

PENNSYLVANIA PUBLIC UTILITY COMMISSION

Uniform Cover and Calendar Sheet

72

1. REPORT DATE: July 5, 2005	2. BUREAU AGENDA NO. JUL-2005-L-0070*
3. BUREAU: Law	
4. SECTION(S):	5. PUBLIC MEETING DATE:
6. APPROVED BY: Director: Mgr/Spvr: Wilmarth 2-8841 Legal Review:	July 14, 2005 A-310782
7. PERSONS IN CHARGE: Daviston 7-6166	9. EFFECTIVE DATE OF FILING:
8. DOCKET NO.: C-20044014, C-20044015, C-20044016, C-20044018, C-20044022, C-20044026, C-20044030, C-20044031, C-20044034, C-20044036, C-20044038, C-20044040, C-20044046, C-20044051, C-20044055, C-20044062, C-20044063, C-20044065, C-20044068, C-20044069, C-20044072	

DOCUMENT
FOLDER

10. (a) **CAPTION** (abbreviate if more than 4 lines)
 (b) **Short summary of history & facts, documents & briefs**
 (c) **Recommendation**
- (a) LBPS v. Twenty-one Named Telecommunications Utilities for 2003 Annual Report Delinquency.
- (b) On December 13, 14 and 22, 2004, the Law Bureau Prosecutory Staff filed separate Formal Complaints against twenty-one telephone service providers (Respondents). In the Complaints, Prosecutory Staff alleged that the Commission sent by certified mail notice to each Respondent that pursuant to 66 Pa. C.S. §504 its 2003 Annual Report was due. The Complaints charged that each Respondent violated 66 Pa. C.S. §504 by not filing its 2003 Annual Report. Service of the Complaints was perfected on each of the twenty-one Respondents, none of which responded to the Complaint.
- (c) The Law Bureau recommends that the Commission adopt the proposed Default Orders which cancel the certificates of the twenty-one Respondents that were served but failed to respond to the Complaints.

11. **MOTION BY:** Commissioner Chm. Holland

SECONDED: Commissioner Shane

Commissioner Cawley - Yes*
 Commissioner Pizzingrilli - Yes
 Commissioner Fitzpatrick - Yes

CONTENT OF MOTION: Staff recommendation adopted.

Vice Chairman Cawley, Recusing on C-20044062, Core Communications, Inc.

DOCKETED
 JUL 21 2005

LBPS v. 21 Telecommunications Utilities
 For 2003 Annual Report Delinquency
 Service was perfected – listed in docket order

CODE	COMPANY	DOCKET
A-311128	Telegenius, Inc.	C-20044014
A-310780	Telecomm Cooperative Network	C-20044015
A-310936	Summit Telco, LLC	C-20044016
A-310908	Servicesense.Com	C-20044018
A-311219	Primo Communications, Inc.	C-20044022
A-310987	Premier Network Services, Inc.	C-20044026
A-311004	Orion Telecommunications Corp.	C-20044030
A-311060	Optimum Global Comm., Inc.	C-20044031
A-310569	Onestar Long Distance, Inc.	C-20044034
A-311135	Onestar Communications, LLC	C-20044036
A-311051	One Voice Communications, Inc.	C-20044038
A-311209	Necc Telecom, Inc.	C-20044040
A-311175	Kiger Telephone & Telephone, LLC	C-20044046
A-310782	IDT America Corp.	C-20044051
A-310915	Capsule Communications, Inc.	C-20044055
A-310922	Core Communications, Inc.	C-20044062
A-310668	Communications Billings, Inc.	C-20044063
A-311116	Communicate Technological Systems	C-20044065
A-311159	Budget Phone, Inc.	C-20044068
A-311241	Better World Telecom, Inc.	C-20044069
A-311212	All-Star Acquisition Corp.	C-20044072



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

IN REPLY PLEASE
REFER TO OUR FILE

JULY 20, 2005

C-20044051
A-310782

IDT AMERICA CORP
LEGAL DEPARTMENT
520 BROAD STREET
SEVENTH FLOOR
NEWARK NJ 01702

Pennsylvania Public Utility Commission
Law Bureau Prosecutory Staff
V.
IDT America Corp

DEFAULT ORDER

To Whom It May Concern:

This is to advise you that the Commission in Public Meeting on July 14, 2005 has adopted a **Default Order** in the above entitled proceeding.

A Default Order has been enclosed for your records.

Very truly yours,

James J. McNulty
Secretary

fg
encls
cert. mail

See Attached Listing for Additional Parties of Record.

**DOCUMENT
FOLDER**

DOCKETED
SEP 14 2005

PENNSYLVANIA
PUBLIC UTILITY COMMISSION
Harrisburg, PA 17105-3265

Public Meeting held July 14, 2005

Commissioners Present:

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

Pennsylvania Public Utility Commission
Law Bureau Prosecutory Staff

C-20044051

v.

IDT America Corp (2004.0267.00)

A-310782

DEFAULT ORDER

BY THE COMMISSION:

On December 14, 2004, the Law Bureau Prosecutory Staff filed a Formal Complaint against IDT America Corp (the Respondent), a non-facilities based reseller of toll service carrier certificated at A-310782. In the Complaint, Prosecutory Staff alleged that the Commission sent by certified mail prior written notices to the Respondent that pursuant to 66 Pa. C.S. §504 its 2003 Annual Report was due. The Complaint charged that the Respondent violated 66 Pa. C.S. §504 by failing to file its 2003 Annual Report. The Complaint requested that the Commission issue an order canceling the Respondent's certificate of public convenience for failure to file its 2003 Annual Report.

DOCKETED
SEP 14 2005

**DOCUMENT
FOLDER**

According to the U.S. Postal Service return receipt, the Complaint was served on May 25, 2005. To date, more than 20 days later, no answer has been filed to the Complaint and the 2003 Annual Report has not been filed. In addition, we are not aware that Respondent has any current customers in Pennsylvania, and Respondent was never assigned any NXX codes.

The Commission puts 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. 66 Pa. C.S. §§504, 505, 506, and 3301. Based on Respondent's failure to file an answer to the Complaint or file its 2003 Annual Report, we conclude that revocation of IDT America Corp's certificate of public convenience is in the public interest. Furthermore, the Commission may take other appropriate action, including the imposition of penalties under Section 3301, in lieu of cancellation, if Respondent seeks relief from this Default Order; **THEREFORE,**

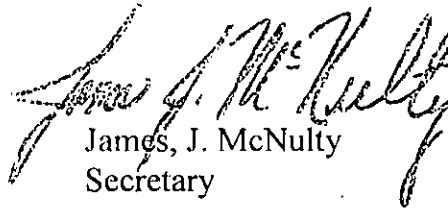
IT IS ORDERED:

1. That the allegations in the Law Bureau Prosecutory Staff's Complaint are deemed admitted and the Complaint is thereby sustained.
2. That the Secretary serve a copy of this Default Order upon the Office of Consumer Advocate, the Office of Small Business Advocate, the Office of Trial Staff, and the Attorney General's Bureau of Consumer Protection, and also cause a copy of this Default Order to be published in the *Pennsylvania Bulletin* with a 20-day comment period.
3. That IDT America Corp immediately cease providing service to any new customers and, within 10 days of the entry date of this order, provide written notice to any existing customers directing each to select an alternative service provider within 30 days of the date of the notice. Such notice must include a statement of the Commission's

intent to cancel the company's certificate of public convenience absent adverse public comment within the 20-day time constraint established pursuant to Ordering Paragraph No. 2, above.

4. That absent the filing of adverse public comment, 30 days after publication in the Pennsylvania Bulletin and without further action by the Commission, the certificate of public convenience held by IDT America Corp at A-310782 shall be cancelled, and the company's name stricken from all active-utility lists maintained by the Tariff and Annual Report Section of the Commission's Bureau of Fixed Utility Services and the Assessment Section of the Bureau of Administrative Services.

BY THE COMMISSION,



James, J. McNulty
Secretary

(SEAL)

ORDER ADOPTED: July 14, 2005

ORDER ENTERED: JUL 20 2005

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