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BEFORE THE STATE CIVIL SERVICE  
COMMISSION

\* \* \* \* \*

STATE CIVIL SERVICE COMMISSION PUBLIC  
HEARING

\* \* \* \* \*

BEFORE: Bryan R. Lentz, Chairman  
Gregory Lane, Commissioner  
Odelfa Smith Preston, Commissioner

HEARING: Wednesday, May 17, 2017  
1:09 p.m.

LOCATION: PA Civil Service Commission  
Strawberry Square, 4th Floor  
Harrisburg, PA 17120

Reporter: Corey Elizabeth Summers

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I N D E X

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STATEMENT

By Commissioner Lane

4 - 19

DISCUSSION AMONG PARTIES

19 - 22

STATEMENT

By Mr. Pennington

22 - 33

DISCUSSION AMONG PARTIES

33 - 35

CERTIFICATE

36

E X H I B I T S

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<u>Number</u>	<u>Description</u>	<u>Page</u> <u>Offered</u>	<u>Page</u> <u>Admitted</u>
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NONE OFFERED

P R O C E E D I N G S

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COMMISSIONER LANE:

Good Afternoon. And  
Welcome to the State Civil Service  
Commission's Public Hearing scheduled  
pursuant to Commission Rule 93.4 to  
receive comments on our proposed  
regulations recently published in  
volume 47, issue 16 of the Pennsylvania  
Bulletin dated April 22nd, 2017.

As noted in our published  
preamble, these regulations are being  
proposed to bring the Commission's  
regulations into conformity with recent  
amendments in the Civil Service Act.  
Specifically, current rules of the  
State's Civil Service Commission  
included in 91.3, 95.47, 97.3, 97.11  
and 97.112 are being amended and a new  
Chapter 98 containing new rule 98.1 and  
98.2 is being added to the current  
rules to comply with changes made to  
the Civil Service Act by Act 69 of  
2016.

1                   In addition, current  
2 rules of the State Civil Service  
3 Commission Number 95.1 and 95.20 are  
4 being amended to comply with changes  
5 made to the Civil Service Act by Act  
6 167 of 2016.

7                   Other current rules of  
8 the Commission, specifically rule  
9 numbers 95.71, 97.31, 97.38, 97.63,  
10 99.24, 103.11, 103.23, 105.11 and 110.2  
11 are being amended to clarify them  
12 and/or bring them into conformity with  
13 intervening Commonwealth Court  
14 decisions and current Civil Service  
15 hiring hearing practices.

16                   Some of these changes  
17 will simply clarify the existing  
18 regulations without changing the  
19 regulation itself in any substantive  
20 way.

21                   Before we begin receiving  
22 comments from the public, I want to  
23 take this opportunity to address an  
24 issue that has arisen in connection  
25 with a fiscal note the budget office

1 provided for our proposed regulations.

2 The fiscal note prepared  
3 by the budget office acknowledges that  
4 there were proposed --- that these  
5 proposed regulations are cost-neutral  
6 and quote, will not result in a loss in  
7 revenue or an increase in program costs  
8 to the Commonwealth or its political  
9 subdivisions, end quote.

10 The fiscal note then goes  
11 on to say that there will be both added  
12 costs and loss savings to the  
13 Commonwealth because of the  
14 Commission's proposed regulations do  
15 not implement Sections 212(d) and 502  
16 of Act 167 of 2016.

17 With all due respect to  
18 the budget office, the assertions that  
19 sections 212(d) and 502 are not  
20 implemented by these regulations is  
21 simply not true.

22 I'll start by addressing  
23 section 212(d). The amendment to  
24 section 212(d) in Act 167 of 2016 added  
25 the following language to section

1 212(d) of the Civil Service Act.  
2 Quote, the Commission shall enter into  
3 an agreement to utilize the form and  
4 method of an employment application  
5 that is standard across departments and  
6 agencies that are under the Governor's  
7 jurisdiction for the purposes of the  
8 entrance to or promotion in the  
9 classified service.

10 The Commission's current  
11 rule regarding Civil Service  
12 applications is rule 95.1. Our  
13 proposed change to rule 95.1 added the  
14 above language from the statute nearly  
15 verbatim to our existing rule so that  
16 it now reads, Section A, subsection (a)  
17 Submission of Applications.  
18 Applications required of a candidate  
19 for entrance to or promotion in the  
20 classified service shall be made in a  
21 format prescribed by the director.  
22 Shall utilize the form and method of  
23 application that is standard across  
24 departments and agencies under the  
25 Governor's jurisdiction and shall

1 continue the statement made subject to  
2 the penalties of 18 Pennsylvania  
3 Consolidated Statutes, Section 49.04  
4 related to unsworn falsification to  
5 authorities verifying the truthfulness  
6 of all responses contained thereon.

7           Clearly, by using the  
8 language directly from Act 167, the  
9 Commissions proposed regulations  
10 implement section 212(d) of Act 167.

11           The second assertion made  
12 by the budget office is that the rule  
13 change does not implement Section 502  
14 of Act 167. In amendments of Section  
15 502 in Act 167 of 2016, changes to  
16 Section 502 of the Civil Service Act in  
17 relevant parts does now read as  
18 follows:

19           Quote, examinations shall  
20 be conducted to establish employment  
21 and promotion lists. Such examinations  
22 may be written or oral or a  
23 demonstration of skill or an evaluation  
24 of experience and education or a  
25 combination of these which shall fairly



1 apprise the fitness and ability of  
2 competitors. The appointing authority  
3 shall select the method of examination  
4 that shall be used for the individual  
5 position or class of positions of which  
6 the employment or promotion listed is  
7 being established.

8 Such examinations shall  
9 be practical in nature and shall relate  
10 to the duties and responsibilities of  
11 the position for which the applicant is  
12 being examined. It shall fairly test  
13 the relevant capacity and fitness of  
14 persons examined to perform the duties  
15 for the class of positions to which  
16 they seek to be appointed or promoted.

17 Our rule change to rule  
18 95.20 has the following language to the  
19 existing rule.

20 Quote, if the director  
21 determines that more than one method of  
22 examination will fairly test the  
23 relative capacity and fitness of  
24 persons examined to perform the duties  
25 for the class of positions to which

1 they seek to be appointed or promoted.

2 The appointing authority  
3 shall select the method of examination  
4 that will be used for the individual  
5 position or the class of positions for  
6 which the employment or promotion list  
7 is being established.

8 When the same  
9 classification is used by more than one  
10 appointing authority, the affected  
11 appointing authorities must reach a  
12 consensus on the method of examination  
13 that will be used for that  
14 classification.

15 As only, one examination  
16 method will be used by the Commission  
17 to examine all candidates for positions  
18 in the same classification.

19 The rule change, once  
20 again, repeats elements from the  
21 statute verbatim in order to implement  
22 Section 502 of Act 167 of 2016. The  
23 Commission is recognizing that this  
24 rule change that the appointing  
25 authorities will have the final say on

1       which examination method will be used  
2       for the individual position or class of  
3       positions for which the employment or  
4       promotion test is being established.

5               However, the rule change  
6       also recognizes that it is still the  
7       Commission's obligation under Section  
8       502 to determine which method or  
9       methods of examination will fairly test  
10      for relative capacity and fitness of  
11      persons examined to perform the duties  
12      of the class of position for which they  
13      seek to be appointed or promoted.

14              Accordingly, the rule now  
15      obligates the Commission to identify as  
16      many alternative valid examination  
17      options as possible and then offer them  
18      all to the appointing authority which  
19      will then select a method it wants to  
20      use to fill vacancies in its  
21      compliment.

22              If an individual position  
23      or class of positions is used  
24      exclusively by a single appointing  
25      authority, that appointing authority's

1 examination choice will be final.  
2 While there are many such  
3 classifications, for example  
4 Corrections Officer or Corrections  
5 Officer Counselor, or Corrections  
6 Counselor used exclusively by the  
7 Department of Corrections, there are  
8 many other classifications which are  
9 used by appointing authorities  
10 throughout the Commonwealth e.g. For  
11 example, Clerk Typist, Accountant,  
12 Human Resource Analyst, etc.

13                   This rule change,  
14 therefore, also recognizes the  
15 realities that there are many such  
16 classifications in which persons are  
17 similarly employed by multiple  
18 appointing authorities.

19                   So when filling out these  
20 positions, in addition to satisfying  
21 the requirements of Section 502 as  
22 amended, the Commission is equally  
23 obliged to comply with other provisions  
24 of law applicable to the filling of  
25 classified service positions.

1                   Section 2 of the Civil  
2 Service Act, 71 Public Statute section  
3 741.2 states that, quote, greater  
4 efficiency and economy in the  
5 administration of the government of the  
6 Commonwealth is this primary purpose of  
7 this act, referring to the Civil  
8 Service Act. Section 501 of the Act  
9 provides that appointments and persons  
10 entering the classified service or  
11 promoted therein shall be from eligible  
12 lists established as a result of  
13 examinations given by the director to  
14 determine the relative merit of  
15 candidates.

16                   Section 507 of the Act,  
17 71 Public Statute 741.507 provides  
18 quote, an existing eligible list shall  
19 terminate upon the establishment of an  
20 appropriate new list unless otherwise  
21 prescribed by the director.

22                   The Pennsylvania Military  
23 Code provides that ten points will be  
24 added to the score of a veteran that  
25 passes a Civil Service Examination,

1 citing 51 Pennsylvania Consolidated  
2 Statute, Sections 571.03. And of the  
3 Veteran who is among the three highest  
4 scoring candidates on the eligible list  
5 will receive-will have a mandatory  
6 appointment preference.

7 The Commission currently  
8 utilizes one method of examination to  
9 create one eligible list for a  
10 specified classification regardless of  
11 whether the classification is exclusive  
12 to one appointing authority or is used  
13 by multiple appointing authorities.  
14 Candidates who take that examination  
15 are applying for every vacancy of the  
16 position in that classification across  
17 appointing authorities throughout the  
18 Commonwealth.

19 Every agency will receive  
20 a list of the same pool of ranked  
21 candidates and every qualified veteran  
22 who earned veteran preference receive  
23 the benefit of his or her preference  
24 regardless of which appointing  
25 authority was filling a vacancy in that

1 classification.

2                   The economy and  
3 efficiency inherent in using one  
4 examination method and list for all  
5 positions in a classification is there  
6 for self-explanatory thus satisfying  
7 the primary purpose of the Act as we  
8 stated in the preamble that I read  
9 earlier.

10                   It is also self-evident  
11 from other provisions in the Civil  
12 Service Act that the legislature  
13 intended that there should be one list  
14 for each classification by requiring  
15 the Commission to assess the relative  
16 merit of the candidates by utilizing a  
17 competitive examination and requiring  
18 the Commission to terminate an existing  
19 list upon the establishment of an  
20 appropriate new list.

21                   So when only list is  
22 created for each classification, the  
23 relative merit of the candidates can be  
24 evaluated by the directors based on the  
25 same examination and criteria and the

1 candidates can be ranked accordingly.  
2 This satisfies the requirements of both  
3 sections 501 and section 507.

4 Each appointing authority  
5 could select a different form of  
6 examination for positions of exactly  
7 the same classification. Then,  
8 potentially the Commission would be  
9 compelled to develop and administer  
10 multiple types of examinations in the  
11 same classification.

12 Job seekers who which to  
13 be considered for jobs throughout the  
14 Commonwealth would then be compelled to  
15 take multiple examinations for the same  
16 classification or risk being excluded  
17 for consideration by the appointing  
18 authority that utilizes a different  
19 examination method.

20 A candidate who scores  
21 high on one test might score  
22 significantly lower or potentially even  
23 fail to qualify on a different type of  
24 test.

25 Veterans would receive an



1 inconsistent preference for a job in  
2 the same classification at one  
3 Commonwealth appointing authority  
4 versus another with variations in the  
5 base non-preference test score.

6 The Commission does not  
7 believe this is the result intended by  
8 the legislature. Act 167 of 2016 was  
9 sponsored by State Representative Mark  
10 Gill.

11 The original purpose of  
12 Act 167 was to require the Commission  
13 to prominently display on its website,  
14 brochures, and examination materials a  
15 detailed of veterans preference  
16 employment benefits information.

17 In light of these  
18 requirements, the Commission does not  
19 believe it was the intent of the  
20 legislature to weaken the Veterans'  
21 Preference employment benefits provided  
22 by the Pennsylvania Military Code by  
23 permitting various appointing  
24 authorities to each select a form of  
25 examination to fill the vacant

1 positions in the same classification.

2 Accordingly, draft rule  
3 number 95.20 requires multiple  
4 appointing authorities employing  
5 persons in the same classification must  
6 reach a consensus on a method of  
7 examination that will be used for that  
8 classification.

9 This requirement can be  
10 achieved under the coordination of the  
11 Commission which will contact all  
12 affected appointing authorities  
13 whenever requested or made to change  
14 the method of examination currently  
15 being utilized by that examination for  
16 that classification.

17 It is presumed that the  
18 Governor's Office of Administration in  
19 which all Commonwealth Human Resources  
20 are currently being centralized will  
21 also play a key role in this consensus  
22 process.

23 The Commission intends to  
24 promulgate a management directive which  
25 must also be approved by the Secretary

1 of Administration on behalf of the  
2 Governor. Pursuant to the requirements  
3 of the Governor's Directive Management  
4 System 4 Pennsylvania Code Section 1.3,  
5 subsection (a).

6 To define how this  
7 process of building a consensus will  
8 proceed, to reach an examination of  
9 selecting a decision for all these  
10 reasons, the Commission believes that  
11 the Budget Office's assertions that the  
12 proposed regulations do not implement  
13 Section 502 of Act 167 is unfounded.

14 Okay.

15 Thanks for listening and  
16 letting me drone on for a bit. I'll  
17 now open the floor up to any public  
18 comments. Are there any members of the  
19 public who wish to address the  
20 Commission today? If so, just stand  
21 and you can be recognized and ---.

22 We agreed to keep --- and  
23 I'm sorry if there are nobody present  
24 --- If there's nobody here present just  
25 yet to have any public comments, I'm

1 going to hold the record open for a  
2 handful of more minutes. I know we  
3 have one individual who asked us to  
4 hold the record open for a few minutes  
5 because he was running late, so seeing  
6 no other public comments then.

7 We're going to wait about  
8 10 minutes or so. Let's take a recess  
9 then until about 1:25. We'll take a  
10 recess until approximately 1:30pm.

11 COMMISSIONER LENTZ:

12 He just arrived.

13 COMMISSIONER LANE:

14 Okay. He's here. Okay.  
15 We will forego the recess. I think we  
16 can keep plowing ahead.

17 Welcome, sir. Do you  
18 wish to make some public comments  
19 regarding the regulations?

20 MR. PENNINGTON:

21 I do. May I have a seat?

22 COMMISSIONER LANE:

23 Yes. You may have a seat  
24 or stand; whichever you prefer. Just  
25 make sure that our reporter can hear

1 you clearly, but it sounds like your  
2 voice will be okay and you're close  
3 enough.

4 Let's begin by having you  
5 get your full name.

6 COMMISSIONER PRESTON:

7 How about we let him get  
8 settled?

9 COMMISSIONER LANE:

10 Yeah. Get settled, I'm  
11 sorry. Get yourself organized.

12 MR. PENNINGTON:

13 We came from  
14 Philadelphia.

15 COMMISSIONER LANE:

16 Welcome. Thanks for  
17 coming down. You missed us last week  
18 then, we were just there for the  
19 same ---

20 MR. PENNINGTON:

21 SEPTA was two hours  
22 behind so I missed the 11 o'clock train  
23 from Philly to Harrisburg by one  
24 minute. Ran to Enterprise, got in the  
25 car, survived the Schuylkill

1 Expressway.

2 COMMISSIONER LANE:

3 We're glad you made it  
4 safely.

5 MR. PENNINGTON:

6 So ---.

7 COMMISSIONER LANE:

8 All right. Let's begin,  
9 I'm sorry, I don't mean to interrupt  
10 you but let's begin by getting your  
11 full name and address for the record,  
12 please if you don't mind.

13 MR. PENNINGTON

14 Sure. My name is Stephen  
15 with a P-H, Pennington, P, as in Paul,  
16 E-N-N-I-N-G-T-O-N. The --- my work  
17 address is 1515 Market Street, Suite  
18 1300 Philadelphia, Pennsylvania, 19103.

19 I would like to start by  
20 saying, I am very grateful for the  
21 opportunity to be here today to provide  
22 some comment with regard to the  
23 proposed regs. I also want to thank  
24 Attorney Denise Wood. She was very  
25 helpful in allowing me to understand

1 the function of the Civil Service  
2 Commission. This is the first time  
3 that I've appeared before the  
4 Commission and again, I really  
5 appreciate the opportunity.

6 I'm the Director of the  
7 Client Assistance Program which is a  
8 federally designated statewide advocate  
9 for people who are seeking services  
10 from the Pennsylvania Office of  
11 Vocational Rehabilitation. As I'm sure  
12 you know, VR has offices throughout the  
13 state and it's our job to provide  
14 information to their customers, to  
15 provide advice with regard to services  
16 as well as advocate on behalf of these  
17 individuals. That also includes  
18 providing information and advocacy with  
19 regard to the American's with  
20 Disabilities Act.

21 I'm an attorney. I have  
22 the pleasure of being at the White  
23 House when President Bush signed the  
24 ADA and it's a tremendous piece of  
25 legislation and it really is the reason

1       why I'm here today.

2                       I'm also a member of the  
3       Governor's Advisory Council for People  
4       with Disabilities and your staff has  
5       come before the Governor's Advisory  
6       Council on a number of occasions  
7       dealing with the issue of a combination  
8       for applicants for posted jobs and has  
9       provided statistics in an overall view  
10      of what accommodations are provided.

11                      These summaries have been  
12      very positive, have been very useful,  
13      so we don't come here today suggesting,  
14      in any way, that the Civil Service  
15      Commission has failed to accommodate  
16      people with disabilities and those  
17      applicants and test takers. I had an  
18      opportunity to look at Senator Acosta's  
19      letter, I don't know whether you've had  
20      an opportunity to review it.

21                      He raised three issues  
22      about pretest eligibility, the wait for  
23      accommodation how that may impact a  
24      person's ability to be eligible for a  
25      job as well as questions about maybe



1 updating some of the software,  
2 especially the people who are blind or  
3 visually impaired need.

4 I think those are all  
5 very important issues. My focus is  
6 really upon the first issue, the pre  
7 testing or pre applicant eligibility  
8 and when I learned through anecdotal  
9 evidence and you know, you can take  
10 anecdotal with a grain of salt, is that  
11 the Commission, the Civil Service  
12 Commission staff have found on page an  
13 applicant with a disability is unfit or  
14 unsuitable for the job, not based upon  
15 the person's education background or  
16 the experience was based upon  
17 disability itself.

18 The fact that even for  
19 the person to get involved in the Civil  
20 Service, well, I guess they aren't an  
21 applicant, but before they receive  
22 employment, a decision is being made  
23 about that individual and that they're  
24 not going to be able to do the job.  
25 They are being weeded out at the

1 beginning.

2                   The rational that I  
3 heard, it's not my rational, but I've  
4 heard from people that this has  
5 happened to is that going forward, this  
6 sets the person up for disappointment;  
7 ultimately they're not going to get the  
8 job. I've also heard that it would be a  
9 waste of time for the individual to go  
10 any further.

11                   Now, on a gut level, that  
12 can be disturbing, but that's not where  
13 I'm coming from. I'm looking at the  
14 American's with Disabilities Act and  
15 I'm comparing the regulations at 95.1,  
16 to be specific, D(4). I'm looking at  
17 those regulations and I'm saying, do  
18 these regulations for applicants and  
19 examinations comport with the  
20 requirements in the ADA and it's my  
21 conclusion that they do not.

22                   When you look at 95.1(b)  
23 for example, it talks about evidence of  
24 merit and fitness and it talks about  
25 what the director may require in

1 determining an applicant's merit and  
2 fitness. But no one in the definitions  
3 or any other part of the regulations  
4 does it describe what fitness is.

5 I think the ADA has been  
6 around long enough, I think we all have  
7 some sense that the word fitness is not  
8 a term used in the ADA to determine if  
9 a person with a disability is qualified  
10 for a particular job. So from the  
11 standpoint of looking at the person in  
12 terms of whether they're fit or not, it  
13 doesn't comport with not only the ADA  
14 but the Rehab Act and the Human  
15 Relations Act.

16 Nowhere in those pieces  
17 of legislation do they look at the  
18 issue of whether or not an individual  
19 with disabilities can be employed in  
20 terms of fitness. It's always a much  
21 broader, much more detailed analysis.

22 Now, if you look at  
23 95.1(c), you see limitations on  
24 inquiry. What's interesting about is  
25 that in the examination of an

1 application process, the application  
2 process, the director may not ask  
3 certain questions on the applications  
4 with regard to a number of things one  
5 in which happens to be disability. So  
6 that's another thing most of us know;  
7 it's a common sense type of thing that  
8 if you're going to provide an  
9 application for employment, you cannot  
10 ask the person about whether they have  
11 a disability; those kinds of things.  
12 Those questions have been illegal for  
13 over 25 years.

14 So then you get to the  
15 95.1(d). Rejection of Applicants,  
16 disqualification of eligible and four  
17 says that the director can reject  
18 somebody if they have a physical or  
19 mental disability which renders the  
20 applicant unfit or unsuited to perform  
21 the essential functions of the  
22 position's duties and responsibilities  
23 with or without reasonable  
24 accommodation.

25 Now, in '94, these rights



1                   What does s all of this  
2 mean? What do these regulations mean?  
3 The one thing I would hope that I could  
4 explain clearly is the fact that while  
5 the Commissioner, the Director, cannot  
6 in the application process look at the  
7 individual's disabilities. When you  
8 look at the rejection section, the  
9 director does have outside of the  
10 application process the authority to  
11 define --- to determine that someone is  
12 unfit or unsuited.

13                   Now, you don't do it in  
14 the application because it's against  
15 the law but these regulations, in  
16 particular, does give the director the  
17 ability to go on his or her own based  
18 upon whatever understanding the  
19 director has with regard to disability  
20 to find that someone is unfit or  
21 unsuitable.

22                   When you compare that  
23 judgment or the ability to be able to  
24 make that judgment to the ADA it's  
25 totally at different ends of the

1 spectrum. The ADA requires an  
2 interactive process. It's not simply  
3 enough to have an employee, or an  
4 applicant with a disability. There are  
5 steps, conditional offers being made,  
6 at that point you can start to talk  
7 about whether or not the individual,  
8 for example, has the physical ability  
9 to do the job. But the Courts have  
10 found that that is an interactive  
11 process. That requires the  
12 participation not only of the applicant  
13 but of the employer. It may involve in  
14 the inclusion of the individual's  
15 physician or family members.

16 So giving the authority  
17 to the director without any standard  
18 whatsoever to determine if someone is  
19 unfit or unsuitable just is contrary to  
20 the requirements in the act. So that  
21 we would ask that D14 be stricken as it  
22 is written. At the very least that  
23 unfit and unsuitable, if it's decided  
24 to include those, explain within the  
25 context of the requirements within the

1 ADA how those terms are to be  
2 interpreted.

3 The Governor's management  
4 directive 205.25 very specifically  
5 talks about how government agencies are  
6 to handle applicants and employees with  
7 disabilities and I'll just encourage  
8 the Commission to look at that  
9 management directive to see how  
10 involved it is, to see the requirements  
11 that must be met when considering  
12 whether or not to hire an individual  
13 with a disability.

14 When you look at that  
15 memo, that ten page memo and you  
16 compare it solely to two words in (d)  
17 1.4, unfit and unsuitable, the only  
18 conclusion you can draw is the way the  
19 way the regulation is written now is  
20 unsuitable, that is not correct and  
21 should be amended to reflect the  
22 requirements of the law. With that, if  
23 you have any questions, if not, again I  
24 appreciate your patience and  
25 willingness to stay here for my



1 testimony and thank you very much.

2 COMMISSIONER LANE:

3 Certainly. We appreciate  
4 your comments. Now, if you have any  
5 would you like to leave a written  
6 version of your statement? I mean, our  
7 reporter got it all down, but it is up  
8 to you.

9 MR. PENNINGTON:

10 I'm going to --- I  
11 understand I can submit a letter until  
12 Monday?

13 COMMISSIONER LANE:

14 That is correct.

15 MR. PENNINGTON:

16 I think I'm going to  
17 refine some of those comments and I'll  
18 submit a letter. So thank you again.

19 COMMISSIONER LANE:

20 I'm getting a nod --- Is  
21 that correct? Yes. I'm getting a nod.

22 MR. PENNINGTON:

23 May I be excused?

24 COMMISSIONER PRESTON:

25 Just a moment. Can we

1 take just a brief recess? We'll have  
2 our chief counsel come forward.

3 ---

4 (WHEREUPON, A SHORT BREAK WAS TAKEN.)

5 ---

6 CHAIRMAN LENTZ:

7 Thanks again for your  
8 long journey out here.

9 COMMISSIONER LANE:

10 Yes. thank you.

11 MR. PENNINGTON:

12 Thank you.

13 COMMISSIONER LANE:

14 I was saying you missed  
15 your opportunity, we were right around  
16 the corner from you.

17 MR. PENNINGTON:

18 I beg your pardon.

19 COMMISSIONER LANE:

20 You missed your  
21 opportunity when we were right around  
22 the corner from you. When we were in  
23 Philadelphia we did a hearing in  
24 Philadelphia, you might have missed it.

25 MR. PENNINGTON:

1 I knew that, it was  
2 Friday.

3 COMMISSIONER LANE:

4 It was a nice day. I'm  
5 glad you trekked down here today,  
6 Thanks.

7 Before we adjourn this  
8 hearing, does anybody else have any  
9 public comments they wish to make?

10 All right. Seeing nobody  
11 else has any comments to make for the  
12 record, we'll go ahead and adjourn this  
13 hearing.

14 \* \* \* \* \*

15 HEARING CONCLUDED AT 1:41 P.M.

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CERTIFICATE

I hereby certify that the foregoing proceedings, a hearing held before Chairman Lentz, Commissioner Lane and Commissioner Preston, was reported by me on 05/17/2017, and that I, Corey Elizabeth Summers, read this transcript, and that I a transcript is a true and proceeding.

*Corey Elizabeth Summers*  
Court Reporter

Corey Elizabeth Summers

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