


PENNSYLVANIA PUBLIC UTILITY COMMISSION
Uniform Cover and Calendar Sheet

1. <u>REPORT DATE:</u> October 18, 2005	2. <u>BUREAU AGENDA NO.</u> OCT-2005-L-0107*
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 2-884 	October 27, 2005
7. <u>PERSONS IN CHARGE:</u> Daviston 7-6166 <i>RLW</i>	9. <u>EFFECTIVE DATE OF FILING:</u> N/A
8. <u>DOCKET NO.:</u> C-20044043, A-311160	

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

(a) LBPS v. McGraw Communications, Inc. Rescission Order (2004.0267).

(b) Before the Commission is a Petition to Rescind filed by McGraw Communications, Inc. (McGraw). By Default Order entered July 22, 2005, the Commission cancelled MCGraw's certificate of public convenience for failure to file its 2003 Annual Report. On September 14, 2005, McGraw filed a Petition to Rescind along with its 2003 and 2004 Annual Reports.

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

DOCKETED
NOV 08 2005

**DOCUMENT
FOLDER**

11. MOTION BY: Commissioner Chm. Holland	Commissioner Shane - Yes
SECONDED: Commissioner Cawley	Commissioner Pizzigrilli - 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
October 28, 2005

REFER TO OUR FILE

C-20044043
A-311160

MCGRAW COMMUNICATIONS INC
128 EAST 45TH STREET
NEW YORK NY 10017

DOCUMENT
FOLDER

Law Bureau Prosecutory Staff
v.
McGraw Communications, Inc.
(C-20044043)

McGraw Communications, Inc.
Petition for Reinstatement
(A-311160)

To Whom It May Concern:

This is to advise you that an Order has been adopted by the Commission in Public Meeting on October 27, 2005 in the above entitled proceeding.

An Order has been enclosed for your records.

Very truly yours,

James J. McNulty
Secretary

Enclosure
LJM

See attached list for additional parties of record

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

Public Meeting held October 27, 2005

Commissioners Present:

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

Law Bureau Prosecutory Staff v.
McGraw Communications, Inc.
(2004.0267)

Docket No. C-20044043

McGraw Communications, Inc.
Petition to Rescind

Docket No. A-311160

RESCISSION ORDER

BY THE COMMISSION:

On December 14, 2004, Law Bureau Prosecutory Staff filed a Formal Complaint against McGraw Communications, Inc. (Respondent), a non-facilities based reseller of toll service carrier certificated at A-311160, for failure to file its 2003 Annual Report. Subsequently, on July 22, 2005, the Commission entered a Default Order that sustained the complaint and cancelled Respondent's certificate. Notice of the Default Order was published August 6, 2005 at 35 Pa. B. 4529.

On August 10, 2005, Staff communications with Respondent revealed that the Commission sent the annual report notices and the Complaint to an incorrect address. On

September 7, 2005, Subsequent to the entry of the Default Order, Respondent filed its 2003 and 2004 Annual Reports along with a request to have the Default Order rescinded. The 2003 Annual Report was deemed incomplete because the balance sheet was missing. Respondent was then informed that the balance sheet had to be filed in order to satisfy the Complaint.

On September 14, 2005, Respondent filed its balance sheet thereby fulfilling its 2003 Annual report Requirement. In its request for rescission, Respondent noted that it never received the letters notifying it of its filing obligations or of the Complaint because they were sent to the wrong address. Commission records reveal that a typo existed in the data base that caused the notices and the Complaint to be sent to the incorrect address. The notices and Complaint were sent to 128 E. 45th Street, New York, NY 10017, when the documents should have been sent to 228 E. 45th Street. Because of the mix-up, Respondent was unaware that its 2003 Annual Report was delinquent. Respondent became aware of the delinquency upon entry of the Default Order.

A review of Commission records reveal that no other complaints have been instituted against McGraw since the issuance of its certificate in 2002. Based upon the fact that Commission sent correspondence to McGraw at an incorrect address, we see no public benefit by imposing a late-filing fee upon McGraw as a condition of reinstatement.

Because Respondent has now filed its delinquent Annual Report, 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 McGraw Communications, Inc. 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;

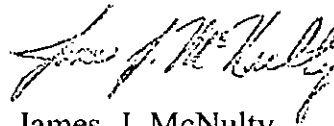
THEREFORE,

IT IS ORDERED:

1. That the Default Order entered July 22, 2005 at this docket against McGraw Communications, Inc. 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: October 27, 2005

ORDER ENTERED: OCT 28 2005

0001
MCGRAW COMMUNICATIONS INC
128 EAST 45TH STREET
NEW YORK NY 10017
RESPONDENT

0002
OFFICE OF CONSUMER ADVOCATE
FORUM PLACE
555 WALNUT STREET 5TH FLOOR
HARRISBURG PA 17101
OCA

0003
OFFICE OF SMALL BUSINESS ADVOCATE
COMMERCE BUILDING SUITE 1102
300 NORTH SECOND STREET
HARRISBURG PA 17101
OSBA

0004
OFFICE OF TRIAL STAFF
PA PUC
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HARRISBURG PA 17105-3265
OTS

0005
FRANK T DONAGHUE DIRECTOR
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301 CHESTNUT STREET SUITE 105
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BUREAU OF CONSUMER PROTECTION