



COMMONWEALTH OF PENNSYLVANIA
PENNSYLVANIA PUBLIC UTILITY COMMISSION
COMMONWEALTH KEYSTONE BUILDING
400 NORTH STREET, HARRISBURG, PA 17120

BUREAU OF
INVESTIGATION
&
ENFORCEMENT

January 19, 2023

Via Electronic Filing

Rosemary Chiavetta, Secretary
Pennsylvania Public Utility Commission
Commonwealth Keystone Building
400 North Street
Harrisburg, PA 17120

Re: Pennsylvania Public Utility Commission
Bureau of Investigation and Enforcement v.
Opex Communications Inc.
Docket No. C-2023-3037708
I&E Amended Formal Complaint (Assessment)

Dear Secretary Chiavetta:

Enclosed for electronic filing please find the Bureau of Investigation and Enforcement's (I&E) **Amended Formal Complaint** for the above-captioned proceeding. This Amended Complaint amends the outstanding assessment balance and civil penalty amounts in paragraph "(a)" of the request for relief.

Copies are being served on all parties of record as evidenced in the attached Certificate of Service. Should you have any questions, or concerns, please do not hesitate to contact me.

Sincerely,

A handwritten signature in black ink that reads 'Alphonso Arnold III'.

Alphonso Arnold III
Prosecutor
Bureau of Investigation and Enforcement
PA Attorney ID No. 318487
(717) 787-3836
alphonarno@pa.gov

AA/ac
Enclosures

cc: Per Certificate of Service

NOTICE

A. **You must file an Answer within 20 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 Letter. *See* 52 Pa. Code §1.56(a). The Answer must raise all factual and legal arguments that you wish to claim in your defense, include the docket number of this Complaint, and be verified. You may file your Answer by mailing an original to:

Rosemary Chiavetta, Secretary
Pennsylvania Public Utility Commission
400 North Street
Harrisburg, PA 17120

Or, you may eFile your Answer using the Commission's website at www.puc.pa.gov. The link to eFiling is located under the Filing & Resources tab on the homepage. If your Answer is 250 pages or less, you are not required to file a paper copy. If your Answer exceeds 250 pages, you must file a paper copy with the Secretary's Bureau.

Additionally, a copy should either be mailed to:

Alphonso Arnold III, Prosecutor
Pennsylvania Public Utility Commission
Bureau of Investigation and Enforcement
400 North Street
Harrisburg, PA 17120

Or, emailed to Mr. Arnold at: alphonarno@pa.gov

B. If you fail to answer this Complaint within 20 days, the Bureau of Investigation and Enforcement will request that the Commission issue an Order imposing the requested relief.

C. You may elect not to contest this Complaint by paying the past due assessment and civil penalty within 20 days. Send only a certified check or money order made payable to the "Commonwealth of Pennsylvania," with the docket number indicated, and mail to:

Rosemary Chiavetta, Secretary
Pennsylvania Public Utility Commission
400 North Street
Harrisburg, PA 17120

D. If you file an Answer which either admits or fails to deny the allegations of the Complaint, the Bureau of Investigation and Enforcement will request the Commission to issue an Order imposing the requested relief set forth in this 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 the Complaint and may impose additional and/or alternative penalties as appropriate.

F. If you are a corporation, you must be represented by legal counsel. 52 Pa. Code § 1.21.

G. Alternative formats of this material are available for persons with disabilities by contacting the Commission's ADA Coordinator at (717) 787-8714.

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Pennsylvania Public Utility Commission	:	
Bureau of Investigation and Enforcement	:	
	:	
v.	:	Docket No. C-2023-3037708
	:	
Opex Communications Inc.	:	

AMENDED FORMAL COMPLAINT

NOW COMES the Bureau of Investigation and Enforcement (“I&E”) of the Pennsylvania Public Utility Commission (“Commission”), by its prosecuting attorney, and files this **Amended Assessment Complaint** against Opex Communications Inc. (“Respondent”), pursuant to Section 701 of the Public Utility Code, 66 Pa.C.S. § 701, and Section 5.91(a) of the Commission’s regulations, 52 Pa. Code § 5.91(a). In support of its Amended Complaint, I&E respectfully represents the following:

Parties and Jurisdiction

1. The Pennsylvania Public Utility Commission, with a mailing address of 400 North Street, Harrisburg, PA 17120, is a duly constituted agency of the Commonwealth of Pennsylvania empowered to regulate public utilities within the Commonwealth pursuant to the Public Utility Code, 66 Pa.C.S. §§ 101, *et seq.*

2. Complainant is the Commission’s Bureau of Investigation and Enforcement and is the entity established by statute to prosecute complaints against public utilities pursuant to 66 Pa.C.S. § 308.2(a)(11). *See also Implementation of Act 129 of 2008; Organization of Bureaus and Offices*, Docket No. M-2008-2071852 (Order entered

August 11, 2011) at 5 (transferring authority to prosecute assessment cases to I&E).

3. Complainant is represented by:

Alphonso Arnold III
Prosecutor
Pennsylvania Public Utility Commission
Bureau of Investigation and Enforcement
Commonwealth Keystone Building
400 North Street
Harrisburg, PA 17120
(717) 787-3836
alphonarno@pa.gov

4. Respondent is Opex Communications Inc. and maintains its principal place of business at 1677 East 28th Street, Signal Hill, CA 90755-1922, Attn: Mark Leafstedt.

5. Respondent is a “public utility” as that term is defined at 66 Pa.C.S. § 102, as it is engaged in conveying or transmitting messages or communications, by telephone or telegraph or domestic public land mobile radio service including, but not limited to, point-to-point microwave radio service for the public for compensation.

6. The Commission issued Respondent a Certificate of Public Convenience on or about October 30, 1998, at A-310741, for interexchange carrier reseller authority.

7. Section 501(a) of the Public Utility Code, 66 Pa.C.S. § 501(a), authorizes and obligates the Commission to execute and enforce the provisions of the Public Utility Code.

8. Section 701 of the Public Utility Code, 66 Pa.C.S. § 701, authorizes the Commission to, *inter alia*, hear and determine complaints against public utilities for a violation of any law or regulation that the Commission has jurisdiction to administer.

9. Section 3301 of the Public Utility Code, 66 Pa.C.S. § 3301, authorizes the Commission to impose civil penalties on any public utility, or any other person or corporation subject to the Commission’s authority, for violation(s) of the Public Utility Code

and/or Commission regulations. Section 3301(a)-(b) of the Public Utility Code, 66 Pa.C.S. § 3301(a)-(b), allows for the imposition of a separate civil penalty for each violation and each day's continuance of such violation(s).

10. Respondent, in conveying or transmitting messages or communications, by telephone or telegraph or domestic public land mobile radio service including, but not limited to, point-to-point microwave radio service for the public in the Commonwealth of Pennsylvania for compensation, is subject to the power and authority of this Commission pursuant to Section 501(c) of the Public Utility Code, 66 Pa.C.S. § 501(c), which requires a public utility to comply with Commission regulations.

11. Pursuant to the provisions of the applicable Commonwealth statutes and regulations, the Commission has jurisdiction over the subject matter of this complaint and the actions of Respondent related thereto.

12. Section 5.91(a) of the Commission's regulations, 52 Pa. Code § 5.91(a), permits a party to amend a pleading.

13. On January 19, 2023, this formal proceeding was initiated through the filing of a Formal Complaint, docketed at C-2023-3037708.

14. The Formal Complaint contained errors regarding the outstanding assessment balance and civil penalty amounts in paragraph "(a)" of the request for relief. This Amended Complaint amends those errors.

Factual Background

2021-2022 FISCAL YEAR

15. On or about September 10, 2021, the Commission mailed to Respondent, by certified mail, an assessment invoice for the July 1, 2021 to June 30, 2022 Fiscal Year

(“2021-2022 Fiscal Year”) that was based, in part, on Respondent’s reported revenues for the 2020 calendar year. Respondent’s assessment was \$177. A copy of the assessment invoice is attached as I&E Exhibit 1.

16. Accompanying the assessment invoice was a notice of assessment that informed Respondent that it was obligated to pay the amount listed on the assessment invoice within thirty (30) days or file objections within fifteen (15) days. A copy of the notice of assessment is attached as I&E Exhibit 2.

17. The assessment invoice and notice of assessment were mailed to Respondent at 3777 Long Beach Boulevard, Suite 400, Long Beach, CA 90807.

18. The September 10, 2021, certified mailing of the assessment invoice and notice of assessment were returned to the Commission as undeliverable, therefore, on September 24, 2021, the assessment invoice and notice of assessment were re-mailed, by certified mail, to Respondent at its current address on file with the Commission at 1677 East 28th Street, Signal Hill, CA 90755-1922.

19. On September 30, 2021, Respondent received the assessment invoice and notice of assessment for the 2021-2022 Fiscal Year. A true and correct copy of proof of delivery of the assessment invoice and notice of assessment is attached as I&E Exhibit 3.

20. The Commission received no objections from Respondent to the assessment amount set forth in the 2021-2022 Fiscal Year Assessment Invoice.

21. On or about October 27, 2021, the Commission’s Bureau of Administration sent Respondent a letter warning Respondent that if it did not pay its past due balance of \$457, consisting of its 2021-2022 Fiscal Year Assessment of \$177 and \$280 from prior

years,¹ within 20 days of receipt of the letter, then the Commission would institute appropriate legal action against Respondent.

22. Respondent failed to pay its 2021-2022 Fiscal Year Assessment Invoice of \$177.

Violations

COUNT 1

23. That Respondent failed to satisfy its 2021-2022 Fiscal Year Assessment in that it did not pay the amount due within thirty (30) days of receipt of the invoice. If proven, this is a violation of Section 510(c) of the Public Utility Code, 66 Pa.C.S. § 510(c). The Bureau of Investigation and Enforcement's proposed civil penalty for this violation is \$50.² This civil penalty, consistent with past Commission decisions,³ is based on the following factors: (1) the type of violation involved; (2) the amount of Respondent's outstanding assessment balance related to the 2021-2022 Fiscal Year; and (3) Respondent's compliance history with the Public Utility Code and Commission's regulations for three (3) years prior to the filing of this Complaint.⁴

¹ Respondent paid its balance owed from prior years of \$280 on March 15, 2022.

² I&E anticipates that this level of penalty will provide a sufficient deterrent against future violations by Respondent.

³ See *Pa. Pub. Util. Comm'n v. Moore Family Holdings, LLC*, Docket No. C-2021-3029489 (Order entered April 14, 2022); *Pa. Pub. Util. Comm'n v. Safety 1st Paratransit Inc.*, Docket No. C-2021-3029522 (Order entered April 14, 2022); *Pa. Pub. Util. Comm'n v. JB Jr. Trucking LLC*, Docket No. C-2021-3029458 (Order entered February 24, 2022).

⁴ A review of the Commission's records for a period of three (3) years prior to the date of the filing of this Complaint demonstrates that Respondent has an acceptable compliance history with the Commission. I&E filed a Complaint at Docket No. C-2022-3031358 against Respondent for failure of Respondent to submit an assessment report for the 2019 calendar year and to pay its 2019-2020 and 2020-2021 Fiscal Year assessments. I&E withdrew the Complaint after it was discovered that Respondent paid its assessments prior to the filing of the Complaint.

WHEREFORE, for all the foregoing reasons, the Pennsylvania Public Utility

Commission's Bureau of Investigation and Enforcement respectfully requests that:

- (a) Respondent be ordered to pay a total of \$227, which consists of its outstanding assessment balance of \$177 and a total civil penalty of \$50 for the above-described violation. Said payment should be made by certified check or money order, made payable to the "Commonwealth of Pennsylvania" with the docket number of this proceeding listed on the check, and mailed to the Secretary's Bureau of the Commission;
- (b) If payment of the assessment and civil penalty is not made, the Bureau of Investigation and Enforcement requests that:
 - (1) the Commission issue an Order to cancel the Certificate of Public Convenience issued to Respondent, and
 - (2) this matter be referred to the Pennsylvania Office of Attorney General for appropriate action.

Respectfully submitted,



Alphonso Arnold III
Prosecutor
PA Attorney ID No. 318487

Pennsylvania Public Utility Commission
Bureau of Investigation and Enforcement
Commonwealth Keystone Building
400 North Street
Harrisburg, PA 17120
(717) 787-3836
alphonarno@pa.gov

Date: January 19, 2023

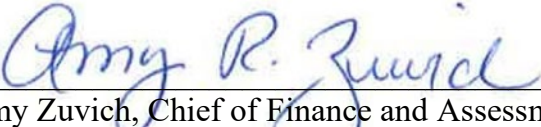
**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Pennsylvania Public Utility Commission	:	
Bureau of Investigation and Enforcement	:	
	:	
v.	:	Docket No. C-2023-3037708
	:	
Opex Communications Inc.	:	

VERIFICATION

I, Amy Zuvich, Chief of Finance and Assessments, Bureau of Administration, Finance and Assessment Section, hereby state that the facts above set forth are true and correct to the best of my knowledge, information, and belief and that I expect the Bureau will 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 unsworn falsification to authorities.

Date: January 19, 2023



Amy Zuvich, Chief of Finance and Assessments
Finance and Assessment Section
Bureau of Administration
Pennsylvania Public Utility Commission
400 North Street
Harrisburg, PA 17120

I&E
Exhibit 1



Commonwealth of Pennsylvania
Pennsylvania Public Utility Commission

Harrisburg, PA 17105-3265

GENERAL ASSESSMENTS INVOICE

OPEX COMMUNICATIONS INC
MARK LEAFSTEDP
3777 LONG BEACH BOULEVARD
STE 400
LONG BEACH CA 90807

Invoice Date	Invoice Number
9/10/2021	21-310741
Fiscal Year	
July 1, 2021 to June 30, 2022	

- Read carefully Notice of Assessment
- Use return envelope provided
- Make check payable to:
Commonwealth of Pennsylvania
- If you desire confirmation of receipt, use a mailing service that provides one, such as USPS-Return Receipt, or overnight delivery with receipt confirmation

PUC Assessment	\$169.00
Consumer Advocate Assessment	\$3.00
SBA Assessment	\$2.00
DPC Assessment	\$3.00
PAY THIS AMOUNT WITHIN 30 DAYS	\$177.00

TO RECEIVE PROPER CREDIT FOR YOUR PAYMENT,
REMOVE THE BOTTOM PART OF THIS INVOICE AT
THE PERFORATION AND RETURN WITH YOUR
REMITTANCE

MAIL PAYMENT TO:
PA DOR
PO BOX 61380
HARRISBURG, PA 17106-1380

FOLD AND CUT HERE

RETURN THIS PORTION WITH YOUR REMITTANCE

OPEX COMMUNICATIONS INC
MARK LEAFSTEDP
3777 LONG BEACH BOULEVARD
STE 400
LONG BEACH CA 90807

Invoice Date	Invoice Number
9/10/2021	21-310741
Fiscal Year	
July 1, 2021 to June 30, 2022	

PAY THIS AMOUNT WITHIN 30 DAYS	\$177.00
---------------------------------------	-----------------

21000031074191 091021100000172002000000030030000000200 000000177003

I&E
Exhibit 2

PENNSYLVANIA PUBLIC UTILITY COMMISSION
Harrisburg, PA 17105-3265

NOTICE OF ASSESSMENT

EXPLANATION OF BILL FOR GENERAL ASSESSMENT
FOR FISCAL YEAR JULY 1, 2021 TO JUNE 30, 2022

In Section 510 of the Public Utility Code, 66 Pa. C.S. §510, the Pennsylvania General Assembly has authorized the Pennsylvania Public Utility Commission to assess all public utilities a percentage of their gross intrastate operating revenues for the preceding calendar year. Under Section 510, each public utility is required, on or before March 31 of each year to file with the Commission a statement of the utility's gross intrastate operating revenues for the preceding calendar year. After receiving the utilities' statements of gross intrastate operating revenues, the Commission sends general assessment invoices to all public utilities to advise each utility of the amount of assessment that utility owes based upon that utility's activity (gross intrastate operating revenues) in the preceding year. The enclosed assessment is for your proportionate share of the estimated expenses of the Public Utility Commission for the Commission's Fiscal Year July 1, 2021 to June 30, 2022.

YOU ARE REQUIRED TO PAY THIS BILL WITHIN THIRTY DAYS AFTER YOU RECEIVE IT. Objections to the assessment must be made in writing within 15 days and shall set out in detail the grounds upon which you regard the assessment to be excessive, erroneous, unlawful, or invalid. Objections may be filed only by the person, partnership, or corporation assessed. Filing an objection, however, does not eliminate your obligation to pay the assessment while your objection is being considered. **FAILURE TO PAY THE ASSESSMENT WHEN PAYMENT IS DUE WILL SUBJECT YOU TO PENALTIES.**

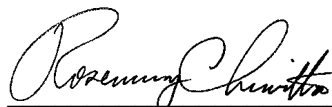
Be sure that your personal check or money order is written out in the same amount as your assessment invoice, and make your remittance payable to, "Commonwealth of PA". **DO NOT SEND CASH.** If you have reason to correspond with the Commission regarding your assessment invoice, please refer to your invoice number. A receipt for payment will not be issued. Please mail your payment with the return portion of your invoice in the enclosed self-addressed envelope. Please note that rounding of your assessment to the nearest dollar has occurred. Your assessment for the PUC, including the OCA, OSBA and the DPC where applicable, has been combined into one invoice; one payment for all applicable assessments is acceptable. **A TWENTY DOLLAR (\$20.00) FEE WILL BE CHARGED FOR ALL DISHONORED OR BAD CHECKS REMITTED AS PAYMENT OF ASSESSMENTS.**

Your assessment has been computed by multiplying your gross intrastate operating revenues for the calendar year 2020 by the assessment factor for the public utility group of which you are a member. Your gross intrastate operating revenues for 2020 have been taken from the Assessment Reports Form GAO-20, AR-20-RR or AR-20-MC which you have filed with the Commission, or have been estimated by the Commission if you failed to file a timely report. Gross operating revenue reported to the Commission on the Assessment Reports may have been revised by the Commission to accurately reflect assessable revenue. The assessment factors for the various public utility groups are set forth in Schedule B enclosed herewith.

The approved estimate of expenditures of the Commission for the period July 1, 2021 to June 30, 2022 payable as a General Assessment by the public utilities which the Commission regulates has been determined as follows:

Approved budget for the Commission for the Fiscal Year July 1, 2021 through June 30, 2022:	\$76,418,074
Deduct:	
Pipeline Operators per Act 127 of 2011	531,547
Various Fees Collected in FY 2020-21	232,829
UGWF Administration per Act 13 of 2012	528,950
Prior Year cost saving	8,674,989
UCR Collection for CY 2020	4,945,527
EGS/NGS fees per Act 155 of 2014	<u>3,784,070</u>
Total Deductions	<u>\$18,697,912</u>
General Assessment Total Amount	\$57,720,162

The way in which the total Public Utility Commission assessment of \$57,720,162 has been allocated to the various groups of public utilities as shown on Schedules A and B enclosed herewith.



Rosemary Chiavetta
Secretary
PA Public Utility Commission

MAKE INQUIRIES TO:

Pennsylvania Public Utility Commission
Bureau of Administrative Services/Assess
P.O. Box 3265
Harrisburg, PA 17105-3265

FOR CERTIFIED AND EXPRESS CARRIERS

Pennsylvania Public Utility Commission
Bureau of Administrative Services/Assess
400 North Street
Harrisburg, PA 17120

CONTACT INFORMATION:

Assessment Section - Telephone 717-265-7548 or e-mail pucassessments@pa.gov

Allocation of Expenses based on percent of prior year Public Utility Group workload
Budget Fiscal Year 2021-22

SCHEDULE A

Group	Total Expenditures per Utility Group Calendar Year 2020	Percentage Distribution	Estimated Expenditures Fiscal Year 2021- 2022 by Utility Group
Electric	\$25,794,157	45.0557%	\$26,006,223
Gas	\$12,138,076	21.2020%	\$12,237,829
Pipeline	\$356,757	0.6232%	\$359,712
Steam Heat	\$380,744	0.6651%	\$383,897
Tele./Tele.	\$5,695,370	9.9483%	\$5,742,175
Water/Sewer	\$7,191,030	12.5608%	\$7,250,114
Transportation - Passenger	\$1,913,566	3.3425%	\$1,929,296
Transportation - Property	\$1,172,663	2.0483%	\$1,182,282
Transportation - Rail	\$2,607,212	4.5541%	\$2,628,634
Total	\$57,249,575	100.00%	\$57,720,162

SCHEDULE B

Group	Estimated Expenditures Fiscal Year 2021- 2022 by Utility Group	Gross intrastate revenues by utility group Calendar Year 2020	General Assessment Factor by Utility Group (Col. (a) / by Col. (b))
	(a)	(b)	(c)
Electric	\$26,006,223	\$7,835,422,705	0.003319058075
Gas	\$12,237,829	\$3,347,192,213	0.003656147667
Pipeline	\$359,712	\$19,932,836	0.018046202758
Steam Heat	\$383,897	\$96,724,209	0.003968985676
Tele./Tele.	\$5,742,175	\$1,784,569,332	0.003217681094
Water/Sewer	\$7,250,114	\$1,532,122,563	0.004732071817
Transportation - Passenger	\$1,929,296	\$445,015,811	0.004335342593
Transportation - Property	\$1,182,282	\$773,316,668	0.001528845878
Transportation - Rail	\$2,628,634	\$121,941,805	0.021556462937
Total	\$57,720,162	\$15,956,238,142	0.003617404145

**SUPPLEMENTAL SCHEDULE
FEDERAL SHORTFALL RELATED TO GAS SAFETY APPLICABLE TO GAS PUBLIC UTILITIES
ONLY**

	Estimated Commission Federal Shortfall for Calendar Year 2020 and 6 Months of Calendar Year 2021	Actual Commission Federal Shortfall for Calendar Year 2020 and 6 Months of Calendar Year 2021	Estimated Commission Federal Shortfall for Calendar Year 2021 and 6 Months of Calendar Year 2022
Gas	\$0	\$0	\$0
	Net Estimated Commission Federal Shortfall for Fiscal Year 2021-22 Assessment	Reported Revenue for Gas Utility Group for Calendar Year 2020	Supplemental add- on Factor
Gas	\$0	\$3,347,192,213	0.000000000000

PENNSYLVANIA PUBLIC UTILITY COMMISSION
Harrisburg, PA 17105-3265

OFFICE OF CONSUMER ADVOCATE
NOTICE OF ASSESSMENT

EXPLANATION OF BILL FOR GENERAL ASSESSMENT FOR PENNSYLVANIA
OFFICE OF CONSUMER ADVOCATE, OFFICE OF ATTORNEY GENERAL
FOR FISCAL YEAR JULY 1, 2021, TO JUNE 30, 2022

The Pennsylvania Public Utility Commission is mandated under Act 15 of 1977, P.L. 19 as amended by Act 107 of 1978 and Act 25 of 1983, to levy upon the public utilities the Commission regulates a yearly assessment to fund the Pennsylvania Office of the Consumer Advocate (herein called Consumer Advocate), Office of the Attorney General. The Governor and the Appropriation Committees of the Pennsylvania House and Senate approved an estimated operating budget of \$6,204,000 for the Consumer Advocate for the Fiscal Year July 1, 2021 to June 30, 2022.

The enclosed assessment bill shows your proportionate share of the expenses of the Consumer Advocate for the Fiscal Year July 1, 2021 to June 30, 2022.

YOU ARE REQUIRED TO PAY THIS BILL WITHIN THIRTY DAYS AFTER YOU RECEIVE IT. Objections to the assessment must be made in writing within 15 days and shall set out in detail the grounds upon which you regard the assessment to be excessive, erroneous, unlawful, or invalid. Objections may be filed only by the person, partnership, or corporation assessed. **FAILURE TO PAY THE ASSESSMENT WHEN PAYMENT IS DUE WILL SUBJECT YOU TO PENALTIES.**

Be sure that your personal check or money order is written out in the same amount as your assessment invoice, and make your remittance payable to, "Commonwealth of PA". **DO NOT SEND CASH.** If you have reason to correspond with the Office of Consumer Advocate regarding your assessment invoice, please refer to your invoice number. Please note that rounding of your assessment to the nearest dollar has occurred. Your assessment for the PUC, including the OCA, OSBA and the DPC where applicable, has been combined into one invoice; one payment for all applicable assessments is acceptable. **A TWENTY DOLLAR (\$20.00) FEE WILL BE CHARGED FOR ALL DISHONORED OR BAD CHECKS REMITTED AS PAYMENT OF ASSESSMENTS.**

Your Consumer Advocate assessment has been computed by multiplying your gross intrastate operating revenues for the calendar year 2020 by the assessment factor for the public utility group of which you are a member. Your gross intrastate operating revenues for 2020 have been taken from the report on Form GAO-20 which you have filed with the Commission, or have been estimated by the Commission, if you failed to file a timely report. Gross operating revenue reported to the Commission on the Assessment Reports may have been revised by the Commission to accurately reflect assessable revenue. The assessment factors for the various public utility groups are set forth in Schedule B enclosed herewith.

Estimate of the expenditures of the Office of Consumer Advocate for the Fiscal Year July 1, 2021 to June 30, 2022:	\$6,204,000
Deduct:	
Credit from previous fiscal year	642,202
Total OCA Assessment	<u>\$5,561,798</u>

The way in which the total Consumer Advocate assessment of \$5,561,798 has been allocated to the various groups of public utilities is shown on Schedule A and B enclosed herewith.



Rosemary Chiavetta
Secretary
PA Public Utility Commission

MAKE INQUIRIES TO:

Pennsylvania Public Utility Commission
Bureau of Administrative Services/Assess
P. O. Box 3265
Harrisburg, PA 17105-3265

FOR CERTIFIED AND EXPRESS CARRIERS

Pennsylvania Public Utility Commission
Bureau of Administrative Services/Assess
400 North Street
Harrisburg, PA 17120

CONTACT FOR PAYMENT QUESTIONS:

Assessment Hotline – Telephone 717-265-7548 or e-mail pucassessments@pa.gov

OFFICE OF CONSUMER ADVOCATE

Allocation of Expenses based on percent of prior year Public Utility Group workload
Budget Fiscal Year 2021-22

SCHEDULE A

Group	Total Expenditures per Utility Group Calendar Year 2020	Percentage Distribution	Estimated Expenditures Fiscal Year 2021-2022 by Utility Group
Electric	\$1,508,437	26.7986%	\$1,490,484
Gas	\$1,578,396	28.0415%	\$1,559,612
Steam Heat	\$57	0.0010%	\$56
Tele./Tele.	\$97,545	1.7330%	\$96,386
Water/Sewer	\$2,444,358	43.4259%	\$2,415,260
Total	\$5,628,793	100.00%	\$5,561,798

SCHEDULE B

Group	Estimated Expenditures Fiscal Year 2021-2022 by Utility Group	Gross intrastate revenues by utility group Calendar Year 2020	General Assessment Factor by Utility Group (Col. (a) / by Col. (b))
	(a)	(b)	(c)
Electric	\$1,490,484	\$7,835,422,705	0.000190223815
Gas	\$1,559,612	\$3,347,192,213	0.000465946352
Steam Heat	\$56	\$96,724,209	0.000000578966
Tele./Tele.	\$96,386	\$1,784,569,332	0.000054010790
Water/Sewer	\$2,415,260	\$1,532,122,563	0.001576414354
Total	\$5,561,798	\$14,596,031,022	0.000381048656

PENNSYLVANIA PUBLIC UTILITY COMMISSION
Harrisburg, PA 17105-3265

OFFICE OF SMALL BUSINESS ADVOCATE
DEPARTMENT OF COMMUNITY AND ECONOMIC DEVELOPMENT
NOTICE OF ASSESSMENT

EXPLANATION OF BILL FOR GENERAL ASSESSMENT
FOR FISCAL YEAR JULY 1, 2021 TO JUNE 30, 2022

The Pennsylvania Public Utility Commission is mandated under Act 181 of 1988, to levy upon the public utilities the Commission regulates a yearly assessment to fund the Pennsylvania Office of Small Business Advocate (herein called Small Business Advocate). The Governor and the Appropriation Committees of the Pennsylvania House and Senate approved an estimated operating budget of \$1,824,504 for the Small Business Advocate for the Fiscal Year July 1, 2021 to June 30, 2022.

The enclosed assessment bill shows your proportionate share of the expenses of the Small Business Advocate for the Fiscal Year July 1, 2021 to June 30, 2022.

YOU ARE REQUIRED TO PAY THIS BILL WITHIN THIRTY DAYS AFTER YOU RECEIVE IT. Objections to the assessment must be made in writing within 15 days and shall set out in detail the grounds upon which you regard the assessment to be excessive, erroneous, unlawful, or invalid. Objections may be filed only by the person, partnership, or corporation assessed. **FAILURE TO PAY THE ASSESSMENT WHEN PAYMENT IS DUE WILL SUBJECT YOU TO PENALTIES.**

Be sure that your personal check or money order is written out in the same amount as your assessment invoice, and make your remittance payable to, "Commonwealth of PA". **DO NOT SEND CASH.** If you have reason to correspond with the Office of Small Business Advocate regarding your assessment invoice, please refer to your invoice number. Please note that rounding of your assessment to the nearest dollar has occurred. Your assessment for the PUC, including the OCA, OSBA and the DPC where applicable, has been combined into one invoice; one payment for all applicable assessments is acceptable. **A TWENTY DOLLAR (\$20.00) FEE WILL BE CHARGED FOR ALL DISHONORED OR BAD CHECKS REMITTED AS PAYMENT OF ASSESSMENTS.**

Your Small Business Advocate assessment has been computed by multiplying your gross intrastate operating revenues for the calendar year 2020 by the assessment factor for the public utility group of which you are a member. Your gross intrastate operating revenues for 2020 have been taken from the report on Form GAO-20 which you have filed with the Commission, or have been estimated by the Commission, if you failed to file a timely report. Gross operating revenue reported to the Commission on the Assessment Reports may have been revised by the Commission to accurately reflect assessable revenue. The assessment factors for the various public utility groups are set forth in Schedule B enclosed herewith.

Estimate of the expenditures of the Office of Small Business Advocate for the Fiscal Year July 1, 2021 to June 30, 2022:	\$1,824,504
Deduct:	
Credit from previous fiscal years:	<u>169,163</u>
Total Assessment	<u>\$1,655,341</u>

The way in which the total Small Business Advocate assessment of \$1,655,341 has been allocated to the various groups of public utilities is shown on Schedule A and B enclosed herewith.



Rosemary Chiavetta
Secretary
PA Public Utility Commission

MAKE INQUIRIES TO:

Pennsylvania Public Utility Commission
Bureau of Administrative Services/Assess
P. O. Box 3265
Harrisburg, PA 17105-3265

FOR CERTIFIED AND EXPRESS CARRIERS

Pennsylvania Public Utility Commission
Bureau of Administrative Services/Assess
400 North Street
Harrisburg, PA 17120

CONTACT FOR PAYMENT QUESTIONS:

Assessment Hotline – Telephone 717-265-7548 or e-mail pucassessments@pa.gov

OFFICE OF SMALL BUSINESS ADVOCATE

Allocation of Expenses based on percent of prior year Public Utility Group workload
Budget Fiscal Year 2021-22

SCHEDULE A

Group	Total Expenditures per Utility Group Calendar Year 2020	Percentage Distribution	Estimated Expenditures Fiscal Year 2021-2022 by Utility Group
Electric	\$427,336	25.0000%	\$413,835
Gas	\$683,738	40.0000%	\$662,137
Steam Heat	\$17,093	1.0000%	\$16,553
Tele./Tele.	\$68,374	4.0000%	\$66,214
Water/Sewer	\$512,803	30.0000%	\$496,602
Total	\$1,709,344	100.00%	\$1,655,341

SCHEDULE B

Group	Estimated Expenditures Fiscal Year 2021-2022 by Utility Group (a)	Gross intrastate revenues by utility group Calendar Year 2020 (b)	General Assessment Factor by Utility Group (Col. (a) / by Col. (b)) (c)
Electric	\$413,835	\$7,835,422,705	0.000052815913
Gas	\$662,137	\$3,347,192,213	0.000197818637
Steam Heat	\$16,553	\$96,724,209	0.000171136060
Tele./Tele.	\$66,214	\$1,784,569,332	0.000037103630
Water/Sewer	\$496,602	\$1,532,122,563	0.000324126811
Total	\$1,655,341	\$14,596,031,022	0.000113410351

PENNSYLVANIA PUBLIC UTILITY COMMISSION
Harrisburg, PA 17105-3265

PENNSYLVANIA ONE CALL LAW
PUBLIC UTILITY COMMISSION DAMAGE PREVENTION COMMITTEE
NOTICE OF ASSESSMENT

EXPLANATION OF BILL FOR GENERAL ASSESSMENT
FOR FISCAL YEAR JULY 1, 2021 TO JUNE 30, 2022

The Pennsylvania Public Utility Commission is mandated under Act 50 of 2017, to levy upon the applicable public utilities the Commission regulates a yearly assessment to fund the Pennsylvania Public Utility Commission's Damage Prevention Committee (herein called Damage Prevention Committee or DPC). The Governor and the Appropriation Committees of the Pennsylvania House and Senate approved an estimated operating budget of \$1,058,926 for the Damage Prevention Committee for the Fiscal Year July 1, 2021 to June 30, 2022.

The enclosed assessment bill shows your proportionate share of the expenses of the Damage Prevention Committee for the Fiscal Year July 1, 2021 to June 30, 2022.

YOU ARE REQUIRED TO PAY THIS BILL WITHIN THIRTY DAYS AFTER YOU RECEIVE IT. Objections to the assessment must be made in writing within 15 days and shall set out in detail the grounds upon which you regard the assessment to be excessive, erroneous, unlawful, or invalid. Objections may be filed only by the person, partnership, or corporation assessed. **FAILURE TO PAY THE ASSESSMENT WHEN PAYMENT IS DUE WILL SUBJECT YOU TO PENALTIES.**

Be sure that your personal check or money order is written out in the same amount as your assessment invoice, and make your remittance payable to, "Commonwealth of PA". **DO NOT SEND CASH.** Please note that rounding of your assessment to the nearest dollar has occurred. Your assessment for the PUC, including the OCA, OSBA and the DPC where applicable, has been combined into one invoice; one payment for all applicable assessments is acceptable. **A TWENTY DOLLAR (\$20.00) FEE WILL BE CHARGED FOR ALL DISHONORED OR BAD CHECKS REMITTED AS PAYMENT OF ASSESSMENTS.**

Your Damage Prevention Committee assessment has been computed by following the formula prescribed in the Act. We subtract from the estimated budget to operate the DPC in fiscal year 2021-22 the amount that was received in DPC fines in FY 2020-21 and Federal Grant funds that were received toward the operation of the program. Eighty percent of the remaining balance shall be included within the amount assessed to applicable public utilities under 66 PA.C.S. Section 510 and twenty percent of the remaining costs shall be assessed to the PA One Call System, with the fee to be paid to the Commission.

Estimate of the expenditures of the Damage Prevention
Committee for the Fiscal Year July 1, 2021
to June 30, 2022: \$1,058,926

Deduct:

Amount billed to Federal Grants (PHMSA):	\$108,000
Amount of fines collected for FY 2020-21:	\$383,660
Prior year cost savings	<u>\$29,000</u>
Total Assessment	\$538,266

Amount paid by PA One Call System (20%):	\$107,654
Amount paid by public utilities (80%):	\$430,612

The way in which the total Damage Prevention Committee assessment of \$430,612 has been allocated to the various groups of public utilities is shown on Schedule A and B enclosed herewith.



Rosemary Chiavetta
Secretary
PA Public Utility Commission

MAKE INQUIRIES TO:

Pennsylvania Public Utility Commission
Bureau of Administrative Services/Assess
P. O. Box 3265
Harrisburg, PA 17105-3265

FOR CERTIFIED AND EXPRESS CARRIERS

Pennsylvania Public Utility Commission
Bureau of Administrative Services/Assess
400 North Street
Harrisburg, PA 17120

CONTACT FOR PAYMENT QUESTIONS:

Telephone 717-265-7548
pucassessments@pa.gov

DAMAGE PREVENTION COMMITTEE

Allocation of Expenses based on percent of prior year DPC workload
Budget Fiscal Year 2021-22

SCHEDULE A

Group	Total Expenditures per Utility Group Calendar Year 2020	Percentage Distribution	Estimated Expenditures Fiscal Year 2021-2022 by Utility Group
Electric	\$159,704	21.9545%	\$94,539
Gas	\$189,732	26.0824%	\$112,314
Pipeline	\$13,393	1.8411%	\$7,928
Tele./Tele.	\$149,812	20.5946%	\$88,683
Water/Sewer	\$214,792	29.5274%	\$127,148
Total	\$727,433	100.00%	\$430,612

SCHEDULE B

Group	Estimated Expenditures Fiscal Year 2021-2022 by Utility Group (a)	Gross intrastate revenues by utility group Calendar Year 2020 (b)	General Assessment Factor by Utility Group (Col. (a) / by Col. (b)) (c)
Electric	\$94,539	\$7,835,422,705	0.000012065590
Gas	\$112,314	\$3,347,192,213	0.000033554691
Pipeline	\$7,928	\$19,932,836	0.000397735676
Tele./Tele.	\$88,683	\$1,784,569,332	0.000049694343
Water/Sewer	\$127,148	\$1,532,122,563	0.000082988139
Total	\$430,612	\$14,519,239,649	0.000029658027

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I&E
Exhibit 3

USPS Tracking®

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Latest Update

Your item was delivered to an individual at the address at 3:34 pm on September 30, 2021 in SIGNAL HILL, CA 90755.

Get More Out of USPS Tracking:

USPS Tracking Plus®

Feedback

Delivered

Delivered, Left with Individual

SIGNAL HILL, CA 90755

September 30, 2021, 3:34 pm

Out for Delivery

SIGNAL HILL, CA 90755

September 30, 2021, 6:57 am

Arrived at Post Office

LONG BEACH, CA 90809

September 30, 2021, 6:46 am

Departed USPS Regional Destination Facility

LOS ANGELES CA DISTRIBUTION CENTER

September 29, 2021, 7:53 pm

Arrived at USPS Regional Destination Facility

LOS ANGELES CA DISTRIBUTION CENTER

September 29, 2021, 9:05 am

In Transit to Next Facility

FAQs

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

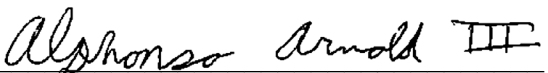
Pennsylvania Public Utility Commission	:	
Bureau of Investigation and Enforcement	:	
	:	
v.	:	Docket No. C-2023-3037708
	:	
Opex Communications Inc.	:	

CERTIFICATE OF SERVICE

I hereby certify that I am serving the foregoing **Formal Complaint** in the manner and upon the persons listed below, in accordance with the requirements of 52 Pa. Code § 1.54 (relating to service by party):

Served via Electronic Mail

Opex Communications Inc.
Attn: Mark Leafstedt
1677 East 28th Street
Signal Hill, CA 90755-1922
markl@opexld.com



Alphonso Arnold III
Prosecutor
PA Attorney ID No. 318487

Pennsylvania Public Utility Commission
Bureau of Investigation and Enforcement
Commonwealth Keystone Building
400 North Street
Harrisburg, PA 17120
(717) 787-3836
alphonarno@pa.gov

Dated: January 19, 2023