

PENNSYLVANIA PUBLIC UTILITY COMMISSION
Uniform Cover and Calendar Sheet

1. REPORT DATE: July 5, 2005	2. BUREAU AGENDA NO. JUL-2005-L-0071*
3. BUREAU: Law	
4. SECTION(S):	5. PUBLIC MEETING DATE:
6. APPROVED BY: Director: Mgr/Spvr: Wilmarth 2-8841 Legal Review: <i>Carl S. Harris</i>	July 14, 2005 <i>A-310813</i>
7. PERSONS IN CHARGE: Daviston 7-6166 <i>RKD</i>	9. EFFECTIVE DATE OF FILING:
8. DOCKET NO.: C-20044007, C-20044008, C-20044013, C-20044017, C-20044032, C-20044033, C-20044039, C-20044041, C-20044042, C-20044043, C-20044047, C-20044048, C-20044049, C-20044050, C-20044054, C-20044066, C-20044067 <i>See Attached List</i>	

**DOCUMENT
FOLDER**

10. (a) **CAPTION** (abbreviate if more than 4 lines)
 (b) Short summary of history & facts, documents & briefs
 (c) Recommendation
- (a) LBPS v. Seventeen Named Telecommunications Utilities for 2003 Annual Report Delinquency.
- (b) On December 13 and 14, 2004, the Law Bureau Prosecutory Staff filed separate Formal Complaints against seventeen 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 not perfected because the Complaints were either unclaimed, refused, or the forwarding order expired.
- (c) The Law Bureau recommends that the Commission adopt the proposed Default Orders which cancel the certificates of the seventeen Respondents that were unable to be served with the Complaints.

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

CONTENT OF MOTION: Staff recommendation adopted.

DOCKETED
JUL 21 2005

LBPS v. 17 Telecommunications Utilities
 For 2003 Annual Report Delinquency
 Service not perfected – listed in docket order

CODE	COMPANY	CDOCKET
A-310972	Worldxchange Corp.	C-20044007
A-311171	Winstar of Penna, LLC	C-20044008
A-311059	Telstar International, Inc.	C-20044013
A-310709	Special Accounts Billing Group, Inc.	C-20044017
A-311117	Optical Telephone Corp.	C-20044032
A-310078	Operator Communications, Inc.	C-20044033
A-310813	Nutel Phone Service, Inc.	C-20044039
A-311168	Moving Bytes, Inc.	C-20044041
A-311268	Miko Telephone Comm., Inc.	C-20044042
A-311160	Mcgraw Comm.	C-20044043
A-310346	Jenkintown, Ltd.	C-20044047
A-311210	Intelecall Communications, Inc.	C-20044048
A-310499	Inmate Communications Corp.	C-20044049
A-310454	I-Link Communications	C-20044050
A-310610	Foxtel, Inc.	C-20044054
A-310985	Citynet Telecom, Inc.	C-20044066
A-311186	Choice Telco, LLC	C-20044067



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

IN REPLY PLEASE
REFER TO OUR FILE

July 22, 2005

C-20044039
A-310813

NUTEL PHONE SERVICE INC
213 HAWS AVENUE
NORRISTOWN PA 19401

Pennsylvania Public Utility Commission Law Bureau Prosecutory Staff v. Nutel Phone Service, Inc.

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

ljm
encls

See attached list for additional parties of record

DOCKETED
SEP 13 2005

**DOCUMENT
FOLDER**

**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-20044039

v.

Nutel Phone Service, Inc. (2004.0267.00)

A-310813

DEFAULT ORDER

BY THE COMMISSION:

On December 14, 2004, the Law Bureau Prosecutory Staff filed a Formal Complaint against Nutel Phone Service, Inc. (the Respondent), a non-facilities based competitive local exchange carrier certificated at A-310813. 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.

**DOCUMENT
FOLDER**

DOCKETED
SEP 13 2005

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 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 its 2003 Annual Report and upon our inability to serve the Complaint, we conclude that revocation of Nutel Phone Service, Inc.'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,**

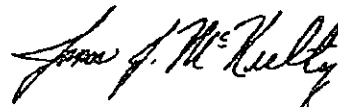
IT IS ORDERED:

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 Nutel Phone Service, Inc. 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 Nutel Phone Service, Inc. at A-310813 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 22 2005

ENTRY NO.: 0001
NAME: NUTEL PHONE SERVICE INC
ADDRESS1: 213 HAWS AVENUE
ADDRESS2:
CITY: NORRISTOWN STATE: PA ZIP: 19401
REPRESENTING: RESPONDENT TYPE

ENTRY NO.:
NAME:
ADDRESS1:
ADDRESS2:
CITY: STATE: ZIP:
REPRESENTING: TYPE

ENTRY NO.:
NAME:
ADDRESS1:
ADDRESS2:
CITY: STATE: ZIP:
REPRESENTING: TYPE

RESPONDENT OR APPLICANT: NUTEL PHONE SERVICE INC
PARTY OR COMPLAINANT: LAW BUREAU PROSECUTORY (2004.0267)
[CU25] [] [C-20044039] [] [] [] [] [] PRINT- []

THIS IS THE LAST RECORD OF THIS CASE NUMBER

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