



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

BUREAU OF  
INVESTIGATION  
&  
ENFORCEMENT

March 15, 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.  
Xtel Communications Inc.  
Docket No. C-2023-  
**I&E Formal Complaint (Assessment)**

Dear Secretary Chiavetta:

Enclosed for electronic filing please find the Bureau of Investigation and Enforcement's (I&E) **Formal Complaint** for the above-captioned proceeding.

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'. The signature is written in a cursive, slightly slanted style.

Alphonso Arnold III  
Prosecutor  
Bureau of Investigation and Enforcement  
PA Attorney ID No. 318487  
(717) 787-3836  
[alphonarno@pa.gov](mailto: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](http://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](mailto: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-
	:	
Xtel Communications Inc.	:	

---

**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 **Assessment Complaint** against Xtel Communications Inc. (“Respondent”), pursuant to Section 701 of the Public Utility Code, 66 Pa.C.S. § 701. In support of its 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](mailto:alphonarno@pa.gov)

4. Respondent is Xtel Communications Inc., whose primary mailing address is PO Drawer 200, Winter Park, Florida 32790-0200.

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 October 27, 1995, at A-310322 for competitive local exchange carrier authority and 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.

### **Factual Background**

#### **2022-2023 FISCAL YEAR**

12. On September 8, 2022, the Commission mailed to Respondent, by certified mail, an assessment invoice for the July 1, 2022, to June 30, 2023, Fiscal Year ("2022-2023 Fiscal Year") that was based, in part, on Respondent's reported 2021 calendar year revenues. Respondent's assessment was \$838. A copy of the assessment invoice is attached as I&E Exhibit 1.

13. 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.

14. On September 13, 2022, Respondent received the certified mailing of the assessment invoice and notice of assessment. The USPS tracking history of the certified mailing is attached as I&E Exhibit 3.

15. Respondent did not pay the amount listed on the assessment invoice within thirty (30) days or file objections within fifteen (15) days.

16. On October 26, 2022, the Commission's Bureau of Administration sent Respondent a letter warning Respondent that if it did not pay its 2022-2023 Fiscal Year assessment of \$838 within twenty days of receipt of the letter, then the Commission would institute appropriate legal action against Respondent.

17. Respondent failed to pay its 2022-2023 Fiscal Year assessment of \$838.

### **Violation**

18. That Respondent failed satisfy its 2022-2023 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 15% of Respondent's outstanding assessment balance related to the 2022-2023 Fiscal Year. Therefore, I&E's proposed civil penalty for this violation is \$126.<sup>1</sup> This civil penalty, consistent with past Commission decisions,<sup>2</sup> is based on the following factors: (1) the type of violation involved; (2) the amount of Respondent's outstanding assessment balance related to the 2022-2023 Fiscal Year; and (3) Respondent's compliance history with the Public Utility

---

<sup>1</sup> I&E anticipates that this level of penalty will provide a sufficient deterrent against future violations by Respondent.

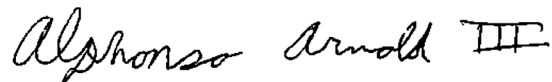
<sup>2</sup> See *Pa. Pub. Util. Comm'n v. Moore Family Holdings, LLC*, Docket No. C-2021-3029489 (Order entered April 14, 2022); *Pa. Pub. Util. Comm'n v. Safety 1<sup>st</sup> Paratransit Inc.*, Docket No. C-2021-3029522 (Order entered April 14, 2022); *Pa. Pub. Util. Comm'n v. JB Jr. Trucking LLC*, Docket No. C-2021-3029458 (Order entered February 24, 2022).

Code and Commission's regulations for three (3) years prior to the filing of this Complaint.<sup>3</sup>

**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 \$964, which consists of its outstanding assessment balance of \$838 and a total civil penalty of \$126 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](mailto:alphonarno@pa.gov)

Date: March 15, 2023

---

<sup>3</sup> 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.

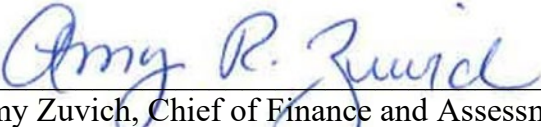
**BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Pennsylvania Public Utility Commission	:	
Bureau of Investigation and Enforcement	:	
	:	
v.	:	Docket No. C-2023-
	:	
Xtel 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: March 15, 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**

XTEL COMMUNICATIONS INC  
DOMINGO CHALUISANT  
PO DRAWER 200  
WINTER PARK FL 32790-0200

Invoice Date	Invoice Number
9/9/2022	22-310322
Fiscal Year	
July 1, 2022 to June 30, 2023	

- 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	\$780.00
Consumer Advocate Assessment	\$15.00
SBA Assessment	\$31.00
DPC Assessment	\$12.00
<b>PAY THIS AMOUNT WITHIN 30 DAYS</b>	<b>\$838.00</b>

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

XTEL COMMUNICATIONS INC  
DOMINGO CHALUISANT  
PO DRAWER 200  
WINTER PARK FL 32790-0200

Invoice Date	Invoice Number
9/9/2022	22-310322
Fiscal Year	
July 1, 2022 to June 30, 2023	

<b>PAY THIS AMOUNT WITHIN 30 DAYS</b>	<b>\$838.00</b>
---------------------------------------	-----------------

22000031032221 090222100000792002000000150030000003100 000000838004

**I&E**  
**Exhibit 2**

PENNSYLVANIA PUBLIC UTILITY COMMISSION  
Harrisburg, PA 17120

NOTICE OF ASSESSMENT

EXPLANATION OF BILL FOR GENERAL ASSESSMENT  
FOR FISCAL YEAR JULY 1, 2022 TO JUNE 30, 2023

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, 2022 to June 30, 2023.

**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.**

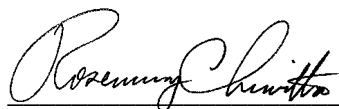
Be sure that your personal check or money order is written out in the same amount as your assessment invoice, and make your remittance payable to, "Commonwealth of PA". **DO NOT SEND CASH.** If you have reason to correspond with the Commission regarding your assessment invoice, please refer to your invoice 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 2021 by the assessment factor for the public utility group of which you are a member. Your gross intrastate operating revenues for 2021 have been taken from the Assessment Reports Form GAO-21, AR-21-RR or AR-21-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, 2022 to June 30, 2023 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, 2022 through June 30, 2023:	\$77,577,478
Deduct:	
Pipeline Operators per Act 127 of 2011	622,365
Various Fees Collected in FY 2021-22	250,811
UGWF Administration per Act 13 of 2012	544,050
Prior Year cost saving	12,400,000
UCR Collection for CY 2021	4,945,527
EGS/NGS fees per Act 155 of 2014	<u>4,535,412</u>
Total Deductions	<u>\$23,298,165</u>
General Assessment Total Amount	\$54,279,313

The way in which the total Public Utility Commission assessment of \$54,279,313 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/Assessments  
400 North Street  
Harrisburg, PA 17120

**CONTACT INFORMATION:**

Assessment Section - Telephone 717-265-7548 or e-mail [pucassessments@pa.gov](mailto:pucassessments@pa.gov)

Allocation of Expenses based on percent of prior year Public Utility Group workload  
Budget Fiscal Year 2022-23

**SCHEDULE A**

<b>Group</b>	<b>Total Expenditures per Utility Group Calendar Year 2021</b>	<b>Percentage Distribution</b>	<b>Estimated Expenditures Fiscal Year 2022- 2023 by Utility Group</b>
Electric	\$24,685,221	44.9541%	\$24,400,778
Gas	\$11,023,252	20.0744%	\$10,896,246
Pipeline	\$555,529	1.0117%	\$549,144
Steam Heat	\$314,777	0.5732%	\$311,129
Tele./Tele.	\$5,401,812	9.8372%	\$5,339,565
Water/Sewer	\$7,791,606	14.1892%	\$7,701,800
Transportation - Passenger	\$1,876,991	3.4182%	\$1,855,375
Transportation - Property	\$839,531	1.5289%	\$829,876
Transportation - Rail	\$2,423,329	4.4131%	\$2,395,400
<b>Total</b>	<b>\$54,912,048</b>	<b>100.00%</b>	<b>\$54,279,313</b>

**SCHEDULE B**

<b>Group</b>	<b>Estimated Expenditures Fiscal Year 2022- 2023 by Utility Group</b>	<b>Gross intrastate revenues by utility group Calendar Year 2021</b>	<b>General Assessment Factor by Utility Group (Col. (a) / by Col. (b))</b>
	(a)	(b)	(c)
Electric	\$24,400,778	\$8,252,725,883	0.002956693139
Gas	\$10,896,246	\$3,745,435,165	0.002909206947
Pipeline	\$549,144	\$17,561,016	0.031270628078
Steam Heat	\$311,129	\$113,785,487	0.002734346956
Tele./Tele.	\$5,339,565	\$1,566,346,810	0.003408928959
Water/Sewer	\$7,701,800	\$1,604,283,092	0.004800773653
Transportation - Passenger	\$1,855,375	\$555,189,915	0.003341874465
Transportation - Property	\$829,876	\$970,425,494	0.000855167146
Transportation - Rail	\$2,395,400	\$124,268,691	0.019275973543
<b>Total</b>	<b>\$54,279,313</b>	<b>\$16,950,021,553</b>	<b>0.003202315279</b>

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

---

**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, 2022, TO JUNE 30, 2023**

---

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, 2022 to June 30, 2023.

The enclosed assessment bill shows your proportionate share of the expenses of the Consumer Advocate for the Fiscal Year July 1, 2022 to June 30, 2023.

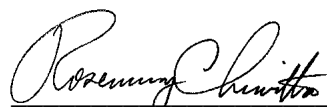
**YOU ARE REQUIRED TO PAY THIS BILL WITHIN THIRTY DAYS AFTER YOU RECEIVE IT.** Objections to the assessment must be made in writing within 15 days and shall set out in detail the grounds upon which you regard the assessment to be excessive, erroneous, unlawful, or invalid. Objections may be filed only 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 2021 by the assessment factor for the public utility group of which you are a member. Your gross intrastate operating revenues for 2021 have been taken from the report on Form GAO-21 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, 2022 to June 30, 2023:	\$6,204,000
Deduct:	
Credit from previous fiscal year	549,431
Total OCA Assessment	<u>\$5,654,569</u>

The way in which the total Consumer Advocate assessment of \$5,654,569 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/Assessments  
400 North Street  
Harrisburg, PA 17120

**CONTACT FOR PAYMENT QUESTIONS:**

Assessment Hotline – Telephone 717-265-7548 or e-mail [pucassessments@pa.gov](mailto:pucassessments@pa.gov)

OFFICE OF CONSUMER ADVOCATE

Allocation of Expenses based on percent of prior year Public Utility Group workload  
Budget Fiscal Year 2022-23

**SCHEDULE A**

<b>Group</b>	<b>Total Expenditures per Utility Group Calendar Year 2021</b>	<b>Percentage Distribution</b>	<b>Estimated Expenditures Fiscal Year 2022-2023 by Utility Group</b>
Electric	\$1,953,419	33.4136%	\$1,889,395
Gas	\$1,417,452	24.2458%	\$1,370,995
Steam Heat	\$80	0.0014%	\$79
Tele./Tele.	\$106,443	1.8207%	\$102,953
Water/Sewer	\$2,368,788	40.5185%	\$2,291,147
<b>Total</b>	<b>\$5,846,182</b>	<b>100.00%</b>	<b>\$5,654,569</b>

**SCHEDULE B**

<b>Group</b>	<b>Estimated Expenditures Fiscal Year 2022-2023 by Utility Group</b>	<b>Gross intrastate revenues by utility group Calendar Year 2021</b>	<b>General Assessment Factor by Utility Group (Col. (a) / by Col. (b))</b>
	(a)	(b)	(c)
Electric	\$1,889,395	\$8,252,725,883	0.000228941931
Gas	\$1,370,995	\$3,745,435,165	0.000366044248
Steam Heat	\$79	\$113,785,487	0.000000694289
Tele./Tele.	\$102,953	\$1,566,346,810	0.000065728100
Water/Sewer	\$2,291,147	\$1,604,283,092	0.001428143830
<b>Total</b>	<b>\$5,654,569</b>	<b>\$15,282,576,437</b>	<b>0.000370001029</b>

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

---

**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, 2022 TO JUNE 30, 2023**

---

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 \$1,825,000 for the Small Business Advocate for the Fiscal Year July 1, 2022 to June 30, 2023.

The enclosed assessment bill shows your proportionate share of the expenses of the Small Business Advocate for the Fiscal Year July 1, 2022 to June 30, 2023.

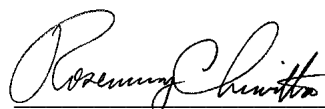
**YOU ARE REQUIRED TO PAY THIS BILL WITHIN THIRTY DAYS AFTER YOU RECEIVE IT.** Objections to the assessment must be made in writing within 15 days and shall set out in detail the grounds upon which you regard the assessment to be excessive, erroneous, unlawful, or invalid. Objections may be filed only 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 2021 by the assessment factor for the public utility group of which you are a member. Your gross intrastate operating revenues for 2021 have been taken from the report on Form GAO-21 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, 2022 to June 30, 2023:	\$1,825,000
Deduct:	
Credit from previous fiscal years:	<u>289,954</u>
Total Assessment	<u>\$1,535,046</u>

The way in which the total Small Business Advocate assessment of \$1,535,046 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/Assessments  
400 North Street  
Harrisburg, PA 17120

**CONTACT FOR PAYMENT QUESTIONS:**

Assessment Hotline – Telephone 717-265-7548 or e-mail [pucassessments@pa.gov](mailto:pucassessments@pa.gov)

## OFFICE OF SMALL BUSINESS ADVOCATE

Allocation of Expenses based on percent of prior year Public Utility Group workload  
Budget Fiscal Year 2022-23

### SCHEDULE A

Group	Total Expenditures per Utility Group Calendar Year 2021	Percentage Distribution	Estimated Expenditures Fiscal Year 2022-2023 by Utility Group
Electric	\$381,471	25.0000%	\$383,762
Gas	\$457,765	30.0000%	\$460,514
Steam Heat	\$15,259	1.0000%	\$15,350
Tele./Tele.	\$213,624	14.0000%	\$214,906
Water/Sewer	\$457,765	30.0000%	\$460,514
<b>Total</b>	<b>\$1,525,884</b>	<b>100.00%</b>	<b>\$1,535,046</b>

### SCHEDULE B

Group	Estimated Expenditures Fiscal Year 2022-2023 by Utility Group (a)	Gross intrastate revenues by utility group Calendar Year 2021 (b)	General Assessment Factor by Utility Group (Col. (a) / by Col. (b)) (c)
Electric	\$383,762	\$8,252,725,883	0.000046501242
Gas	\$460,514	\$3,745,435,165	0.000122953403
Steam Heat	\$15,350	\$113,785,487	0.000134902969
Tele./Tele.	\$214,906	\$1,566,346,810	0.000137202054
Water/Sewer	\$460,514	\$1,604,283,092	0.000287052829
<b>Total</b>	<b>\$1,535,046</b>	<b>\$15,282,576,437</b>	<b>0.000100444189</b>

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

---

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

---

**EXPLANATION OF BILL FOR GENERAL ASSESSMENT**  
**FOR FISCAL YEAR JULY 1, 2022 TO JUNE 30, 2023**

---

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 \$1,513,522 for the Damage Prevention Committee for the Fiscal Year July 1, 2022 to June 30, 2023.

The enclosed assessment bill shows your proportionate share of the expenses of the Damage Prevention Committee for the Fiscal Year July 1, 2022 to June 30, 2023.

**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 2022-23 the amount that was received in DPC fines in FY 2021-22 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.

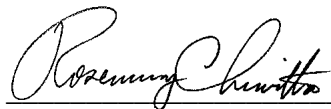
Estimate of the expenditures of the Damage Prevention  
Committee for the Fiscal Year July 1, 2022  
to June 30, 2023: \$1,513,522

Deduct:

Amount billed to Federal Grants (One Call Grant):	\$48,931
Amount of fines collected for FY 2021-22:	\$646,975
Prior year cost savings	<u>\$0</u>
Total Assessment	\$817,616

Amount paid by PA One Call System (20%):	\$163,523
Amount paid by public utilities (80%):	\$654,093

The way in which the total Damage Prevention Committee assessment of \$654,093 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 Administration /Assessments  
400 North Street  
Harrisburg, PA 17120

**CONTACT FOR PAYMENT QUESTIONS:**

Assessment Hotline - Telephone 717-265-7548 or email [pucassessments@pa.gov](mailto:pucassessments@pa.gov)

## DAMAGE PREVENTION COMMITTEE

Allocation of Expenses based on percent of prior year DPC workload  
Budget Fiscal Year 2022-23

### SCHEDULE A

Group	Total Expenditures per Utility Group Calendar Year 2021	Percentage Distribution	Estimated Expenditures Fiscal Year 2022-2023 by Utility Group
Electric	\$115,414	14.7569%	\$96,524
Gas	\$445,929	57.0167%	\$372,942 <sup>(1)</sup>
Pipeline	\$9,283	1.1869%	\$7,764
Tele./Tele.	\$101,397	12.9647%	\$84,801
Water/Sewer	\$110,079	14.0748%	\$92,062
<b>Total</b>	<b>\$782,102</b>	<b>100.00%</b>	<b>\$654,093</b>

### SCHEDULE B

Group	Estimated Expenditures Fiscal Year 2022-2023 by Utility Group (a)	Gross intrastate revenues by utility group Calendar Year 2021 (b)	General Assessment Factor by Utility Group (Col. (a) / by Col. (b)) (c)
Electric	\$96,524	\$8,252,725,883	0.000011696014
Gas	\$372,942 <sup>(1)</sup>	\$3,745,435,165	0.000078083584
Pipeline	\$7,764	\$17,561,016	0.000442115650
Tele./Tele.	\$84,801	\$1,566,346,810	0.000054139351
Water/Sewer	\$92,062	\$1,604,283,092	0.000057385134
<b>Total</b>	<b>\$654,093</b>	<b>\$15,186,351,966</b>	<b>0.000037771283</b>

<sup>(1)</sup>Federal reimbursement for the PHMSA Base Grant, in the amount of \$80,485, is deducted prior to determination of the final FY 2022-23 factor for gas utilities.

**I&E**  
**Exhibit 3**

# My Online Services

Systems

Reports

E-Services

Supplies

Home > [E-Services](#) > Status History

## Status History ?

◆ **Tracking Number Information**

<b>Meter:</b>	12604116	<b>Mailing Date:</b>	09/08/22 09:23 AM
<b>Tracking Number:</b>	9171969009350277152867	<b>Sender:</b>	
<b>Current Status:</b>	OK : Delivered	<b>Recipient:</b>	
<b>Class of Mail</b>	FC	<b>Zip Code:</b>	32790
<b>Service:</b>	ERR	<b>City:</b>	WINTER PARK
<b>Value</b>	\$0.570	<b>State:</b>	FL

[Proof of delivery](#)



◆ **Status Details**

▼ Status Date	Status
Tue, 09/13/22, 11:57:00 AM	OK : Delivered
Mon, 09/12/22, 11:46:00 PM	OK: USPS acknowledges reception of info
Mon, 09/12/22, 09:44:00 AM	Arrival at Tracking Pick-up point
Mon, 09/12/22, 09:43:00 AM	Arrival at Unit
Sun, 09/11/22, 12:32:00 AM	Processed (processing scan)
Sat, 09/10/22, 09:37:00 PM	Processed (processing scan)
Sat, 09/10/22, 01:04:00 PM	Processed (processing scan)
Thu, 09/08/22, 09:59:00 PM	Processed (processing scan)

Note: Delivery status updates are processed throughout the day and posted upon receipt from the Postal Service.

**BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Pennsylvania Public Utility Commission	:	
Bureau of Investigation and Enforcement	:	
	:	
v.	:	Docket No. C-2023-
	:	
Xtel 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**

Xtel Communications, Inc.  
PO Drawer 200  
Winter Park, FL 32790-0200  
[dchaluisant@inteserra.com](mailto:dchaluisant@inteserra.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](mailto:alphonarno@pa.gov)

Dated: March 15, 2023