

CAPTION SHEET

CASE MANAGEMENT SYSTEM

1. REPORT DATE: 00/00/00 :
 2. BUREAU: LAW :
 3. SECTION(S): :
 5. APPROVED BY: : 4. PUBLIC MEETING DATE:
 DIRECTOR: : 00/00/00
 SUPERVISOR: :
 6. PERSON IN CHARGE: : 7. DATE FILED: 12/16/04
 8. DOCKET NO: C-20044102 : 9. EFFECTIVE DATE: 00/00/00

PARTY/COMPLAINANT: LAW BUREAU PROSECUTORY (2004.0267)

RESPONDENT/APPLICANT: ABLE CO., L.T.D.

COME/APP COUNTY:

UTILITY CODE: 120025

ALLEGATION OR SUBJECT

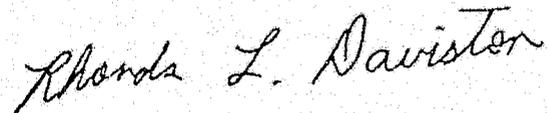
LAW BUREAU PROSECUTORY STAFF COMPLAINT VS. ABLE CO., INC. FOR FAILURE TO FILE ITS 2003 ANNUAL REPORT, THE LAW BUREAU REQUEST THE COMMISSION CANCEL THE CERTIFICATE OF PUBLIC CONVENIENCE & DIRECT THE COMPANY TO PAY A CIVIL PENALTY IN THE AMOUNT OF \$1,000.

DOCUMENT
FILED

DOCKETED
DEC. 27 2004

WHEREFORE, for failure to file its 2003 Annual Report, Law Bureau Prosecutory Staff hereby requests that the Commission cancel the Certificate of Public Convenience of Able Co., Inc. pursuant to 66 Pa. C.S. §3301, and direct Respondent to pay a civil penalty in the amount of \$1,000.

Respectfully submitted,

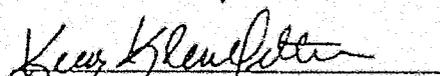


Rhonda L. Daviston
Law Bureau Prosecutory Staff Counsel
P.O. Box 3265
Harrisburg, PA 17105-3265

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.

December 16, 2004
Date


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 2003 Annual Report within 30 days along with payment of the late fee in the amount of \$250. Your 2003 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 2003 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
2004.0267.00

Date of Service: 12/23/04

Mike Harju
Able Co., Inc.
P.O. Box 23
Spring Church, PA 15686

DOCUMENT
FOLDER

DOCUMENTS
DEC 27 2004

RECEIVED
DEC 15 10 31 AM '04
STORAGE BUREAU

C-2004 4102

Law Bureau Prosecutory Staff

v.

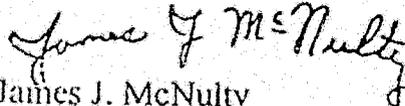
Able Co., Inc.
(2004.0267.00)

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 2003 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 Klinckfelter, Bureau of Fixed Utilities

DATE: February 23, 2005
TO: LAW BUREAU
FROM: James J. McNulty, Secretary

Answers were due to be filed on the following cases.

To this date, no answers have been received on the following:

C-20044100 BIRCH ACRES WATER WORKS INC
C-20044101 BARKEYVILLE GAS COMPANY
C-20044102 ABLE CO LTD
C-20044104 CONNEAUT LAKE PARK INC TRUSTEES
C-20044107 QX TELECOM LLC

dbs

DOCUMENT
FOLDER

DOCKETED
APR 6 2005