

PENNSYLVANIA PUBLIC UTILITY COMMISSION
Harrisburg, Pennsylvania 17105-3265

**Pennsylvania Public Utility
Commission Law Bureau
Prosecutory Staff v. Core
Communications, Inc.**

**Public Meeting June 23, 2005
Jun-2005-OSA-0209*
Docket No. M-00051874**

STATEMENT OF COMMISSIONER BILL SHANE

In the Joint Settlement Agreement before the Commission, Core Communications, Inc. maintains that any possible violations stemming from its non-participation in the 610/484 thousands-block pooling trial or in the 412/724/878 thousands-block pooling trial were unintentional. Prosecutory Staff argues that, regardless of the circumstances concerning Core's non-participation in the pertinent 1K pooling trials, Core should have undertaken whatever measures were necessary to ensure that it participated and recognized that its failure to do so would result in a violation of the Public Utility Code. As a result, Prosecutory Staff has recommended a civil penalty of \$5,000 be imposed upon Core Communications.

The Tentative Decision states that the Joint Settlement Agreement ensures that Core has taken affirmative steps to meet all existing and future numbering administration requirements established by the Commission and that Core has submitted a Compliance Plan that details the measures it will take to ensure that changes and improvements are made to its practices and procedures so that it can comply in a timely and satisfactory manner with the Commission's numbering conservation initiatives. The Tentative Decision recommends adoption

of the Settlement Agreement stating that the penalty is adequate to deter future violations.

It is noted that this is not the first instance of similar violations on the part of Core Communications. There have been at least two other instances in which Core has been subjected to similar investigations and civil penalties with respect to numbering matters. In addition, it is further noted that there is a pending investigation concerning Core's alleged failure to timely file its 2003 Annual Report with the Commission that could result in the imposition of a civil penalty. These actions, or inactions, on the part of Core indicate that there may be a pattern developing whereby it chooses to ignore Commission directives, Orders and/or regulations.

Nonetheless, because this is a settlement and there are no specific findings as to whether Core acted intentionally or inadvertently, I will support the Staff's conclusions and recommendations at this time. However, I am putting Core Communications on notice that any future violations of this type or the flaunting of any Commission regulations may be considered to be intentional and that it may be subject to more stringent penalties up to and including the forfeiture of its certificate.

Date

6/22/05

Bill Shane, Commissioner

Bill Shane