

CAPTION SHEET

CASE MANAGEMENT SYSTEM

- 1. REPORT DATE: 00/00/00
- 2. BUREAU: LAW
- 3. SECTION(S):
- 5. APPROVED BY: DIRECTOR: SUPERVISOR:
- 6. PERSON IN CHARGE:
- 8. DOCKET NO: C-20031989
- 4. PUBLIC MEETING DATE: 00/00/00
- 7. DATE FILED: 10/17/03
- 9. EFFECTIVE DATE: 00/00/00

PARTY/COMPLAINANT: LAW BUREAU PROSECUTORY (2003.0264.00)

RESPONDENT/APPLICANT: WORLDXCHANGE COMMUNICATIONS INC

COMP/APP COUNTY:

UTILITY CODE: 311038

ALLEGATION OR SUBJECT

LAW BUREAU COMPLAINT VS. WORLDXCHANGE, INC. FOR FAILURE TO FILE ITS 2002 ANNUAL REPORT, REQUEST COMMISSION CANCEL THE CERTIFICATE OF PUBLIC CONVENIENCE & DIRECT RESPONDENT TO PAY A CIVIL PENALTY IN THE AMOUNT OF \$1,000.

DOCUMENT
FOLDER

DOCKETED
NOV 19 2003



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

IN REPLY PLEASE
REFER TO OUR FILE
2003.0264.00

Date of Service: 11/20/03

Kimberly Massaey
Worldxchange, Inc.
9775 Businesspark Avenue
San Diego, CA 92131

C-2003 1989

Law Bureau Prosecutory Staff

v.

Worldxchange, Inc.
(2003.0264.00)

Dear Sir/Madam:

The Pennsylvania Public Utility Commission has delegated its authority to initiate prosecutory proceedings to several bureaus in the Commission with enforcement responsibilities. Pursuant to this delegated authority and Section 701 of the Public Utility Code, 66 Pa. C.S. §701, **Law Bureau Prosecutory Staff** has filed the attached **Complaint** against you seeking a monetary penalty and/or revocation of your **Certificate of Public Convenience** for failure to file your 2002 Annual Report.

Please refer to the "Notice" at the front of the Complaint for detailed instructions on how to proceed. Any questions may be directed to the Bureau of Fixed Utilities (Annual Reports Section), 717-787-2029.

Very truly yours,

James J. McNulty
James J. McNulty
Secretary
DOCKETED
NOV 19 2003
DOCUMENT FOLDER

cc: Rhonda Daviston, Assistant Counsel
Kerry Klinefelter, Bureau of Fixed Utilities

BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION

ORIGINAL

Law Bureau Prosecutory Staff

v.

Worldxchange, Inc.
(2003.0264.00)

Docket No. C-2003

1989

COMPLAINT

The Pennsylvania Public Utility Commission (Commission) is a duly constituted agency of the Commonwealth of Pennsylvania empowered to regulate public utilities within the Commonwealth. The Commission has delegated its authority to initiate proceedings that are prosecutory in nature to the Law Bureau and to other bureaus with enforcement responsibilities. Pursuant to that delegated authority and Section 701 of the Public Utility Code, 66 Pa. C.S. §701, the Law Bureau Prosecutory Staff hereby represents as follows:

1. Worldxchange, Inc. (Respondent), maintains its principal place of business at 9775 Businesspark Avenue, San Diego, CA, 92131.
2. Respondent was issued a Certificate of Public Convenience by the Commission on January 24, 2001 at 311038 to provide telephone service in the Commonwealth of Pennsylvania.
3. That based on the Commission records, Respondent has failed to file an Annual Report for 2002.
4. By first class and certified mail, return receipt requested, Respondent was notified that it failed to file an Annual Report for 2002.
5. Respondent, by failing to file an Annual Report for 2002, is in violation of Section 504 of the Public Utility Code, 66 Pa. C.S. §504.

DOCKETED
NOV 19 2003
DOCUMENT RECEIVED
OCT 17 AM 10:31
PENNSYLVANIA PUBLIC UTILITY COMMISSION
SECRETARY'S BUREAU

WHEREFORE, for failure to file its 2002 Annual Report, Law Bureau Prosecutory Staff hereby requests that the Commission cancel the Certificate of Public Convenience of Worldxchange, Inc. pursuant to 66 Pa. C.S. §3301, and direct Respondent to pay a civil penalty in the amount of \$1,000.

Respectfully submitted,

Rhonda L. Daviston

Rhonda L. Daviston
Law Bureau Prosecutory Staff Counsel
P.O. Box 3265
Harrisburg, PA 17105-3265

VERIFICATION

I, Kerry Klinefelter of the Bureau of Fixed Utilities, hereby state that the facts above set forth in the foregoing Complaint are true and correct to the best of my knowledge, information, and belief, and that I expect to be able to prove the same at any hearing held in this matter. I understand that the statements herein are made subject to the penalties of 18 Pa. C.S. §4904 relating to the unsworn falsification to authorities.

10/14/2003
Date

Kerry Klinefelter
Kerry Klinefelter
Bureau of Fixed Utilities

N-O-T-I-C-E

A. You must file an Answer within 30 days of the date of service of this Complaint. The date of service is the mailing date as indicated at the top of the Secretarial cover letter for this Complaint and notice. See 52 Pa. Code §1.56(a). The Answer must raise all factual and legal arguments that you wish to claim in your defense and must reference the complete caption and Docket Number of this Complaint. Your Answer must be verified and the original and three (3) copies sent to:

James J. McNulty, Secretary
Pennsylvania Public Utility Commission
P.O. Box 3265
Harrisburg, PA 17105-3265

B. If you fail to answer this Complaint within thirty (30) days, Law Bureau Prosecutory Staff will request that the Commission issue an Order canceling your Certificate of Public Convenience.

C. You may elect not to contest this Complaint by filing your 2002 Annual Report within 30 days along with payment of the late fee in the amount of \$250. Your 2002 Annual Report, should be forwarded to the Pennsylvania Public Utility Commission, Bureau of Fixed Utilities (Annual Reports Section), P.O. Box 3265, Harrisburg, PA 17105-3265. If you file your 2002 Annual Report within 30 days along with a check in the amount of \$250 payable to the Commonwealth of Pennsylvania, Law Bureau Prosecutory Staff will withdraw this complaint.

D. If you file an Answer which either admits or fails to deny the allegations of the Complaint, Law Bureau Prosecutory Staff will request the Commission to issue an Order imposing the penalty set forth in the Complaint.

E. If you file an Answer which contests the Complaint, the matter will be assigned to an Administrative Law Judge for hearing and decision. The judge is not bound by the penalty set forth in this Complaint, and may assess additional and/or alternative penalties as appropriate.

F. If you are a corporation, you must be represented by legal counsel. See 52 Pa. Code §§1.21-1.22.

G. Alternative formats of this material are available for persons with disabilities by contacting the Public Utility Commission at (717) 787-5620.



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

IN REPLY PLEASE
REFER TO OUR FILE
2003.0264.00

Date of Service: *Reserved: 12-19-03*

**DOCUMENT
FOLDER**

Kimberly Massaey
Worldexchange, Inc.
9999 Willowcreek Rd.
San Diego, CA 92131

C-2003 1989

Law Bureau Prosecutory Staff

v.

**Worldxchange, Inc.
(2003.0264.00)**

Dear Sir/Madam:

The Pennsylvania Public Utility Commission has delegated its authority to initiate prosecutory proceedings to several bureaus in the Commission with enforcement responsibilities. Pursuant to this delegated authority and Section 701 of the Public Utility Code, 66 Pa. C.S. §701, **Law Bureau Prosecutory Staff has filed the attached Complaint against you seeking a monetary penalty and/or revocation of your Certificate of Public Convenience for failure to file your 2002 Annual Report.**

Please refer to the "Notice" at the front of the Complaint for detailed instructions on how to proceed. Any questions may be directed to the Bureau of Fixed Utilities (Annual Reports Section), 717-787-2029.

Very truly yours,

James J. McNulty
Secretary

cc: Rhonda Daviston, Assistant Counsel
Kerry Klinefelter, Bureau of Fixed Utilities

BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION

Law Bureau Prosecutory Staff

v.

Worldexchange, Inc.
(2003.0264.00)

:
:
:
:
:
:
:

Docket No. C-2003 1989

COMPLAINT

The Pennsylvania Public Utility Commission (Commission) is a duly constituted agency of the Commonwealth of Pennsylvania empowered to regulate public utilities within the Commonwealth. The Commission has delegated its authority to initiate proceedings that are prosecutory in nature to the Law Bureau and to other bureaus with enforcement responsibilities. Pursuant to that delegated authority and Section 701 of the Public Utility Code, 66 Pa. C.S. §701, the Law Bureau Prosecutory Staff hereby represents as follows:

1. Worldexchange, Inc. (Respondent), maintains its principal place of business at 9999 Willowcreek Road, San Diego, CA, 92131.
2. Respondent was issued a Certificate of Public Convenience by the Commission on January 24, 2001 at 311038 to provide telephone service in the Commonwealth of Pennsylvania.
3. That based on the Commission records, Respondent has failed to file an Annual Report for 2002.
4. By first class and certified mail, return receipt requested, Respondent was notified that it failed to file an Annual Report for 2002.
5. Respondent, by failing to file an Annual Report for 2002, is in violation of Section 504 of the Public Utility Code, 66 Pa. C.S. §504.

WHEREFORE, for failure to file its 2002 Annual Report, Law Bureau Prosecutory Staff hereby requests that the Commission cancel the Certificate of Public Convenience of Worldxchange, Inc. pursuant to 66 Pa. C.S. §3301, and direct Respondent to pay a civil penalty in the amount of \$1,000.

Respectfully submitted,

Rhonda L. Daviston

Rhonda L. Daviston
Law Bureau Prosecutory Staff Counsel
P.O. Box 3265
Harrisburg, PA 17105-3265

VERIFICATION

I, Kerry Klinefelter of the Bureau of Fixed Utilities, hereby state that the facts above set forth in the foregoing Complaint are true and correct to the best of my knowledge, information, and belief, and that I expect to be able to prove the same at any hearing held in this matter. I understand that the statements herein are made subject to the penalties of 18 Pa. C.S. §4904 relating to the unsworn falsification to authorities.

Dec. 18, 2003
Date

Kerry Klinefelter
Kerry Klinefelter
Bureau of Fixed Utilities

N-O-T-I-C-E

A. You must file an Answer within 30 days of the date of service of this Complaint. The date of service is the mailing date as indicated at the top of the Secretarial cover letter for this Complaint and notice. See 52 Pa. Code §1.56(a). The Answer must raise all factual and legal arguments that you wish to claim in your defense and must reference the complete caption and Docket Number of this Complaint. Your Answer must be verified and the original and three (3) copies sent to:

James J. McNulty, Secretary
Pennsylvania Public Utility Commission
P.O. Box 3265
Harrisburg, PA 17105-3265

B. If you fail to answer this Complaint within thirty (30) days, Law Bureau Prosecutory Staff will request that the Commission issue an Order canceling your Certificate of Public Convenience.

C. You may elect not to contest this Complaint by filing your 2002 Annual Report within 30 days along with payment of the late fee in the amount of \$250. Your 2002 Annual Report, should be forwarded to the Pennsylvania Public Utility Commission, Bureau of Fixed Utilities (Annual Reports Section), P.O. Box 3265, Harrisburg, PA 17105-3265. If you file your 2002 Annual Report within 30 days along with a check in the amount of \$250 payable to the Commonwealth of Pennsylvania, Law Bureau Prosecutory Staff will withdraw this complaint.

D. If you file an Answer which either admits or fails to deny the allegations of the Complaint, Law Bureau Prosecutory Staff will request the Commission to issue an Order imposing the penalty set forth in the Complaint.

E. If you file an Answer which contests the Complaint, the matter will be assigned to an Administrative Law Judge for hearing and decision. The judge is not bound by the penalty set forth in this Complaint, and may assess additional and/or alternative penalties as appropriate.

F. If you are a corporation, you must be represented by legal counsel. See 52 Pa. Code §§1.21-1.22.

G. Alternative formats of this material are available for persons with disabilities by contacting the Public Utility Commission at (717) 787-5620.

ORIGINAL

RECEIVED
CORPORATION
N.I.L.I.X COMPANY
2003 DEC -5 PM 2:23
P.A.P.U.C.
SECRETARY'S BUREAU

December 2, 2003

DOCKETED
FEB 11 2004

James J. McNulty, Secretary
Pennsylvania Public Utility Commission
P. O. Box 3265
Harrisburg, PA 17105-3265

RE: Dkt. No. C-2003-1989; Law Bureau Prosecutory Staff v. WorldxChange, Inc. 2003.0264.00
Answer to Complaint Notice dated November 20, 2003

DOCUMENT

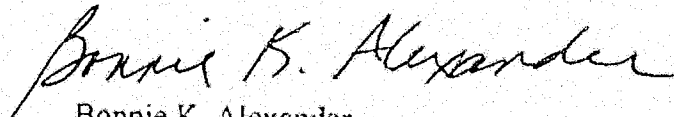
Dear Sirs:

WorldxChange Corp. (entity number 310972) filed its 2002 Annual Report with the Pennsylvania Public Utility Commission ("PAPUC") on March 15, 2003. On December 2, 2003, I spoke with Mr. Kerry Klinefelter. We agreed that the Complaint does not relate to WorldxChange Corp.

WorldxChange, Inc., entity number 311038, is the Respondent in Docket No. C-2003-1989. The address for WorldxChange, Inc. is incorrect in the Pennsylvania PUC report entitled, "Telephone Interexchange Resellers: Companies T to Z - Tariff and Annual Report Contacts."

We respectfully request that the PAPUC investigate its records and disassociate WorldxChange Corp. from WorldxChange, Inc. and change the address information in Docket No. C-2003-1989. If you have any further questions, please call me at (858) 547-5700 or send an e-mail to Bonnie.Alexander@accerispartners.com. Thank you for your time and attention to this matter.

Sincerely,



Bonnie K. Alexander
WorldxChange Corp.
Pennsylvania PUC Entity #310972

cc: Kerry Klinefelter, Bureau of Fixed Utilities
Rhonda Daviston, Assistant Counsel

RJP

67



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

IN REPLY PLEASE
REFER TO OUR FILE
2003.0264.00

Date of Service: 11/20/03

Kimberly Massaey
Worldxchange, Inc.
9775 Businesspark Avenue
San Diego, CA 92131

RECEIVED

2003 DEC -5 PM 2:37

PA P.U.C.
SECRETARY'S BUREAU

C-2003 1989

Law Bureau Prosecutory Staff

v.

Worldxchange, Inc.
(2003.0264.00)

Dear Sir/Madam:

The Pennsylvania Public Utility Commission has delegated its authority to initiate prosecutory proceedings to several bureaus in the Commission with enforcement responsibilities. Pursuant to this delegated authority and Section 701 of the Public Utility Code, 66 Pa. C.S. §701, **Law Bureau Prosecutory Staff has filed the attached Complaint against you seeking a monetary penalty and/or revocation of your Certificate of Public Convenience for failure to file your 2002 Annual Report.**

Please refer to the "Notice" at the front of the Complaint for detailed instructions on how to proceed. Any questions may be directed to the Bureau of Fixed Utilities (Annual Reports Section), 717-787-2029.

Very truly yours,

James J. McNulty
Secretary

cc: Rhonda Daviston, Assistant Counsel
Kerry Klinefelter, Bureau of Fixed Utilities

12/2/03 Conversation
with K. Klinefelter.
Wrong Worldxchange
information.

N-O-T-I-C-E

A. You must file an Answer within 30 days of the date of service of this Complaint. The date of service is the mailing date as indicated at the top of the Secretarial cover letter for this Complaint and notice. See 52 Pa. Code §1.56(a). The Answer must raise all factual and legal arguments that you wish to claim in your defense and must reference the complete caption and Docket Number of this Complaint. Your Answer must be verified and the original and three (3) copies sent to:

James J. McNulty, Secretary
Pennsylvania Public Utility Commission
P.O. Box 3265
Harrisburg, PA 17105-3265

B. If you fail to answer this Complaint within thirty (30) days, Law Bureau Prosecutory Staff will request that the Commission issue an Order canceling your Certificate of Public Convenience.

C. You may elect not to contest this Complaint by filing your 2002 Annual Report within 30 days along with payment of the late fee in the amount of \$250. Your 2002 Annual Report, should be forwarded to the Pennsylvania Public Utility Commission, Bureau of Fixed Utilities (Annual Reports Section), P.O. Box 3265, Harrisburg, PA 17105-3265. If you file your 2002 Annual Report within 30 days along with a check in the amount of \$250 payable to the Commonwealth of Pennsylvania, Law Bureau Prosecutory Staff will withdraw this complaint.

D. If you file an Answer which either admits or fails to deny the allegations of the Complaint, Law Bureau Prosecutory Staff will request the Commission to issue an Order imposing the penalty set forth in the Complaint.

E. If you file an Answer which contests the Complaint, the matter will be assigned to an Administrative Law Judge for hearing and decision. The judge is not bound by the penalty set forth in this Complaint, and may assess additional and/or alternative penalties as appropriate.

F. If you are a corporation, you must be represented by legal counsel. See 52 Pa. Code §§1.21-1.22.

G. Alternative formats of this material are available for persons with disabilities by contacting the Public Utility Commission at (717) 787-5620.

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Law Bureau Prosecutory Staff

v.

Worldxchange, Inc.
(2003.0264.00)

Docket No. C-2003 1989

COMPLAINT

The Pennsylvania Public Utility Commission (Commission) is a duly constituted agency of the Commonwealth of Pennsylvania empowered to regulate public utilities within the Commonwealth. The Commission has delegated its authority to initiate proceedings that are prosecutory in nature to the Law Bureau and to other bureaus with enforcement responsibilities. Pursuant to that delegated authority and Section 701 of the Public Utility Code, 66 Pa. C.S. §701, the Law Bureau Prosecutory Staff hereby represents as follows:

1. Worldxchange, Inc. (Respondent), maintains its principal place of business at ~~9775 Businesspark Avenue~~, San Diego, CA, 92131.
2. Respondent was issued a Certificate of Public Convenience by the Commission on January 24, 2001 at 311038 to provide telephone service in the Commonwealth of Pennsylvania.
3. That based on the Commission records, Respondent has failed to file an Annual Report for 2002.
4. By first class and certified mail, return receipt requested, Respondent was notified that it failed to file an Annual Report for 2002.
5. Respondent, by failing to file an Annual Report for 2002, is in violation of Section 504 of the Public Utility Code, 66 Pa. C.S. §504.

RECEIVED
2003 OCT 17 AM 10:31
SECRETARY'S BUREAU

WHEREFORE, for failure to file its 2002 Annual Report, Law Bureau Prosecutory Staff hereby requests that the Commission cancel the Certificate of Public Convenience of Worldxchange, Inc. pursuant to 66 Pa. C.S. §3301, and direct Respondent to pay a civil penalty in the amount of \$1,000

Respectfully submitted,

Rhonda L. Daviston

Rhonda L. Daviston
Law Bureau Prosecutory Staff Counsel
P.O. Box 3265
Harrisburg, PA 17105-3265

VERIFICATION

I, Kerry Klinefelter of the Bureau of Fixed Utilities, hereby state that the facts above set forth in the foregoing Complaint are true and correct to the best of my knowledge, information, and belief, and that I expect to be able to prove the same at any hearing held in this matter. I understand that the statements herein are made subject to the penalties of 18 Pa. C.S. §4904 relating to the unsworn falsification to authorities.

10/14/2003
Date

Kerry Klinefelter
Kerry Klinefelter
Bureau of Fixed Utilities

December 18, 2003

SUBJECT: Law Bureau Prosecutory Staff v. Worldxchange, Inc.
Docket No. C-20031989 (Q&A # 2003.0264.00)

TO: James J. McNulty,
Secretary

FROM: Rhonda L. Daviston, *RLD*
Assistant Counsel

On October 17, 2003 at Docket No. C-20031989, the Law Bureau Prosecutory Staff filed a Formal Complaint against Worldxchange, Inc. (Respondent), a telephone service provider certificated at A-311038 for failure to file its 2002 Annual Report. The Complaint was sent to Worldxchange Corp.'s address at 9775 Businesspark Avenue, San Diego, CA 92131 when it should have been sent to Worldxchange, Inc. at 9999 Willowcreek Road, San Diego, CA 92131. Please resend the attached Complaint to 9999 Willowcreek Road, San Diego, CA 92131. Also, please make sure that the Secretary's Bureau's records reflect the correct address for Worldxchange, Inc.

RECEIVED
2003 DEC 18 AM 9:44
SECRETARY'S BUREAU

58