

**PENNSYLVANIA PUBLIC UTILITY COMMISSION
Uniform Cover and Calendar Sheet**

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| 1. <u>REPORT DATE:</u> August 4, 2005 | 2. <u>BUREAU AGENDA NO.</u> AUG-2005-L-0086* |
| 3. <u>BUREAU:</u> Law | |
| 4. <u>SECTION(S):</u> | 5. <u>PUBLIC MEETING DATE:</u> |
| 6. <u>APPROVED BY:</u> Director: Mgr/Spvr: Wilmarth 2-8841 <i>[Signature]</i> Legal Review: | August 11, 2005 |
| 7. <u>PERSONS IN CHARGE:</u> Daviston 7-6166 <i>RAD</i> | 9. <u>EFFECTIVE DATE OF FILING:</u> |
| 8. <u>DOCKET NO.:</u> C-20044051, A-310782 | |

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

(a) LBPS v. IDT America, Corp. (2004.0267)

(b) Before the Commission is a request to rescind the Default Order that was entered on July 20, 2005 against IDT America, Corp.(IDT or Respondent). On December 14, 2004, Law Bureau Prosecutory Staff filed a Formal Complaint against IDT for failure to file its 2003 Annual Report. On January 6, 2005, IDT paid the late-filing fee specified in the Complaint, but did not file its Annual Report. Subsequently, on July 20, 2005, the Commission entered a Default Order canceling IDT's certificate. IDT subsequently filed its 2003 Annual Report.

(c) The Law Bureau recommends that the Commission adopt the proposed Order that rescinds the Default Order.

DOCKETED
 AUG 23 2005

**DOCUMENT
 FOLDER**

| | |
|---|---------------------------------|
| 11. MOTION BY: Commissioner Chm. Holland | Commissioner Shane - Yes |
| SECONDED: Commissioner Cawley | Commissioner Pizzingrilli - Yes |
| | Commissioner Fitzpatrick - Yes |

CONTENT OF MOTION: Staff recommendation adopted.



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

IN REPLY PLEASE
REFER TO OUR FILE

August 11, 2005

C-20044051
A-310782

WILLIAM B WILHELM JR
SWIDLER & BERLIN CHARTERED
3000 K STREET NW
SUITE 300
WASHINGTON DC 20007-5116

DOCKETED
OCT 05 2005

Pennsylvania Public Utility Commission Law Bureau Prosecutory Staff

v.

IDT America, Corp.

**DOCUMENT
FOLDER**

To Whom It May Concern:

This is to advise you that the Commission in Public Meeting on August 11, 2005 has adopted a Rescission Order in the above entitled proceeding.

A Rescission Order has been enclosed for your records.

Very truly yours,

James J. McNulty
Secretary

LJM
Encls

DIANE CLARK CARL BILLEK ESQUIRES
IDT AMERICA CORP
520 BROAD STREET 7TH FLOOR
LEGAL DEPT
NEWARK NJ 07102

PENNSYLVANIA
PUBLIC UTILITY COMMISSION
Harrisburg, PA 17105-3265

Public Meeting held August 11, 2005

Commissioners Present:

Wendell F. Holland, Chairman
James H. Cawley, Vice-Chairman
Bill Shane
Kim Pizzingrilli
Terrance J. Fitzpatrick

DOCKETED
OCT 05 2005

Pennsylvania Public Utility Commission
Law Bureau Prosecutory Staff

Docket No.
C-20044051

v.

IDT America, Corp.
(2004.0267)

A-310782

RESCISSION ORDER

**DOCUMENT
FOLDER**

BY THE COMMISSION:

On December 14, 2004, Law Bureau Prosecutory Staff filed a Formal Complaint against IDT America, Corp. (Respondent), a non-facilities based reseller of toll service certificated at A-310782, for failure to file its 2003 Annual Report. On January 6, 2005, Respondent paid the \$250 late-filing fee, but failed to file its delinquent report. Subsequently, on July 20, 2005, the Commission entered a Default Order that sustained the complaint and cancelled Respondent's certificate. The notice of the Default Order has not yet been published in the Pennsylvania Bulletin.

On August 4, 2005, subsequent to the entry of the Default Order, Respondent filed its 2003 Annual Report along with a request to have the Default Order rescinded. In its

request, Respondent apologized for the delinquency and stated that failure to file its 2003 Annual Report was inadvertent. A review of Commission records shows that the instant Complaint was the only Complaint instituted against Respondent by the Commission since the issuance of its certificate in 1998.

Because Respondent has now filed its delinquent annual report and paid the late-filing fee, 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 IDT America, Corp. 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;

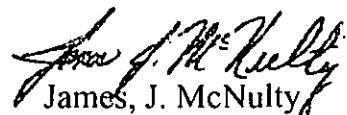
THEREFORE,

IT IS ORDERED:

1. That the Default Order entered July 20, 2005 at this docket against IDT America, Corp. 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: August 11, 2005

ORDER ENTERED: AUG 11 2005