

**DATE:** November 8, 2019

**SUBJECT:** Referral to BI&E of Telecommunications Public Utilities that have filed Comments or Reported Zero Intrastate Operating Revenue in response to Tentative Orders at Docket Nos. M-2019-3011090 and M-2019-3010251

**TO:** Rosemary Chiavetta  
Secretary

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*RLH*

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On July 11, 2019, the Commission entered two Tentative Orders to telecommunications public utilities. Both directed that the Commission would revoke previously issued certificates of public convenience if the affected utilities did not respond to the orders. Docket No. M-2019-3011090 was served on utilities that have not submitted assessment reports for three or more years. Docket No. M-2019-3010251 was served on telecommunications public utilities that filed assessment reports reporting zero intrastate revenue for three or more years. For non-filers, the Tentative Order directed the affected utilities to submit conforming assessment reports for the past three years or submit comments if they were challenging the cancellation.

In the Tentative Order at Docket No. M-2019-3010251, the Commission explained that any telecommunications public utility on the list that challenged the cancellation of its CPC within 20 days after publication of the Tentative Order in the Pennsylvania Bulletin would be referred to BI&E for investigation, in accordance with due process. It was determined that any telecommunications public utilities that reported zero intrastate revenue from the Tentative Order at M-2019-3011090 would be treated as a telecommunications public utility that was challenging cancellation of its CPC.

The Tentative Order at Docket No. M-2019-3011090 cancelling non-reporting telecommunications public utilities was published on August 31, 2019, establishing the due date for the conforming assessment reports or comments as September 20, 2019. See 49 Pa. B. 5082. The Tentative Order at M-2019-3010251 cancelling reporting telecommunications public utilities reporting zero intrastate revenue was published on September 14, 2019, establishing the due date for the zero reporting telecommunications public utilities comments as October 4, 2019.


## Discussion

As of October 4, 2019, the telecommunications public utilities listed in the table below have submitted comments challenging the tentative order at Docket No. M-2019-3010251. The table also contains telecommunications public utilities listed in the tentative order at Docket No. M-2019-3011090 that submitted assessment reports for the past three years but reported zero intrastate revenue for those three years.


Utility Code	Company Name	Application docket
310995	PulseNet Inc	A-310995
3115379	United Federal Data of PA LLC	A-2012-2340487
3113014	Mobilitie LLC	A-2010-2216831
3118045	American Cell LLC	A-2015-2502822
3118661	Vesta Solutions Inc	A-2016-2537383
3118721	Mobilitie Management LLC	A-2016-2569449
3118756	eNetworks LLC	A-2016-2543402
3114607	PEG Bandwidth PA LLC	A-2012-2301870
311413	Windstream KDL Inc.	A-311413

Per the direction of the Tentative Orders discussed above, and in keeping with the due process, LAW requests that SEC transfer the above-referenced dockets and telecommunications public utilities to BI&E for investigation and any further proceedings as appropriate.

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