approximate Odds Are 1 In: | Approximate No. Of Winners Per 10,800,000 Tickets |
|--------------------------------|----------|----------------------------|---|
| \$300 | \$300 | 1,080,000 | 10 |
| (\$300 w/ \$\$\$) + (\$50 × 2) | \$1,000 | 1,080,000 | 10 |
| \$1,000 | \$1,000 | 1,080,000 | 10 |
| \$10,000 | \$10,000 | 1,080,000 | 10 |

Reveal a “\$\$\$” (TRIPLE) symbol, triple the prize shown under that symbol!

Prizes, including top prizes, are subject to availability at the time of purchase.

9. *Retailer Incentive Awards:* The Lottery may conduct a separate Retailer Incentive Program for retailers who sell \$\$\$ instant lottery game tickets.

10. *Retailer Bonus:* The Lottery may offer a retailer bonus in connection with the sale of Pennsylvania instant lottery game tickets. If a retailer bonus is offered, a Lottery retailer shall be eligible for a bonus as described in this section. Lottery retailers who sell a winning ticket that entitles the ticket holder to a prize, either payable in a single installment or having a guaranteed minimum payout, of at least \$100,000 and not exceeding \$500,000 shall be paid a bonus of \$500. Lottery retailers who sell a winning ticket that entitles the ticket holder to a prize, either payable in a single installment or having a guaranteed minimum payout, of at least \$500,001 and not exceeding \$1,000,000 shall be paid a bonus of \$5,000. Lottery retailers who sell a winning ticket that entitles the ticket holder to a prize, either payable in a single installment or having a guaranteed minimum payout, of at least \$1,000,001 and not exceeding \$10,000,000 shall be paid a bonus of \$10,000. A Lottery retailer is entitled only to the largest bonus for which he qualifies on a winning ticket. A bonus will be initiated for payment after the instant ticket is claimed and validated. A bonus will not be awarded to a Lottery retailer that sells a non-winning Pennsylvania Lottery instant ticket used to enter a Pennsylvania Lottery second-chance drawing or promotion that is subsequently selected to win a prize.

11. *Unclaimed Prize Money:* For a period of 1 year from the announced close of \$\$\$, prize money from winning \$\$\$ instant lottery game tickets will be retained by the Secretary for payment to the persons entitled thereto. If no claim is made within 1 year of the announced close of the \$\$\$ instant lottery game, the right of a ticket holder to claim the prize represented by the ticket, if any, will expire and the prize money will be paid into the State Lottery Fund and used for purposes provided for by statute.

12. *Governing Law:* In purchasing a ticket, the customer agrees to comply with and abide by the State Lottery Law (72 P.S. §§ 3761-101—3761-314), 61 Pa. Code Part V (relating to State Lotteries) and the provisions contained in this notice.

13. *Termination of the Game:* The Secretary may announce a termination date, after which no further tickets from this game may be sold. The announcement will be disseminated through media used to advertise or promote \$\$\$ or through normal communications methods.

EILEEN H. McNULTY,
Secretary

[Pa.B. Doc. No. 17-298. Filed for public inspection February 17, 2017, 9:00 a.m.]

Pennsylvania Bingo X10 Instant Lottery Game 1267

Under the State Lottery Law (72 P.S. §§ 3761-101—3761-314) and 61 Pa. Code § 819.203 (relating to notice of instant game rules), the Secretary of Revenue hereby provides public notice of the rules for the following instant lottery game:

1. *Name:* The name of the game is Pennsylvania Bingo X10 (hereinafter “Bingo X10”). The game number is PA-1267.

2. *Price:* The price of a Bingo X10 instant lottery game ticket is \$5.

3. *Play Symbols:*

(a) Each Bingo X10 instant lottery game ticket will contain ten play areas designated as “CARD 1,” “CARD 2,” “CARD 3,” “CARD 4,” “CARD 5,” “CARD 6,” “CARD 7,” “CARD 8,” “CARD 9” and “CARD 10.” A player may win more than one time on a ticket; however a player may only win one prize on each “CARD.” Each “CARD” will consist of 25 spaces on a 5 by 5 grid. The 77 play symbols located in the ten play areas are: The numbers 1 through 75, an “X10” symbol and a “FREE” symbol. The “FREE” symbol is a free space. The “X10” symbol found on each “CARD” is also a free space and when it appears in any winning pattern, the prize for that win is multiplied by 10.

(b) Each ticket will also contain a “CALLER’S CARD” area. The “CALLER’S CARD” area will consist of 30 spaces. The play symbols that may be located in each space on the grid are: The letter B with a number 1 through 15; the letter I with a number 16 through 30; the letter N with a number 31 through 45; the letter G with a number 46 through 60; the letter O with a number 61 through 75; and a \$10 Bill (WIN10) symbol.

4. *Prizes:* The prizes that can be won in this game are: \$5, \$10, \$15, \$20, \$25, \$40, \$50, \$100, \$250, \$500, \$1,000, \$5,000 and \$100,000. The player can win up to 5 times on a ticket.

5. *Approximate Number of Tickets Printed For the Game:* Approximately 14,400,000 tickets will be printed for the Bingo X10 instant lottery game.

6. *Determination of Prize Winners:*

(a) Holders of tickets matching the “CALLER’S CARD” play symbols in an “X” pattern, extending through the “FREE” space and through to each of the four corner spaces, on “CARD 10,” on a single ticket, shall be entitled to a prize of \$100,000.

(b) Holders of tickets matching the “CALLER’S CARD” play symbols to four spaces appearing in a diamond pattern, which includes the space appearing in the top horizontal row in the “N” column; the spaces appearing in the third horizontal row from the top in the “B” and “O”

columns; and the space appearing in the fifth horizontal row from the top in the "N" column on "CARD 10," on a single ticket, shall be entitled to a prize of \$5,000.

(c) Holders of tickets matching the "CALLER'S CARD" play symbols in an "X" pattern, extending through the "FREE" space and through to each of the four corner spaces, on "CARD 9," on a single ticket, shall be entitled to a prize of \$5,000.

(d) Holders of tickets matching the "CALLER'S CARD" play symbols in the four corners on "CARD 10," on a single ticket, shall be entitled to a prize of \$1,000.

(e) Holders of tickets matching the "CALLER'S CARD" play symbols to four spaces appearing in a diamond pattern, which includes the space appearing in the top horizontal row in the "N" column; the spaces appearing in the third horizontal row from the top in the "B" and "O" columns; and the space appearing in the fifth horizontal row from the top in the "N" column on "CARD 9," on a single ticket, shall be entitled to a prize of \$1,000.

(f) Holders of tickets matching the "CALLER'S CARD" play symbols in an "X" pattern, extending through the "FREE" space and through to each of the four corner spaces, on "CARD 7" or "CARD 8," on a single ticket, shall be entitled to a prize of \$1,000.

(g) Holders of tickets matching the "CALLER'S CARD" play symbols in a five-space horizontal, vertical or diagonal line on "CARD 10," on which the winning pattern contains an "X10" symbol, on a single ticket, shall be entitled to a prize of \$1,000.

(h) Holders of tickets matching the "CALLER'S CARD" play symbols in the four corners on "CARD 9," on a single ticket, shall be entitled to a prize of \$500.

(i) Holders of tickets matching the "CALLER'S CARD" play symbols in a five-space horizontal, vertical or diagonal line on "CARD 9," on which the winning pattern contains an "X10" symbol, on a single ticket, shall be entitled to a prize of \$500.

(j) Holders of tickets matching the "CALLER'S CARD" play symbols to four spaces appearing in a diamond pattern, which includes the space appearing in the top horizontal row in the "N" column; the spaces appearing in the third horizontal row from the top in the "B" and "O" columns; and the space appearing in the fifth horizontal row from the top in the "N" column on "CARD 8," on a single ticket, shall be entitled to a prize of \$500.

(k) Holders of tickets matching the "CALLER'S CARD" play symbols in an "X" pattern, extending through the "FREE" space and through to each of the four corner spaces, on "CARD 6," on a single ticket, shall be entitled to a prize of \$500.

(l) Holders of tickets matching the "CALLER'S CARD" play symbols in the four corners on "CARD 8," on a single ticket, shall be entitled to a prize of \$250.

(m) Holders of tickets matching the "CALLER'S CARD" play symbols to four spaces appearing in a diamond pattern, which includes the space appearing in the top horizontal row in the "N" column; the spaces appearing in the third horizontal row from the top in the "B" and "O" columns; and the space appearing in the fifth horizontal row from the top in the "N" column on "CARD 6" or "CARD 7," on a single ticket, shall be entitled to a prize of \$250.

(n) Holders of tickets matching the "CALLER'S CARD" play symbols in a five-space horizontal, vertical or diagonal

line on "CARD 7," on which the winning pattern contains an "X10" symbol, on a single ticket, shall be entitled to a prize of \$250.

(o) Holders of tickets matching the "CALLER'S CARD" play symbols in an "X" pattern, extending through the "FREE" space and through to each of the four corner spaces, on "CARD 5," on a single ticket, shall be entitled to a prize of \$250.

(p) Holders of tickets matching the "CALLER'S CARD" play symbols in a five-space horizontal, vertical or diagonal line on "CARD 10," on a single ticket, shall be entitled to a prize of \$100.

(q) Holders of tickets matching the "CALLER'S CARD" play symbols in the four corners on "CARD 7," on a single ticket, shall be entitled to a prize of \$100.

(r) Holders of tickets matching the "CALLER'S CARD" play symbols to four spaces appearing in a diamond pattern, which includes the space appearing in the top horizontal row in the "N" column; the spaces appearing in the third horizontal row from the top in the "B" and "O" columns; and the space appearing in the fifth horizontal row from the top in the "N" column on "CARD 5," on a single ticket, shall be entitled to a prize of \$100.

(s) Holders of tickets matching the "CALLER'S CARD" play symbols in an "X" pattern, extending through the "FREE" space and through to each of the four corner spaces, on "CARD 3" or "CARD 4," on a single ticket, shall be entitled to a prize of \$100.

(t) Holders of tickets matching the "CALLER'S CARD" play symbols in a five-space horizontal, vertical or diagonal line on "CARD 3" or "CARD 4," on which the winning pattern contains an "X10" symbol, on a single ticket, shall be entitled to a prize of \$100.

(u) Holders of tickets matching the "CALLER'S CARD" play symbols in a five-space horizontal, vertical or diagonal line on "CARD 9," on a single ticket, shall be entitled to a prize of \$50.

(v) Holders of tickets matching the "CALLER'S CARD" play symbols in the four corners on "CARD 6," on a single ticket, shall be entitled to a prize of \$50.

(w) Holders of tickets matching the "CALLER'S CARD" play symbols to four spaces appearing in a diamond pattern, which includes the space appearing in the top horizontal row in the "N" column; the spaces appearing in the third horizontal row from the top in the "B" and "O" columns; and the space appearing in the fifth horizontal row from the top in the "N" column on "CARD 4," on a single ticket, shall be entitled to a prize of \$50.

(x) Holders of tickets matching the "CALLER'S CARD" play symbols in a five-space horizontal, vertical or diagonal line on "CARD 1" or "CARD 2," on which the winning pattern contains an "X10" symbol, on a single ticket, shall be entitled to a prize of \$50.

(y) Holders of tickets matching the "CALLER'S CARD" play symbols in a five-space horizontal, vertical or diagonal line on "CARD 8," on a single ticket, shall be entitled to a prize of \$40.

(z) Holders of tickets matching the "CALLER'S CARD" play symbols in the four corners on "CARD 5," on a single ticket, shall be entitled to a prize of \$40.

(aa) Holders of tickets matching the "CALLER'S CARD" play symbols to four spaces appearing in a diamond pattern, which includes the space appearing in the top horizontal row in the "N" column; the spaces appearing in the third horizontal row from the top in the

“B” and “O” columns; and the space appearing in the fifth horizontal row from the top in the “N” column on “CARD 3,” on a single ticket, shall be entitled to a prize of \$40.

(bb) Holders of tickets matching the “CALLER’S CARD” play symbols in an “X” pattern, extending through the “FREE” space and through to each of the four corner spaces, on “CARD 2,” on a single ticket, shall be entitled to a prize of \$40.

(cc) Holders of tickets matching the “CALLER’S CARD” play symbols in a five-space horizontal, vertical or diagonal line on “CARD 7,” on a single ticket, shall be entitled to a prize of \$25.

(dd) Holders of tickets matching the “CALLER’S CARD” play symbols in the four corners on “CARD 4,” on a single ticket, shall be entitled to a prize of \$25.

(ee) Holders of tickets matching the “CALLER’S CARD” play symbols to four spaces appearing in a diamond pattern, which includes the space appearing in the top horizontal row in the “N” column; the spaces appearing in the third horizontal row from the top in the “B” and “O” columns; and the space appearing in the fifth horizontal row from the top in the “N” column on “CARD 2,” on a single ticket, shall be entitled to a prize of \$25.

(ff) Holders of tickets matching the “CALLER’S CARD” play symbols in an “X” pattern, extending through the “FREE” space and through to each of the four corner spaces, on “CARD 1,” on a single ticket, shall be entitled to a prize of \$25.

(gg) Holders of tickets matching the “CALLER’S CARD” play symbols in a five-space horizontal, vertical or diagonal line on “CARD 6,” on a single ticket, shall be entitled to a prize of \$20.

(hh) Holders of tickets matching the “CALLER’S CARD” play symbols in the four corners on “CARD 3,” on a single ticket, shall be entitled to a prize of \$20.

(ii) Holders of tickets matching the “CALLER’S CARD” play symbols in a five-space horizontal, vertical or diagonal line on “CARD 5,” on a single ticket, shall be entitled to a prize of \$15.

(jj) Holders of tickets matching the “CALLER’S CARD” play symbols in the four corners on “CARD 2,” on a single ticket, shall be entitled to a prize of \$15.

(kk) Holders of tickets matching the “CALLER’S CARD” play symbols to four spaces appearing in a diamond pattern, which includes the space appearing in the top horizontal row in the “N” column; the spaces appearing in the third horizontal row from the top in the “B” and “O” columns; and the space appearing in the fifth horizontal row from the top in the “N” column on “CARD 1,” on a single ticket, shall be entitled to a prize of \$15.

(ll) Holders of tickets matching the “CALLER’S CARD” play symbols in a five-space horizontal, vertical or diagonal line on “CARD 3” or “CARD 4,” on a single ticket, shall be entitled to a prize of \$10.

(mm) Holders of tickets matching the “CALLER’S CARD” play symbols in the four corners on “CARD 1,” on a single ticket, shall be entitled to a prize of \$10.

(nn) Holders of tickets with a \$10 Bill (WIN10) symbol in the “CALLER’S CARD” area, on a single ticket, shall be entitled to a prize of \$10.

(oo) Holders of tickets matching the “CALLER’S CARD” play symbols in a five-space horizontal, vertical or diagonal line on “CARD 1” or “CARD 2,” on a single ticket, shall be entitled to a prize of \$5.

7. *Number and Description of Prizes and Approximate Odds:* The following table sets forth the approximate number of winners, amounts of prizes, and approximate odds of winning:

Scratch The Caller’s Card Area, Then Scratch Only The Numbers On Bingo Cards 1—10 That Match Those Revealed in the Caller’s Card Area. When Each Matched Number On A Bingo Card Is Scratched, A White Background Will Be Revealed. When All Numbers Are Completely Matched In A Horizontal, Vertical Or Diagonal Line, Four Corners, Diamond Or An “X” Pattern On Any Individual Bingo Card, Win Prize Shown For The Matched Pattern In The Appropriate Legend Next To That Card. The Center Spot On Each Bingo Card Is A “FREE” Space. Win With:

| | Win: | Approximate Odds Are 1 In: | Approximate No. of Winners Per 14,400,000 Tickets |
|-------------------------------------|------|----------------------------|---|
| LINE CARD 1 | \$5 | 20 | 720,000 |
| LINE CARD 2 | \$5 | 16.22 | 888,000 |
| (LINE CARD 1) + (LINE CARD 2) | \$10 | 60 | 240,000 |
| \$10 w/ \$10 BILL | \$10 | 300 | 48,000 |
| FOUR CORNERS CARD 1 | \$10 | 60 | 240,000 |
| LINE CARD 3 | \$10 | 200 | 72,000 |
| LINE CARD 4 | \$10 | 120 | 120,000 |
| (LINE CARD 1) + (\$10 w/ \$10 BILL) | \$15 | 100 | 144,000 |
| (LINE CARD 2) + (\$10 w/ \$10 BILL) | \$15 | 120 | 120,000 |
| (LINE CARD 1) + (LINE CARD 3) | \$15 | 150 | 96,000 |
| (LINE CARD 1) + (LINE CARD 4) | \$15 | 600 | 24,000 |
| (LINE CARD 2) + (LINE CARD 3) | \$15 | 600 | 24,000 |
| (LINE CARD 2) + (LINE CARD 4) | \$15 | 600 | 24,000 |
| DIAMOND CARD 1 | \$15 | 600 | 24,000 |
| FOUR CORNERS CARD 2 | \$15 | 600 | 24,000 |
| LINE CARD 5 | \$15 | 600 | 24,000 |

Scratch The Caller's Card Area, Then Scratch Only The Numbers On Bingo Cards 1—10 That Match Those Revealed in the Caller's Card Area. When Each Matched Number On A Bingo Card Is Scratched, A White Background Will Be Revealed. When All Numbers Are Completely Matched In A Horizontal, Vertical Or Diagonal Line, Four Corners, Diamond Or An "X" Pattern On Any Individual Bingo Card, Win Prize Shown For The Matched Pattern In The Appropriate Legend Next To That Card. The Center Spot On Each Bingo Card Is A "FREE" Space. Win With:

| | Win: | Approximate Odds Are 1 In: | Approximate No. of Winners Per 14,400,000 Tickets |
|---|-------|----------------------------|---|
| (LINE CARD 1) + (LINE CARD 2) + (\$10 w/ \$10 BILL) | \$20 | 300 | 48,000 |
| (LINE CARD 3) + (\$10 w/ \$10 BILL) | \$20 | 600 | 24,000 |
| (LINE CARD 4) + (\$10 w/ \$10 BILL) | \$20 | 600 | 24,000 |
| (LINE CARD 1) + (LINE CARD 2) + (LINE CARD 3) | \$20 | 600 | 24,000 |
| (LINE CARD 1) + (LINE CARD 2) + (LINE CARD 4) | \$20 | 600 | 24,000 |
| (FOUR CORNERS CARD 1) + (LINE CARD 3) | \$20 | 600 | 24,000 |
| (FOUR CORNERS CARD 1) + (LINE CARD 4) | \$20 | 600 | 24,000 |
| FOUR CORNERS CARD 3 | \$20 | 600 | 24,000 |
| LINE CARD 6 | \$20 | 600 | 24,000 |
| (LINE CARD 1) + (LINE CARD 3) + (\$10 w/ \$10 BILL) | \$25 | 600 | 24,000 |
| (LINE CARD 2) + (LINE CARD 4) + (\$10 w/ \$10 BILL) | \$25 | 600 | 24,000 |
| (LINE CARD 5) + (\$10 w/ \$10 BILL) | \$25 | 600 | 24,000 |
| (LINE CARD 2) + (LINE CARD 6) | \$25 | 600 | 24,000 |
| (LINE CARD 3) + (LINE CARD 5) | \$25 | 600 | 24,000 |
| (FOUR CORNERS CARD 1) + (FOUR CORNERS CARD 2) | \$25 | 600 | 24,000 |
| "X" PATTERN CARD 1 | \$25 | 600 | 24,000 |
| DIAMOND CARD 2 | \$25 | 600 | 24,000 |
| FOUR CORNERS CARD 4 | \$25 | 600 | 24,000 |
| LINE CARD 7 | \$25 | 600 | 24,000 |
| (LINE CARD 1) + (LINE CARD 2) + (LINE CARD 3) + (LINE CARD 4) + (\$10 w/ \$10 BILL) | \$40 | 1,200 | 12,000 |
| (FOUR CORNERS CARD 1) + (LINE CARD 6) + (\$10 w/ \$10 BILL) | \$40 | 1,200 | 12,000 |
| (FOUR CORNERS CARD 2) + (FOUR CORNERS CARD 4) | \$40 | 12,000 | 1,200 |
| (FOUR CORNERS CARD 2) + (LINE CARD 7) | \$40 | 12,000 | 1,200 |
| "X" PATTERN CARD 2 | \$40 | 6,000 | 2,400 |
| DIAMOND CARD 3 | \$40 | 4,800 | 3,000 |
| FOUR CORNERS CARD 5 | \$40 | 4,000 | 3,600 |
| LINE CARD 8 | \$40 | 4,000 | 3,600 |
| (LINE CARD 3) + (LINE CARD 4) + (LINE CARD 6) + (\$10 w/ \$10 BILL) | \$50 | 800 | 18,000 |
| (DIAMOND CARD 3) + (\$10 w/ \$10 BILL) | \$50 | 800 | 18,000 |
| (FOUR CORNERS CARD 5) + (\$10 w/ \$10 BILL) | \$50 | 800 | 18,000 |
| (LINE CARD 8) + (\$10 w/ \$10 BILL) | \$50 | 800 | 18,000 |
| (DIAMOND CARD 3) + (FOUR CORNERS CARD 1) | \$50 | 2,400 | 6,000 |
| LINE CARD 1 w/ X10 SYMBOL | \$50 | 480 | 30,000 |
| LINE CARD 2 w/ X10 SYMBOL | \$50 | 480 | 30,000 |
| DIAMOND CARD 4 | \$50 | 2,400 | 6,000 |
| FOUR CORNERS CARD 6 | \$50 | 2,400 | 6,000 |
| LINE CARD 9 | \$50 | 2,400 | 6,000 |
| (DIAMOND CARD 3) + (DIAMOND CARD 4) + (\$10 w/ \$10 BILL) | \$100 | 4,000 | 3,600 |
| (FOUR CORNERS CARD 5) + (FOUR CORNERS CARD 6) + (\$10 w/ \$10 BILL) | \$100 | 4,000 | 3,600 |
| (DIAMOND CARD 4) + (FOUR CORNERS CARD 6) | \$100 | 4,000 | 3,600 |

Scratch The Caller's Card Area, Then Scratch Only The Numbers On Bingo Cards 1—10 That Match Those Revealed in the Caller's Card Area. When Each Matched Number On A Bingo Card Is Scratched, A White Background Will Be Revealed. When All Numbers Are Completely Matched In A Horizontal, Vertical Or Diagonal Line, Four Corners, Diamond Or An "X" Pattern On Any Individual Bingo Card, Win Prize Shown For The Matched Pattern In The Appropriate Legend Next To That Card. The Center Spot On Each Bingo Card Is A "FREE" Space. Win With:

| | Win: | Approximate Odds Are 1 In: | Approximate No. of Winners Per 14,400,000 Tickets |
|---|---------|----------------------------|---|
| ("X" PATTERN CARD 1) + (DIAMOND CARD 2) + (FOUR CORNERS CARD 4) + (LINE CARD 7) | \$100 | 4,000 | 3,600 |
| (LINE CARD 1 w/ X10 SYMBOL) + (DIAMOND CARD 4) | \$100 | 1,846 | 7,800 |
| (LINE CARD 2 w/ X10 SYMBOL) + (FOUR CORNERS CARD 6) | \$100 | 4,000 | 3,600 |
| (LINE CARD 2 w/ X10 SYMBOL) + (DIAMOND CARD 4) | \$100 | 4,000 | 3,600 |
| (LINE CARD 2 w/ X10 SYMBOL) + (LINE CARD 9) | \$100 | 1,846 | 7,800 |
| LINE CARD 3 w/ X10 SYMBOL | \$100 | 2,667 | 5,400 |
| "X" PATTERN CARD 3 | \$100 | 6,000 | 2,400 |
| LINE CARD 4 w/ X10 SYMBOL | \$100 | 3,429 | 4,200 |
| "X" PATTERN CARD 4 | \$100 | 12,000 | 1,200 |
| DIAMOND CARD 5 | \$100 | 12,000 | 1,200 |
| FOUR CORNERS CARD 7 | \$100 | 12,000 | 1,200 |
| LINE CARD 10 | \$100 | 12,000 | 1,200 |
| (LINE CARD 1 w/ X10 SYMBOL) + (DIAMOND CARD 4) + (FOUR CORNERS CARD 6) + (LINE CARD 10) | \$250 | 120,000 | 120 |
| (DIAMOND CARD 4) + (FOUR CORNERS CARD 6) + (LINE CARD 9) + (LINE CARD 10) | \$250 | 120,000 | 120 |
| ("X" PATTERN CARD 3) + ("X" PATTERN CARD 4) + (LINE CARD 9) | \$250 | 120,000 | 120 |
| ("X" PATTERN CARD 3) + (LINE CARD 5 w/ X10 SYMBOL) | \$250 | 60,000 | 240 |
| (DIAMOND CARD 4) + (LINE CARD 6 w/ X10 SYMBOL) | \$250 | 120,000 | 120 |
| "X" PATTERN CARD 5 | \$250 | 120,000 | 120 |
| DIAMOND CARD 6 | \$250 | 120,000 | 120 |
| LINE CARD 7 w/ X10 SYMBOL | \$250 | 24,000 | 600 |
| DIAMOND CARD 7 | \$250 | 120,000 | 120 |
| FOUR CORNERS CARD 8 | \$250 | 120,000 | 120 |
| ("X" PATTERN CARD 3) + ("X" PATTERN CARD 4) + (DIAMOND CARD 5) + (FOUR CORNERS CARD 7) + (LINE CARD 10) | \$500 | 120,000 | 120 |
| (LINE CARD 8 w/ X10 SYMBOL) + (LINE CARD 10) | \$500 | 24,000 | 600 |
| "X" PATTERN CARD 6 | \$500 | 120,000 | 120 |
| DIAMOND CARD 8 | \$500 | 120,000 | 120 |
| LINE CARD 9 w/ X10 SYMBOL | \$500 | 40,000 | 360 |
| FOUR CORNERS CARD 9 | \$500 | 120,000 | 120 |
| ("X" PATTERN CARD 5) + (DIAMOND CARD 6) + (DIAMOND CARD 7) + (FOUR CORNERS CARD 8) | \$1,000 | 720,000 | 20 |
| ("X" PATTERN CARD 6) + (DIAMOND CARD 8) | \$1,000 | 1,440,000 | 10 |
| (DIAMOND CARD 8) + (FOUR CORNERS CARD 9) | \$1,000 | 1,440,000 | 10 |
| "X" PATTERN CARD 7 | \$1,000 | 1,440,000 | 10 |
| "X" PATTERN CARD 8 | \$1,000 | 1,440,000 | 10 |
| DIAMOND CARD 9 | \$1,000 | 1,440,000 | 10 |
| LINE CARD 10 w/ X10 SYMBOL | \$1,000 | 360,000 | 40 |
| FOUR CORNERS CARD 10 | \$1,000 | 1,440,000 | 10 |

Scratch The Caller's Card Area, Then Scratch Only The Numbers On Bingo Cards 1—10 That Match Those Revealed in the Caller's Card Area. When Each Matched Number On A Bingo Card Is Scratched, A White Background Will Be Revealed. When All Numbers Are Completely Matched In A Horizontal, Vertical Or Diagonal Line, Four Corners, Diamond Or An "X" Pattern On Any Individual Bingo Card, Win Prize Shown For The Matched Pattern In The Appropriate Legend Next To That Card. The Center Spot On Each Bingo Card Is A "FREE" Space. Win With:

| | Win: | Approximate Odds Are 1 In: | Approximate No. of Winners Per 14,400,000 Tickets |
|--|-----------|----------------------------|---|
| "X" PATTERN CARD 9 | \$5,000 | 576,000 | 25 |
| DIAMOND CARD 10 | \$5,000 | 576,000 | 25 |
| ("X" PATTERN CARD 9) + (DIAMOND CARD 10) | \$10,000 | 576,000 | 25 |
| "X" PATTERN CARD 10 | \$100,000 | 1,440,000 | 10 |

"X10" SYMBOL: The "X10" symbol found on each CARD is also a "FREE" space. When it appears in any winning pattern, win 10 times the prize shown for that win.

Reveal a "\$10 BILL" (WIN10) symbol in the Caller's Card area, win \$10 instantly!

Prizes, including top prizes, are subject to availability at the time of purchase.

8. *Retailer Incentive Awards:* The Lottery may conduct a separate Retailer Incentive Program for retailers who sell Bingo X10 instant lottery game tickets.

9. *Retailer Bonus:* The Lottery may offer a retailer bonus in connection with the sale of Pennsylvania instant lottery game tickets. If a retailer bonus is offered, a Lottery retailer shall be eligible for a bonus as described in this section. Lottery retailers who sell a winning ticket that entitles the ticket holder to a prize, either payable in a single installment or having a guaranteed minimum payout, of at least \$100,000 and not exceeding \$500,000 shall be paid a bonus of \$500. Lottery retailers who sell a winning ticket that entitles the ticket holder to a prize, either payable in a single installment or having a guaranteed minimum payout, of at least \$500,001 and not exceeding \$1,000,000 shall be paid a bonus of \$5,000. Lottery retailers who sell a winning ticket that entitles the ticket holder to a prize, either payable in a single installment or having a guaranteed minimum payout, of at least \$1,000,001 and not exceeding \$10,000,000 shall be paid a bonus of \$10,000. A Lottery retailer is entitled only to the largest bonus for which he qualifies on a winning ticket. A bonus will be initiated for payment after the instant ticket is claimed and validated. A bonus will not be awarded to a Lottery retailer that sells a non-winning Pennsylvania Lottery instant ticket used to enter a Pennsylvania Lottery second-chance drawing or promotion that is subsequently selected to win a prize.

10. *Unclaimed Prize Money:* For a period of 1 year from the announced close of Bingo X10, prize money from winning Bingo X10 instant lottery game tickets will be retained by the Secretary for payment to the persons entitled thereto. If no claim is made within 1 year of the announced close of the Bingo X10 instant lottery game, the right of a ticket holder to claim the prize represented by the ticket, if any, will expire and the prize money will be paid into the State Lottery Fund and used for purposes provided for by statute.

11. *Governing Law:* In purchasing a ticket, the customer agrees to comply with and abide by the State Lottery Law (72 P.S. §§ 3761-101—3761-314), 61

Pa. Code Part V (relating to State Lotteries) and the provisions contained in this notice.

12. *Termination of the Game:* The Secretary may announce a termination date, after which no further tickets from this game may be sold. The announcement will be disseminated through media used to advertise or promote Bingo X10 or through normal communications methods.

EILEEN H. McNULTY,
Secretary

[Pa.B. Doc. No. 17-299. Filed for public inspection February 17, 2017, 9:00 a.m.]

Pennsylvania Fireball 7s Instant Lottery Game 1269

Under the State Lottery Law (72 P.S. §§ 3761-101—3761-314) and 61 Pa. Code § 819.203 (relating to notice of instant game rules), the Secretary of Revenue hereby provides public notice of the rules for the following instant lottery game:

1. *Name:* The name of the game is Pennsylvania Fireball 7s (hereinafter "Fireball 7s"). The game number is PA-1269.

2. *Price:* The price of a Fireball 7s instant lottery game ticket is \$2.

3. *Play Symbols:* Each Fireball 7s instant lottery game ticket will contain one play area. The play symbols and their captions, located in the play area are: 1 (ONE), 2 (TWO), 3 (THREE), 4 (FOUR), 5 (FIVE), 6 (SIX), 8 (EIGHT), 9 (NINE), 10 (TEN), 11 (ELEVN), 12 (TWLV), 13 (THRTN), 14 (FORTN), 15 (FIFTN), 16 (SIXTN), 18 (EGHTN), 19 (NINTN), 20 (TWENT), 7 (SEVEN) symbol and a Fireball (7TIMES) symbol.

4. *Prize Symbols:* The prize symbols and their captions, located in the play area are: \$2⁰⁰ (TWO DOL), \$3⁰⁰ (THR DOL), \$5⁰⁰ (FIV DOL), \$7⁰⁰ (SVN DOL), \$10⁰⁰ (TEN DOL), \$14⁰⁰ (FORTN), \$21⁰⁰ (TWY ONE), \$35⁰⁰ (TRY FIV), \$49⁰⁰ (FRTYNIN), \$70⁰⁰ (SVNTY), \$100 (ONE HUN), \$200 (TWO HUN), \$700 (SVN HUN), \$1,000 (ONE THO), \$7,000 (SVN THO) and \$50,000 (FTY THO).

5. *Prizes:* The prizes that can be won in this game are: \$2, \$3, \$5, \$7, \$10, \$14, \$21, \$35, \$49, \$70, \$100, \$200, \$700, \$1,000, \$7,000 and \$50,000. The player can win up to 10 times on the ticket.

6. *Approximate Number of Tickets Printed For the Game:* Approximately 8,400,000 tickets will be printed for the Fireball 7s instant lottery game.

7. *Determination of Prize Winners:*

(a) Holders of tickets with a 7 (SEVEN) symbol in the play area and a prize symbol of \$50,000 (FTY THO) appears in the “prize” area under that 7 (SEVEN) symbol, on a single ticket, shall be entitled to a prize of \$50,000.

(b) Holders of tickets with a 7 (SEVEN) symbol in the play area and a prize symbol of \$7,000 (SVN THO) appears in the “prize” area under that 7 (SEVEN) symbol, on a single ticket, shall be entitled to a prize of \$7,000.

(c) Holders of tickets with a Fireball (7TIMES) symbol in the play area and a prize symbol of \$1,000 (ONE THO) appears in the “prize” area under that Fireball (7TIMES) symbol, on a single ticket, shall be entitled to a prize of \$7,000.

(d) Holders of tickets with a 7 (SEVEN) symbol in the play area and a prize symbol of \$700 (SVN HUN) appears in the “prize” area under that 7 (SEVEN) symbol, on a single ticket, shall be entitled to a prize of \$700.

(e) Holders of tickets with a Fireball (7TIMES) symbol in the play area and a prize symbol of \$100 (ONE HUN) appears in the “prize” area under that Fireball (7TIMES) symbol, on a single ticket, shall be entitled to a prize of \$700.

(f) Holders of tickets with a 7 (SEVEN) symbol in the play area and a prize symbol of \$200 (TWO HUN) appears in the “prize” area under that 7 (SEVEN) symbol, on a single ticket, shall be entitled to a prize of \$200.

(g) Holders of tickets with a 7 (SEVEN) symbol in the play area and a prize symbol of \$100 (ONE HUN) appears in the “prize” area under that 7 (SEVEN) symbol, on a single ticket, shall be entitled to a prize of \$100.

(h) Holders of tickets with a 7 (SEVEN) symbol in the play area and a prize symbol of \$70⁰⁰ (SVNTY) appears in the “prize” area under that 7 (SEVEN) symbol, on a single ticket, shall be entitled to a prize of \$70.

(i) Holders of tickets with a Fireball (7TIMES) symbol in the play area and a prize symbol of \$10⁰⁰ (TEN DOL) appears in the “prize” area under that Fireball (7TIMES) symbol, on a single ticket, shall be entitled to a prize of \$70.

(j) Holders of tickets with a 7 (SEVEN) symbol in the play area and a prize symbol of \$49⁰⁰ (FRTYNIN) appears in the “prize” area under that 7 (SEVEN) symbol, on a single ticket, shall be entitled to a prize of \$49.

(k) Holders of tickets with a Fireball (7TIMES) symbol in the play area and a prize symbol of \$7⁰⁰ (SVN DOL) appears in the “prize” area under that Fireball (7TIMES) symbol, on a single ticket, shall be entitled to a prize of \$49.

appears in the “prize” area under that Fireball (7TIMES) symbol, on a single ticket, shall be entitled to a prize of \$49.

(l) Holders of tickets with a 7 (SEVEN) symbol in the play area and a prize symbol of \$35⁰⁰ (TRY FIV) appears in the “prize” area under that 7 (SEVEN) symbol, on a single ticket, shall be entitled to a prize of \$35.

(m) Holders of tickets with a Fireball (7TIMES) symbol in the play area and a prize symbol of \$5⁰⁰ (FIV DOL) appears in the “prize” area under that Fireball (7TIMES) symbol, on a single ticket, shall be entitled to a prize of \$35.

(n) Holders of tickets with a 7 (SEVEN) symbol in the play area and a prize symbol of \$21⁰⁰ (TWY ONE) appears in the “prize” area under that 7 (SEVEN) symbol, on a single ticket, shall be entitled to a prize of \$21.

(o) Holders of tickets with a Fireball (7TIMES) symbol in the play area and a prize symbol of \$3⁰⁰ (THR DOL) appears in the “prize” area under that Fireball (7TIMES) symbol, on a single ticket, shall be entitled to a prize of \$21.

(p) Holders of tickets with a 7 (SEVEN) symbol in the play area and a prize symbol of \$14⁰⁰ (FORTN) appears in the “prize” area under that 7 (SEVEN) symbol, on a single ticket, shall be entitled to a prize of \$14.

(q) Holders of tickets with a Fireball (7TIMES) symbol in the play area and a prize symbol of \$2⁰⁰ (TWO DOL) appears in the “prize” area under that Fireball (7TIMES) symbol, on a single ticket, shall be entitled to a prize of \$14.

(r) Holders of tickets with a 7 (SEVEN) symbol in the play area and a prize symbol of \$10⁰⁰ (TEN DOL) appears in the “prize” area under that 7 (SEVEN) symbol, on a single ticket, shall be entitled to a prize of \$10.

(s) Holders of tickets with a 7 (SEVEN) symbol in the play area and a prize symbol of \$7⁰⁰ (SVN DOL) appears in the “prize” area under that 7 (SEVEN) symbol, on a single ticket, shall be entitled to a prize of \$7.

(t) Holders of tickets with a 7 (SEVEN) symbol in the play area and a prize symbol of \$5⁰⁰ (FIV DOL) appears in the “prize” area under that 7 (SEVEN) symbol, on a single ticket, shall be entitled to a prize of \$5.

(u) Holders of tickets with a 7 (SEVEN) symbol in the play area and a prize symbol of \$3⁰⁰ (THR DOL) appears in the “prize” area under that 7 (SEVEN) symbol, on a single ticket, shall be entitled to a prize of \$3.

(v) Holders of tickets with a 7 (SEVEN) symbol in the play area and a prize symbol of \$2⁰⁰ (TWO DOL) appears in the “prize” area under that 7 (SEVEN) symbol, on a single ticket, shall be entitled to a prize of \$2.

8. *Number and Description of Prizes and Approximate Odds:* The following table sets forth the approximate number of winners, amounts of prizes, and approximate odds of winning:

| <i>Reveal A “7” (SEVEN) Symbol, Win Prize Shown Under That Symbol. Win With:</i> | <i>Win:</i> | <i>Approximate Odds Are 1 In:</i> | <i>Approximate No. Of Winners Per 8,400,000 Tickets</i> |
|--|-------------|---------------------------------------|---|
| \$2 | \$2 | 7.89 | 1,064,000 |
| \$3 | \$3 | 37.5 | 224,000 |
| \$3 + \$2 | \$5 | 750 | 11,200 |
| \$5 | \$5 | 150 | 56,000 |
| (\$2 × 2) + \$3 | \$7 | 150 | 56,000 |

Reveal A "7" (SEVEN) Symbol,
Win Prize Shown Under That
Symbol. Win With:

| | Win: | Approximate Odds Are 1 In: | Approximate No. Of Winners Per 8,400,000 Tickets |
|-------------------------------------|----------|-------------------------------|--|
| \$5 + \$2 | \$7 | 150 | 56,000 |
| \$7 | \$7 | 75 | 112,000 |
| \$2 × 5 | \$10 | 375 | 22,400 |
| \$5 × 2 | \$10 | 300 | 28,000 |
| \$10 | \$10 | 250 | 33,600 |
| \$2 × 7 | \$14 | 1,500 | 5,600 |
| \$7 × 2 | \$14 | 1,500 | 5,600 |
| (\$5 × 2) + (\$2 × 2) | \$14 | 1,500 | 5,600 |
| \$2 w/ FIREBALL | \$14 | 93.75 | 89,600 |
| \$14 | \$14 | 1,500 | 5,600 |
| \$3 × 7 | \$21 | 500 | 16,800 |
| \$7 × 3 | \$21 | 500 | 16,800 |
| \$3 w/ FIREBALL | \$21 | 750 | 11,200 |
| \$21 | \$21 | 750 | 11,200 |
| \$5 × 7 | \$35 | 12,000 | 700 |
| \$7 × 5 | \$35 | 6,000 | 1,400 |
| (\$10 × 2) + (\$5 × 3) | \$35 | 12,000 | 700 |
| \$5 w/ FIREBALL | \$35 | 400 | 21,000 |
| \$35 | \$35 | 2,000 | 4,200 |
| \$7 × 7 | \$49 | 24,000 | 350 |
| (\$2 w/ FIREBALL) × 3) + \$7 | \$49 | 8,000 | 1,050 |
| \$7 w/ FIREBALL | \$49 | 6,000 | 1,400 |
| \$49 | \$49 | 24,000 | 350 |
| \$7 × 10 | \$70 | 2,400 | 3,500 |
| \$10 × 7 | \$70 | 12,000 | 700 |
| (\$5 w/ FIREBALL) × 2 | \$70 | 1,200 | 7,000 |
| \$10 w/ FIREBALL | \$70 | 2,400 | 3,500 |
| \$70 | \$70 | 12,000 | 700 |
| \$10 × 10 | \$100 | 120,000 | 70 |
| \$100 | \$100 | 120,000 | 70 |
| (\$5 w/ FIREBALL) × 4) + (\$10 × 6) | \$200 | 120,000 | 70 |
| \$200 | \$200 | 120,000 | 70 |
| \$100 w/ FIREBALL | \$700 | 120,000 | 70 |
| \$700 | \$700 | 120,000 | 70 |
| \$1,000 w/ FIREBALL | \$7,000 | 1,200,000 | 7 |
| \$7,000 | \$7,000 | 1,200,000 | 7 |
| \$50,000 | \$50,000 | 1,200,000 | 7 |

Reveal a "FIREBALL" (7TIMES) symbol, win 7 times the prize shown under that symbol.

Prizes, including top prizes, are subject to availability at the time of purchase.

9. *Retailer Incentive Awards:* The Lottery may conduct a separate Retailer Incentive Program for retailers who sell Fireball 7s instant lottery game tickets.

10. *Retailer Bonus:* The Lottery may offer a retailer bonus in connection with the sale of Pennsylvania instant lottery game tickets. If a retailer bonus is offered, a Lottery retailer shall be eligible for a bonus as described in this section. Lottery retailers who sell a winning ticket that entitles the ticket holder to a prize, either payable in a single installment or having a guaranteed minimum payout, of at least \$100,000 and not exceeding \$500,000 shall be paid a bonus of \$500. Lottery retailers who sell a winning ticket that entitles the ticket holder to a prize, either payable in a single installment or having a guaranteed minimum payout, of at least \$500,001 and not exceeding \$1,000,000 shall be paid a bonus of \$5,000. Lottery retailers who sell a winning ticket that entitles the ticket holder to a prize, either payable in a single installment or having a guaranteed minimum payout, of at least \$1,000,001 and not exceeding \$10,000,000 shall be paid a bonus of \$10,000. A Lottery retailer is entitled

only to the largest bonus for which he qualifies on a winning ticket. A bonus will be initiated for payment after the instant ticket is claimed and validated. A bonus will not be awarded to a Lottery retailer that sells a non-winning Pennsylvania Lottery instant ticket used to enter a Pennsylvania Lottery second-chance drawing or promotion that is subsequently selected to win a prize.

11. *Unclaimed Prize Money:* For a period of 1 year from the announced close of Fireball 7s, prize money from winning Fireball 7s instant lottery game tickets will be retained by the Secretary for payment to the persons entitled thereto. If no claim is made within 1 year of the announced close of the Fireball 7s instant lottery game, the right of a ticket holder to claim the prize represented by the ticket, if any, will expire and the prize money will be paid into the State Lottery Fund and used for purposes provided for by statute.

12. *Governing Law:* In purchasing a ticket, the customer agrees to comply with and abide by the State Lottery Law (72 P.S. §§ 3761-101—3761-314), 61 Pa. Code Part V (relating to State Lotteries) and the provisions contained in this notice.

13. *Termination of the Game:* The Secretary may announce a termination date, after which no further tickets from this game may be sold. The announcement will be disseminated through media used to advertise or promote Fireball 7s or through normal communications methods.

EILEEN H. McNULTY,
Secretary

[Pa.B. Doc. No. 17-300. Filed for public inspection February 17, 2017, 9:00 a.m.]

Pennsylvania Million Dollar Gold Rush Instant Lottery Game 1265

Under the State Lottery Law (72 P.S. §§ 3761-101—3761-314) and 61 Pa. Code § 819.203 (relating to notice of instant game rules), the Secretary of Revenue hereby provides public notice of the rules for the following instant lottery game:

1. *Name:* The name of the game is Pennsylvania Million Dollar Gold Rush (hereinafter “Million Dollar Gold Rush”). The game number is PA-1265.

2. *Price:* The price of a Million Dollar Gold Rush instant lottery game ticket is \$20.

3. *Play Symbols:* Each Million Dollar Gold Rush instant lottery game ticket will contain one play area featuring a “WINNING NUMBERS” area, a “YOUR NUMBERS” area and three “BONUS” areas. The “BONUS” areas are played separately. The play symbols and their captions located in the “WINNING NUMBERS” area are: 1 (ONE), 2 (TWO), 3 (THREE), 4 (FOUR), 5 (FIVE), 6 (SIX), 7 (SEVEN), 8 (EIGHT), 9 (NINE), 10 (TEN), 11 (ELEVN), 12 (TWLV), 13 (THRTN), 14 (FORTN), 15 (FIFTN), 16 (SIXTN), 17 (SVNTN), 18 (EGHTN), 19 (NINTN), 20 (TWENT), 21 (TWYONE), 22 (TWYTWO), 23 (TWYTHR), 24 (TWYFOR), 25 (TWYFIV), 26 (TWYSIX), 27 (TWYSVN), 28 (TWYEGT), 29 (TWYNIN), 30 (THIRTY), 31 (THYONE), 32 (THYTWO), 33 (THYTHR), 34 (THYFOR), 35 (THYFIV), 36 (THYSIX), 37 (THYSVN), 38 (THYEGT), 39 (THYNIN) and 40 (FORTY). The play symbols and their captions located in the “YOUR NUMBERS” area are: 1 (ONE), 2 (TWO), 3 (THREE), 4 (FOUR), 5 (FIVE), 6 (SIX), 7 (SEVEN), 8 (EIGHT), 9 (NINE), 10 (TEN), 11 (ELEVN), 12 (TWLV), 13 (THRTN), 14 (FORTN), 15 (FIFTN), 16 (SIXTN), 17 (SVNTN), 18 (EGHTN), 19 (NINTN), 20 (TWENT), 21 (TWYONE), 22 (TWYTWO), 23 (TWYTHR), 24 (TWYFOR), 25 (TWYFIV), 26 (TWYSIX), 27 (TWYSVN), 28 (TWYEGT), 29 (TWYNIN), 30 (THIRTY), 31 (THYONE), 32 (THYTWO), 33 (THYTHR), 34 (THYFOR), 35 (THYFIV), 36 (THYSIX), 37 (THYSVN), 38 (THYEGT), 39 (THYNIN), 40 (FORTY), Gold Nugget (5TIMES) symbol, Cart (WINALL) symbol and a GOLD RUSH (\$1MIL) symbol. The play symbols and their captions located in the “BONUS” areas are: Gold Bar (TRY AGAIN) symbol, Piggy Bank (NO BONUS) symbol, Chest (TRY AGAIN) symbol, Safe (NO BONUS) symbol, Bank (TRY AGAIN) symbol, Key (NO BONUS) symbol, Clover (TRY AGAIN) symbol, Lock (NO BONUS) symbol and a \$100 Bill (WIN100) symbol.

4. *Prize Symbols:* The prize symbols and their captions located in the “YOUR NUMBERS” area are: \$20⁰⁰ (TWENTY), \$30⁰⁰ (THIRTY), \$40⁰⁰ (FORTY), \$50⁰⁰ (FIFTY), \$100 (ONE HUN), \$200 (TWO HUN), \$500 (FIV HUN), \$1,000 (ONE THO), \$20,000 (TWY THO), \$100,000 (ONEHUNTHO) and \$1MILL (ONE MIL).

5. *Prizes:* The prizes that can be won in this game are: \$20, \$30, \$40, \$50, \$100, \$200, \$500, \$1,000, \$20,000, \$100,000 and \$1,000,000. The prize that can be won in the “BONUS” areas is \$100. A player can win up to 23 times on a ticket.

6. *Approximate Number of Tickets Printed For the Game:* Approximately 5,400,000 tickets will be printed for the Million Dollar Gold Rush instant lottery game.

7. *Determination of Prize Winners:*

(a) Holders of tickets upon which any one of the “YOUR NUMBERS” play symbols is a GOLD RUSH (\$1MIL) symbol, and a prize symbol of \$1MILL (ONE MIL) appears in the “prize” area under that GOLD RUSH (\$1MIL) symbol, on a single ticket, shall be entitled to a prize of \$1,000,000. This prize shall be paid as a one-time, lump-sum cash payment.

(b) Holders of tickets upon which any one of the “YOUR NUMBERS” play symbols matches any of the “WINNING NUMBERS” play symbols and a prize symbol of \$100,000 (ONEHUNTHO) appears in the “prize” area under the matching “YOUR NUMBERS” play symbol, on a single ticket, shall be entitled to a prize of \$100,000.

(c) Holders of tickets upon which any one of the “YOUR NUMBERS” play symbols matches any of the “WINNING NUMBERS” play symbols and a prize symbol of \$20,000 (TWY THO) appears in the “prize” area under the matching “YOUR NUMBERS” play symbol, on a single ticket, shall be entitled to a prize of \$20,000.

(d) Holders of tickets upon which any one of the “YOUR NUMBERS” play symbols is a Cart (WINALL) symbol, and a prize symbol of \$1,000 (ONE THO) appears in all twenty of the “prize” areas, on a single ticket, shall be entitled to a prize of \$20,000.

(e) Holders of tickets upon which any one of the “YOUR NUMBERS” play symbols is a Gold Nugget (5TIMES) symbol, and a prize symbol of \$500 (FIV HUN) appears under that Gold Nugget (5TIMES) symbol, on a single ticket, shall be entitled to a prize of \$2,500.

(f) Holders of tickets upon which any one of the “YOUR NUMBERS” play symbols matches any of the “WINNING NUMBERS” play symbols and a prize symbol of \$1,000 (ONE THO) appears in the “prize” area under the matching “YOUR NUMBERS” play symbol, on a single ticket, shall be entitled to a prize of \$1,000.

(g) Holders of tickets upon which any one of the “YOUR NUMBERS” play symbols is a Gold Nugget (5TIMES) symbol, and a prize symbol of \$200 (TWO HUN) appears under that Gold Nugget (5TIMES) symbol, on a single ticket, shall be entitled to a prize of \$1,000.

(h) Holders of tickets upon which any one of the “YOUR NUMBERS” play symbols is a Cart (WINALL) symbol, and a prize symbol of \$50⁰⁰ (FIFTY) appears in all twenty of the “prize” areas, on a single ticket, shall be entitled to a prize of \$1,000.

(i) Holders of tickets upon which any one of the “YOUR NUMBERS” play symbols is a Cart (WINALL) symbol, and a prize symbol of \$40⁰⁰ (FORTY) appears in all twenty of the “prize” areas, on a single ticket, shall be entitled to a prize of \$800.

(j) Holders of tickets upon which any one of the “YOUR NUMBERS” play symbols is a Cart (WINALL) symbol, and a prize symbol of \$40⁰⁰ (FORTY) appears in ten of the “prize” areas and a prize symbol of \$30⁰⁰ (THIRTY) appears in ten of the “prize” areas, on a single ticket, shall be entitled to a prize of \$700.

(k) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches any of the "WINNING NUMBERS" play symbols and a prize symbol of \$500 (FIV HUN) appears in the "prize" area under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$500.

(l) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a Gold Nugget (5TIMES) symbol, and a prize symbol of \$100 (ONE HUN) appears under that Gold Nugget (5TIMES) symbol, on a single ticket, shall be entitled to a prize of \$500.

(m) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a Cart (WINALL) symbol, and a prize symbol of \$30⁰⁰ (THIRTY) appears in ten of the "prize" areas and a prize symbol of \$20⁰⁰ (TWENTY) appears in ten of the "prize" areas, on a single ticket, shall be entitled to a prize of \$500.

(n) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a Cart (WINALL) symbol, and a prize symbol of \$20⁰⁰ (TWENTY) appears in all twenty of the "prize" areas on a single ticket, shall be entitled to a prize of \$400.

(o) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches any of the "WINNING NUMBERS" play symbols and a prize symbol of \$200 (TWO HUN) appears in the "prize" area under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$200.

(p) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a Gold Nugget (5TIMES) symbol, and a prize symbol of \$40⁰⁰ (FORTY) appears under that Gold Nugget (5TIMES) symbol, on a single ticket, shall be entitled to a prize of \$200.

(q) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches any of the "WINNING NUMBERS" play symbols and a prize symbol of \$100 (ONE HUN) appears in the "prize" area under the

matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$100.

(r) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a Gold Nugget (5TIMES) symbol, and a prize symbol of \$20⁰⁰ (TWENTY) appears under that Gold Nugget (5TIMES) symbol, on a single ticket, shall be entitled to a prize of \$100.

(s) Holders of tickets upon which a \$100 Bill (WIN100) symbol appears in any of the "BONUS" areas, on a single ticket, shall be entitled to a prize of \$100.

(t) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches any of the "WINNING NUMBERS" play symbols and a prize symbol of \$50⁰⁰ (FIFTY) appears in the "prize" area under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$50.

(u) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches any of the "WINNING NUMBERS" play symbols and a prize symbol of \$40⁰⁰ (FORTY) appears in the "prize" area under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$40.

(v) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches any of the "WINNING NUMBERS" play symbols and a prize symbol of \$30⁰⁰ (THIRTY) appears in the "prize" area under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$30.

(w) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches any of the "WINNING NUMBERS" play symbols and a prize symbol of \$20⁰⁰ (TWENTY) appears in the "prize" area under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$20.

8. *Number and Description of Prizes and Approximate Odds:* The following table sets forth the approximate number of winners, amounts of prizes, and approximate odds of winning:

| <i>When Any Of Your Numbers Match Any Winning Number, Win Prize Shown Under The Matching Number. Win With:</i> | <i>Bonus Spots:</i> | <i>Win:</i> | <i>Approximate Odds Are 1 In:</i> | <i>Approximate No. Of Winners Per 5,400,000 Tickets:</i> |
|--|---------------------|-------------|-----------------------------------|--|
| \$20 | | \$20 | 6.67 | 810,000 |
| \$30 | | \$30 | 20 | 270,000 |
| \$20 x 2 | | \$40 | 60 | 90,000 |
| \$40 | | \$40 | 60 | 90,000 |
| \$30 + \$20 | | \$50 | 60 | 90,000 |
| \$50 | | \$50 | 30 | 180,000 |
| \$20 x 5 | | \$100 | 300 | 18,000 |
| \$50 x 2 | | \$100 | 300 | 18,000 |
| (\$20 x 3) + \$40 | | \$100 | 300 | 18,000 |
| (\$40 x 2) + \$20 | | \$100 | 300 | 18,000 |
| \$20 w/ GOLD NUGGET | \$100 w/ BONUS | \$100 | 150 | 36,000 |
| \$100 | | \$100 | 100 | 54,000 |
| \$20 x 10 | | \$100 | 300 | 18,000 |
| \$20 x 5 | \$100 w/ BONUS | \$200 | 12,000 | 450 |
| \$40 x 5 | | \$200 | 6,000 | 900 |
| \$50 x 4 | | \$200 | 12,000 | 450 |
| \$50 x 2 | \$100 w/ BONUS | \$200 | 12,000 | 450 |
| | | \$200 | 6,000 | 900 |

When Any Of Your Numbers
Match Any Winning Number,
Win Prize Shown Under The
Matching Number. Win With:

| | Bonus Spots: | Win: | Approximate Odds Are 1 In: | Approximate No. Of Winners Per 5,400,000 Tickets: |
|-------------------------------------|----------------------|-------------|-------------------------------|---|
| \$100 × 2 | | \$200 | 12,000 | 450 |
| \$100 | \$100 w/ BONUS | \$200 | 600 | 9,000 |
| (\$30 × 2) + \$40 | \$100 w/ BONUS | \$200 | 6,000 | 900 |
| (\$30 × 2) + (\$20 × 2) | \$100 w/ BONUS | \$200 | 6,000 | 900 |
| \$20 w/ GOLD NUGGET | \$100 w/ BONUS | \$200 | 1,200 | 4,500 |
| (\$20 w/ GOLD NUGGET) × 2 | | \$200 | 1,200 | 4,500 |
| \$40 w/ GOLD NUGGET | | \$200 | 3,000 | 1,800 |
| \$200 | | \$200 | 6,000 | 900 |
| CART w/ ((\$30 × 10) + (\$20 × 10)) | | \$500 | 2,000 | 2,700 |
| CART w/ (\$20 × 20) | \$100 w/ BONUS | \$500 | 2,000 | 2,700 |
| \$50 × 10 | | \$500 | 12,000 | 450 |
| \$100 × 5 | | \$500 | 12,000 | 450 |
| \$20 × 10 | (\$100 w/ BONUS) × 3 | \$500 | 6,000 | 900 |
| \$30 × 10 | (\$100 w/ BONUS) × 2 | \$500 | 12,000 | 450 |
| (\$20 w/ GOLD NUGGET) × 4 | \$100 w/ BONUS | \$500 | 12,000 | 450 |
| \$100 w/ GOLD NUGGET | | \$500 | 12,000 | 450 |
| \$500 | | \$500 | 12,000 | 450 |
| CART w/ (\$50 × 20) | | \$1,000 | 24,000 | 225 |
| CART w/ (\$40 × 20) | (\$100 w/ BONUS) × 2 | \$1,000 | 24,000 | 225 |
| CART w/ ((\$40 × 10) + (\$30 × 10)) | (\$100 w/ BONUS) × 3 | \$1,000 | 12,000 | 450 |
| \$100 × 10 | | \$1,000 | 24,000 | 225 |
| \$100 × 9 | \$100 w/ BONUS | \$1,000 | 24,000 | 225 |
| \$100 × 7 | (\$100 w/ BONUS) × 3 | \$1,000 | 12,000 | 450 |
| (\$100 w/ GOLD NUGGET) × 2 | | \$1,000 | 24,000 | 225 |
| \$200 w/ GOLD NUGGET | | \$1,000 | 24,000 | 225 |
| \$1,000 | | \$1,000 | 24,000 | 225 |
| CART w/ (\$1,000 × 20) | | \$20,000 | 1,080,000 | 5 |
| (\$500 w/ GOLD NUGGET) × 8 | | \$20,000 | 1,080,000 | 5 |
| \$20,000 | | \$20,000 | 1,080,000 | 5 |
| \$100,000 | | \$100,000 | 1,080,000 | 5 |
| \$1,000,000 w/ GOLD RUSH | | \$1,000,000 | 1,080,000 | 5 |

Reveal a "GOLD NUGGET" (5TIMES) symbol, win 5 times the prize shown under that symbol.

Reveal a "CART" (WINALL) symbol, win all 20 prizes shown.

Reveal a "GOLD RUSH" (\$1MIL) symbol, win \$1 million instantly!

BONUS: Reveal a "\$100 BILL" (WIN100) symbol in any BONUS spot, win \$100 instantly. BONUS spots are played separately.

Prizes, including top prizes, are subject to availability at the time of purchase.

9. *Retailer Incentive Awards:* The Lottery may conduct a separate Retailer Incentive Program for retailers who sell Million Dollar Gold Rush instant lottery game tickets.

10. *Retailer Bonus:* The Lottery may offer a retailer bonus in connection with the sale of Pennsylvania instant lottery game tickets. If a retailer bonus is offered, a Lottery retailer shall be eligible for a bonus as described in this section. Lottery retailers who sell a winning ticket that entitles the ticket holder to a prize, either payable in a single installment or having a guaranteed minimum payout, of at least \$100,000 and not exceeding \$500,000 shall be paid a bonus of \$500. Lottery retailers who sell a winning ticket that entitles the ticket holder to a prize, either payable in a single installment or having a guaranteed minimum payout, of at least \$500,001 and not exceeding \$1,000,000 shall be paid a bonus of \$5,000. Lottery retailers who sell a winning ticket that entitles the ticket holder to a prize, either payable in a single installment or having a guaranteed minimum payout, of at least \$1,000,001 and not exceeding \$10,000,000 shall be paid a bonus of \$10,000. A Lottery retailer is entitled only to the largest bonus for which he qualifies on a

winning ticket. A bonus will be initiated for payment after the instant ticket is claimed and validated. A bonus will not be awarded to a Lottery retailer that sells a non-winning Pennsylvania Lottery instant ticket used to enter a Pennsylvania Lottery second-chance drawing or promotion that is subsequently selected to win a prize.

11. *Unclaimed Prize Money:* For a period of 1 year from the announced close of Million Dollar Gold Rush, prize money from winning Million Dollar Gold Rush instant lottery game tickets will be retained by the Secretary for payment to the persons entitled thereto. If no claim is made within 1 year of the announced close of the Million Dollar Gold Rush instant lottery game, the right of a ticket holder to claim the prize represented by the ticket, if any, will expire and the prize money will be paid into the State Lottery Fund and used for purposes provided for by statute.

12. *Governing Law:* In purchasing a ticket, the customer agrees to comply with and abide by the State Lottery Law (72 P.S. §§ 3761-101—3761-314), 61 Pa. Code Part V (relating to State Lotteries) and the provisions contained in this notice.

13. *Termination of the Game:* The Secretary may announce a termination date, after which no further tickets from this game may be sold. The announcement will be disseminated through media used to advertise or promote Million Dollar Gold Rush or through normal communications methods.

EILEEN H. McNULTY,
Secretary

[Pa.B. Doc. No. 17-301. Filed for public inspection February 17, 2017, 9:00 a.m.]

Pennsylvania Treasures of the Pyramid Instant Lottery Game 1268

Under the State Lottery Law (72 P.S. §§ 3761-101—3761-314) and 61 Pa. Code § 819.203 (relating to notice of instant game rules), the Secretary of Revenue hereby provides public notice of the rules for the following instant lottery game:

1. *Name:* The name of the game is Pennsylvania Treasures of the Pyramid (hereinafter “Treasures of the Pyramid”). The game number is PA-1268.

2. *Price:* The price of a Treasures of the Pyramid instant lottery game ticket is \$3.

3. *Play Symbols:* Each Treasures of the Pyramid instant lottery game ticket will contain one play area featuring a “WINNING NUMBERS” area, “GAME 1,” “GAME 2,” “GAME 3,” “GAME 4,” “GAME 5,” “GAME 6,” “GAME 7,” “GAME 8” and a separate “FAST CASH BONUS” area. The “FAST CASH BONUS” area is played separately. The play symbols and their captions located in the “GAMES” and in the “WINNING NUMBERS” areas are: 1 (ONE), 2 (TWO), 3 (THREE), 4 (FOUR), 5 (FIVE), 6 (SIX), 7 (SEVEN), 8 (EIGHT), 9 (NINE), 10 (TEN), 11 (ELEVN), 12 (TWLV), 13 (THRTN), 14 (FORTN), 15 (FIFTN), 16 (SIXTN), 17 (SVNTN), 18 (EGHTN), 19 (NINTN), 20 (TWENT), 21 (TWOYONE), 22 (TWYTW), 23 (TWYTHR), 24 (TWYFOR), 25 (TWYFIV), 26 (TWYSIX), 27 (TWYSVN), 28 (TWYEGT), 29 (TWYNIN), 30 (THIRTY), 31 (THYONE), 32 (THYTWO), 33 (THYTHR), 34 (THYFOR), 35 (THYFIV), 36 (THYSIX), 37 (THYSVN), 38 (THYEGT), 39 (THYNIN), 40 (FORTY), 41 (FRYONE), 42 (FRYTWO), 43 (FRYTHR), 44 (FRYFOR), 45 (FRYFIV), 46 (FRYSIX), 47 (FRYSVN), 48 (FRYEGT), 49 (FRYNIN), 50 (FIFTY), 51 (FTYONE), 52 (FTYTWO), 53 (FTYTHR), 54 (FTYFOR), 55 (FTYFIV), 56 (FTYSIX), 57 (FTYSVN), 58 (FTYEGT), 59 (FTYNIN), 60 (SIXTY), 61 (SXTONE), 62 (SXTTWO), 63 (SXTTHR), 64 (SXTFOR), 65 (SXTFIV), 66 (SXTSIX), 67 (SXTSVN), 68 (SXTEGT), 69 (SXTNIN), 70 (SEVNTY), 71 (SVYONE), 72 (SVYTWO), 73 (SVYTHR), 74 (SVYFOR) and 75 (SVYFIV). The play symbols and their captions located in the “FAST CASH BONUS” area are: Star (TRY AGAIN) symbol, Ring (NO BONUS) symbol, Moon (TRY AGAIN) symbol, Sun (NO BONUS) symbol, Coin (TRY AGAIN) symbol, Necklace (NO BONUS) symbol, Palm Tree (TRY AGAIN) symbol and a Pyramid (PYRMD) symbol.

4. *Prize Symbols:* The prize symbols and their captions located in the “PRIZE” area for “GAME 1,” “GAME 2,” “GAME 4,” “GAME 6,” “GAME 7” and “GAME 8” are: \$3.⁰⁰ (THR DOL), \$5.⁰⁰ (FIV DOL), \$6.⁰⁰ (SIX DOL), \$9.⁰⁰ (NIN DOL), \$10.⁰⁰ (TEN DOL), \$12.⁰⁰ (TWELV), \$15.⁰⁰ (FIFTN), \$20.⁰⁰ (TWENTY), \$30.⁰⁰ (THIRTY), \$50.⁰⁰ (FIFTY), \$100 (ONE HUN), \$300 (THR HUN), \$500 (FIV

HUN), \$1,000 (ONE THO), \$3,000 (THR THO), \$5,000 (FIV THO), \$25,000 (TWYFIVTHO) and \$75,000 (SVYFIVTHO). The prize symbols and their captions located in the “PRIZE” area for “GAME 3” are: \$3.⁰⁰ (THR DOL), \$5.⁰⁰ (FIV DOL), \$6.⁰⁰ (SIX DOL), \$9.⁰⁰ (NIN DOL), \$10.⁰⁰ (TEN DOL), \$15.⁰⁰ (FIFTN), \$30.⁰⁰ (THIRTY), \$100 (ONE HUN), \$300 (THR HUN), \$1,000 (ONE THO) and \$25,000 (TWYFIVTHO). The prize symbols and their captions located in the “PRIZE” area for “GAME 5” are: \$3.⁰⁰ (THR DOL), \$5.⁰⁰ (FIV DOL), \$6.⁰⁰ (SIX DOL), \$10.⁰⁰ (TEN DOL), \$20.⁰⁰ (TWENTY), \$30.⁰⁰ (THIRTY), \$50.⁰⁰ (FIFTY), \$100 (ONE HUN), \$1,000 (ONE THO) and \$5,000 (FIV THO). The prize symbols and their captions located in the “FAST CASH BONUS” area are: \$3.⁰⁰ (THR DOL), \$5.⁰⁰ (FIV DOL), \$6.⁰⁰ (SIX DOL), \$9.⁰⁰ (NIN DOL), \$10.⁰⁰ (TEN DOL), \$20.⁰⁰ (TWENTY), \$50.⁰⁰ (FIFTY), \$100 (ONE HUN) and \$300 (THR HUN).

5. *Prizes:* The prizes that can be won in “GAME 1,” “GAME 2,” “GAME 4,” “GAME 6,” “GAME 7” and “GAME 8” are: \$3, \$5, \$6, \$9, \$10, \$12, \$15, \$20, \$30, \$50, \$100, \$300, \$500, \$1,000, \$3,000, \$5,000, \$25,000 and \$75,000. The prizes that can be won in “GAME 3” are: \$3, \$5, \$6, \$9, \$10, \$15, \$30, \$100, \$300, \$1,000 and \$25,000. “GAME 3” prizes shown on the game ticket are tripled. The prizes that can be won in “GAME 5” are: \$3, \$5, \$6, \$10, \$20, \$30, \$50, \$100, \$1,000 and \$5,000. “GAME 5” prizes shown on the game ticket are quintupled. The prizes that can be won in the “FAST CASH BONUS” area are: \$3, \$5, \$6, \$9, \$10, \$20, \$50, \$100 and \$300. A player can win up to 10 times on a ticket.

6. *Approximate Number of Tickets Printed For the Game:* Approximately 8,400,000 tickets will be printed for the Treasures of the Pyramid instant lottery game.

7. Determination of Prize Winners:

(a) *Determination of prize winners for “GAME 1,” “GAME 2,” “GAME 4,” “GAME 6,” “GAME 7” and “GAME 8” are:*

(1) Holders of tickets upon which any of the “WINNING NUMBERS” play symbols matches any of the play symbols in “GAME 1,” “GAME 2,” “GAME 4,” “GAME 6,” “GAME 7” or “GAME 8” and a prize symbol of \$75,000 (SVYFIVTHO) appears in the “PRIZE” area to the right of that “GAME,” on a single ticket, shall be entitled to a prize of \$75,000.

(2) Holders of tickets upon which any of the “WINNING NUMBERS” play symbols matches any of the play symbols in “GAME 1,” “GAME 2,” “GAME 4,” “GAME 6,” “GAME 7” or “GAME 8” and a prize symbol of \$25,000 (TWYFIVTHO) appears in the “PRIZE” area to the right of that “GAME,” on a single ticket, shall be entitled to a prize of \$25,000.

(3) Holders of tickets upon which any of the “WINNING NUMBERS” play symbols matches any of the play symbols in “GAME 1,” “GAME 2,” “GAME 4,” “GAME 6,” “GAME 7” or “GAME 8” and a prize symbol of \$5,000 (FIV THO) appears in the “PRIZE” area to the right of that “GAME,” on a single ticket, shall be entitled to a prize of \$5,000.

(4) Holders of tickets upon which any of the “WINNING NUMBERS” play symbols matches any of the play symbols in “GAME 1,” “GAME 2,” “GAME 4,” “GAME 6,” “GAME 7” or “GAME 8” and a prize symbol of \$3,000 (THR THO) appears in the “PRIZE” area to the right of that “GAME,” on a single ticket, shall be entitled to a prize of \$3,000.

(7) Holders of tickets upon which any of the "WINNING NUMBERS" play symbols matches any of the play symbols in "GAME 3," and a prize symbol of \$10⁰⁰ (TEN DOL) appears in the "PRIZE" area to the right of "GAME 3," on a single ticket, shall be entitled to a prize of \$30.

(8) Holders of tickets upon which any of the "WINNING NUMBERS" play symbols matches any of the play symbols in "GAME 3," and a prize symbol of \$9⁰⁰ (NIN DOL) appears in the "PRIZE" area to the right of "GAME 3," on a single ticket, shall be entitled to a prize of \$27.

(9) Holders of tickets upon which any of the "WINNING NUMBERS" play symbols matches any of the play symbols in "GAME 3," and a prize symbol of \$6⁰⁰ (SIX DOL) appears in the "PRIZE" area to the right of "GAME 3," on a single ticket, shall be entitled to a prize of \$18.

(10) Holders of tickets upon which any of the "WINNING NUMBERS" play symbols matches any of the play symbols in "GAME 3," and a prize symbol of \$5⁰⁰ (FIV DOL) appears in the "PRIZE" area to the right of "GAME 3," on a single ticket, shall be entitled to a prize of \$15.

(11) Holders of tickets upon which any of the "WINNING NUMBERS" play symbols matches any of the play symbols in "GAME 3," and a prize symbol of \$3⁰⁰ (THR DOL) appears in the "PRIZE" area to the right of "GAME 3," on a single ticket, shall be entitled to a prize of \$9.

(c) *Determination of prize winners for "GAME 5" are:*

(1) Holders of tickets upon which any of the "WINNING NUMBERS" play symbols matches any of the play symbols in "GAME 5," and a prize symbol of \$5,000 (FIV THO) appears in the "PRIZE" area to the right of "GAME 5," on a single ticket, shall be entitled to a prize of \$25,000.

(2) Holders of tickets upon which any of the "WINNING NUMBERS" play symbols matches any of the play symbols in "GAME 5," and a prize symbol of \$1,000 (ONE THO) appears in the "PRIZE" area to the right of "GAME 5," on a single ticket, shall be entitled to a prize of \$5,000.

(3) Holders of tickets upon which any of the "WINNING NUMBERS" play symbols matches any of the play symbols in "GAME 5," and a prize symbol of \$100 (ONE HUN) appears in the "PRIZE" area to the right of "GAME 5," on a single ticket, shall be entitled to a prize of \$500.

(4) Holders of tickets upon which any of the "WINNING NUMBERS" play symbols matches any of the play symbols in "GAME 5," and a prize symbol of \$50⁰⁰ (FIFTY) appears in the "PRIZE" area to the right of "GAME 5," on a single ticket, shall be entitled to a prize of \$250.

(5) Holders of tickets upon which any of the "WINNING NUMBERS" play symbols matches any of the play symbols in "GAME 5," and a prize symbol of \$30⁰⁰ (THIRTY) appears in the "PRIZE" area to the right of "GAME 5," on a single ticket, shall be entitled to a prize of \$150.

(6) Holders of tickets upon which any of the "WINNING NUMBERS" play symbols matches any of the play symbols in "GAME 5," and a prize symbol of \$20⁰⁰ (TWENTY) appears in the "PRIZE" area to the right of "GAME 5," on a single ticket, shall be entitled to a prize of \$100.

(7) Holders of tickets upon which any of the "WINNING NUMBERS" play symbols matches any of the play symbols in "GAME 5," and a prize symbol of \$10⁰⁰ (TEN DOL) appears in the "PRIZE" area to the right of "GAME 5," on a single ticket, shall be entitled to a prize of \$50.

(8) Holders of tickets upon which any of the "WINNING NUMBERS" play symbols matches any of the play symbols in "GAME 5," and a prize symbol of \$6⁰⁰ (SIX DOL) appears in the "PRIZE" area to the right of "GAME 5," on a single ticket, shall be entitled to a prize of \$30.

(9) Holders of tickets upon which any of the "WINNING NUMBERS" play symbols matches any of the play symbols in "GAME 5," and a prize symbol of \$5⁰⁰ (FIV DOL) appears in the "PRIZE" area to the right of "GAME 5," on a single ticket, shall be entitled to a prize of \$25.

(10) Holders of tickets upon which any of the "WINNING NUMBERS" play symbols matches any of the play symbols in "GAME 5," and a prize symbol of \$3⁰⁰ (THR DOL) appears in the "PRIZE" area to the right of "GAME 5," on a single ticket, shall be entitled to a prize of \$15.

(d) *Determination of prize winners for the "FAST CASH BONUS" area are:*

(1) Holders of tickets with a Pyramid (PYRMD) symbol in the "FAST CASH BONUS" area and a prize symbol of \$300 (THR HUN) appears in the "prize" area under that Pyramid (PYRMD) symbol, on a single ticket, shall be entitled to a prize of \$300.

(2) Holders of tickets with a Pyramid (PYRMD) symbol in the "FAST CASH BONUS" area and a prize symbol of \$100 (ONE HUN) appears in the "prize" area under that Pyramid (PYRMD) symbol, on a single ticket, shall be entitled to a prize of \$100.

(3) Holders of tickets with a Pyramid (PYRMD) symbol in the "FAST CASH BONUS" area and a prize symbol of \$50⁰⁰ (FIFTY) appears in the "prize" area under that Pyramid (PYRMD) symbol, on a single ticket, shall be entitled to a prize of \$50.

(4) Holders of tickets with a Pyramid (PYRMD) symbol in the "FAST CASH BONUS" area and a prize symbol of \$20⁰⁰ (TWENTY) appears in the "prize" area under that Pyramid (PYRMD) symbol, on a single ticket, shall be entitled to a prize of \$20.

(5) Holders of tickets with a Pyramid (PYRMD) symbol in the "FAST CASH BONUS" area and a prize symbol of \$10⁰⁰ (TEN DOL) appears in the "prize" area under that Pyramid (PYRMD) symbol, on a single ticket, shall be entitled to a prize of \$10.

(6) Holders of tickets with a Pyramid (PYRMD) symbol in the "FAST CASH BONUS" area and a prize symbol of \$9⁰⁰ (NIN DOL) appears in the "prize" area under that Pyramid (PYRMD) symbol, on a single ticket, shall be entitled to a prize of \$9.

(7) Holders of tickets with a Pyramid (PYRMD) symbol in the "FAST CASH BONUS" area and a prize symbol of \$6⁰⁰ (SIX DOL) appears in the "prize" area under that Pyramid (PYRMD) symbol, on a single ticket, shall be entitled to a prize of \$6.

(8) Holders of tickets with a Pyramid (PYRMD) symbol in the "FAST CASH BONUS" area and a prize symbol of \$5⁰⁰ (FIV DOL) appears in the "prize" area under that Pyramid (PYRMD) symbol, on a single ticket, shall be entitled to a prize of \$5.

(9) Holders of tickets with a Pyramid (PYRMD) symbol in the "FAST CASH BONUS" area and a prize symbol of \$3⁰⁰ (THR DOL) appears in the "prize" area under that Pyramid (PYRMD) symbol, on a single ticket, shall be entitled to a prize of \$3.

8. *Number and Description of Prizes and Approximate Odds:* The following table sets forth the approximate number of winners, amounts of prizes, and approximate odds of winning:

| When Any Winning Number Matches Any Number Found In Any GAME, Win Prize Shown For That GAME. Win With: GAMES 1, 2, 4, 6, 7 or 8 | | | | Win | Approximate Odds Are 1 In: | Approximate No. Of Winners Per 8,400,000 Tickets |
|---|-------------|-------------|-----------------|-------|----------------------------|--|
| | GAME 3 (3X) | GAME 5 (5X) | FAST CASH BONUS | | | |
| \$3 | | | | \$3 | 8.33 | 1,008,000 |
| | | | \$5 | \$5 | 200 | 42,000 |
| \$5 | | | | \$5 | 33.33 | 252,000 |
| \$3 | | | \$3 | \$6 | 71.43 | 117,600 |
| \$3 x 2 | | | | \$6 | 83.33 | 100,800 |
| \$6 | | | | \$6 | 83.33 | 100,800 |
| \$3 | | | \$3 x 2 | \$9 | 333.33 | 25,200 |
| \$3 | | | \$6 | \$9 | 333.33 | 25,200 |
| \$3 x 3 | | | | \$9 | 333.33 | 25,200 |
| | \$3 | | | \$9 | 333.33 | 25,200 |
| \$9 | | | | \$9 | 200 | 42,000 |
| | | | \$5 x 2 | \$10 | 500 | 16,800 |
| | | | \$10 | \$10 | 500 | 16,800 |
| \$5 | | | \$5 | \$10 | 500 | 16,800 |
| \$5 x 2 | | | | \$10 | 500 | 16,800 |
| \$10 | | | | \$10 | 500 | 16,800 |
| | \$3 | | \$3 | \$12 | 1,000 | 8,400 |
| \$3 | | | \$3 x 3 | \$12 | 1,000 | 8,400 |
| \$3 | | | \$9 | \$12 | 500 | 16,800 |
| \$3 x 4 | | | | \$12 | 1,000 | 8,400 |
| \$6 x 2 | | | | \$12 | 1,000 | 8,400 |
| \$12 | | | | \$12 | 1,000 | 8,400 |
| | \$3 | | \$3 x 2 | \$15 | 1,000 | 8,400 |
| \$3 x 5 | | | | \$15 | 1,000 | 8,400 |
| \$5 x 3 | | | | \$15 | 1,000 | 8,400 |
| \$5 x 2 | | | \$5 | \$15 | 500 | 16,800 |
| | \$5 | \$3 | | \$15 | 1,000 | 8,400 |
| \$15 | | | | \$15 | 1,000 | 8,400 |
| | \$5 | \$3 | \$5 | \$20 | 1,000 | 8,400 |
| | \$5 | | \$5 | \$20 | 1,000 | 8,400 |
| \$5 x 4 | | | | \$20 | 1,000 | 8,400 |
| \$10 x 2 | | | | \$20 | 1,000 | 8,400 |
| \$20 | | | | \$20 | 1,000 | 8,400 |
| | \$5 | \$3 | | \$30 | 1,200 | 7,000 |
| \$3 x 5 | | \$3 | | \$30 | 1,200 | 7,000 |
| \$3 x 4 | \$6 | | | \$30 | 1,200 | 7,000 |
| \$5 x 3 | \$3 | | \$3 x 2 | \$30 | 1,200 | 7,000 |
| \$5 x 3 | \$5 | | | \$30 | 2,400 | 3,500 |
| \$6 x 2 | \$3 | | \$3 x 3 | \$30 | 2,400 | 3,500 |
| | | \$6 | | \$30 | 1,200 | 7,000 |
| | \$10 | | | \$30 | 2,400 | 3,500 |
| \$30 | | | | \$30 | 2,400 | 3,500 |
| | | \$5 | \$5 x 5 | \$50 | 2,400 | 3,500 |
| | \$5 | \$5 | \$10 | \$50 | 2,400 | 3,500 |
| | \$10 | \$3 | \$5 | \$50 | 2,400 | 3,500 |
| \$5 | \$9 | \$3 | \$3 | \$50 | 2,400 | 3,500 |
| \$5 | \$15 | | | \$50 | 2,400 | 3,500 |
| \$5 x 5 | | | \$5 x 5 | \$50 | 2,400 | 3,500 |
| \$5 x 4 | \$10 | | | \$50 | 2,400 | 3,500 |
| \$10 x 3 | | | \$5 x 4 | \$50 | 2,400 | 3,500 |
| | | \$10 | | \$50 | 4,000 | 2,100 |
| \$50 | | | | \$50 | 6,000 | 1,400 |
| | \$10 | \$10 | \$5 x 4 | \$100 | 12,000 | 700 |
| | \$30 | | \$10 | \$100 | 12,000 | 700 |
| \$10 | \$10 | \$10 | \$10 | \$100 | 12,000 | 700 |
| \$5 x 4 | \$10 | | \$10 x 5 | \$100 | 12,000 | 700 |
| \$50 | | | \$10 x 5 | \$100 | 24,000 | 350 |
| | | \$20 | | \$100 | 12,000 | 700 |
| \$100 | | | | \$100 | 24,000 | 350 |
| | | \$50 | \$50 | \$300 | 60,000 | 140 |
| \$30 | \$30 | \$30 | \$10 x 3 | \$300 | 60,000 | 140 |
| \$20 x 5 | | \$20 | \$100 | \$300 | 60,000 | 140 |
| \$100 x 2 | | | \$20 x 5 | \$300 | 60,000 | 140 |

| When Any Winning Number Matches Any Number Found In Any GAME, Win Prize Shown For That GAME. Win With: | | | | Win | Approximate Odds Are 1 In: | Approximate No. Of Winners Per 8,400,000 Tickets |
|--|-------------|-------------|-----------------|----------|----------------------------|--|
| GAMES 1, 2, 4, 6, 7 or 8 | GAME 3 (3X) | GAME 5 (5X) | FAST CASH BONUS | | | |
| | \$100 | | | \$300 | 60,000 | 140 |
| \$300 | | | | \$300 | 60,000 | 140 |
| | | \$100 | \$100 × 5 | \$1,000 | 60,000 | 140 |
| \$10 × 5 | \$300 | | \$50 | \$1,000 | 60,000 | 140 |
| \$50 × 4 | \$100 | | \$100 × 5 | \$1,000 | 60,000 | 140 |
| \$100 × 3 | | \$100 | \$50 × 4 | \$1,000 | 60,000 | 140 |
| \$1,000 | | | | \$1,000 | 60,000 | 140 |
| \$500 × 2 | | \$100 | \$300 × 5 | \$3,000 | 1,680,000 | 5 |
| \$1,000 × 3 | | | | \$3,000 | 1,680,000 | 5 |
| | \$1,000 | | | \$3,000 | 1,680,000 | 5 |
| \$3,000 | | | | \$3,000 | 1,680,000 | 5 |
| \$1,000 × 2 | \$1,000 | | | \$5,000 | 1,680,000 | 5 |
| | | \$1,000 | | \$5,000 | 1,680,000 | 5 |
| \$5,000 | | | | \$5,000 | 1,680,000 | 5 |
| | | \$5,000 | | \$25,000 | 1,680,000 | 5 |
| \$25,000 | | | | \$25,000 | 1,680,000 | 5 |
| | \$25,000 | | | \$75,000 | 1,680,000 | 5 |
| \$75,000 | | | | \$75,000 | 1,680,000 | 5 |

When any winning number matches any number in GAME 3, win 3 times the prize shown for that GAME!

When any winning number matches any number in GAME 5, win 5 times the prize shown for that GAME!

FAST CASH BONUS: Reveal a "PYRAMID" (PYRMD) symbol, win prize shown under that symbol. FAST CASH BONUS is played separately.

Prizes, including top prizes, are subject to availability at the time of purchase.

9. *Retailer Incentive Awards:* The Lottery may conduct a separate Retailer Incentive Program for retailers who sell Treasures of the Pyramid instant lottery game tickets.

10. *Retailer Bonus:* The Lottery may offer a retailer bonus in connection with the sale of Pennsylvania instant lottery game tickets. If a retailer bonus is offered, a Lottery retailer shall be eligible for a bonus as described in this section. Lottery retailers who sell a winning ticket that entitles the ticket holder to a prize, either payable in a single installment or having a guaranteed minimum payout, of at least \$100,000 and not exceeding \$500,000 shall be paid a bonus of \$500. Lottery retailers who sell a winning ticket that entitles the ticket holder to a prize, either payable in a single installment or having a guaranteed minimum payout, of at least \$500,001 and not exceeding \$1,000,000 shall be paid a bonus of \$5,000. Lottery retailers who sell a winning ticket that entitles the ticket holder to a prize, either payable in a single installment or having a guaranteed minimum payout, of at least \$1,000,001 and not exceeding \$10,000,000 shall be paid a bonus of \$10,000. A Lottery retailer is entitled only to the largest bonus for which he qualifies on a winning ticket. A bonus will be initiated for payment after the instant ticket is claimed and validated. A bonus will not be awarded to a Lottery retailer that sells a non-winning Pennsylvania Lottery instant ticket used to enter a Pennsylvania Lottery second-chance drawing or promotion that is subsequently selected to win a prize.

11. *Unclaimed Prize Money:* For a period of 1 year from the announced close of Treasures of the Pyramid, prize money from winning Treasures of the Pyramid instant lottery game tickets will be retained by the Secretary for payment to the persons entitled thereto. If no claim is made within 1 year of the announced close of the Treasures of the Pyramid instant lottery game, the

right of a ticket holder to claim the prize represented by the ticket, if any, will expire and the prize money will be paid into the State Lottery Fund and used for purposes provided for by statute.

12. *Governing Law:* In purchasing a ticket, the customer agrees to comply with and abide by the State Lottery Law (72 P.S. §§ 3761-101—3761-314), 61 Pa. Code Part V (relating to State Lotteries) and the provisions contained in this notice.

13. *Termination of the Game:* The Secretary may announce a termination date, after which no further tickets from this game may be sold. The announcement will be disseminated through media used to advertise or promote Treasures of the Pyramid or through normal communications methods.

EILEEN H. McNULTY,
Secretary

[Pa.B. Doc. No. 17-302. Filed for public inspection February 17, 2017, 9:00 a.m.]

Pennsylvania Triple Play Instant Lottery Game 1266

Under the State Lottery Law (72 P.S. §§ 3761-101—3761-314) and 61 Pa. Code § 819.203 (relating to notice of instant game rules), the Secretary of Revenue hereby provides public notice of the rules for the following instant lottery game:

1. *Name:* The name of the game is Pennsylvania Triple Play (hereinafter "Triple Play"). The game number is PA-1266.

2. *Price:* The price of a Triple Play instant lottery game ticket is \$5.

3. *Play Symbols:* Each Triple Play instant lottery game ticket will contain one play area featuring a "WINNING NUMBERS" area and a "YOUR NUMBERS" area. The play symbols and their captions located in the "WINNING NUMBERS" area are: 1 (ONE), 2 (TWO), 3 (THREE), 4 (FOUR), 5 (FIVE), 6 (SIX), 7 (SEVEN), 8 (EIGHT), 9 (NINE), 10 (TEN), 11 (ELEVN), 12 (TWLV), 13 (THRTN), 14 (FORTN), 15 (FIFTN), 16 (SIXTN), 17 (SVNTN), 18 (EGHTN), 19 (NINTN), 20 (TWENT), 21 (TWYONE), 22 (TWYTWO), 23 (TWYTHR), 24 (TWYFOR), 25 (TWYFIV), 26 (TWYSIX), 27 (TWYSVN), 28 (TWYEGT), 29 (TWYNIN) and 30 (THIRTY). The play symbols and their captions located in the "YOUR NUMBERS" area are: 1 (ONE), 2 (TWO), 3 (THREE), 4 (FOUR), 5 (FIVE), 6 (SIX), 7 (SEVEN), 8 (EIGHT), 9 (NINE), 10 (TEN), 11 (ELEVN), 12 (TWLV), 13 (THRTN), 14 (FORTN), 15 (FIFTN), 16 (SIXTN), 17 (SVNTN), 18 (EGHTN), 19 (NINTN), 20 (TWENT), 21 (TWYONE), 22 (TWYTWO), 23 (TWYTHR), 24 (TWYFOR), 25 (TWYFIV), 26 (TWYSIX), 27 (TWYSVN), 28 (TWYEGT), 29 (TWYNIN), 30 (THIRTY), and a WIN (WIN) symbol.

4. *Prize Symbols:* The prize symbols and their captions located in the "YOUR NUMBERS" area are: \$5^{.00} (FIV DOL), \$10^{.00} (TEN DOL), \$15^{.00} (FIFTN), \$20^{.00} (TWENTY), \$30^{.00} (THIRTY), \$50^{.00} (FIFTY), \$100 (ONE HUN), \$150 (ONEHUNFTY), \$200 (TWO HUN), \$500 (FIV HUN), \$1,000 (ONE THO), \$5,000 (FIV THO) and \$100,000 (ONEHUNTHO).

5. *Prizes:* The prizes that can be won in this game are: \$5, \$10, \$15, \$20, \$30, \$50, \$100, \$150, \$200, \$500, \$1,000, \$5,000 and \$100,000. The player can win up to 5 times on the ticket.

6. *Approximate Number of Tickets Printed For the Game:* Approximately 9,600,000 tickets will be printed for the Triple Play instant lottery game.

7. *Determination of Prize Winners:*

(a) *Determination of prize winners for holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches any of the "WINNING NUMBERS" play symbols are:*

(1) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches any of the "WINNING NUMBERS" play symbols and a prize symbol of \$100,000 (ONEHUNTHO) appears in the "Prize" area under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$100,000.

(2) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches any of the "WINNING NUMBERS" play symbols and a prize symbol of \$5,000 (FIV THO) appears in the "Prize" area under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$5,000.

(3) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches any of the "WINNING NUMBERS" play symbols and a prize symbol of \$1,000 (ONE THO) appears in the "Prize" area under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$1,000.

(4) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches any of the "WINNING NUMBERS" play symbols and a prize symbol of \$500 (FIV HUN) appears in the "Prize" area under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$500.

(5) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches any of the

"WINNING NUMBERS" play symbols and a prize symbol of \$200 (TWO HUN) appears in the "Prize" area under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$200.

(6) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches any of the "WINNING NUMBERS" play symbols and a prize symbol of \$150 (ONEHUNFTY) appears in the "Prize" area under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$150.

(7) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches any of the "WINNING NUMBERS" play symbols and a prize symbol of \$100 (ONE HUN) appears in the "Prize" area under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$100.

(8) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches any of the "WINNING NUMBERS" play symbols and a prize symbol of \$50^{.00} (FIFTY) appears in the "Prize" area under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$50.

(9) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches any of the "WINNING NUMBERS" play symbols and a prize symbol of \$30^{.00} (THIRTY) appears in the "Prize" area under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$30.

(10) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches any of the "WINNING NUMBERS" play symbols and a prize symbol of \$20^{.00} (TWENTY) appears in the "Prize" area under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$20.

(11) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches any of the "WINNING NUMBERS" play symbols and a prize symbol of \$15^{.00} (FIFTN) appears in the "Prize" area under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$15.

(12) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches any of the "WINNING NUMBERS" play symbols and a prize symbol of \$10^{.00} (TEN DOL) appears in the "Prize" area under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$10.

(13) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches any of the "WINNING NUMBERS" play symbols and a prize symbol of \$5^{.00} (FIV DOL) appears in the "Prize" area under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$5.

(b) *Determination of prize winners for holders of tickets with three matching prize symbols in the "YOUR NUMBERS" area are:*

(1) Holders of tickets with three matching prize symbols of \$100,000 (ONEHUNTHO) in the "YOUR NUMBERS" area, on a single ticket, shall be entitled to a prize of \$100,000.

(2) Holders of tickets with three matching prize symbols of \$5,000 (FIV THO) in the "YOUR NUMBERS" area, on a single ticket, shall be entitled to a prize of \$5,000.

(3) Holders of tickets with three matching prize symbols of \$1,000 (ONE THO) in the "YOUR NUMBERS" area, on a single ticket, shall be entitled to a prize of \$1,000.

(4) Holders of tickets with three matching prize symbols of \$500 (FIV HUN) in the "YOUR NUMBERS" area, on a single ticket, shall be entitled to a prize of \$500.

(5) Holders of tickets with three matching prize symbols of \$200 (TWO HUN) in the "YOUR NUMBERS" area, on a single ticket, shall be entitled to a prize of \$200.

(6) Holders of tickets with three matching prize symbols of \$150 (ONEHUNFTY) in the "YOUR NUMBERS" area, on a single ticket, shall be entitled to a prize of \$150.

(7) Holders of tickets with three matching prize symbols of \$100 (ONE HUN) in the "YOUR NUMBERS" area, on a single ticket, shall be entitled to a prize of \$100.

(8) Holders of tickets with three matching prize symbols of \$50⁰⁰ (FIFTY) in the "YOUR NUMBERS" area, on a single ticket, shall be entitled to a prize of \$50.

(9) Holders of tickets with three matching prize symbols of \$30⁰⁰ (THIRTY) in the "YOUR NUMBERS" area, on a single ticket, shall be entitled to a prize of \$30.

(10) Holders of tickets with three matching prize symbols of \$20⁰⁰ (TWENTY) in the "YOUR NUMBERS" area, on a single ticket, shall be entitled to a prize of \$20.

(11) Holders of tickets with three matching prize symbols of \$15⁰⁰ (FIFTN) in the "YOUR NUMBERS" area, on a single ticket, shall be entitled to a prize of \$15.

(12) Holders of tickets with three matching prize symbols of \$10⁰⁰ (TEN DOL) in the "YOUR NUMBERS" area, on a single ticket, shall be entitled to a prize of \$10.

(13) Holders of tickets with three matching prize symbols of \$5⁰⁰ (FIV DOL) in the "YOUR NUMBERS" area, on a single ticket, shall be entitled to a prize of \$5.

(c) *Determination of prize winners for holders of tickets with a WIN (WIN) symbol in the "YOUR NUMBERS" area are:*

(1) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a WIN (WIN) symbol and a prize symbol of \$5,000 (FIV THO) appears in the "Prize" area under that WIN (WIN) symbol, on a single ticket, shall be entitled to a prize of \$5,000.

(2) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a WIN (WIN) symbol and a prize symbol of \$1,000 (ONE THO) appears in the "Prize" area under that WIN (WIN) symbol, on a single ticket, shall be entitled to a prize of \$1,000.

(3) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a WIN (WIN) symbol and a prize symbol of \$500 (FIV HUN) appears in the "Prize" area under that WIN (WIN) symbol, on a single ticket, shall be entitled to a prize of \$500.

(4) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a WIN (WIN) symbol and a prize symbol of \$200 (TWO HUN) appears in the "Prize" area under that WIN (WIN) symbol, on a single ticket, shall be entitled to a prize of \$200.

(5) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a WIN (WIN) symbol and a prize symbol of \$150 (ONEHUNFTY) appears in the "Prize" area under that WIN (WIN) symbol, on a single ticket, shall be entitled to a prize of \$150.

(6) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a WIN (WIN) symbol and a prize symbol of \$100 (ONE HUN) appears in the "Prize" area under that WIN (WIN) symbol, on a single ticket, shall be entitled to a prize of \$100.

(7) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a WIN (WIN) symbol and a prize symbol of \$50⁰⁰ (FIFTY) appears in the "Prize" area under that WIN (WIN) symbol, on a single ticket, shall be entitled to a prize of \$50.

(8) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a WIN (WIN) symbol and a prize symbol of \$30⁰⁰ (THIRTY) appears in the "Prize" area under that WIN (WIN) symbol, on a single ticket, shall be entitled to a prize of \$30.

(9) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a WIN (WIN) symbol and a prize symbol of \$20⁰⁰ (TWENTY) appears in the "Prize" area under that WIN (WIN) symbol, on a single ticket, shall be entitled to a prize of \$20.

(10) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a WIN (WIN) symbol and a prize symbol of \$15⁰⁰ (FIFTN) appears in the "Prize" area under that WIN (WIN) symbol, on a single ticket, shall be entitled to a prize of \$15.

(11) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a WIN (WIN) symbol and a prize symbol of \$10⁰⁰ (TEN DOL) appears in the "Prize" area under that WIN (WIN) symbol, on a single ticket, shall be entitled to a prize of \$10.

(12) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a WIN (WIN) symbol and a prize symbol of \$5⁰⁰ (FIV DOL) appears in the "Prize" area under that WIN (WIN) symbol, on a single ticket, shall be entitled to a prize of \$5.

8. *Number and Description of Prizes and Approximate Odds:* The following table sets forth the approximate number of winners, amounts of prizes, and approximate odds of winning:

| <i>3 Ways To Play!</i> | | | | <i>Approximate</i> | |
|---|--|---|-------------|-----------------------------|---|
| <i>1. When Any Of Your Numbers Match Any Winning Number, Win Prize Shown Under The Matching Number. Win With:</i> | <i>2. Match 3 Like Prize Amounts, Win That Amount. Win With:</i> | <i>3. Reveal A "WIN" (WIN) Symbol, Win Prize Shown Under That Symbol Automatically. Win With:</i> | <i>Win:</i> | <i>Approximate Odds Are</i> | <i>Approximate No. Of Winners Per 9,600,000 Tickets</i> |
| | | \$5 w/ WIN | \$5 | 60 | 160,000 |
| \$5 | 3 - \$5s | | \$5 | 20 | 480,000 |
| | | | \$5 | 20 | 480,000 |
| | | (\$5 w/ WIN) × 2 | \$10 | 300 | 32,000 |
| \$5 × 2 | | | \$10 | 150 | 64,000 |

| | | <i>3 Ways To Play!</i> | | | | |
|---|--------------|--|--------------------|---|---|---------|
| <i>1. When Any Of Your Numbers Match Any Winning Number, Win Prize Shown Under The Matching Number. Win With:</i> | | <i>2. Match 3 Like Prize Amounts, Win That Amount. Win With:</i> | | <i>3. Reveal A "WIN" (WIN) Symbol, Win Prize Shown Under That Symbol Automatically. Win With:</i> | | |
| | | | | <i>Approximate Odds Are</i> | <i>Approximate No. Of Winners Per 9,600,000 Tickets</i> | |
| | | | | <i>1 In:</i> | | |
| | | | \$10 w/ WIN | \$10 | 300 | 32,000 |
| \$10 | 3 - \$10s | | | \$10 | 150 | 64,000 |
| | | | \$5 w/ WIN | \$10 | 200 | 48,000 |
| \$5 | 3 - \$10s | | | \$15 | 120 | 80,000 |
| \$5 | 3 - \$10s | | \$10 w/ WIN | \$15 | 120 | 80,000 |
| \$10 | | | \$5 w/ WIN | \$15 | 120 | 80,000 |
| | | | \$15 w/ WIN | \$15 | 120 | 80,000 |
| \$15 | 3 - \$15s | | | \$15 | 120 | 80,000 |
| \$5 x 2 | 3 - \$10s | | | \$15 | 60 | 160,000 |
| \$10 x 2 | | | \$20 w/ WIN | \$20 | 600 | 16,000 |
| | | | | \$20 | 600 | 16,000 |
| \$20 | 3 - \$20s | | | \$20 | 600 | 16,000 |
| \$5 x 2 | | | \$20 w/ WIN | \$20 | 600 | 16,000 |
| | | | \$10 w/ WIN | \$30 | 600 | 16,000 |
| \$15 x 2 | 3 - \$20s | | | \$30 | 300 | 32,000 |
| \$20 | 3 - \$10s | | | \$30 | 600 | 16,000 |
| | | | \$30 w/ WIN | \$30 | 200 | 48,000 |
| \$30 | 3 - \$30s | | | \$30 | 600 | 16,000 |
| \$10 x 2 | 3 - \$20s | | | \$30 | 600 | 16,000 |
| \$20 x 2 | 3 - \$10s | | (\$5 w/ WIN) x 2 | \$50 | 600 | 16,000 |
| | | | | \$50 | 600 | 16,000 |
| \$50 | 3 - \$50s | | \$50 w/ WIN | \$50 | 600 | 16,000 |
| \$30 | 3 - \$20s | | | \$50 | 600 | 16,000 |
| \$10 x 2 | 3 - \$30s | | \$50 w/ WIN | \$50 | 600 | 16,000 |
| \$20 x 2 | | | (\$30 w/ WIN) x 2 | \$100 | 2,400 | 4,000 |
| \$50 x 2 | | | | \$100 | 2,400 | 4,000 |
| | | | \$100 w/ WIN | \$100 | 2,400 | 4,000 |
| \$100 | 3 - \$100s | | | \$100 | 2,400 | 4,000 |
| | | | \$100 w/ WIN | \$150 | 12,000 | 800 |
| \$30 x 2 | 3 - \$50s | | (\$20 w/ WIN) x 2 | \$150 | 12,000 | 800 |
| \$50 | 3 - \$100s | | | \$150 | 12,000 | 800 |
| \$100 | 3 - \$30s | | \$20 w/ WIN | \$150 | 12,000 | 800 |
| \$100 | | | \$50 w/ WIN | \$150 | 12,000 | 800 |
| \$100 | 3 - \$50s | | | \$150 | 12,000 | 800 |
| | | | \$150 w/ WIN | \$150 | 12,000 | 800 |
| \$150 | 3 - \$150s | | | \$150 | 12,000 | 800 |
| \$10 x 2 | 3 - \$150s | | \$30 w/ WIN | \$200 | 24,000 | 400 |
| \$50 x 2 | 3 - \$100s | | | \$200 | 24,000 | 400 |
| \$100 x 2 | | | \$200 w/ WIN | \$200 | 24,000 | 400 |
| | | | | \$200 | 24,000 | 400 |
| \$200 | 3 - \$200s | | | \$200 | 24,000 | 400 |
| \$100 x 2 | 3 - \$200s | | (\$50 w/ WIN) x 2 | \$500 | 24,000 | 400 |
| \$200 x 2 | 3 - \$100s | | | \$500 | 24,000 | 400 |
| | | | \$500 w/ WIN | \$500 | 24,000 | 400 |
| \$500 | 3 - \$500s | | | \$500 | 24,000 | 400 |
| | | | | \$500 | 24,000 | 400 |
| | | | (\$500 w/ WIN) x 2 | \$1,000 | 1,920,000 | 5 |
| (\$200 x 2) + (\$50 x 2) | 3 - \$500s | | | \$1,000 | 1,920,000 | 5 |
| \$500 x 2 | | | | \$1,000 | 1,920,000 | 5 |
| | | | \$1,000 w/ WIN | \$1,000 | 1,920,000 | 5 |
| \$1,000 | 3 - \$1,000s | | | \$1,000 | 1,920,000 | 5 |

3 Ways To Play!

1. When Any Of Your Numbers Match Any Winning Number, Win Prize Shown Under The Matching Number. Win With:

2. Match 3 Like Prize Amounts, Win That Amount. Win With:

3. Reveal A "WIN" (WIN) Symbol, Win Prize Shown Under That Symbol Automatically. Win With:

| Approximate Odds Are | Approximate No. Of Winners Per 9,600,000 Tickets |
|----------------------|--|
| 1 In: 1,920,000 | 5 |
| 1 In: 1,920,000 | 5 |
| 1 In: 960,000 | 10 |
| 1 In: 1,920,000 | 5 |
| 1 In: 1,920,000 | 5 |

| | |
|-----------|----------------|
| \$5,000 | 3 - \$5,000s |
| \$100,000 | 3 - \$100,000s |

\$5,000 w/ WIN

| Win: |
|-----------|
| \$5,000 |
| \$5,000 |
| \$5,000 |
| \$100,000 |
| \$100,000 |

Prizes, including top prizes, are subject to availability at the time of purchase.

9. *Retailer Incentive Awards:* The Lottery may conduct a separate Retailer Incentive Program for retailers who sell Triple Play instant lottery game tickets.

10. *Retailer Bonus:* The Lottery may offer a retailer bonus in connection with the sale of Pennsylvania instant lottery game tickets. If a retailer bonus is offered, a Lottery retailer shall be eligible for a bonus as described in this section. Lottery retailers who sell a winning ticket that entitles the ticket holder to a prize, either payable in a single installment or having a guaranteed minimum payout, of at least \$100,000 and not exceeding \$500,000 shall be paid a bonus of \$500. Lottery retailers who sell a winning ticket that entitles the ticket holder to a prize, either payable in a single installment or having a guaranteed minimum payout, of at least \$500,001 and not exceeding \$1,000,000 shall be paid a bonus of \$5,000. Lottery retailers who sell a winning ticket that entitles the ticket holder to a prize, either payable in a single installment or having a guaranteed minimum payout, of at least \$1,000,001 and not exceeding \$10,000,000 shall be paid a bonus of \$10,000. A Lottery retailer is entitled only to the largest bonus for which he qualifies on a winning ticket. A bonus will be initiated for payment after the instant ticket is claimed and validated. A bonus will not be awarded to a Lottery retailer that sells a non-winning Pennsylvania Lottery instant ticket used to enter

a Pennsylvania Lottery second-chance drawing or promotion that is subsequently selected to win a prize.

11. *Unclaimed Prize Money:* For a period of 1 year from the announced close of Triple Play, prize money from winning Triple Play instant lottery game tickets will be retained by the Secretary for payment to the persons entitled thereto. If no claim is made within 1 year of the announced close of the Triple Play instant lottery game, the right of a ticket holder to claim the prize represented by the ticket, if any, will expire and the prize money will be paid into the State Lottery Fund and used for purposes provided for by statute.

12. *Governing Law:* In purchasing a ticket, the customer agrees to comply with and abide by the State Lottery Law (72 P.S. §§ 3761-101—3761-314), 61 Pa. Code Part V (relating to State Lotteries) and the provisions contained in this notice.

13. *Termination of the Game:* The Secretary may announce a termination date, after which no further tickets from this game may be sold. The announcement will be disseminated through media used to advertise or promote Triple Play or through normal communications methods.

EILEEN H. McNULTY,
Secretary

[Pa.B. Doc. No. 17-303. Filed for public inspection February 17, 2017, 9:00 a.m.]

FISH AND BOAT COMMISSION

Classification of Wild Trout Streams Proposed Additions, Revisions and Removals; April 2017

Under 58 Pa. Code § 57.11 (relating to listing of wild trout streams), it is the policy of the Fish and Boat Commission (Commission) to accurately identify and classify stream sections supporting naturally reproducing populations of trout as wild trout streams. The Commission's Fisheries Management Division maintains the list of wild trout streams. The Executive Director, with the approval of the Commission, will from time-to-time publish the list of wild trout streams in the *Pennsylvania Bulletin*. The listing of a stream section as a wild trout stream is a biological designation that does not determine how it is managed. The Commission relies upon many factors in determining the appropriate management of streams.

At the next Commission meeting on April 24 and 25, 2017, the Commission will consider changes to its list of wild trout streams. Specifically, the Commission will consider the addition of the following streams or portions of streams to the list:

| County of Mouth | Stream Name | Section Limits | Tributary to | Mouth Lat/Lon |
|-----------------|-----------------------------------|---------------------|-----------------|------------------------|
| Armstrong | UNT to Allegheny River (RM 78.91) | Headwaters to Mouth | Allegheny River | 41.045980 79.655890 |
| Berks | UNT to Cacoosing Creek (RM 6.72) | Headwaters to Mouth | Cacoosing Creek | 40.308056 76.047444 |
| Cambria | Little Chest Creek | Headwaters to Mouth | Chest Creek | 40.631781 78.647341 |

| <i>County of Mouth</i> | <i>Stream Name</i> | <i>Section Limits</i> | <i>Tributary to</i> | <i>Mouth Lat/Lon</i> |
|------------------------|--|---|---------------------------------------|------------------------|
| Cambria | UNT to Chest Creek (RM 38.31) | Headwaters to Mouth | Chest Creek | 40.531413 78.678246 |
| Cambria | UNT to Chest Creek (RM 38.45) | Headwaters to Mouth | Chest Creek | 40.529460 78.677842 |
| Cambria | UNT to Fallentimber Run (RM 0.44) | Headwaters to Mouth | Fallentimber Run | 40.680520 78.489521 |
| Cambria | UNT to West Branch Susquehanna River (RM 229.92) | Headwaters to Mouth | West Branch Susquehanna River | 40.675385 78.802628 |
| Cameron | Bennett Branch Sinnemahoning Creek | Headwaters to 200 Meters Downstream T-409 Bridge | Sinnemahoning Creek | 41.336388 78.133614 |
| Carbon | UNT to Long Run (RM 1.10) | Headwaters to Mouth | Long Run | 40.858047 75.695718 |
| Carbon | UNT to Mill Creek (RM 0.59) | Headwaters to Mouth | Mill Creek | 40.815573 75.596542 |
| Centre | Little Wolf Run | Headwaters to Mouth | Wolf Run | 41.092778 77.880000 |
| Centre | UNT to Benner Run (RM 2.20) | Headwaters to Mouth | Benner Run | 40.933343 78.016824 |
| Centre | UNT to Gap Run (RM 1.39) | Headwaters to Mouth | Gap Run | 40.853248 77.724202 |
| Centre | UNT to Gap Run (RM 1.65) | Headwaters to Mouth | Gap Run | 40.852241 77.724038 |
| Chester | Birch Run | Headwaters to Mouth | Buck Run | 39.928246 75.857220 |
| Chester | Doe Run | Headwaters to Mouth | Buck Run | 39.920759 75.798179 |
| Chester | UNT to East Branch Brandywine Creek (RM 19.65) | Headwaters to Mouth | East Branch Brandywine Creek | 40.099161 75.783402 |
| Chester | UNT to East Branch Brandywine Creek (RM 21.44) | Headwaters to Mouth | East Branch Brandywine Creek | 40.105565 75.806811 |
| Clearfield | Horning Hollow Run | Headwaters to Mouth | Bennett Branch Sinnemahoning Creek | 41.222188 78.554936 |
| Clearfield | Moravian Run | Headwaters to UNT to Moravian Run (RM 6.10) | West Branch Susquehanna River | 41.049416 78.258591 |
| Clearfield | UNT to Bell Run (RM 2.24) | Headwaters to Mouth | Bell Run | 40.940561 78.643817 |
| Clearfield | UNT to Bell Run (RM 4.62) | Headwaters to Mouth | Bell Run | 40.970556 78.643056 |
| Clearfield | UNT to Bell Run (RM 4.72) | Headwaters to Mouth | Bell Run | 40.971667 78.643611 |
| Clearfield | UNT to Bennett Branch Sinnemahoning Creek (RM 39.82) | Headwaters to Mouth | Bennett Branch Sinnemahoning Creek | 41.172786 78.605732 |
| Clearfield | UNT to Dale Run (RM 0.36) | Headwaters to Mouth | Dale Run | 41.013817 78.269051 |
| Clinton | Greenburr Gap Run | Headwaters to Sink at RM 0.30 | Fishing Creek | 41.010947 77.359887 |
| Clinton | Laurel Fork | Headwaters to Mouth | Young Womans Creek | 41.452219 77.635019 |
| Clinton | UNT to Campbell Run (RM 2.17) | Headwaters to Mouth | Campbell Run | 41.330331 77.482210 |
| Elk | Barr Hollow Run | Headwaters to Mouth | Bennett Branch Sinnemahoning Creek | 41.293530 78.391174 |

| <i>County of Mouth</i> | <i>Stream Name</i> | <i>Section Limits</i> | <i>Tributary to</i> | <i>Mouth Lat/Lon</i> |
|------------------------|---|---|--|------------------------|
| Elk | Brush Hollow Run | Headwaters to Mouth | Big Mill Creek | 41.547431 78.791276 |
| Elk | Cherry Run | Headwaters to UNT to Cherry Run (RM 1.08) | Bennett Branch Sinnemahoning Creek | 41.253700 78.503502 |
| Elk | Silver Mill Hollow Run | Headwaters to Mouth | Bennett Branch Sinnemahoning Creek | 41.289757 78.395966 |
| Elk | UNT to Bennett Branch Sinnemahoning Creek (RM 21.60) | Headwaters to Mouth | Bennett Branch Sinnemahoning Creek | 41.282543 78.415087 |
| Elk | UNT to Clarion River (RM 93.06) | Headwaters to Mouth | Clarion River | 41.420283 78.749218 |
| Huntingdon | UNT to UNT to Frankstown Branch Juniata River (RM 0.62) | Headwaters to Mouth | UNT to Frankstown Branch Juniata River (RM 6.70) | 40.569506 78.144681 |
| Huntingdon | UNT to UNT to Standing Stone Creek (RM 31.52) | Headwaters to Mouth | UNT to Standing Stone Creek (RM 31.52) | 40.698779 77.724351 |
| Jefferson | Jenkins Run | Headwaters to Mouth | Little Toby Creek | 41.277332 78.817566 |
| Jefferson | UNT to Mill Creek (RM 8.74) | Headwaters to Mouth | Mill Creek | 41.193170 78.929460 |
| Jefferson | UNT to Rose Run (RM 0.81) | Headwaters to Mouth | Rose Run | 40.941221 79.039657 |
| Juniata | George Creek | Headwaters to UNT at RM 1.42 | Tuscarora Creek | 40.310995 77.684740 |
| Lancaster | Huber Run | Headwaters to Mouth | Pequea Creek | 39.938434 76.259402 |
| Lebanon | UNT to UNT to Hammer Creek (RM 15.11) | Headwaters to Mouth | UNT to Hammer Creek | 40.286130 76.315262 |
| McKean | Annin Creek | Headwaters to UNT to Annin Creek (RM 5.30) | Allegheny River | 41.868610 78.345558 |
| McKean | Campbell Hollow Run | Headwaters to 1.6 Kilometers Upstream of Mouth | Lillibridge Creek | 41.830608 78.255488 |
| McKean | Hardes Hollow Run | Headwaters to Mouth | Lillibridge Creek | 41.852014 78.227415 |
| McKean | Long Branch | Headwaters to First UNT Upstream Mouth at RM 0.82 | Annin Creek | 41.881690 78.30398 |
| McKean | Negro Run | Headwaters to Mouth | Twomile Run | 41.697751 78.878843 |
| McKean | Ostrander Hollow Run | Headwaters to Mouth | Allegheny River | 41.841156 78.311051 |
| McKean | UNT to Chappel Fork (RM 1.59) | Headwaters to Mouth | Chappel Fork | 41.809044 78.887855 |
| McKean | UNT to Chappel Fork (RM 3.84) | Headwaters to Mouth | Chappel Fork | 41.816041 78.851192 |
| McKean | UNT to Chappel Fork (RM 7.92) | Headwaters to Mouth | Chappel Fork | 41.832433 78.782881 |
| McKean | UNT to South Branch Cole Creek (RM 1.34) | Headwaters to Mouth | South Branch Cole Creek | 41.853320 78.491360 |
| McKean | UNT to South Branch Cole Creek (RM 2.12) | Headwaters to Mouth | South Branch Cole Creek | 41.853200 78.504330 |
| McKean | UNT to South Branch Cole Creek (RM 2.73) | Headwaters to Mouth | South Branch Cole Creek | 41.852830 78.513840 |
| McKean | UNT to Twomile Run (RM 11.29) | Headwaters to Mouth | Twomile Run | 41.703095 78.887204 |

| <i>County of Mouth</i> | <i>Stream Name</i> | <i>Section Limits</i> | <i>Tributary to</i> | <i>Mouth Lat/Lon</i> |
|------------------------|---|--|---|------------------------|
| Mifflin | UNT to Kishacoquillas Creek (RM 2.11) | Headwaters to Mouth | Kishacoquillas Creek | 40.613220 77.568298 |
| Monroe | UNT to UNT to Appenzell Creek (RM 1.67) | Headwaters to Mouth | UNT to Appenzell Creek (RM 6.82) | 40.994843 75.371816 |
| Northampton | UNT to Hokendauqua Creek (RM 6.28) | Headwaters to Mouth | Hokendauqua Creek | 40.721202 75.484482 |
| Northampton | UNT to UNT to Little Martins Creek (RM 0.34) | Headwaters to Mouth | UNT to Little Martins Creek (RM 1.64) | 40.808455 75.175815 |
| Perry | Bull Run | Headwaters to Shaeffer Run | Sherman Creek | 40.333611 77.492222 |
| Pike | West Falls Creek | Outflow from Little Teedyuskung and Teedyuskung Lakes to Mouth | Lackawaxen River | 41.462744 75.047674 |
| Potter | Bark Shanty Hollow Run | Headwaters to Mouth | Freeman Run | 41.689346 78.090935 |
| Potter | Jones Run | Headwaters to Mouth | Freeman Run | 41.665016 78.089630 |
| Potter | Left Branch Bark Shanty Hollow | Headwaters to Mouth | Bark Shanty Hollow | 41.685982 78.112846 |
| Potter | Right Branch Bark Shanty Hollow | Headwaters to Mouth | Bark Shanty Hollow | 41.685970 78.112831 |
| Potter | Smith Hollow Run | Headwaters to Mouth | West Branch Freeman Run | 41.672409 78.161652 |
| Potter | South Branch Pine Creek | Headwaters to Mouth | Pine Creek | 41.733665 77.641411 |
| Potter | Teed Hollow Run | Headwaters to Mouth | Borie Branch | 41.695663 77.947227 |
| Potter | UNT to Little Lyman Run (RM 2.63) | Headwaters to Mouth | Little Lyman Run | 41.597841 77.823523 |
| Potter | UNT to Little Lyman Run (RM 2.97) | Headwaters to Mouth | Little Lyman Run | 41.601737 77.827340 |
| Potter | UNT to UNT to Hammersley Fork (RM 1.18) | Headwaters to Mouth | UNT to Hammersley Fork (RM 8.84) | 41.564340 77.876897 |
| Potter | UNT to UNT to McConnell Hollow Run (RM 0.15) | Headwaters to Mouth | UNT to McConnell Hollow Run (RM 0.12) | 41.504937 77.938044 |
| Potter | UNT to Yochum Run (RM 1.64) | Headwaters to Mouth | Yochum Run | 41.581216 77.755227 |
| Potter | UNT to Yochum Run (RM 1.90) | Headwaters to Mouth | Yochum Run | 41.584005 77.752556 |
| Schuylkill | Big Creek | Headwaters to Mouth | Schuylkill River | 40.749444 76.061667 |
| Schuylkill | Rausch Creek | AMD Treatment Facility at RM 0.64 to Mouth | Pine Creek | 40.639397 76.557991 |
| Schuylkill | UNT to Lizard Creek (RM 11.35) | Headwaters to Mouth | Lizard Creek | 40.734360 75.820800 |
| Schuylkill | UNT to UNT to Schuylkill River (RM 0.08) | Headwaters to Mouth | UNT to Schuylkill River (RM 132.50) | 40.754480 76.056242 |
| Snyder | UNT (West Branch Bowersox Run) to UNT (Bowersox Run) to Middle Creek (RM 15.05) | Headwaters to Mouth | UNT (Bowersox Run) to Middle Creek (RM 15.05) | 40.763178 77.060410 |
| Somerset | Berkebile Run | Headwaters to Mouth | Beaverdam Run | 40.113670 78.764191 |

| <i>County of Mouth</i> | <i>Stream Name</i> | <i>Section Limits</i> | <i>Tributary to</i> | <i>Mouth Lat/Lon</i> |
|------------------------|--|---|---------------------------|------------------------|
| Somerset | Green King Run | Headwaters to Mouth | Whipkey Run | 39.918629 79.311012 |
| Somerset | Hoy Run | Headwaters to Mouth | Whites Creek | 39.739780 79.252533 |
| Somerset | Shunck Run | Headwaters to Mouth | Little Piney Creek | 39.732079 79.041550 |
| Somerset | UNT to Clear Shade Creek (RM 7.72) | Headwaters to Mouth | Clear Shade Creek | 40.193943 78.735846 |
| Somerset | UNT to Clear Shade Creek (RM 9.15) | Headwaters to Mouth | Clear Shade Creek | 40.201644 78.716554 |
| Somerset | UNT to Clear Shade Creek (RM 9.78) | Headwaters to Mouth | Clear Shade Creek | 40.202377 78.706066 |
| Somerset | UNT to Clear Shade Creek (RM 10.74) | Headwaters to Mouth | Clear Shade Creek | 40.213832 78.702232 |
| Somerset | UNT to South Fork Bens Creek (RM 4.47) | Headwaters to Mouth | South Fork Bens Creek | 40.225204 78.986942 |
| Sullivan | Trout Run | Headwaters to Mouth | East Branch Fishing Creek | 41.314445 76.348053 |
| Sullivan | UNT to Mill Creek (Laporte) | Headwaters to Mouth | Mill Creek (Laporte) | 41.430250 76.490350 |
| Venango | Perry Run | Headwaters to Mouth | Allegheny River | 41.248090 79.793360 |
| Venango | UNT to Allegheny River (RM 93.42) | Headwaters to Mouth | Allegheny River | 41.207870 79.725340 |
| Venango | UNT to Oil Creek (RM 9.31) | Headwaters to Mouth | Oil Creek | 41.529354 79.664498 |
| Venango | UNT to Oil Creek (RM 10.07) | Headwaters to Mouth | Oil Creek | 41.536820 79.654950 |
| Venango | UNT to Oil Creek (RM 10.61) | Headwaters to Mouth | Oil Creek | 41.544020 79.652680 |
| Venango | Whitherup Run | Headwaters to Mouth | Allegheny River | 41.250870 79.794380 |
| Warren | Birch Springs Run | Headwaters to Mouth | Andrews Run | 41.789463 79.395470 |
| Warren | Coldspring Creek | Headwaters to UNT to Coldspring Creek (RM 1.25) | Brandy Run | 41.812347 79.602829 |
| York | North Branch Muddy Creek | Headwaters to Mouth | Muddy Creek | 39.807500 76.476111 |

The Commission also will consider the following revisions to the section limits of streams on the list:

| <i>County of Mouth</i> | <i>Stream Name</i> | <i>Current Limits</i> | <i>Revised Limits</i> | <i>Tributary to</i> | <i>Mouth Lat/Lon</i> |
|------------------------|-----------------------|-------------------------------------|---|-------------------------------|------------------------|
| Berks | Bieber Creek | SR 12 at Boyers Junction to Mouth | Headwaters to Mouth | Manatawny Creek | 40.397221 75.740555 |
| Centre | Sandy Run | Headwaters to Contrary Run | Headwaters to Beauty Run | Beech Creek | 41.074167 77.869167 |
| Clinton | Kettle Creek | Headwaters to Cross Fork | Headwaters to Trout Run | West Branch Susquehanna River | 41.300556 77.838889 |
| Lycoming | Black Hole Creek | Headwaters to US 15 Bridge | Headwaters to UNT at RM 2.60 | West Branch Susquehanna River | 41.157223 76.885277 |
| Union | White Deer Creek | Headwaters to White Deer Dam | Headwaters to Mouth | West Branch Susquehanna River | 41.079722 76.865833 |
| Union | White Deer Hole Creek | Headwaters to State Forest Boundary | Headwaters to 1st Devitt Camp Road Bridge Upstream of Mouth | West Branch Susquehanna River | 41.100833 76.890000 |

In addition, the Commission will consider the removal of the following stream from the list:

| <i>County of Mouth</i> | <i>Stream Name</i> | <i>Section Limits</i> | <i>Tributary to</i> | <i>Mouth Lat/Lon</i> |
|------------------------|--------------------|-----------------------|---------------------|------------------------|
| Potter | Smith Hollow Run | Headwaters to Mouth | Allegheny River | 41.762410 78.117061 |

Persons with comments, objections or suggestions concerning the classification of the streams listed may submit them in writing to the Executive Director, Fish and Boat Commission, P.O. Box 67000, Harrisburg, PA 17106-7000, within 30 days after publication of this notice in the *Pennsylvania Bulletin*. Comments submitted by facsimile will not be accepted.

Comments also may be submitted electronically by completing the form at www.fishandboat.com/regcomments. If an acknowledgment of electronic comments is not received by the sender within 2 working days, the comments should be retransmitted to ensure receipt. Electronic comments submitted in any other manner will not be accepted.

JOHN A. ARWAY,
Executive Director

[Pa.B. Doc. No. 17-304. Filed for public inspection February 17, 2017, 9:00 a.m.]

Proposed Changes to List of Class A Wild Trout Waters; April 2017

The Fish and Boat Commission (Commission) is considering changes to its list of Class A Wild Trout Streams. Under 58 Pa. Code § 57.8a (relating to Class A wild trout streams), it is the Commission's policy to manage self-sustaining Class A wild trout populations as a renewable natural resource to conserve that resource and the angling it provides. Class A wild trout populations represent the best of this Commonwealth's naturally reproducing trout fisheries. With rare exceptions, the Commission manages these stream sections solely for the perpetuation of the wild trout fishery with no stocking.

Criteria developed for Class A Wild Trout fisheries are species specific. Wild Trout Biomass Class Criteria include provisions for:

(i) *Wild Brook Trout Fisheries*

(A) Total brook trout biomass of at least 30 kg/ha (26.7 lbs/acre).

(B) Total biomass of brook trout less than 15 cm (5.9 inches) in total length of at least 0.1 kg/ha (0.089 lb/acre).

(C) Brook trout biomass must comprise at least 75% of the total trout biomass.

(ii) *Wild Brown Trout Fisheries*

(A) Total brown trout biomass of at least 40 kg/ha (35.6 lbs/acre).

(B) Total biomass of brown trout less than 15 cm (5.9 inches) in total length of at least 0.1 kg/ha (0.089 lb/acre).

(C) Brown trout biomass must comprise at least 75% of the total trout biomass.

(iii) *Mixed Wild Brook and Brown Trout Fisheries*

(A) Combined brook and brown trout biomass of at least 40 kg/ha (35.6 lbs/acre).

(B) Total biomass of brook trout less than 15 cm (5.9 inches) in total length of at least 0.1 kg/ha (0.089 lb/acre).

(C) Total biomass of brown trout less than 15 cm (5.9 inches) in total length of at least 0.1 kg/ha (0.089 lb/acre).

(D) Brook trout biomass must comprise less than 75% of the total trout biomass.

(E) Brown trout biomass must comprise less than 75% of the total trout biomass.

(iv) *Wild Rainbow Trout Fisheries*

Total biomass of rainbow trout less than 15 cm (5.9 inches) in total length of at least 2.0 kg/ha (1.78 lbs/acre).

(v) *Mixed Wild Brook and Rainbow Trout Fisheries*

(A) Combined brook and rainbow trout biomass of at least 40 kg/ha (35.6 lbs/acre).

(B) Total biomass of brook trout less than 15 cm (5.9 inches) in total length of at least 0.1 kg/ha (0.089 lb/acre).

(C) Total biomass of rainbow trout less than 15 cm (5.9 inches) in total length of at least 0.1 kg/ha (0.089 lb/acre).

(D) Brook trout biomass shall comprise less than 75% of the total trout biomass.

(E) Rainbow trout biomass shall comprise less than 75% of the total trout biomass.

(vi) *Mixed Wild Brown and Rainbow Trout Fisheries*

(A) Combined brown and rainbow trout biomass of at least 40 kg/ha (35.6 lbs/acre).

(B) Total biomass of brown trout less than 15 cm (5.9 inches) in total length of at least 0.1 kg/ha (0.089 lb/acre).

(C) Total biomass of rainbow trout less than 15 cm (5.9 inches) in total length of at least 0.1 kg/ha (0.089 lb/acre).

(D) Brown trout biomass shall comprise less than 75% of the total trout biomass.

(E) Rainbow trout biomass shall comprise less than 75% of the total trout biomass.

During recent surveys, Commission staff documented the following stream sections to have Class A wild trout populations. The Commission intends to consider adding these waters to its list of Class A Wild Trout Streams at its meeting on April 24 and 25, 2017.

| <i>County</i> | <i>Stream</i> | <i>Section</i> | <i>Limits</i> | <i>Tributary to</i> | <i>Mouth Lat/Lon</i> | <i>Brook Trout (kg/ha)</i> | <i>Brown Trout (kg/ha)</i> | <i>Rainbow Trout (kg/ha)</i> | <i>Length (miles)</i> | <i>Survey Year</i> |
|----------------------|-----------------------------|----------------|--|-------------------------------|--------------------------|------------------------------------|------------------------------------|--------------------------------------|---------------------------|------------------------|
| Berks | Bieber Creek | 3 | Dam at SR 1021 and T-593 Junction to Mouth | Manatawny Creek | 40.397221 75.740555 | — | 40.81 | — | 2.04 | 2016 |
| Berks | Northkill Creek | 1 | Headwaters to Northkill Road (T-528) Bridge | Blue Marsh Lake | 40.428889 76.114444 | 42.94 | — | — | 1.92 | 2016 |
| Berks | Trout Run | 2 | Outflow of Trout Run Reservoir to Mouth | Manatawny Creek | 40.325278 75.731667 | 0.47 | 86.83 | — | 1.35 | 2016 |
| Cambria | Chest Creek | 1 | Headwaters to UNT at Bradley Junction | West Branch Susquehanna River | 40.876944 78.730556 | 39.99 | — | — | 3.87 | 2016 |
| Cambria | Emeigh Run | 1 | Headwaters to UNT at RM 1.11 | West Branch Susquehanna River | 40.699440 78.803833 | 36.61 | — | — | 2.54 | 2016 |
| Centre | Little Sandy Run | 1 | Headwaters to Inflow of Three Point Sportsmen Cooperative Nursery Pond | North Fork Beech Creek | 41.051945 77.942780 | 37.59 | — | — | 2.88 | 2016 |
| Centre | Roaring Run | 1 | Headwaters to Sink at RM 1.38 | Slab Cabin Run | 40.772500 77.833889 | 76.82 | — | — | 3.92 | 2016 |
| Centre | UNT to Gap Run (RM 1.39) | 1 | Headwaters to Mouth | Gap Run | 40.853248 77.724202 | 82.46 | — | — | 0.68 | 2016 |
| Clearfield | Laurel Run | 1 | Headwaters to Mouth | Little Clearfield Creek | 40.967499 78.421944 | 50.51 | — | — | 1.94 | 2016 |
| Clearfield | UNT to Bell Run (RM 4.62) | 1 | Headwaters to Mouth | Bell Run | 40.970556 78.643056 | 39.81 | — | — | 1.60 | 2016 |
| Clearfield | UNT to Dale Run (RM 0.36) | 1 | Headwaters to Mouth | Dale Run | 41.013817 78.269051 | 83.31 | — | — | 0.61 | 2016 |
| Clinton | Left Branch Hyner Run | 2 | Big Slide Hollow Run to Mouth | Hyner Run | 41.380556 77.605833 | 32.65 | 38.03 | — | 1.70 | 2016 |
| Clinton | McElhattan Creek | 1 | Outflow of McElhattan Reservoir to Inlet of Keller Reservoir | West Branch Susquehanna River | 41.147499 77.377502 | 17.58 | 24.20 | — | 4.12 | 2016 |
| Clinton | McElhattan Creek | 2 | Outflow of Keller Reservoir to Mouth | West Branch Susquehanna River | 41.147499 77.377502 | 46.85 | 42.39 | — | 3.36 | 2016 |
| Crawford/ Venango | UNT to Pine Creek (RM 1.09) | 1 | Headwaters to Mouth | Pine Creek | 41.618325 79.639600 | 48.02 | 2.74 | — | 1.62 | 2016 |

| <i>County</i> | <i>Stream</i> | <i>Section</i> | <i>Limits</i> | <i>Tributary to</i> | <i>Mouth Lat/Lon</i> | <i>Brook Trout (kg/ha)</i> | <i>Brown Trout (kg/ha)</i> | <i>Rainbow Trout (kg/ha)</i> | <i>Length (miles)</i> | <i>Survey Year</i> |
|--------------------------|---|----------------|--|--------------------------------------|--------------------------|------------------------------------|------------------------------------|--------------------------------------|---------------------------|------------------------|
| Fayette/ Westmoreland | Roaring Run | 2 | Forbes State Forest Boundary to Mouth | Indian Creek | 40.074167 79.357778 | 32.62 | 8.83 | — | 1.90 | 2016 |
| Indiana | Cush Creek | 1 | Headwaters to Horton Run | West Branch Susquehanna River | 40.830922 78.789164 | — | 60.00 | — | 4.68 | 2016 |
| Lancaster | Tucquan Creek | 2 | Penncroft Drive North (T-438) to Mouth | Susquehanna River | 39.858056 76.350000 | — | 62.59 | — | 3.30 | 2016 |
| Luzerne | Laurel Run | 1 | Headwaters to SR 2007 in Oliver Mills | Mill Creek | 41.260556 75.857222 | 70.92 | — | — | 1.77 | 2016 |
| Luzerne | Mill Creek | 1 | Outlet Mill Creek Reservoir to Interstate 81 at RM 4.60 | North Branch Susquehanna River | 41.260556 75.870556 | 16.36 | 24.29 | — | 4.36 | 2016 |
| Lycoming | Zinck Fork | 1 | Headwaters to Mouth | Upper Pine Bottom Run | 41.316250 77.446892 | 32.14 | 2.51 | — | 1.34 | 2016 |
| McKean | Campbell Hollow Run | 1 | Headwaters to 1.6 Kilometers Upstream of the Mouth | Lillibridge Creek | 41.830608 78.255488 | 42.83 | — | — | 1.61 | 2016 |
| McKean | North Branch Sugar Run | 1 | Headwaters to Railroad Run | Sugar Run | 41.891945 78.888885 | 31.16 | 6.80 | — | 1.97 | 2016 |
| McKean | Paul Brook | 1 | Headwaters to Mouth | Skinner Creek | 41.787715 78.302653 | 35.48 | — | — | 2.04 | 2016 |
| Mifflin | UNT to Kishacoquillas Creek (RM 2.11) | 2 | Springhouse Lane Bridge to Mouth | Kishacoquillas Creek | 40.613220 77.568298 | — | 66.45 | — | 0.58 | 2016 |
| Monroe | UNT to Sugar Hollow Creek (RM 0.56) | 1 | Headwaters to Mouth | Sugar Hollow Creek | 40.953911 75.442841 | — | 253.76 | — | 1.23 | 2016 |
| Pike | West Falls Creek | 2 | Water Fall at RM 0.73 to Mouth | Lackawaxen River | 41.462744 75.047674 | 0.19 | 44.79 | — | 0.73 | 2016 |
| Potter | Earl Hollow Run | 1 | Headwaters to Mouth | Allegheny River | 41.759166 78.043596 | 13.17 | 100.17 | — | 1.87 | 2016 |
| Potter | Lyman Creek | 1 | Headwaters to Mouth | Mill Creek | 41.756668 77.955276 | 10.75 | 85.56 | — | 5.36 | 2016 |
| Potter | Pump Station Hollow Run | 1 | Headwaters to Mouth | Allegheny River | 41.747906 78.063881 | 64.43 | 22.65 | — | 1.56 | 2016 |
| Potter | South Branch Pine Creek | 1 | Headwaters to Mouth | Pine Creek | 41.733665 77.641411 | 39.38 | 15.05 | — | 5.09 | 2016 |

| County | Stream | Section | Limits | Tributary to | Mouth Lat/Lon | Brook Trout (kg/ha) | Brown Trout (kg/ha) | Rainbow Trout (kg/ha) | Length (miles) | Survey Year |
|------------|---|---------|--|---|------------------------|---------------------------|---------------------------|-----------------------------|-------------------|----------------|
| Potter | Teed Hollow Run | 2 | Button Hollow at RM 1.56 to Mouth | Cowanesque River | 41.912865 77.607913 | 33.82 | — | — | 1.56 | 2016 |
| Schuylkill | Messers Run | 1 | Headwaters to Lofty Reservoir at RM 3.61 | Catawissa Creek | 40.877500 76.096944 | 30.02 | — | — | 1.39 | 2016 |
| Schuylkill | UNT to Lizard Creek (RM 11.35) | 1 | Headwaters to Mouth | Lizard Creek | 40.734360 75.820800 | 9.75 | 43.50 | — | 2.43 | 2016 |
| Snyder | Moyers Mill Run | 1 | Headwaters to Mouth | Walker Lake | 40.806944 77.176667 | 48.32 | 17.19 | — | 4.57 | 2016 |
| Snyder | UNT (West Branch Bowersox Run) to UNT (Bowersox Run) to Middle Creek (RM 15.05) | 1 | Headwaters to Mouth | UNT (Bowersox Run) to Middle Creek (RM 15.05) | 40.763178 77.060410 | 48.25 | — | — | 0.91 | 2016 |
| Somerset | UNT to South Fork Bens Creek (RM 4.47) | 1 | Headwaters to Mouth | South Fork Bens Creek | 40.225204 78.986942 | — | 46.50 | — | 1.35 | 2016 |
| Sullivan | UNT to Mill Creek (Laporte) | 1 | Headwaters to Mouth | Mill Creek (Laporte) | 41.430250 76.490350 | 35.56 | — | — | 0.48 | 2016 |
| Venango | Husband Run | 1 | Headwaters to Mouth | Oil Creek | 41.572388 79.647117 | 43.31 | 0.40 | — | 1.88 | 2016 |
| Warren | Roystone Run | 1 | Headwaters to Mouth | Twomile Run | 41.712324 78.984141 | 47.81 | 1.31 | — | 1.17 | 2016 |
| York | Orson Run | 2 | T-654 Bridge to Mouth | Muddy Creek | 39.784722 76.396667 | — | 52.66 | — | 2.27 | 2016 |

Persons with comments, objections or suggestions concerning the additions are invited to submit comments in writing to the Executive Director, Fish and Boat Commission, P.O. Box 67000, Harrisburg, PA 17106-7000, within 30 days after publication of this notice in the *Pennsylvania Bulletin*. Comments also may be submitted electronically by completing the form at www.fishandboat.com/regcomments. If an acknowledgment of electronic comments is not received by the sender within 2 working days, the comments should be retransmitted to ensure receipt. Electronic comments submitted in any other manner will not be accepted.

JOHN A. ARWAY,
Executive Director

[Pa.B. Doc. No. 17-305. Filed for public inspection February 17, 2017, 9:00 a.m.]

HOUSING FINANCE AGENCY

2017-2018 Low Income Housing Tax Credit Allocation Plan; Public Hearing

The Housing Finance Agency (Agency), as the administrator of the Federal Low Income Housing Tax Credit Program for the Commonwealth, provides notice of a public hearing to obtain public comment on the 2017-2018 Low Income Housing Tax Credit Allocation Plan (Plan). This public hearing will be held on Tuesday, March 7, 2017, at 9 a.m. at the Housing Finance Agency, 211 North Front Street, Harrisburg, PA. Copies of the proposed Plan are available upon written request at the following address, by phone at (717) 780-3948 or through the Agency's web site at www.phfa.org.

Persons with a disability who wish to attend this public hearing and require an auxiliary aid, service or other accommodation to participate should contact the Agency by Monday, March 6, 2017, to discuss how the Agency may best accommodate their needs.

Individuals wishing to comment on the Plan who are unable to attend the public hearing are invited to provide written comments to the Manager, Tax Credit Program, Housing Finance Agency, P.O. Box 8029, Harrisburg, PA 17105-8029, TTY for hearing impaired (717) 780-1869, no later than Monday, March 6, 2017.

Written comments must be submitted prior to the date of the scheduled public hearing or at the public hearing. Persons who plan to attend the public hearing should contact the Agency at (717) 780-3948.

BRIAN A. HUDSON, Sr.,
Executive Director

[Pa.B. Doc. No. 17-306. Filed for public inspection February 17, 2017, 9:00 a.m.]

INSURANCE DEPARTMENT

Fernando Arturo Suarez; License Denial Appeal; Doc. No. AG16-12-015

Under sections 601-A—699.1-A of The Insurance Department Act of 1921 (40 P.S. §§ 310.1—310.99a), Fernando Arturo Suarez has appealed the denial of an application for an insurance producer's license. The proceedings in this matter will be governed by 2 Pa.C.S. §§ 501—508, 561—588 and 701—704 (relating to Administrative Agency Law), 1 Pa. Code Part II (relating to General Rules of Administrative Practice and Procedure) and 31 Pa. Code Chapter 56 (relating to Special Rules of Administrative Practice and Procedure).

A hearing will occur on May 17, 2017, at 10 a.m. in the Administrative Hearings Office, Capitol Associates Building, Room 200, 901 North Seventh Street, Harrisburg, PA.

Persons with a disability who wish to attend the previously referenced administrative hearing and require an auxiliary aid, service or other accommodations 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. 17-307. Filed for public inspection February 17, 2017, 9:00 a.m.]

Review Procedure Hearings under the Unfair Insurance Practices Act

The following insurer has requested a hearing as authorized by section 8 of the Unfair Insurance Practices Act (act) (40 P.S. § 1171.8) in connection with the company's termination of the insured's homeowners policy. The hearing will be held in accordance with the requirements of the act; 2 Pa.C.S. §§ 501—508, 561—588 and 701—704 (relating to Administrative Agency Law); 1 Pa. Code Part II (relating to Administrative Rules of Practice and Procedure); and 31 Pa. Code §§ 56.1—56.3 (relating to Special Rules of Administrative Practice and Procedure). The administrative hearing will be held in the Insurance Department's regional office in Harrisburg, PA. Failure by the appellant to appear at the scheduled hearing may result in dismissal with prejudice.

The following hearing will be held in the Administrative Hearings Office, Capitol Associates Building, Room 200, 901 North Seventh Street, Harrisburg, PA 17102.

Appeal of Erie Insurance Exchange; File No. 16-130-205318; James R. and Ann M. Ohr; Doc. No. P17-01-016; March 22, 2017, 10 a.m.

Following the hearing and receipt of the stenographic transcript, the Insurance Commissioner (Commissioner) will issue a written order resolving the factual issues presented at the hearing and stating what remedial action, if any, is required. The Commissioner's Order will be sent to those persons participating in the hearing or their designated representatives. The Order of the Commissioner may be subject to judicial review by the Commonwealth Court.

Persons with a disability who wish to attend the previously-referenced administrative hearing and require an auxiliary aid, service or other accommodation to participate in the hearing, should contact Donna R. Fleischauer, Human Resources Director, at (717) 705-4194.

TERESA D. MILLER,
Insurance Commissioner

[Pa.B. Doc. No. 17-308. Filed for public inspection February 17, 2017, 9:00 a.m.]

Workers' Compensation Security Fund Assessment; Notice 2017-02

The Insurance Department (Department) has determined that no contributions will be required for the Workers' Compensation Security Fund (Fund).

Section 9(1) of the Workers' Compensation Security Fund Act (act) (77 P.S. § 1059(1)) states "[i]f, due to the payment of liabilities or claims, the balance of the fund is reduced below \$500,000,000, the department shall require

contributions to maintain the actuarial soundness of the fund and to restore, in a timely manner, the balance of the fund to a level at or above \$500,000,000." As of the evaluation of December 31, 2016, the balance of the fund exceeded \$500,000,000.

Therefore, insurers writing workers' compensation insurance in this Commonwealth will not be required to submit any contributions for the Fund in 2016.

The act may be viewed at www.ncigf.org (select "Resources," then "Publications," then a link under "Guaranty Fund Laws") and 31 Pa. Code Chapter 165 (relating to Workers' Compensation Security Fund) may be viewed at www.pacode.com. Additional information regarding the Fund is located on the Department's web site at www.insurance.pa.gov.

No acknowledgement of this notice is required.

TERESA D. MILLER,
Insurance Commissioner

[Pa.B. Doc. No. 17-309. Filed for public inspection February 17, 2017, 9:00 a.m.]

LEGISLATIVE REFERENCE BUREAU

Documents Filed But Not Published

The Legislative Reference Bureau (Bureau) accepted the following documents during the preceding calendar month for filing without publication under 1 Pa. Code § 3.13(b) (relating to contents of *Bulletin*). The Bureau will continue to publish on a monthly basis either a summary table identifying the documents accepted during the preceding calendar month under this subsection or a statement that no documents have been received. For questions concerning or copies of documents filed, but not published, call (717) 783-1530.

Executive Board

Resolution No. CB-16-007, Dated December 30, 2016. Authorizes the side letter with UFCW to implement Article 11 in advance of a formal signing agreement and also provides the summary of changes outlining the terms of the negotiated changes that will be reflected in the complete 2016—2019 UFCW Collective Bargaining Agreement.

Resolution No. CB-16-008, Dated January 3, 2017. Authorizes the side letter with AFSCME to offer UCC Certification Incentive Payments for certain UCC Building Inspectors, Building Examiners and Elevator Inspectors who pass examinations for the required certifications effective 1/1/2017.

Governor's Office

Administrative Circular No. 17-01—Distribution of the 2017-18 Commonwealth Budget, Dated January 27, 2017.

Administrative Circular No. 17-02—2017-18 Budget Hearing Materials, Dated January 27, 2017.

LAURA CAMPBELL,
Director
Pennsylvania Code and Bulletin

[Pa.B. Doc. No. 17-310. Filed for public inspection February 17, 2017, 9:00 a.m.]

PENNSYLVANIA PUBLIC UTILITY COMMISSION

Electric Transmission Service

A-2017-2587821. Transource Pennsylvania, LLC. Application of Transource Pennsylvania, LLC for all of the necessary authority, approvals and certificates of public convenience: 1) to begin to furnish and supply electric transmission service in Franklin and York Counties; 2) for certain affiliated interest agreements; and 3) for any other approvals necessary to complete the contemplated transactions.

Formal protests and petitions to intervene must be filed in accordance with 52 Pa. Code (relating to public utilities) on or before March 6, 2017. 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: Transource Pennsylvania, LLC

Through and By Counsel: David B. MacGregor, Esquire, Anthony D. Kanagy, Esquire, Christopher T. Wright, Esquire, Post & Schell, PC, 17 North Second Street, 12th Floor, Harrisburg, PA 17101-1601; and Amanda Riggs Conner, Esquire, Hector Garcia, Esquire, American Electric Power Service Corporation, 1 Riverside Plaza, 29th Floor, Columbus, OH 43215

ROSEMARY CHIAVETTA,
Secretary

[Pa.B. Doc. No. 17-311. Filed for public inspection February 17, 2017, 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 March 6, 2017. 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.

Application of the following for approval to begin operating as common carriers for transportation of persons as described under the application.

A-2016-2563243 (Amended). Terry L. Myers (112 Madisonburg Pike, Madisonburg, Centre County, PA 16852) persons whose personal convictions prevent them from owning or operating motor vehicles, or both, in paratransit service, from points in Centre County, 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 household goods as described under the application.

A-2017-2586507. Moving Simplicity, LLC (1508 Highpointe Drive, Harrisburg, Dauphin County, PA 17110) household goods in use, between points in Dauphin County, and within a 100-mile radius of said county.

Application of the following for the approval of the transfer of stock as described under the application.

A-2016-2549933. Lazer Limousine Services, Inc. (112 East Broad Street, Trumbauersville, PA 18970) a corporation of the Commonwealth of Pennsylvania—stock transfer for the approval of the transfer of all (100%) the issued and outstanding shares from Robert B. White to LBS Limos, LLC. *Attorney:* William Lehman, Hawke, McKeon & Sniscak, LLP, 100 North Tenth Street, Harrisburg, PA 17101.

Applications of the following for the approval of the right and privilege to discontinue/abandon operating as common carriers by motor vehicle and for cancellation of the certificate of public convenience as described under each application.

A-2017-2586381. DB Fisher Charter Bus Co., Inc. (1715 Grace Avenue, Lebanon, Lebanon County, PA 17046) for the discontinuance of service and cancellation of the certificate as a common carrier, by motor vehicle, persons in paratransit service, between points in the County of Lebanon, and within an airline distance of 20 statute miles of the limits of the City of Lebanon, Lebanon County.

A-2017-2586383. DB Fisher Charter Bus Co., Inc. (1715 Grace Avenue, Lebanon, Lebanon County, PA 17046) for the discontinuance of service and cancellation of the certificate as a common carrier, by motor vehicle, persons in airport transfer service, from points in the County of Lebanon to the Philadelphia International Airport in the City and County of Philadelphia and the Township of Tinicum, Delaware County.

A-2017-2586780. Bonnie L. Anderson (P.O. Box 178, East Waterford, Lancaster County, PA 17021) for the discontinuance of service and cancellation of her certificate, as a common carrier, by motor vehicle, at A-641744, authorizing the transportation of 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.

ROSEMARY CHIAVETTA,
Secretary

[Pa.B. Doc. No. 17-312. Filed for public inspection February 17, 2017, 9:00 a.m.]

Telecommunications

A-2017-2587154. North-Eastern Pennsylvania Telephone Company and Level 3 Communications, LLC. Joint petition of North-Eastern Pennsylvania Telephone Company and Level 3 Communications, LLC for approval of an interconnection agreement under section 252(e) of the Telecommunications Act of 1996.

North-Eastern Pennsylvania Telephone Company and Level 3 Communications, LLC, by their counsel, filed on February 3, 2017, at the Pennsylvania Public Utility Commission (Commission), a joint petition for approval of an interconnection agreement under sections 251 and 252 of the Telecommunications Act of 1996.

Interested parties may file comments concerning the petition and agreement with the Secretary, Pennsylvania Public Utility Commission, 400 North Street, Harrisburg, PA 17120. Comments are due on or before 10 days after the date of publication of this notice. The documents filed in support of North-Eastern Pennsylvania Telephone Company and Level 3 Communications, LLC joint petition are available for inspection and copying at the Office of the Secretary between 8 a.m. and 4:30 p.m., Monday through Friday, at the Commission's web site at www.puc.pa.gov and at the applicant's business address.

The contact person is Cheryl Walker Davis, Director, Office of Special Assistants, (717) 787-1827.

ROSEMARY CHIAVETTA,
Secretary

[Pa.B. Doc. No. 17-313. Filed for public inspection February 17, 2017, 9:00 a.m.]

Transfer by Sale

A-2017-2587613. PECO Energy Company. Application of PECO Energy Company for approval of the transfer by sale to Wrenfield Homeowners' Association Inc. of street lighting facilities located in the homeowners' association.

Formal protests and petitions to intervene must be filed in accordance with 52 Pa. Code (relating to public utilities) on or before Monday, March 6, 2017. 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: PECO Energy Company

Through and By Counsel: Michael S. Swerling, Esquire, 2301 Market Street, S23-1, P.O. Box 8699, Philadelphia, PA 19101-8699

ROSEMARY CHIAVETTA,
Secretary

[Pa.B. Doc. No. 17-314. Filed for public inspection February 17, 2017, 9:00 a.m.]

Wastewater Services

A-2017-2586983. Aqua Pennsylvania Wastewater, Inc. Application of Aqua Pennsylvania Wastewater, Inc. for approval of: 1) the acquisition by Aqua Pennsylvania Wastewater, Inc. of the wastewater system assets of Avon Grove School District situated partly in New London Township and partly in Penn Township, Chester County;

and 2) approval of the right of Aqua Pennsylvania Wastewater, Inc. to begin to offer, render, furnish and supply wastewater service to the public in a part of New London Township and in a part of Penn Township, Chester County.

Formal protests and petitions to intervene must be filed in accordance with 52 Pa. Code (relating to public utilities) on or before March 6, 2017. 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: Aqua Pennsylvania Wastewater, Inc.

Through and By Counsel: Thomas T. Niesen, Esq., Thomas, Niesen and Thomas, LLC, 212 Locust Street, Suite 600, Harrisburg, PA 17101

ROSEMARY CHIAVETTA,
Secretary

[Pa.B. Doc. No. 17-315. Filed for public inspection February 17, 2017, 9:00 a.m.]

PHILADELPHIA PARKING AUTHORITY

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 March 6, 2017. The nonrefundable protest filing fee is \$5,000 payable to the PPA by certified check or money order. The applications are 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 applicants.

Doc. No. A-17-01-01. Limo Direct, LLC (777 West Germantown Pike, Suite 816, Plymouth Meeting, PA 19462): An application for a limousine certificate of public convenience (CPC) to transport persons in luxury limousine service on an exclusive basis arranged for in advance between points within the City of Philadelphia and from points in the City of Philadelphia to points in Pennsylvania, and return. *Attorney:* Charles Milstein, Esq., 7102 Frankford Avenue, Philadelphia, PA 19135.

Doc. No. A-17-02-01. KNA Cab Co., Inc. (400 South Lansdowne Avenue, Yeadon, PA 19050): 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.

CLARENA TOLSON,
Executive Director

[Pa.B. Doc. No. 17-316. Filed for public inspection February 17, 2017, 9:00 a.m.]

STATE BOARD OF NURSING

Commonwealth of Pennsylvania, Bureau of Professional and Occupational Affairs v. David R. Jones, RN, Respondent; File No. 13-51-07970; Doc. No. 0188-51-14

Notice to David R. Jones, RN:

On February 6, 2014, the Commonwealth of Pennsylvania, Department of State, Bureau of Professional and Occupational Affairs, instituted a formal administrative action against you by filing an Order to Show Cause, before the State Board of Nursing, alleging that you have violated certain provisions of the Professional Nursing Law, Act of May 22, 1951, P.L. 317, ("Act"). Pursuant to 1 Pa. Code § 33.31 and Rule 430 of the Pennsylvania Rules of Civil Procedure, 231 Pa. Code Rule 430, the State Board of Nursing has issued an Order authorizing service of process upon you by publication.

Notice

Formal disciplinary action has been filed against you. You may lose your license, certificate, registration or permit to practice your profession or occupation. You may be subject to civil penalties of up to \$10,000 for each violation, and the imposition of costs of investigation.

If you wish to defend against the charges in the attached Order to Show Cause or to present evidence to mitigate any penalty that may be imposed, the procedures for doing so are explained in the Order to Show Cause. You may obtain a copy of the Order to Show Cause from the Prothonotary for the Department of State, 2601 North Third Street, P.O. Box 2649, Harrisburg, PA 17105, telephone number, (717) 772-2686.

You have the right to retain an attorney. Although you may represent yourself without an attorney, you are advised to seek the help of an attorney. You also have the right to have an interpreter provided should you request one.

All proceedings are conducted under the Administrative Agency Law and the General Rules of Administrative Practice and Procedures.

You are directed to respond to the charges by filing a written answer within thirty (30) days of this NOTICE. IF YOU DO NOT FILE AN ANSWER, DISCIPLINARY ACTION MAY BE TAKEN AGAINST YOU WITHOUT A HEARING. To file your answer, you must bring or send an original and three (3) copies of your answer and any pleadings or other documents related to this matter to the following address:

Prothonotary
Department of State
2601 North Third Street
P.O. Box 2649
Harrisburg, PA 17105

You must also send a separate copy of your answer and any other pleadings or documents related to this case to the prosecuting attorney named in the Order to Show Cause.

LINDA L. KMETZ, PhD, RN,
Chairperson

[Pa.B. Doc. No. 17-317. Filed for public inspection February 17, 2017, 9:00 a.m.]

SUSQUEHANNA RIVER BASIN COMMISSION

Commission Meeting

The Susquehanna River Basin Commission (Commission) will hold its regular business meeting on March 9, 2017, at 9 a.m. at the Radisson Lackawanna Station Hotel Scranton, Platform Lounge, Main Floor, 700 Lackawanna Avenue, Scranton, PA 18503. Details concerning the matters to be addressed at the business meeting are contained in the Supplementary Information section of this notice.

For further information contact Jason E. Oyler, General Counsel, (717) 238-0423, Ext. 1312, fax (717) 238-2436.

Supplementary Information

The business meeting will include actions or presentations on the following items: (1) informational presentation of interest to the Middle Susquehanna Subbasin area; (2) adoption of final Fiscal Year 2018 budget; (3) ratification/approval of contracts/grants; (4) resolution setting a 5-year docket term for withdrawals related to natural gas; (5) report on delegated settlements; and (6) Regulatory Program projects.

Projects listed for Commission action are those that were the subject of a public hearing conducted by the Commission on February 2, 2017, and identified in the notice for the hearing, which was published at 82 FR 898 (January 4, 2017).

The public is invited to attend the Commission's business meeting. Comments on the Regulatory Program projects were subject to a deadline of February 13, 2017. Written comments pertaining to other items on the agenda at the business meeting may be mailed to the Susquehanna River Basin Commission, 4423 North Front Street, Harrisburg, PA 17110-1788, or submitted electronically through <http://www.srbc.net/pubinfo/publicparticipation.htm>. The comments are due to the Commission on or before March 3, 2017. Comments will not be accepted at the business meeting noticed herein.

Authority: Pub.L. 91-575, 84 Stat. 1509 et seq., 18 CFR Parts 806—808

Dated: February 2, 2017

ANDREW D. DEHOFF,
Executive Director

[Pa.B. Doc. No. 17-318. Filed for public inspection February 17, 2017, 9:00 a.m.]

Projects Approved for Consumptive Uses of Water

The Susquehanna River Basin Commission (Commission) approved by rule the following list of projects from January 1, 2017, through January 31, 2017.

For further information contact Jason E. Oyler, General Counsel, (717) 238-0423, Ext. 1312, fax (717) 238-2436, joyler@srbc.net. Regular mail inquiries may be sent to the Susquehanna River Basin Commission, 4423 North Front Street, Harrisburg, PA 17110-1788.

Supplementary Information

This notice lists the projects, described as follows, receiving approval for the consumptive use of water under the Commission's approval by rule process in 18 CFR 806.22(f) (relating to standards for consumptive uses of water) for the time period previously specified:

Approvals by Rule Issued Under 18 CFR 806.22(f)

1. Cabot Oil & Gas Corporation, Pad ID: Jeffers Farms P1, ABR-201112003.R1, Harford Township, Susquehanna County, PA; Consumptive Use of Up to 3.5750 mgd; Approval Date: January 4, 2017.

2. Cabot Oil & Gas Corporation, Pad ID: ZuppK P1, ABR-201112004.R1, Harford Township, Susquehanna County, PA; Consumptive Use of Up to 3.5750 mgd; Approval Date: January 4, 2017.

3. Cabot Oil & Gas Corporation, Pad ID: MacDowallR P1, ABR-201201002.R1, Harford Township, Susquehanna County, PA; Consumptive Use of Up to 3.5750 mgd; Approval Date: January 4, 2017.

4. Chief Oil & Gas, LLC, Pad ID: Postell A Drilling Pad, ABR-201207003.R1, Leroy and Franklin Townships, Bradford County, PA; Consumptive Use of Up to 2.0000 mgd; Approval Date: January 4, 2017.

5. Chief Oil & Gas, LLC, Pad ID: Arnold A Drilling Pad, ABR-201207004.R1, Monroe Township, Bradford County, PA; Consumptive Use of Up to 2.0000 mgd; Approval Date: January 4, 2017.

6. Range Resources—Appalachia, LLC, Pad ID: Cornwall Mountain, ABR-201112040.R1, Lewis and Cogan House Townships, Lycoming County, PA; Consumptive Use of Up to 1.0000 mgd; Approval Date: January 4, 2017.

7. Range Resources—Appalachia, LLC, Pad ID: Cornhill C Unit 1H—5H, ABR-201201016.R1, Cogan House Township, Lycoming County, PA; Consumptive Use of Up to 1.0000 mgd; Approval Date: January 4, 2017.

8. Range Resources—Appalachia, LLC, Pad ID: Corson, Eugene 1H—6H, ABR-201201017.R1, Anthony Township, Lycoming County, PA; Consumptive Use of Up to 1.0000 mgd; Approval Date: January 4, 2017.

9. SWN Production Company, LLC, Pad ID: PEASE, ABR-201202016.R1, Jackson Township, Susquehanna County, PA; Consumptive Use of Up to 4.9990 mgd; Approval Date: January 4, 2017.

10. SWN Production Company, LLC, Pad ID: EAST-MAN, ABR-201203004.R1, New Milford Township, Susquehanna County, PA; Consumptive Use of Up to 4.9990 mgd; Approval Date: January 4, 2017.

11. SWN Production Company, LLC, Pad ID: GREM-MEL, ABR-201203005.R1, Jackson Township, Susquehanna County, PA; Consumptive Use of Up to 4.9990 mgd; Approval Date: January 6, 2017.

12. SWN Production Company, LLC, Pad ID: TI-46 Bliss Pad, ABR-201701001, Liberty Township, Tioga County, PA; Consumptive Use of Up to 5.0000 mgd; Approval Date: January 6, 2017.

13. SWN Production Company, LLC, Pad ID: TI-07 Copper Pad, ABR-201701002, Liberty Township, Tioga County, PA; Consumptive Use of Up to 5.0000 mgd; Approval Date: January 6, 2017.

14. SWEPI, LP, Pad ID: Scheible 898, ABR-201112039.R1, Deerfield Township, Tioga County, PA; Consumptive Use of Up to 4.0000 mgd; Approval Date: January 6, 2017.

15. Chief Oil & Gas, LLC, Pad ID: Pa's Farm Family A Drilling Pad, ABR-201207013.R1, Smithfield Township, Bradford County, PA; Consumptive Use of Up to 2.0000 mgd; Approval Date: January 10, 2017.

16. SWN Production Company, LLC, Pad ID: BIENKO, ABR-201203006.R1, New Milford and Jackson Townships, Susquehanna County, PA; Consumptive Use of Up to 4.9990 mgd; Approval Date: January 11, 2017.

17. Range Resources—Appalachia, LLC, Pad ID: Hess Unit # 1H, ABR-201112041.R1, Morris Township, Clearfield County, PA; Consumptive Use of Up to 1.0000 mgd; Approval Date: January 13, 2017.

18. SWN Production Company, LLC, Pad ID: MacGeorge Well Pad, ABR-201202011.R1, Silver Lake Township, Susquehanna County, PA; Consumptive Use of Up to 4.0000 mgd; Approval Date: January 13, 2017.

19. SWN Production Company, LLC, Pad ID: Conaty Well Pad, ABR-201202026.R1, Silver Lake Township, Susquehanna County, PA; Consumptive Use of Up to 4.0000 mgd; Approval Date: January 13, 2017.

20. Chief Oil & Gas, LLC, Pad ID: G & S Big Rigger Drilling Pad, ABR-201207022.R1, Cherry Township, Sullivan County, PA; Consumptive Use of Up to 2.0000 mgd; Approval Date: January 20, 2017.

21. Repsol Oil & Gas USA, LLC, Pad ID: Johnson (02 135) K, ABR-201701003, Hamilton Township, Tioga County, PA; Consumptive Use of Up to 6.0000 mgd; Approval Date: January 23, 2017.

22. Chesapeake Appalachia, LLC, Pad ID: Brown Homestead, ABR-201207005.R1, Wyalusing Township, Bradford County, PA; Consumptive Use of Up to 7.5000 mgd; Approval Date: January 23, 2017.

23. Chesapeake Appalachia, LLC, Pad ID: CDJ, ABR-201207018.R1, Wilmot Township, Bradford County, PA; Consumptive Use of Up to 7.5000 mgd; Approval Date: January 23, 2017.

24. Chesapeake Appalachia, LLC, Pad ID: Cherrymills, ABR-201207019.R1, Cherry Township, Sullivan County, PA; Consumptive Use of Up to 7.5000 mgd; Approval Date: January 23, 2017.

25. Seneca Resources Corporation, Pad ID: DCNR 100 Pad P, ABR-201205011.R1, Lewis Township, Lycoming County, PA; Consumptive Use of Up to 4.0000 mgd; Approval Date: January 27, 2017.

26. Seneca Resources Corporation, Pad ID: DCNR 100 Pad N, ABR-201207014.R1, Lewis Township, Lycoming County, PA; Consumptive Use of Up to 4.0000 mgd; Approval Date: January 27, 2017.

27. SWN Production Company, LLC, Pad ID: FIELDS PAD 1, ABR-201202015.R1, Herrick Township, Bradford County, PA; Consumptive Use of Up to 4.0000 mgd; Approval Date: January 31, 2017.

Authority: Pub.L. 91-575, 84 Stat. 1509 et seq., 18 CFR Parts 806—808

Dated: February 6, 2017

ANDREW D. DEHOFF,
Executive Director

[Pa.B. Doc. No. 17-319. Filed for public inspection February 17, 2017, 9:00 a.m.]

Projects Rescinded for Consumptive Uses of Water

The Susquehanna River Basin Commission (Commission) has rescinded the following projects from January 1, 2017, through January 31, 2017.

For further information contact Jason E. Oyler, General Counsel, (717) 238-0423, Ext. 1312, fax (717) 238-2436, joyler@srbc.net. Regular mail inquiries may be sent to the Susquehanna River Basin Commission, 4423 North Front Street, Harrisburg, PA 17110-1788.

Supplementary Information

This notice lists the projects, described as follows, being rescinded for the consumptive use of water under the Commission's approval by rule process in 18 CFR 806.22(e) and (f) (relating to standards for consumptive uses of water) for the time period previously specified:

Rescinded ABR Issued

1. XTO Energy Incorporated, Pad ID: Booth, ABR-20091226.R1, Shrewsbury Township, Lycoming County, PA; Rescind Date: January 12, 2017.

2. XTO Energy Incorporated, Pad ID: Hazlak, ABR-20090715.R1, Shrewsbury Township, Lycoming County, PA; Rescind Date: January 12, 2017.

Authority: Pub.L. 91-575, 84 Stat. 1509 et seq., 18 CFR Parts 806—808

Dated: February 6, 2017

ANDREW D. DEHOFF,
Executive Director

[Pa.B. Doc. No. 17-320. Filed for public inspection February 17, 2017, 9:00 a.m.]

