

PENNSYLVANIA PUBLIC UTILITY COMMISSION  
Uniform Cover and Calendar Sheet

|   |   |
|---|---|
| 1. <b>REPORT DATE:</b><br>July 5, 2005  | 2. <b>BUREAU AGENDA NO.</b><br>JUL-2005-L-0071* |
| 3. <b>BUREAU:</b> Law   |   |
| 4. <b>SECTION(S):</b>   | 5. <b>PUBLIC MEETING DATE:</b>                  |
| 6. <b>APPROVED BY:</b><br><br>Director:<br>Mgr/Spvr: Wilmarth 2-8841<br>Legal Review: <i>Carl S. H...io</i>   | July 14, 2005<br><i>A-311171</i>                |
| 7. <b>PERSONS IN CHARGE:</b><br>Daviston 7-6166 <i>RLD</i>  | 9. <b>EFFECTIVE DATE OF FILING:</b>             |
| 8. <b>DOCKET NO.:</b> 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. <b>MOTION BY:</b> Commissioner Chm. Holland | Commissioner Shane - Yes        |
|   | Commissioner Pizzingrilli - Yes |
| <b>SECONDED:</b> Commissioner Cawley            | 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

73-A

| CODE     | COMPANY                              | DOCKET     |
|----------|--------------------------------------|------------|
| 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-20044008  
A-311171

WINSTAR OF PENNSYLVANIA LLC  
1850 M STREET NW  
SUITE 300  
WASHINGTON DC 20036

Pennsylvania Public Utility Commission Law Bureau Prosecutory Staff v. Winstar of Penna., LLC

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

DOCUMENT  
FOLDER

**DOCKETED**  
SEP 14 2005

**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-20044008

v.

Winstar of Penna., LLC (2004.0267.00)

A-311171

**DEFAULT ORDER**

**BY THE COMMISSION:**

On December 13, 2004, the Law Bureau Prosecutory Staff filed a Formal Complaint against Winstar of Penna., LLC (the Respondent), a non-facilities based reseller of toll service, facilities based competitive local exchange carrier, switched access carrier and competitive access provider or other carrier certificated at A-311171. 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

**DOCKETED**  
/ SEP 14 2005

**DOCUMENT  
FOLDER**

issue an order canceling the Respondent's certificate of public convenience for failure to file its 2003 Annual Report.

According to the U.S. Postal Service return receipt, the Complaint was presumably not served but the post office did not return a green card. 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, the NXX codes that were assigned to Respondent must be returned to the North American Numbering Plan.

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 Winstar of Penna., LLC'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:**

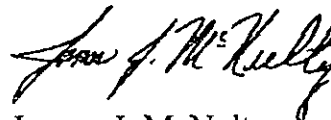
1. That the allegations in the Law Bureau Prosecutory Staff's Complaint are deemed admitted and the Complaint is thereby sustained.
2. That the Secretary serve a copy of this Default Order upon the Office of Consumer Advocate, the Office of Small Business Advocate, the Office of Trial Staff, and the 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 Winstar of Penna., LLC 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 Winstar of Penna., LLC at A-311171 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.

5. That the North American Numbering Plan (NANPA) is directed to reclaim Winstar of Penna., LLC's NXX Codes since this carrier no longer has authority to operate in the Commonwealth of Pennsylvania.

BY THE COMMISSION,



James, J. McNulty  
Secretary

(SEAL)

ORDER ADOPTED: July 14, 2005

ORDER ENTERED: JUL 22 2005

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