

CAPTION SHEET

CASE MANAGEMENT SYSTEM

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: 04/23/07
8. DOCKET NO: C-20077712	:	9. EFFECTIVE DATE: 00/00/00

PARTY/COMPLAINANT: LAW BUREAU PROS. STAFF (2006.0295)

RESPONDENT/APPLICANT: AMERIVISION COMMUNICATIONS INC

COMP/APP COUNTY: UTILITY CODE: 310349

ALLEGATION OR SUBJECT

LAW BUREAU PROSECUTORY STAFF COMPLAINT AGAINST AMERIVISION COMMUNICATIONS, INC FOR FAILURE TO FILE ITS 2005 ANNUAL REPORT. LAW BUREAU REQUESTS THAT 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
MAY 14 2007



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

IN REPLY PLEASE
REFER TO OUR FILE
2006.0295

Date of Service:

MAY 15 2007

Kelly Franks
Amerivision Communications, Inc.
201NW 63rd
Oklahoma City, OK 73116-8254

C-2007 7712

Law Bureau Prosecutory Staff

v.

Amerivision Communications, Inc.
(2006.0295.00)

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 2005 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 Utility Services (Annual Reports Section), 717-787-1869.

Very truly yours,

**DOCUMENT
FOLDER**

James J. McNulty
James J. McNulty
Secretary

cc: Kimberly A. Hafner, Assistant Counsel
Elaine McDonald, Bureau of Fixed Utility Services

DOCKETED
MAY 14 2007

131

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 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 2005 Annual Report within 30 days along with payment of the late fee in the amount of \$250. Your 2005 Annual Report should be forwarded to the Pennsylvania Public Utility Commission, Bureau of Fixed Utility Services (Annual Reports Section), P.O. Box 3265, Harrisburg, PA 17105-3265. If you file your 2005 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

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

RECEIVED
APR 23 2007
PA PUBLIC UTILITY COMMISSION
SECRETARY

Law Bureau Prosecutory Staff :
:
:
:
:
v. :
:
Amerivision Communications, Inc. :
(2006.0295.00) :

Docket No. C-2007 7712

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:

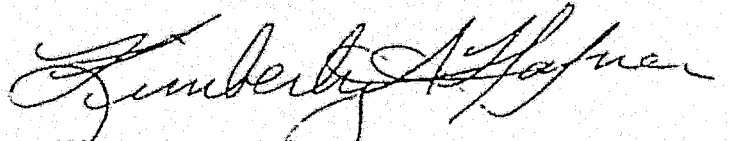
1. Amerivision Communications, Inc. (Respondent), maintains its principal place of business at 201NW 63rd, Oklahoma City, OK. 73116-8254.
2. Respondent was issued a Certificate of Public Convenience by the Commission on February 26, 1994 at A-310349 to provide telephone service in the Commonwealth of Pennsylvania.
3. That based on the Commission's records; Respondent has failed to file an Annual Report for 2005.
4. By first class mail and then again by certified mail, return receipt requested, Respondent was notified that it failed to file an Annual Report for 2005.
5. Respondent, by failing to file an Annual Report for 2005, is in violation of Section 504 of the Public Utility Code, 66 Pa. C.S. §504.

**DOCUMENT
FOLDER**

DOCKETED
MAY 14 2007

WHEREFORE, for failure to file its 2005 Annual Report, Law Bureau Prosecutory Staff hereby requests that the Commission cancel the Certificate of Public Convenience of Amerivision Communications, Inc. pursuant to 66 Pa. C.S. §3301 and direct Amerivision Communications, Inc. to pay a civil penalty in the amount of \$1,000.

Respectfully submitted,

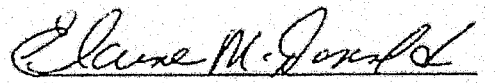


Kimberly A. Hafner
Law Bureau Prosecutory Staff Counsel
P.O. Box 3265
Harrisburg, PA 17105-3265

VERIFICATION

I, Elaine McDonald of the Bureau of Fixed Utility Services, 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.

3/28/07
Date



Elaine McDonald
Bureau of Fixed Utility Services

PENNSYLVANIA PUBLIC UTILITY COMMISSION

RECEIPT

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

DATE: 6/25/2007
RECEIPT NO: 183921

AMERIVISION COMMUNICATIONS, INC.
AFFINITY4
1711 S MUSKOGEE AVE
TAHLEQUAH OK 74464

PUC VS. AMERIVISION COMMUNICATIONS, INC.

Fine for the violation of Pa Public Utility Law

Docket Number C-20077712..... \$250.00

REVENUE ACCOUNT: 001420-017000-101

CHECK NUMBER: 200866
CHECK AMOUNT: \$250.00

Michael Sobolesky
(for Department of Revenue)

DOCUMENT
FOLDER

DOCKETED
JUN 26 2007

RJP



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

IN REPLY PLEASE
REFER TO OUR FILE

September 13, 2007

James McNulty, Secretary
Pa. Public Utility Commission
2nd Floor Keystone Bldg.
Harrisburg, PA 17120

ORIGINAL

2007 SEP 13 PM 2:50
SECRET

Re: LBPS v. Amerivision Communications, Inc.
Docket No. C-20077712

DOCUMENT
FOLDER

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 in accordance with the attached Certificate of Service.

Sincerely,

Kimberly A. Hafner
Law Bureau Prosecutory Staff

Enclosure

cc: As per certificate of service
Elaine McDonald, Bureau of Fixed Utility Services

BTL

ORIGINAL

BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION

Law Bureau Prosecutory Staff,
Complainant

v.

Docket No. C-20077712

Amerivision Communications, Inc.,
Respondent

DOCKETED
SEP 14 2007

2007 SEP 13 11:23:50

**DOCUMENT
FOLDER**

CERTIFICATE OF SATISFACTION

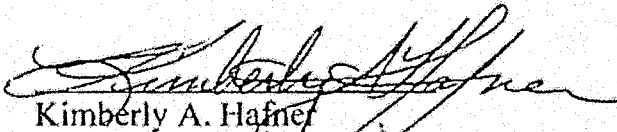
AND NOW comes the Bureau of Fixed Utility Services of the Pennsylvania Public Utility Commission, by and through its counsel the Law Bureau Prosecutory Staff (Prosecutory Staff), after having carefully reviewed the facts and the law concerning this matter, hereby certifies as follows:

1. That Amerivision Communications, Inc. is an entity with a mailing address at 201 NW 63rd, Oklahoma City, OK 73116-8254, and holds a certificate of public convenience at Docket No. A-310349.
2. That Amerivision Communications, Inc. failed to file its 2005 Annual Report pursuant to 66 Pa.C.S. § 504.
3. That Amerivision Communications, Inc.'s failure to file its 2005 Annual Report is in violation of Section 504 of the Public Utility Code, 66 Pa.C.S. § 504.
4. That Prosecutory Staff filed a Formal Complaint with the Commission at this docket on April 23, 2007, regarding Amerivision Communications, Inc.'s failure to file its 2005 Annual Report.
5. That Amerivision Communications, Inc. filed its 2005 Annual Report and paid the \$250 late-filing fee.

That the Bureau of Fixed Utility Services is now satisfied that the filing of Amerivision Communications, Inc.'s 2005 Annual Report satisfies the company's annual

report requirement for 2005 and Amerivision Communications, Inc. 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 and the above docket marked closed.


Kimberly A. Hafner
Law Bureau Prosecutory Staff

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

Dated: September 13, 2007

ORIGINAL

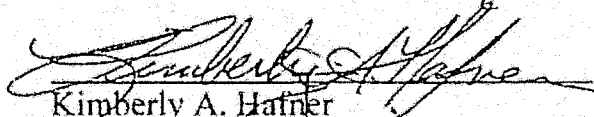
CERTIFICATE OF SERVICE

I hereby certify that I am this day serving the foregoing document. Certificate of Satisfaction, upon the persons listed and in the manner indicated below:

Service by First Class Mail:

Kelly Franks
Amerivision Communications, Inc.
201NW 63rd
Oklahoma City, OK 73116-8254

SEP 13 11 2:51



Kimberly A. Hafner
Assistant Counsel
Attorney ID No. 66268

Pennsylvania Public Utility Commission
P.O. Box 3265
Harrisburg, PA 17105-3265
(717) 787-5000

Dated: September 13, 2007