


PENNSYLVANIA PUBLIC UTILITY COMMISSION
Uniform Cover and Calendar Sheet

1. <u>REPORT DATE:</u> March 24, 2004	2. <u>BUREAU AGENDA NO.</u> APR-2004-L-0026*
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-310739

8. DOCKET NO.: C-20031929, C-20031931, C-20031934, C-20031941, C-20031945, C-20031952, C-20031954, C-20031958, C-20031961, C-20031964, C-20031967, C-20031968, C-20031969, C-20031977, C-20031978, C-20031983, C-20031984, C-20031986
(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. 18 Named Telecommunications Utilities for 2002 Annual Report Delinquency.
- (b) On October 17, 2003, the Law Bureau Prosecutory Staff separate filed Formal Complaints against eighteen 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 perfected on each of the 18 Respondents, none of which responded to the Complaint.
- (c) The Law Bureau recommends that the Commission adopt the proposed Default Orders which cancel the certificates of the 18 Respondents that were served but failed to respond to the Complaints.

**DOCUMENT
FOLDER**

10. MOTION BY: Commissioner Chm. Fitzpatrick
SECONDED: Commissioner Bloom

Commissioner Thomas - Yes
Commissioner Pizzigrilli - Yes
Commissioner Holland - Yes

CONTENT OF MOTION: Staff recommendation adopted.

LBPS v. 18 Telecommunications Utilities
 For 2002 Annual Report Delinquency
 Service was perfected – listed in docket order .

53-A

CODE	COMPANY	DOCKET
A-311650	Ironton Telephone Co.	C-20031929
A-310859	Ton Services, Inc.	C-20031931
A-310446	Telec, Inc.	C-20031934
A-310311	Pennsylvania Shared Comm. Services	C-20031941
A-310825	Logix Communications Corp.	C-20031945
A-311199	Equal Access Comm., L.L.C.	C-20031952
A-311134	Giantloop Telecom, Inc.	C-20031954
A-311048	Mercury Long Distance, Inc.	C-20031958
A-311126	Ntera, Inc.	C-20031961
A-311112	Power-Finder West Comm., L.L.C.	C-20031964
A-310739	Atlanta New York Warehouse Outlets	C-20031967
A-310890	BCGI Communications Corp.	C-20031968
A-310002	Cable & Wireless USA, Inc.	C-20031969
A-310849	Transnet Connect, Inc.	C-20031977
A-310955	Transbeam, Inc.	C-20031978
A-310988	Cybertel Communications Corp.	C-20031983
A-310105	Digitran Corporation	C-20031984
A-310394	Eastern Telecommunications, Inc.	C-20031986



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-310739
C-20031967

ATLANTA NEW YORK WAREHOUSE OUTLETS
T/A DNP COMMUNICATIONS
134 EAST ATLANTA HIGHWAY
RADLEDGE GA 30663

DOCKETED

MAY 03 2004

DOCUMENT

Pennsylvania Public Utility Commission,
Law Bureau Prosecutory Staff
V.
Atlanta New York Warehouse Outlets

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
cert. mail

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-20031967

v.

Atlanta New York Warehouse Outlets (2003.0264.00)

A-310739

DEFAULT ORDER

BY THE COMMISSION:

DOCUMENT

On October 17, 2003, the Law Bureau Prosecutory Staff filed a Formal Complaint against Atlanta New York Warehouse Outlets (the Respondent), an interexchange reseller certificated at A-310739. 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 served on November 25, 2003. 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 an answer to the Complaint or file its 2002 Annual Report, we conclude that revocation of Atlanta New York Warehouse Outlets' 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:

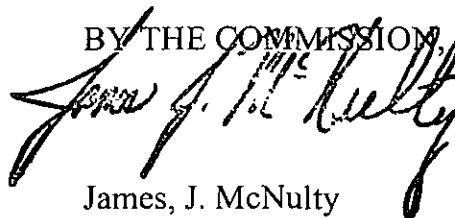
1. That the allegations in the Law Bureau Prosecutory Staff's Complaint are deemed admitted and the Complaint is thereby sustained.

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 Atlanta New York Warehouse Outlets 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 Atlanta New York Warehouse Outlets at A-310739 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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