



PENNSYLVANIA PUBLIC UTILITY COMMISSION  
Uniform Cover and Calendar Sheet

|  |   |
|--|---|
| 1. <b>REPORT DATE:</b><br>May 18, 2004   | 2. <b>BUREAU AGENDA NO.</b><br>MAY-2004-L-0044* |
| 3. <b>BUREAU:</b> Law  |   |
| 4. <b>SECTION(S):</b>  | 5. <b>PUBLIC MEETING DATE:</b>                  |
| 6. <b>APPROVED BY:</b><br>Director:<br>Mgr/Spvr: F.B. Wilmarth 2-8841 <br>Legal Review: | May 27, 2004                                    |
| 7. <b>PERSONS IN CHARGE:</b><br>R.L. Daviston 7-6166                                    | <b>DOCKETED</b><br>JUN 03 2004                  |
| 8. <b>DOCKET NO.:</b> C-20031929,<br>A-311650  |   |

**DOCUMENT  
FOLDER**

9. (a) **CAPTION** (abbreviate if more than 4 lines)  
 (b) **Short summary of history & facts, documents & briefs**  
 (c) **Recommendation**

(a) LBPS v. Ironton Telephone Co. Rescission Order.

(b) Before the Commission for review is an Answer filed by Ironton Telephone Co. on April 16, 2004. The answer requests rescission of the Default Order entered April 8, 2004 that cancelled the certificate of public convenience held by Ironton.

(c) The Law Bureau recommends that the Commission adopt the proposed order that grants the request, rescinds the Default Order and reinstates Ironton's certificate.

|   |  |
|---|--|
| 10. <b>MOTION BY:</b> Commissioner Chm. Fitzpatrick | Commissioner Thomas - Yes<br>Commissioner Pizzingrilli - Yes<br>Commissioner Holland - Yes |
| <b>SECONDED:</b> Commissioner Bloom                 |  |

**CONTENT OF MOTION:** Staff recommendation adopted.



COMMONWEALTH OF PENNSYLVANIA  
PENNSYLVANIA PUBLIC UTILITY COMMISSION  
P.O. BOX 3265, HARRISBURG, PA 17105-3265

June 2, 2004

REFER TO OUR FILE

A-311650  
C-20031929

TIMOTHY HAUSMAN  
IRONTON TELEPHONE COMPANY  
4242 MAUCH CHUNK ROAD  
COPLAY PA 18037

**DOCKETED**  
JUL 01 2004

Pennsylvania Public Utility Commission  
Law Bureau Prosecutory Staff  
v.  
Ironton Telephone Company (2003.0264)

**R E S C I S S I O N   O R D E R**

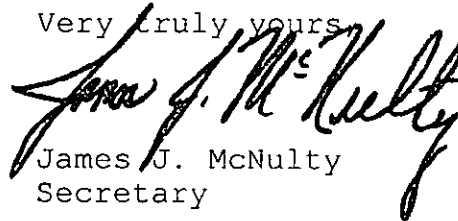
**DOCUMENT  
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To Whom It May Concern:

This is to advise you that an Order has been adopted by the Commission in Public Meeting on May 27, 2004 in the above entitled proceeding.

An Order has been enclosed for your records.

Very truly yours,

  
James J. McNulty  
Secretary

Enclosure  
Certified Mail  
JEH  
OFFICE OF CONSUMER ADVOCATE  
5TH FLOOR FORUM PLACE  
555 WALNUT STREET  
HARRISBURG PA 17101-1923

OFFICE OF SMALL BUSINESS ADVOCATE  
300 NORTH SECOND STREET  
COMMERCE BUILDING SUITE 1102  
HARRISBURG PA 17101

OFFICE OF TRIAL STAFF  
PA PUBLIC UTILITY COMMISSION  
PO BOX 3265  
HARRISBURG PA 17105-3265

**PENNSYLVANIA  
PUBLIC UTILITY COMMISSION  
Harrisburg, PA 17105-3265**

Public Meeting held May 27, 2004

**Commissioners Present:**

Terrance J. Fitzpatrick, Chairman  
Robert K. Bloom, Vice-Chairman  
Glen R. Thomas  
Kim Pizzingrilli  
Wendell F. Holland

**DOCKETED**  
JUL 01 2004

Pennsylvania Public Utility Commission  
Law Bureau Prosecutory Staff

Docket No.  
C-20031929

v.

Ironton Telephone Co.  
(2003.0264)

A-311650

**RESCISSION ORDER**

**BY THE COMMISSION:**

**DOCUMENT  
FOLDER**

On October 17, 2003, Law Bureau Prosecutory Staff filed a Formal Complaint against Ironton Telephone Co. (Ironton or Respondent), a CLEC certificated at A-311650, for failure to file its 2002 Annual Report. Subsequently, on April 8, 2004, the Commission entered a Default Order that sustained the complaint and cancelled Respondent's certificate of public convenience. The notice of the Default Order was published April 24, 2004 at 34 Pa. B. 2258 with a 20-day comment period.

On April 5, 2004, subsequent to the April 1, 2004 adoption date of the Default Order, but prior to the April 8, 2004 entry date, Ironton filed its 2002 Annual Report. It paid the \$250 late filing fee on April 14, 2004. By Answer dated April 16, 2004, it

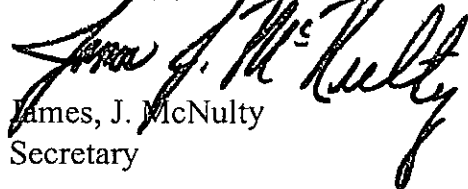
questioned why the Default Order had been entered in light of the fact that it had filed its outstanding 2002 Annual Report and paid the late-filing fee. In its Answer, Ironton requested that the Default Order be dismissed and the Complaint be deemed satisfied.

In its answer, Respondent gives no reason why its 2002 Annual Report was delinquent. It simply requests that the Default Order be dismissed because of its compliance. Because Respondent filed its delinquent annual report and paid the late-filing fee in the time period between the adoption and entry of the Default Order, and filed its answer only eight days after the entry of the Default Order, we will grant Respondent's request for rescission. However, we caution Respondent that all future Annual Reports must be timely filed and all Commission correspondence must be answered in a timely manner. The Commission hereby puts Ironton Telephone Co. and the rest of the industry on notice that we will not hesitate to invoke our authority under the Public Utility Code to ensure timely compliance with our regulations and orders including the ordering of such other remedy as the Commission may deem appropriate; **THEREFORE,**

**IT IS ORDERED:**

1. That the Default Order entered April 8, 2004 at this docket is hereby rescinded.
2. That a copy of this order be published in the Pennsylvania Bulletin.

BY THE COMMISSION

  
James, J. McNulty  
Secretary

(SEAL)

ORDER ADOPTED: May 27, 2004

ORDER ENTERED: JUN 02 2004