



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

BUREAU OF
INVESTIGATION
&
ENFORCEMENT

March 21, 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.
Silv Communications, Inc.
Docket No. C-2023-3037524
I&E Motion for Default Judgment

Dear Secretary Chiavetta:

Enclosed for electronic filing please find the Bureau of Investigation and Enforcement's Motion for Default Judgment in the above-referenced proceeding. Copies have been served on the parties of record in accordance with the Certificate of Service.

Should you have any questions, 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
Administrative Law Judge Gail M. Chiodo (via email - gchiodo@pa.gov)

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Pennsylvania Public Utility Commission,	:	
Bureau of Investigation and Enforcement,	:	
Complainant	:	
	:	
v.	:	Docket No. C-2023-3037524
	:	
Silv Communications, Inc.,	:	
Respondent	:	

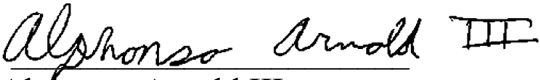
NOTICE TO PLEAD

The Bureau of Investigation and Enforcement (“I&E”) of the Pennsylvania Public Utility Commission (“Commission”) has filed a Motion for Default Judgment in the above-captioned matter, pursuant to the Commission’s regulations at 52 Pa. Code § 5.103. You are hereby notified to file a written response within twenty (20) days of the service of the Motion, consistent with 52 Pa. Code § 5.61.

Your Answer must be verified, pursuant to 52 Pa. Code § 1.36, and the original sent to:

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

Additionally, you must serve a copy on the undersigned prosecutor.


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: March 21, 2023

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Pennsylvania Public Utility Commission,	:	
Bureau of Investigation and Enforcement,	:	
Complainant	:	
	:	
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	:	
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Respondent	:	

MOTION FOR DEFAULT JUDGMENT

NOW COMES the Pennsylvania Public Utility Commission’s (“Commission”) Bureau of Investigation and Enforcement (“I&E”), by its prosecuting attorney, and files this Motion for Default Judgment against Silv Communication, Inc., (“Respondent”) pursuant to Section 5.103 of the Commission’s regulations, 52 Pa. Code § 5.103. In support thereof, I&E respectfully represents as follows:

1. I&E commenced this action on January 9, 2023, by filing an assessment-related Complaint.
2. The Complaint alleged that Respondent violated Section 510(b) of the Public Utility Code (“Code”), 66 Pa.C.S. § 510(b), by failing to file an assessment report for the 2020 calendar year.
3. The Complaint also alleged that Respondent violated Section 510(c) of the Code, 66 Pa.C.S. § 510(c), by failing 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 assessment invoice.
4. On February 22, 2023, I&E filed an Amended Complaint.

5. The Amended Complaint amended the initial Complaint to add a second violation of Section 510(b) of Code, by alleging that Respondent failed to file an assessment report for the 2021 calendar year.

6. The Amended Complaint also added a second violation of Section 510(c) of the Code, by alleging that Respondent failed to satisfy its 2022-2023 Fiscal Year assessment in that it did not pay the amount due within thirty (30) days of receipt of the assessment invoice.

7. On February 22, 2023, the Amended Complaint was served by electronic mail to Respondent at silvzepeda@yahoo.com, which is the last known email address that Respondent provided to the Commission. *See Waiver of Regulations Regarding Service Requirements*, Docket No. M-2021-3028321 (Order entered September 15, 2022) (service by the Commission on parties will be exclusively electronic).

8. Attached to the Amended Complaint was a Notice advising Respondent that it must file an Answer within twenty (20) days of service of the Amended Complaint.

9. The Notice also advised Respondent that if it failed to answer the Amended Complaint, I&E would request that the Commission issue an Order imposing the penalty set forth in the Amended Complaint.

10. The twenty (20) days to file an Answer to the Amended Complaint expired on March 14, 2023.

11. Respondent did not file an Answer to the Amended Complaint.

12. Pursuant to Section 5.61(c) of the Commission's regulations, a Respondent who fails to file an Answer to a Complaint within the 20-day response period may be

deemed in default, and the relevant facts stated in the Complaint may be deemed admitted. 52 Pa. Code § 5.61(c).

13. The Commonwealth Court has upheld the Commission's authority to sustain complaints that are not answered within twenty days. *See Fusaro v. Pa. Pub. Util. Comm'n*, 382 A.2d 794, 797 (Pa. Cmwlth. 1978).

14. Respondent did not pay its cumulative outstanding assessment balance of \$97 (\$44 for the 2021-2022 Fiscal Year and \$53 for the 2022-2023 Fiscal Year) or the civil penalty of \$600¹ that was sought in the Amended Complaint for Respondent's failure to pay its 2021-2022 and 2022-2023 Fiscal Year assessments and to report its gross intrastate operating revenues for the 2020 and 2021 calendar years.

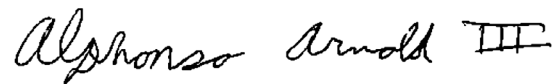
15. I&E respectfully requests that the Commission enter an Order against Respondent that:

- a. Directs Respondent to pay a total of \$697, which consists of its outstanding 2021-2022 and 2022-2023 Fiscal Year assessment balance of \$97 and the requested civil penalty of \$600, within thirty (30) days of the entry date of the Commission's Order;
- b. Directs Respondent to file assessment reports on a going-forward basis;
- c. Directs Respondent to update its physical mailing address with the Commission;

¹ This civil penalty is based on a review of Respondent's history of compliance with the Public Utility Code and Commission regulations and orders for three years prior to the date that I&E filed its Complaint in this matter, the need to deter future violations, the amount of Respondent's outstanding assessment balance for the 2021-2022 and 2022-2023 Fiscal Years, and prior Commission decisions in similar situations pursuant to 52 Pa. Code §§ 69.1201(c)(6), (8), and (9).

- d. Directs the Bureau of Technical Utility Services to cancel Respondent's Certificate of Public Convenience at A-311383 if Respondent fails to pay the total set forth in subparagraph (a), above, within thirty (30) days of the entry date of the Commission's Order;
- e. Directs the Bureau of Administration, Assessment Section, to refer the matter to the Pennsylvania Office of Attorney General for collection of the total set forth in subparagraph (a), above, if Respondent fails to pay that total within thirty (30) days of the entry date of the Commission's Order.

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: March 21, 2023

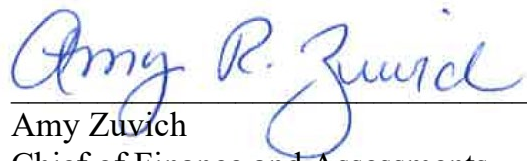
**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Pennsylvania Public Utility Commission,	:	
Bureau of Investigation and Enforcement,	:	
Complainant	:	
	:	
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Silv Communication, Inc.,	:	
Respondent	:	

VERIFICATION

I, Amy Zuvich, Chief of Finance and Assessments, Bureau of Administration, 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 of Investigation and Enforcement 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 21, 2023



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

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

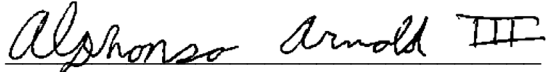
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Complainant	:	
	:	
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Silv Communication, Inc.,	:	
Respondent	:	

CERTIFICATE OF SERVICE

I hereby certify that I have this day served a true copy of the foregoing Motion for Default Judgment, in the manner and upon the parties listed below, in accordance with the requirements of 52 Pa. Code § 1.54 (relating to service by a party).

Served via Electronic Mail

Silv Communication, Inc.
Attn: Maria Zepeda
3460 Wilshire Boulevard
Los Angeles, CA 90010
silvzepeda@yahoo.com


Alphonso Arnold III
Prosecutor
PA Attorney ID No. 318487

Pennsylvania Public Utility Commission
Bureau of Investigation and Enforcement
Commonwealth Keystone Building
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(717) 787-3836
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Dated: March 21, 2023