

PENNSYLVANIA PUBLIC UTILITY COMMISSION
Uniform Cover and Calendar Sheet

1. <u>REPORT DATE:</u> March 25, 2004	2. <u>BUREAU AGENDA NO.</u> APR-2004-L-0025*
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:	April 1, 2004
7. <u>PERSONS IN CHARGE:</u> Daviston 7-6166	A-310883
8. <u>DOCKET NO.:</u> C-20031938, C-20031943, C-20031948, C-20031949, C-20031951, C-20031957, C-20031960, C-20031971, C-20031973, C-20031974, C-20031976, C-20031985, C-20031987, C-20031990, C-20031991 (See Attached List)	

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

DOCKETED
APR 06 2004

(a) LBPS v. 15 Named Telecommunications Utilities for 2002 Annual Report Delinquency.

(b) On October 17, 2003, the Law Bureau Prosecutory Staff filed Formal Complaints against 15 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 2002 Annual Report was due. The Complaints charged that each Respondent violated 66 Pa. C.S. §504 by not filing its 2002 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 that cancel the certificates of the 15 Respondents that were unable to be served with the Complaints.

**DOCUMENT
FOLDER**

10. **MOTION BY:** Commissioner Chm. Fitzpatrick
SECONDED: Commissioner Bloom
 Commissioner Thomas - Yes
 Commissioner Pizzingrilli - Yes
 Commissioner Holland - Yes

CONTENT OF MOTION: Staff recommendation adopted.

LBPS v. 15 Telecommunications Utilities
For 2002 Annual Report Delinquency
Service not perfected – listed in docket order

52-A

CODE	COMPANY	CDOCKET
A-310586	Stormtel, Inc.	C-20031938
A-310393	North American Comm. Control, Inc.	C-20031943
A-310351	Helicon Telephone Co.	C-20031948
A-310519	Helicon Telephone Pennsylvania, L.L.C.	C-20031949
A-311002	American Phone Services Corp.	C-20031951
A-311036	Log on America, Inc.	C-20031957
A-310958	Northwestern Digital Company	C-20031960
A-310883	Choctaw Communications, Inc.	C-20031971
A-310842	Cogent Comm. of Pennsylvania, Inc.	C-20031973
A-310572	Coleman Enterprises, Inc.	C-20031974
A-310093	U.S. Long Distance, Inc.	C-20031976
A-310797	Direct One L.L.C.	C-20031985
A-310429	Zenex Long Distance, Inc.	C-20031987
A-311119	World Communications Satellite Systems	C-20031990
A-311171	Winstar of Penna., L.L.C.	C-20031991



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

IN REPLY PLEASE
REFER TO OUR FILE

APRIL 8, 2004

A-310883
C-20031971

CHOCTAW COMMUNICATIONS INC
T/A SMOKE SIGNAL COMMUNICATIONS
PMB 338 11013 FUQUA STREET
HOUSTON TX 77089-2510

DOCKETED
MAY 03 2004

DOCUMENT

Pennsylvania Public Utility Commission,
Law Bureau Prosecutory Staff
V.
Choctaw Communications, Inc.

DEFAULT ORDER

To Whom It May Concern:

This is to advise you that the Commission in Public Meeting on April 1, 2004 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

fg
encls

PENNSYLVANIA
PUBLIC UTILITY COMMISSION
Harrisburg, PA 17105-3265

Public Meeting held April 1, 2004

Commissioners Present:

Terrance J. Fitzpatrick, Chairman
Robert K. Bloom, Vice-Chairman
Glen R. Thomas
Kim Pizzingrilli
Wendell F. Holland

DOCKETED
MAY 03 2004

Pennsylvania Public Utility Commission
Law Bureau Prosecutory Staff

C-20031971

v.

Choctaw Communications, Inc. (2003.0264.00)

A-310883

DEFAULT ORDER

BY THE COMMISSION:

DOCUMENT

On October 17, 2003, the Law Bureau Prosecutory Staff filed a Formal Complaint against Choctaw Communications, Inc. (the Respondent), a reseller of local services carrier and an interexchange reseller certificated at A-310883. 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 2002 Annual Report was due. The Complaint charged that the Respondent violated 66 Pa. C.S. §504 by failing to file its 2002 Annual Report. The Complaint requested that the Commission issue an order

canceling the Respondent's certificate of public convenience for failure to file its 2002 Annual Report.

According to the U.S. Postal Service return receipt, the Complaint was not served because there was no forwarding order. To date, more than 20 days later, no answer has been filed to the Complaint and the 2002 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.

Based on Respondent's failure to file its 2002 Annual Report and upon our inability to serve the Complaint, we conclude that revocation of Choctaw Communications, Inc.'s certificate of public convenience is in the public interest. 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. 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,**

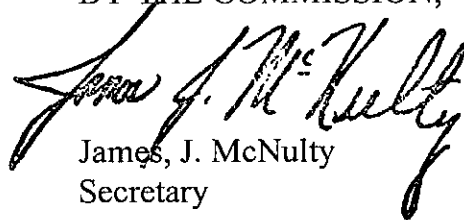
IT IS ORDERED:

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 Choctaw Communications, 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 Choctaw Communications, Inc. at A-310883 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: April 1, 2004

ORDER ENTERED: **APRIL 08 2004**

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