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PA.P.U.C.
SECRETARY'S BUREAU

BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION

Patricia Lynch

v.

Trinsic Communications, Inc.

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C-20055553

DOCKETED
FEB 9 2006

DOCUMENT
FOLDER

INTERIM ORDER
DIRECTING FILING OF ANSWER

On November 7, 2005, Patricia Lynch (Complainant or Ms. Lynch) filed a Formal Complaint with the Pennsylvania Public Utility Commission (Commission) against Trinsic Communications, Inc. (Trinsic), formerly Z-Tel, requesting a refund of certain charges. According to Commission records, the Complaint was served upon Trinsic on November 15, 2005, with a Notice to Answer within twenty (20) days. To date, January 20, 2006, no answer has been filed by Trinsic. This matter has been scheduled for a hearing on Wednesday, February 22, 2006, at 10:00 a.m.

The Commission's procedural regulations at 52 Pa. Code §5.61(c) provide that a respondent failing to file an answer within the applicable period shall be deemed in default, and relevant facts stated in the complaint may be deemed admitted. Trinsic has failed to file an answer within the applicable time period. If Trinsic has settled this matter with the Complainant, it has failed to file a certification of satisfaction of the complaint, as is required by 52 Pa. Code §5.24(b).

Trinsic's failure to file an Answer or a Certification of Satisfaction cannot be condoned. I will direct that Trinsic file an Answer to the Complaint or Certification of Satisfaction of the Complaint within ten (10) days of the date of this Order. If Trinsic fails to comply with this Order, Trinsic will be deemed in default and relevant facts stated in the Complaint will be deemed admitted. I note that Complainant has alleged that she has endeavored to resolve her dispute with

Trinsic and that Trinsic has not returned her phone calls. This alleged fact, which would be deemed admitted upon Trinsic's failure to file an Answer or Certification of Satisfaction within the next ten (10) days, would constitute a violation of Section 1501 of the Public Utility Code, 66 Pa. C.S. §1501. In addition, Trinsic's failure to comply with this Order would constitute a violation of Section 501(c) of the Public Utility Code, 66 Pa. C.S. §501(c). These violations clearly could subject Trinsic to civil penalties of up to \$1,000 per violation, and each and every day's continuance in the violation is a separate and distinct offense.

THEREFORE,

IT IS ORDERED:

1. That Trinsic Communications, Inc. shall file an Answer or Certification of Satisfaction in this matter within ten (10) days of the date of this order, or be deemed in default. A copy of the Answer or Certification of Satisfaction shall be served directly upon the presiding officer and the Complainant, at the same time that it is filed with the Commission. My correct address is Administrative Law Judge Kandace F. Melillo, Pa. Public Utility Commission, P.O. Box 3265, Harrisburg, PA, 17105-3265.

2. That If Trinsic fails to file an Answer or Certification of Satisfaction and provide a copy to me and to the Complainant within ten (10) days, then all relevant facts in the Complaint will be deemed admitted, and Trinsic may be subjected to civil penalties, as authorized by 66 Pa. C.S. §3301, for failing to render adequate service and for failing to obey an order of a presiding officer.

Date: January 20, 2006

Kandace F. Melillo
Kandace F. Melillo
Administrative Law Judge