

**PENNSYLVANIA
PUBLIC UTILITY COMMISSION
Harrisburg, PA 17120**

Public Meeting held October 27, 2022

Commissioners Present:

Gladys Brown Dutrieuille, Chairman
Stephen M. DeFrank, Vice Chairman
Ralph V. Yanora
Kathryn L. Zerfuss
John F. Coleman, Jr.

Application of Combined Public Communications,
LLC for Approval to Offer, Render, Furnish or Supply
Telecommunications Services to the Public as an
Interexchange Carrier Reseller in the Commonwealth
of Pennsylvania.

A-2022-3035469

ORDER

BY THE COMMISSION:

On September 9, 2022, Combined Public Communications, LLC (Applicant) filed an Application seeking a Certificate of Public Convenience (Certificate) under our orders issued pursuant to the Telecommunications Act of 1996, 47 U.S.C. §§ 201 *et seq.*, (TA-96)¹ and to Chapter 11 of the Public Utility Code (Code) (66 Pa.C.S. §§ 1101 *et seq.*) evidencing authority to provide telecommunications services to the public as a detariffed Interexchange Carrier Reseller (IXC Reseller)² throughout the Commonwealth of Pennsylvania.

¹ In light of the policy objectives of TA-96, market entry requirements for telecommunication service providers are set out in *In Re: Implementation of the Telecommunications Act of 1996*, Docket No. M-00960799 (Order entered June 3, 1996; Order on Reconsideration entered September 9, 1996) (*TA-96 Implementation Orders*).

² Section 3018(b)(2) of the Public Utility Code, 66 Pa.C.S. § 3018(b)(2) gives IXCs the option to; (1) file and maintain tariffs with the Commission, (2) file and maintain price lists with the Commission, or (3) detariff. The Applicant has elected to operate as a detariffed IXC, subject to Pennsylvania state contract and consumer protection laws.

The Applicant was granted provisional authority pursuant to our Secretarial Letter of September 22, 2022, to provide the proposed services to the public during the pendency of the application process. The assigned utility code is 3117817.

The Applicant complied with notice requirements set forth in our *TA-96 Implementation Orders* by serving a copy of its Application upon the Office of Consumer Advocate, the Office of Small Business Advocate and the Office of Attorney General. No protests or petitions to intervene were filed and no hearings were held.

Information concerning the Applicant is as follows:

- The Applicant is a Delaware Corporation with its principal place of business at 100 Aqua Drive, Cold Spring, Kentucky 41076, telephone (877) 998-5678, facsimile (859) 781-0087.
- The Applicant complied with Pennsylvania law relating to a foreign limited liability company.
- The Applicant's registered office provider within Pennsylvania is Corporation Service Company, 2595 Interstate Drive, Suite 103, Harrisburg, PA 17110.
- Correspondence to resolve complaints may be directed to Cathleen Engle, Vice President, 100 Aqua Drive, Cold Spring, Kentucky 41076, telephone (859) 547-5441, facsimile (859) 781-0087.
- The Applicant will not be using a fictitious name.
- The Applicant is operating as a public utility providing inmate calling services in Alabama, Arkansas, Colorado, Florida, Georgia, Idaho, Illinois, Indiana, Kansas, Kentucky, Louisiana, Michigan, Mississippi, Missouri, Montana, Nebraska, Nevada, New Mexico, New York, North Carolina, North Dakota, Ohio, Oregon, Rhode Island, South Carolina, South Dakota, Tennessee, Utah, Virginia, Washington, West Virginia, Wisconsin, and Wyoming.

- The Applicant has no affiliates within Pennsylvania.
- The Applicant previously held a Certificate to provide service in Pennsylvania as a detariffed IXC Reseller.³ On August 20, 2021, the Applicant filed an application to abandon its IXC Reseller Certificate, which was subsequently approved.⁴
- The Applicant has no affiliates or predecessors rendering public utility service outside Pennsylvania.

The Applicant understands that if it plans to cease doing business within the Commonwealth of Pennsylvania, it is under a duty to request authority from the Commission for permission prior to ceasing such operations.

The Applicant states that it intends to provide institutional operator assisted service which will allow inmates to place collect calls through an automated call processing system. The call processing system prompts the inmate and the called party such that the call is completed without live operator assistance. Calls are placed on a collect-only basis to the called party. All equipment is owned by Applicant.

According to the Applicant, a number of special blocking and screening capabilities are available with the institutional operator services they propose to provide. These capabilities allow correctional institutions to control inmate access to telecommunications services, reduce fraudulent use of the services and eliminate harassing calls to persons outside the correctional institution.

We conclude that the Applicant has met the requirements for certification as an IXC Reseller, consistent with this Order. Premised upon our review of the Application and consistent with our Orders, the Code, our Regulations and TA-96, we conclude that

³ *Application of Combined Public Communications, LLC for Approval to Offer, Render, Furnish or Supply Telecommunications Services to the Public as an Interexchange Carrier Reseller in the Commonwealth of Pennsylvania*, Docket No. A-2018-3003516 (Order entered August 23, 2018).

⁴ *Application of Combined Public Communications, LLC for Approval of the Discontinuance and Abandonment of Interexchange Carrier Reseller Services to the Public in the Commonwealth of Pennsylvania*, Docket No. A-2021-3028047 (Order entered October 7, 2021)

the Applicant's proposed services do not raise concerns at this time regarding safety, adequacy, reliability or privacy.

Carriers are required to provide telecommunications service to customers in Pennsylvania within one year of certification.⁵

In accordance with the affidavit that accompanied the application for a Certificate of Public Convenience, the Applicant has agreed to abide by all applicable federal and state laws and regulations and by the decisions of the Commission. We remind the Applicant that, in accordance with our *TA-96 Implementation Orders*, a public utility that seeks Commission certification or that is certificated in Pennsylvania to provide telecommunications service, as defined by state and federal law, must provide the service in full compliance with all applicable provisions of Pennsylvania and federal law. This includes compliance with Section 1511 of Pennsylvania's Business Corporation Law, 15 Pa.C.S. § 1511,⁶ when siting facilities/equipment in public rights-of-way. Failure to comply with applicable law may result in fines being imposed against a public utility or in the suspension or revocation of the utility's Certificate of Public Convenience, consistent with due process.

We remind the Applicant that certificated public utilities in Pennsylvania are required to file with the Commission an accurate annual financial report and an accurate separate statement of gross intrastate revenues for fiscal assessment purposes, as received from operations conducted pursuant to the authority granted by the Commission's certification order.⁷ Additional reporting of intrastate retail revenues is also required for the purpose of Pennsylvania Universal Service Fund contribution assessments. Failure to

⁵ For complete details regarding this requirement, including consequences for non-compliance, see *Final Order Regarding the Commission's Plan to Implement a One-Year Timeframe for Inactive Telecommunication Carriers to Provide Service on an Annual Basis within the Commonwealth of Pennsylvania*, Docket No. M-2011-2273119 (Order entered July 19, 2012).

⁶ 15 Pa.C.S. § 1511(e) provides as follows: "A public utility corporation shall have the right to enter upon and occupy streets, highways, waters and other public ways and places for one or more of the principal purposes specified in subsection (a) and ancillary purposes reasonably necessary or appropriate for the accomplishment of the principal purposes, including the placement, maintenance and removal of aerial, surface and subsurface public utility facilities thereon or therein. Before entering upon any street, highway or other public way, the public utility corporation shall obtain such permits as may be required by law and shall comply with the lawful and reasonable regulations of the governmental authority having responsibility for the maintenance thereof."

⁷ See 66 Pa.C.S. § 510(b).

comply with applicable reporting requirements may result in billing for back payments due and the imposition of fines and/or other lawful remedies, including revocation of certification, consistent with due process.

Conclusion

Accordingly, we shall grant the Application. A Certificate of Public Convenience shall be issued evidencing the Applicant's authority to provide services as a detariffed IXC Reseller throughout the Commonwealth of Pennsylvania, consistent with this Order; **THEREFORE,**

IT IS ORDERED:

1. That the Application of Combined Public Communications, LLC at Docket No. A-2022-3035469 for authority to operate as a detariffed Interexchange Carrier Reseller throughout the Commonwealth of Pennsylvania is granted, consistent with this Order, and that a Certificate of Public Convenience be issued evidencing such approval.

2. That Combined Public Communications, LLC shall comply with all the provisions of the Public Utility Code, as now exist or as may be hereafter amended, and with all pertinent rules, regulations, and Orders of this Commission, now in effect or as may be prescribed by this Commission, including those identified in this Order.

3. That the authority granted herein, to the extent that it duplicates authority now held by, or subsequently granted to, Combined Public Communications, LLC, shall not be construed as conferring more than one operating right to Combined Public Communications, LLC.

4. That Combined Public Communications, LLC shall maintain accurate accounting records that properly classify and segment its Interexchange Carrier Reseller services revenues from its operations within the Commonwealth and file with the Commission an accurate annual financial report and an accurate separate statement of gross intrastate revenues for fiscal assessment purposes.

5. That Combined Public Communications, LLC shall maintain accurate accounting records that properly classify and segment its gross retail intrastate revenues for purposes of the Pennsylvania Universal Service Fund contribution assessment report.

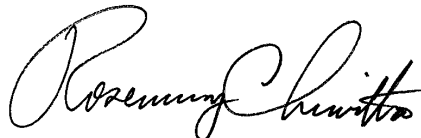
6. That in accordance with Commission Orders entered October 5, 2005, at Docket No. M-00041857 and on August 21, 2006, at Docket No. L-00050176, Combined Public Communications, LLC shall follow the reporting requirements outlined at the following website: www.puc.pa.gov/telecom/docs/Reporting_Requirements.docx.

7. That Combined Public Communications, LLC shall file such affiliated interest agreements as may be necessary relative to any transactions with affiliates within thirty (30) days of the entry date of this Order.

8. That if Combined Public Communications, LLC plans to cease doing business within the Commonwealth of Pennsylvania, it shall request authority from the Commission for permission prior to ceasing.

9. That a copy of this Order be served on the Pennsylvania Department of Revenue, Bureau of Corporation Tax.

BY THE COMMISSION,



Rosemary Chiavetta
Secretary

(SEAL)

ORDER ADOPTED: October 27, 2022

ORDER ENTERED: October 27, 2022