

1. REPORT DATE: 00/00/00	:	
2. BUREAU: LAW	:	
3. SECTION(S):	:	4. PUBLIC MEETING DATE:
5. APPROVED BY:	:	00/00/00
DIRECTOR:	:	
SUPERVISOR:	:	
6. PERSON IN CHARGE:	:	7. DATE FILED: 12/16/04
8. DOCKET NO: C-20044084	:	9. EFFECTIVE DATE: 00/00/00

PARTY/COMPLAINANT: LAW BUREAU PROSECUTORY (2004.0267)

RESPONDENT/APPLICANT: EBERTS, EARL F.

COMP/APP COUNTY:

UTILITY CODE: 212710

ALLEGATION OR SUBJECT

LAW BUREAU PROSECUTORY STAFF COMPLAINT VS. SHADY LANE WATER CO. 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
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DEC 22 2004

ORIGINAL

BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION

RECEIVED
DEC 15 2004

Law Bureau Prosecutory Staff

v.

DOCKETED
DEC 22 2004

Docket No. C-2004 4084

Shady Lane Water Co.
(2004.0267.00)

COMPLAINT

DOCUMENT
FOI DENIED

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. Shady Lane Water Co. (Respondent), maintains its principal place of business at 5936 Old Carriage Rd., Bath, PA, 18014.
2. Respondent was issued a Certificate of Public Convenience by the Commission on February 20, 1971 at A-212710 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 Shady Lane Water Co. 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

Sarah Eberts
Shady Lane Water Co.
5936 Old Carriage Rd.
Bath, PA 18014

C-2004 4084

DEC 23 2004

Law Bureau Prosecutory Staff

v.

Shady Lane Water Co.
(2004.0267.00)

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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

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