

CAPTION SHEET

CASE MANAGEMENT SYSTEM

1. REPORT DATE: 00/00/00  
 2. BUREAU: LAW  
 3. SECTION(S):  
 5. APPROVED BY:  
 DIRECTOR:  
 SUPERVISOR:  
 6. PERSON IN CHARGE:  
 8. DOCKET NO: C-20077709

4. PUBLIC MEETING DATE:  
 00/00/00  
 7. DATE FILED: 04/23/07  
 9. EFFECTIVE DATE: 00/00/00

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

RESPONDENT/APPLICANT: AFFORDABLE VOICE COMM INC

COMP/APP COUNTY:

UTILITY CODE: 310879

ALLEGATION OR SUBJECT

LAW BUREAU PROSECUTORY STAFF COMPLAINT AGAINST AFFORDABLE VOICE COMMUNICATIONS 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 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**

Charles Combs  
Affordable Voice Communications  
1000 Main Street  
Las Cruces, NM 88001-1126

C-2007 7709

**Law Bureau Prosecutory Staff**

v.

**Affordable Voice Communications  
(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  
Secretary

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

**DOCKETED**  
MAY 14 2007

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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.

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**ORIGINAL**

**RECEIVED**  
APR 23 2007

**BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

**PENNSYLVANIA PUBLIC UTILITY COMMISSION  
SECRETARY'S BUREAU**

**Law Bureau Prosecutory Staff**

v.

**Affordable Voice Communications  
(2006.0295.00)**

**Docket No. C-2007 7709**

**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. Affordable Voice Communications (Respondent), maintains its principal place of business at 1000 Main Street, Las Cruces, NM, 88001-1126.
2. Respondent was issued a Certificate of Public Convenience by the Commission on February 25, 2000 at A-310879 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.

**DOCKETED** DOCUMENT FOLDER  
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 Affordable Voice Communications pursuant to 66 Pa. C.S. §3301 and direct Affordable Voice Communications to pay a civil penalty in the amount of \$1,000.

Respectfully submitted,

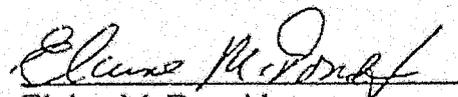


Kimberly A. Hafner  
Law Bureau Prosecutory Staff Counsel  
P.O. Box 3265  
Harrisburg, PA 17105-3265

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



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  
2<sup>nd</sup> Floor Keystone Bldg.  
Harrisburg, PA 17120

2007  
SEP 13 11:11:30

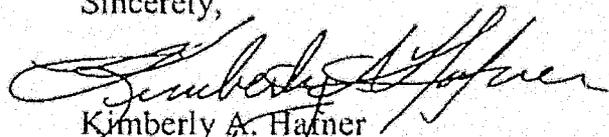
Re: LBPS v. Affordable Voice Communications, Inc.  
Docket No. C-20077709

Dear Secretary McNulty:

DOCUMENT  
FOLDER

Enclosed for filing, please find an original and three copies of the Withdrawal of Complaint 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.

Sincerely,

  
Kimberly A. Hafner  
Law Bureau Prosecutory Staff

Enclosure  
cc: As per certificate of service

BTL

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ORIGINAL

BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION

Law Bureau Prosecutory Staff, :  
(2006.0295.00) Complainant :  
 :  
v. : Docket No. C-20077709  
 :  
Affordable Voice Communications, Inc. :  
Respondent :

DOCUMENT  
FOLDER

WITHDRAWAL OF COMPLAINT

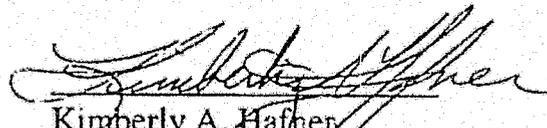
AND NOW comes the Bureau of Fixed Utility Services of the Pennsylvania Public Utility Commission, by and through its counsel the Law Bureau Prosecutory Staff (Prosecutory Staff), after having carefully reviewed the facts and the law concerning this matter, hereby certifies as follows:

**DOCKETED**  
SEP 20 2007

1. That Affordable Voice Communications, Inc. (Affordable Voice Communications, Inc. or Company) is an entity with a mailing address at 1000 Main Street, La Cruces, NM, 88001-1126 and holds a certificate of public convenience at Docket No. A-310879.
2. That Prosecutory Staff filed a Formal Complaint with the Commission at this docket on April 23, 2007 alleging that Affordable Voice Communications, Inc. failed to file its 2005 Annual Report in violation of Section 504 of the Public Utility Code, 66 C.S. § 504.

3. Prior to the filing of this Complaint, the Company filed its 2005 Annual Report with the Commission.
4. Affordable Voice Communications, Inc. had complied with the Commission's filing requirements prior to the issuance of the complaint. Thus, the complaint was inadvertently filed and the Formal Complaint filed at C-20077709 should be withdrawn.

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

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CERTIFICATE OF SERVICE

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

Service by First Class Mail:

Charles Combs  
Affordable Voice Communications  
1000 Main Street  
Las Cruces, NM 88001-1126

SEP 13 2007 10:30 AM

  
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