

PENNSYLVANIA PUBLIC UTILITY COMMISSION
Uniform Cover and Calendar Sheet

1. <u>REPORT DATE:</u> May 18, 2004	2. <u>BUREAU AGENDA NO.</u> MAY-2004-L-0042*
3. <u>BUREAU:</u> Law	
4. <u>SECTION(S):</u>	5. <u>PUBLIC MEETING DATE:</u>
6. <u>APPROVED BY:</u> Director: Mgr/Spvr: F.B. Wilmarth 2-8841 <i>[Signature]</i> Legal Review:	May 27, 2004 DOCKETED JUN 03 2004
7. <u>PERSONS IN CHARGE:</u> R.L. Daviston 7-6166 <i>RLD</i>	
8. <u>DOCKET NO.:</u> C-20031989, A-311038	DOCUMENT FOLDER

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

(a) LBPS v. WorldxChange, Inc. Cancellation Order.

(b) Before the Commission for review is an Answer to a LBPS complaint filed by WorldxChange, Inc. on February 13, 2004. This Answer requests the Commission to cancel WorldxChange's certificate of public convenience.

(c) The Law Bureau recommends that the Commission adopt the proposed order that sustains the complaint and cancels Respondent's certificate.

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

CONTENT OF MOTION: Staff recommendation adopted.



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

June 2, 2004

REFER TO BOX FILE

C-20031989
A-311038

ERIC G LIPOFF
WORLDXCHANGE COMMUNICATIONS INC
9999 WILLOW CREEK ROAD
SAN DIEGO CA 92131

DOCKETED
JUN 30 2004

Pennsylvania Public Utility Commission
Law Bureau Prosecutory Staff

v.

Worldxchange, Inc.

**DOCUMENT
FOLDER**

To Whom It May Concern:

This is to advise you that an Order has been adopted by the Commission in Public Meeting on May 27, 2004 in the above entitled proceeding.

An Order has been enclosed for your records.

Very truly yours,

James J. McNulty
Secretary

Enclosure
Certified Mail
LJM

See attached list for additional parties of record

PENNSYLVANIA
PUBLIC UTILITY COMMISSION
Harrisburg, PA 17105-3265

Public Meeting held May 27, 2004

Commissioners Present:

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

DOCKETED
JUN 30 2004

Pennsylvania Public Utility Commission
Law Bureau Prosecutory Staff

Docket No.
C-20031989

v.

Worldxchange, Inc.
(2002.0246.00)

A-311038

CANCELLATION ORDER

**DOCUMENT
FOLDER**

BY THE COMMISSION:

On December 19, 2003, Law Bureau Prosecutory Staff filed a Formal Complaint against Worldxchange, Inc. (Respondent), an IXC reseller certificated at A-311038. In the Complaint, Prosecutory Staff alleged that Commission staff had notified Respondent by both first class and certified mail, return receipt requested, that Respondent had failed to file its 2002 Annual Report. The Complaint requested that the Commission issue an order canceling the Respondent's certificate for failure to file its 2002 Annual Report.

Service of the Complaint was perfected on December 29, 2003. Respondent filed an Answer on February 13, 2004, stating that it filed for bankruptcy on April 24, 2001 and has had no operations since the summer of 2001. In its Answer, Respondent further stated that it sold substantially all of its assets in June 2001. Respondent requests to have its certificate cancelled since the company is out of business and all of its assets have been sold.

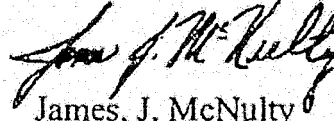
Based upon the foregoing, it is appropriate to sustain the complaint and cancel the certificate of public convenience of WorldxChange, Inc. We note that a review of Commission records shows that Respondent does not have any outstanding assessments or fines. We also note that because Respondent was never given any NXX codes, there are no numbering compliance issues. We reach this determination notwithstanding numerous technical violations of the Public Utility Code and our regulations since under the circumstances presented to us in this case, no practical benefits inure nor is the public interest advanced by any further prosecution of this entity.

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 another remedy as the Commission may deem appropriate. 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 order; **THEREFORE,**

IT IS ORDERED:

1. That the allegations in Law Bureau Prosecutory Staff's complaint are deemed admitted and the complaint is hereby sustained.
2. That the certificate of public convenience held by WorldxChange, Inc. at A-311038 is hereby cancelled.
3. That the Secretary strike the name of WorldxChange, Inc. from all active-utility lists maintained by the Annual Report Section of the Secretary's Bureau and the Assessment Section of the Bureau of Administrative Services.
4. That notice of this Cancellation Order shall be published in the Pennsylvania Bulletin.

BY THE COMMISSION,



James, J. McNulty
Secretary

(SEAL)

ORDER ADOPTED: May 27, 2004

ORDER ENTERED: JUN 02 2004



to be published 6-14-04

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

IN REPLY PLEASE
REFER TO OUR FILE

June 9, 2004

Mary Jane Phelps, Director
Pennsylvania Code & Bulletin
Room 647, Main Capitol Building
Harrisburg, PA 17120

DOCKETED
JUN 15 2004

Re: Notice
PA Public Utility Commission Law Bureau
Prosecutory Staff v. Worldchange, Inc.
Docket No. C-20031989

**DOCUMENT
FOLDER**

Dear Ms. Phelps:

Enclosed please find two (2) copies of the Commission's order in the above-captioned proceeding. The Commission requests that this order be published in its entirety as a notice in the Pennsylvania Bulletin.

Very truly yours,

Veronica A. Smith
Executive Director

Enclosure

cc: Regulatory Coordinator DelBiondo
Docketing ✓