


1. <u>REPORT DATE:</u> October 30, 2006	2. <u>BUREAU AGENDA NO.</u> NOV-2006-L-0076*
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  Legal Review:	November 9, 2006 A-230088
7. <u>PERSONS IN CHARGE:</u> Daviston 7-6166	9. <u>EFFECTIVE DATE OF FILING:</u>
8. <u>DOCKET NO.:</u> C-20066152, C-20066146 (See Attached List)	

**DOCUMENT
FOLDER**

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

- (a) LBPS v. Two Named Water and Wastewater Utilities for 2004 Annual Report Delinquency.
- (b) On April 6, 2006, the Law Bureau Prosecutory Staff filed separate Formal Complaints against two water and wastewater 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 2004 Annual Report was due. The Complaints charged that each Respondent violated 66 Pa. C.S. §504 by not filing its 2004 Annual Report. Service of the Complaints was not perfected because the Complaints were either unclaimed, refused, or unknown.
- (c) The Law Bureau recommends that the Commission adopt the proposed Default Orders that impose a civil penalty in the amount of \$1,000 on the Respondents that were unable to be served with the Complaints.

DOCKETED
DEC 15 2006

Docs # 638545

Calendar Sheet #638543

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

CONTENT OF MOTION: Staff recommendation adopted.

LBPS v. 3 Named Water and Wastewater Utilities
For 2004 Annual Report Delinquency
Service not perfected – listed in docket order

CODE	COMPANY	CDOCKET
A-211425	Hopkins & Reedy Water Co.	C-20066152
A-230088	Ligonier Mountain Land Co.	C-20066146



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

IN REPLY PLEASE
REFER TO OUR FILE

November 15, 2006

C-20066146
A-230088

LIGONIER MOUNTAIN LAND COMPANY
BONNIE STUMP
210 SUMMIT SKI ROAD
BOSWELL PA 15531

DOCUMENT
FOLDER

Pennsylvania Public Utility Commission
Law Bureau Prosecutory Staff
v.
Ligonier Mountain Land Co.

To Whom It May Concern:

This is to advise you that the Commission in Public Meeting on November 9, 2006 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

encls
cert. mail
JF

DOCKETED
SEP 24 2007

PENNSYLVANIA
PUBLIC UTILITY COMMISSION
Harrisburg, PA 17105-3265

Public Meeting held November 9, 2006

Commissioners Present:

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

DOCUMENT
FOLDER

Pennsylvania Public Utility Commission
Law Bureau Prosecutory Staff

C-20066146

v.

Ligonier Mountain Land Co. (2006.0116.00)

A-230088

DEFAULT ORDER

BY THE COMMISSION:

On April 6, 2006, the Law Bureau Prosecutory Staff filed a Formal Complaint against Ligonier Mountain Land Co. (the Respondent), a wastewater utility certificated at A-230088. 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 2004 Annual Report was due. The Complaint charged that the Respondent violated 66 Pa. C.S. §504 by failing to file its 2004 Annual Report. The Complaint requested that the Commission issue an order imposing a civil penalty in the amount of \$1,000 for failure to file its 2004 Annual Report.

DOCKETED
SEP 24 2007

According to the U.S. Postal Service return receipt, the Complaint was unclaimed. To date, more than 20 days later, no answer has been filed to the Complaint and the 2004 Annual Report has not been filed.

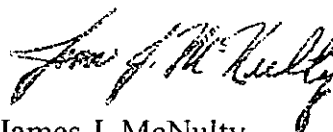
The Commission puts the industry on notice that we will not hesitate to invoke our authority under the Public Utility Code to ensure timely compliance with our regulations and orders including the ordering of such other remedy as the Commission may deem appropriate. 66 Pa. C.S. §§504, 505, 506, and 3301. Based on Respondent's failure to file an answer to the Complaint or file its 2004 Annual Report, we conclude that a civil penalty in the amount of \$1,000 is in the public interest. Furthermore, the Commission may take other appropriate action, including the imposition of further penalties under Section 3301, 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 Ligonier Mountain Land Co. is hereby directed to file its 2004 Annual Report and pay a civil penalty in the amount of \$1,000 within 30 days of the entry date of this order.

3. 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.

BY THE COMMISSION,



James J. McNulty
Secretary

(SEAL)

ORDER ADOPTED: November 9, 2006

ORDER ENTERED:

NOV 15 2006