

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-20044082 : 9. EFFECTIVE DATE: 00/00/00

PARTY/COMPLAINANT: LAW BUREAU PROSECUTORY (2004.0267)

RESPONDENT/APPLICANT: SUGARCREEK WATER COMPANY

COMP/APP COUNTY:

UTILITY CODE: 212920

ALLEGATION OR SUBJECT

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

DOCUMENT
FOLDER

DOCKETED
DEC 22 2004

ORIGINAL

BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION

Law Bureau Prosecutory Staff

v.

Sugarcreek Water Company
(2004.0267.00)

Docket No. C-2004 4082

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. Sugarcreek Water Company (Respondent), maintains its principal place of business at P.O. Box 397, Reno, PA, 16343.
2. Respondent was issued a Certificate of Public Convenience by the Commission on November 1, 1962 at A-212920 to provide water service in the Commonwealth of Pennsylvania.
3. That based on the Commission records, Respondent has failed to file an Annual Report for 2003.
4. By first class and certified mail, return receipt requested, Respondent was notified that it failed to file an Annual Report for 2003.
5. Respondent, by failing to file an Annual Report for 2003, is in violation of Section 504 of the Public Utility Code, 66 Pa. C.S. §504.

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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 Sugarcreek Water Company 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.

December 16, 2004
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 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

Blaine Rhoads
Sugarcreek Water Company
P.O. Box 397
Reno, PA 16343

C-2004 4082

Law Bureau Prosecutory Staff

v.

Sugarcreek Water Company
(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 Klinefelter, Bureau of Fixed Utilities

DEC 27 2004
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COMMONWEALTH OF PENNSYLVANIA

DATE: January 19, 2005

TO: LAW BUREAU PROSECUTORY STAFF

FROM: James J. McNulty, Secretary

Answers or fines were due to be filed or paid on the following cases.

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

C-20044007	WORLDXCHANGE CORP
C-20044008	WINSTAR OF PENNSYLVANIA LLC
C-20044009	WEST SIDE TELEPHONE COMPANY
C-20044013	TELSTAR INTERNATIONAL INC
C-20044014	TELEGENIUS INC
C-20044015	TELECOMM COOPERATIVE NETWORK INC
C-20044016	SUMMIT TELCO LLC
C-20044017	SPECIAL ACCOUNTS BILLING GROUP
C-20044018	SERVISENSE.COM INC
C-20044019	SAM ASSOCIATES INC
C-20044020	QAI INCORPORATED
C-20044021	PULSENET INC
C-20044022	PRIMO COMMUNICATIONS INC
C-20044024	PRIMETEL COMMUNICATIONS INC
C-20044026	PREMIERE NETWORK SERVICES INC
C-20044030	ORION TELECOMMUNICATIONS CORP
C-20044031	OPTIMUM GLOBAL COMMUNICATIONS
C-20044032	OPTICAL TELEPHONE CORPORATION
C-20044033	OPERATOR COMMUNICATIONS INC
C-20044034	ONESTAR LONG DISTANCE INC

C-20044076 WILDCAT PARK CORPORATION
C-20044077 WEST HICKORY WATER COMPANY
C-20044078 WALLY GAS CO
C-20044079 VENANGO WATER COMPANY
C-20044080 TOTAL ENVIRONMENTAL SOLUTIONS
C-20044081 TOTAL ENVIRONMENTAL SOLUTIONS
C-20044082 SUGARCREEK WATER COMPANY
C-20044083 KENNETH SONGER
C-20044084 EARL F EBERTS
C-20044085 OREGON HILL WATER & SEWER CO
C-20044086 NITTANY WATER CO
C-20044087 BLAINE E RHODES
C-20044088 PLUMER WATER CO
C-20044090 LIGONIER MOUNTAIN LAND COMPANY
C-20044091 LIGONIER MOUNTAIN LAND COMPANY
C-20044092 KILBUCK RUN DISPOSAL CORP
C-20044093 KEN-MAN WATER CO
C-20044094 WM HOPKINS & MELVIN REEDY
C-20044095 HERMAN OIL & GAS COMPANY INC
C-20044096 FRANK COLOMBO JR
C-20044097 FRYBURG WATER COMPANY
C-20044098 FINCH HILL WATER COMPANY INC
C-20044099 EVITTS CREEK WATER COMPANY

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FOLDER

DOCKETED
JAN 25 2005

The following are old ones that keep appearing on the
Scheduled Action Report:

C-20030185 BARKEYVILLE GAS COMPANY
C-20042671 BARKEYVILLE GAS COMPANY

dbs



Kirkpatrick & Lockhart Nicholson Graham LLP

Payne Shoemaker Building
240 North Third Street
Harrisburg, PA 17101-1507
717 231 4500
Fax 717 231 4501
www.king.com

January 28, 2005

James P. Melia

717.231.5842
Fax: 717.231.4501
jmelia@king.com

Frank B. Wilmarth, Esquire
Law Bureau
Pennsylvania Public Utility Commission
P.O. Box 3265
Harrisburg, PA 17105-3265

DOCKETED
FEB 23 2005

Re: PA PUC v. Venango Water Company, Docket No. C-20044079
PA PUC v. Sugarcreek Water Company, Docket No. C-20044082
PA PUC v. Plumer Water Company, Docket No. C-20044088
PA PUC v. Fryburg Water Company, Docket No. C-20044097
PA PUC v. Cooperstown Water Company, Docket No. C-20044103
PA PUC v. West Hickory Water Company, Docket No. C-20044077
PA PUC v. B. E. Rhodes Sewer Company, Docket No. C-20044087

Dear Mr. Wilmarth:

This will confirm our recent conversation wherein you agreed to reduce the amount of outstanding penalty for the above listed companies from \$250 per violation to \$100 per violation. These violations relate to the above mentioned companies' failure to file 2003 Annual Reports by April 30, 2004. The total amount of fines assessed for the aforementioned seven companies will be reduced from \$1,750 to \$700.

The aforementioned companies will be making payment for this amount over a two-month period with checks payable to the Commonwealth of Pennsylvania for \$350 over the next two months. These checks will be submitted by letter with the above mentioned docket numbers listed and will be forwarded to Secretary McNulty's office.

I informed my clients that this forgiveness of a portion of the fine amount will be a one-time event and that the aforementioned companies should strive to get the reports submitted in a timely fashion for 2004 by April 30, 2005.

If you have any questions regarding this letter, please contact me

**DOCUMENT
FOLDER**

RECEIVED
FEB 23 11 41 AM '05
SECRETARY'S OFFICE

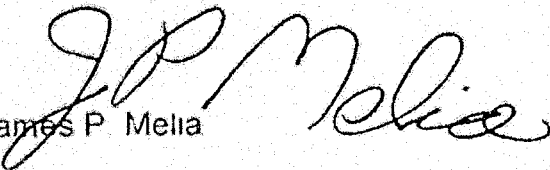
HA 154151 v1



Kirkpatrick & Lockhart Nicholson Graham LLP

Frank B. Wilmarth, Esquire
January 28, 2005
Page 2

Very truly yours,

A handwritten signature in cursive script, appearing to read 'JPMelia'.

James P. Melia

JPM/cem

cc Rhonda L. Daviston, Esquire
James J. McNulty, Secretary



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

ORIGINAL

IN REPLY PLEASE
REFER TO OUR FILE
2004.0267.00

April 19, 2005

James J. McNulty, Secretary
Pennsylvania Public Utility Commission
400 Commonwealth Keystone Building
2nd Floor
Harrisburg, PA 17120

DOCUMENT
FOLDER

Re: LBPS v. Sugarcreek Water Co.
Docket No. C-20044082 (2004.0267)

Dear Secretary McNulty:

Enclosed for filing, please find an original and three copies of the Certificate of Satisfaction filed by the Law Bureau Prosecutory Staff of the Pennsylvania Public Utility Commission in the above-captioned matter. Copies have been served according to the attached Certificate of Service.

Very truly yours,

Rhonda L. Daviston

Rhonda L. Daviston
Law Bureau Prosecutory Staff

Enclosure
cc: Per Certificate of Service

SECRETARY'S BUREAU

2005 APR 19 PM 12:05

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BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION

RECEIVED
2005 APR 19 PM 12:05
SECRETARY'S BUREAU

LAW BUREAU PROSECUTORY STAFF :
(2004.0267) Respondent :

v. :

Docket No. C-20044082

Sugarcreek Water Co. :

Respondent :

DOCUMENT
FOLDER

CERTIFICATE OF SATISFACTION

AND NOW comes the Bureau of Fixed Utilities Services of the Pennsylvania Public Utility Commission, by and through its counsel the Law Bureau Prosecutory Staff (Prosecutory Staff), after having carefully reviewed the facts and the law concerning this matter, hereby certifies as follows:

1. That Sugarcreek Water Co. (Sugarcreek) is an entity with a mailing address at P.O. Box 397, Reno, PA 16343, and holds a certificate of public convenience at Docket No. A-212920.

2. That Sugarcreek failed to file its 2003 Annual Report pursuant to 66 Pa. C.S. §504.

3. That Sugarcreek's failure to file its 2003 Annual Report is in violation of Section 504 of the Public Utility Code, 66 Pa. C.S. §504.

DOCKETED


APR 25 2005

4. That Prosecutory Staff filed a Formal Complaint with the Commission at this docket on December 16, 2004, regarding Sugarcreek's failure to file its 2003 Annual Report.

5. That Sugarcreek subsequently filed its outstanding 2003 Annual Report on January 25, 2005, and paid the civil penalty for late filing on February 4, 2005.

6. That the Bureau of Fixed Utility Services is now satisfied that the filing of Sugarcreek's 2003 Annual Report satisfies the company's annual report requirements for 2003-2004, and Sugarcreek is now current in the filing of all annual reports pursuant to 66 Pa. C.S. §504.

WHEREFORE, the Law Bureau Prosecutory Staff hereby respectfully requests that the Complaint filed at the above captioned docket be dismissed.


Rhonda L. Daviston
Law Bureau Prosecutory Staff

Pennsylvania Public Utility Commission
P.O. Box 3265
Harrisburg, PA 17105-3265

Dated: April 19, 2005

CERTIFICATE OF SERVICE

I hereby certify that I have, on this day, served the foregoing document, Certificate of Satisfaction, upon all persons listed below in accordance with the requirements of 52 Pa. Code §1.54:

Service by hand delivery:

Mr. Kerry Klinefelter
Bureau of Fixed Utilities Services
Pa. Public Utility Commission
P.O. Box 3265
Harrisburg, PA 17105-3265

Service by First Class Mail Addressed as follows:

Mr. Blaine Rhodes
Sugarcreek Water Co.
P.O. Box 397
Reno, PA 16343

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

2005 APR 19 PM 12:05

RECEIVED

Rhonda L. Daviston
Rhonda L. Daviston
Law Bureau Prosecutory Staff

Pa. Public Utility Commission
P.O. Box 3265
Harrisburg, PA 17105-3265
(717) 787-6166

Dated: April 19, 2005

PENNSYLVANIA PUBLIC UTILITY COMMISSION

RECEIPT

The addressee named here has paid the PA P.U.C. for the following bill:

DATE: 10/7/2005
RECEIPT NO: 183477

RHODES ENTERPRISES
SUGARCREEK
P.O. BOX 397
RENCO PA 16343-0397

PUC VS. RHODES ENTERPRISES

Fine for the violation of Pa Public Utility Law

IN RE: TOTAL AMOUNT OF CHECK IS \$700 AND INCLUDES FINES AT C-20044077, C-20044097,
C-20044087, C-20044103, C-20044088 & C-20044079 ON SEPARATE RECEIPTS

Docket Number C-20044082..... \$100.00

REVENUE ACCOUNT: 001420-017000-101

CHECK NUMBER: 45182
CHECK AMOUNT: \$100.00

Stephen Reed
(for Department of Revenue)

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