

**PENNSYLVANIA  
PUBLIC UTILITY COMMISSION  
Harrisburg, PA 17105-3265**

Public Meeting held June 15, 2023

Commissioners Present:

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

Cancellation of Certificates of Public Convenience  
for Telecommunication Utilities; Failure to Operate  
or Report Any Intrastate Operating Revenue

M-2022-3037353

**FINAL ORDER**

**BY THE COMMISSION:**

On March 16, 2023, the Commission entered a Tentative Order in the above captioned proceeding to initiate the process for canceling the Certificates of Public Convenience (CPC) of telecommunications public utilities that failed to file required annual assessment reports. The Tentative Order was mailed to each telecommunications public utility and was published in the *Pennsylvania Bulletin* on April 22, 2023. 53 Pa. B. 2276. The telecommunications public utilities were given 20 days from publication to challenge the cancelation of their CPCs or file a conforming Assessment Report.

The Public Utility Code requires that by March 31st of each year, every public utility must file a report detailing its gross intrastate operating revenue for the preceding calendar year. 66 Pa.C.S. § 510(b). This report is essential for the Commission to fund its operations and to properly allocate assessment costs among the regulated utility

community. *Id.* In addition, telecommunications public utilities are required to operate continuously and without unreasonable interruptions of service. 66 Pa.C.S. § 1501.

A carrier with no intrastate operating revenues for several years indicates that it is no longer providing jurisdictional public utility service in Pennsylvania and, therefore, a CPC for that entity is no longer “necessary or proper for the service, accommodation, convenience, or safety of the public.” 66 Pa.C.S. § 1103(a).

The telecommunications public utilities that were served with the March 16th Tentative Order were those telecommunications public utilities that had failed to file an assessment report detailing their intrastate operating revenues, as required by Section 510 of the Public Utility Code, 66 Pa.C.S. § 510. As stated above, the telecommunications public utilities were given 20 days from publication to challenge the cancelation of their CPCs or file a conforming Assessment Report. They were also informed that failure to comply would result in the Commission taking appropriate action to cancel their CPCs.

In response to the March 16th Tentative Order, the telecommunications public utilities listed in Table 1 filed comments with the Commission;<sup>1</sup> and the telecommunications public utilities listed in Table 2 did not respond to the Tentative Order in any way.

---

<sup>1</sup> RCLEC filed comments that were also titled as a Petition to Rescind the Tentative Order stating that they had previously filed an Application for Abandonment of its CPC at Docket Nos. A-2014-2403433, A-2014-2403434, A-2014-2403435 and A-2014-2403488. The Application for Abandonment has been assigned to the Commission’s Bureau of Technical Utility Services for disposition and shall be handled separately from this proceeding. Accordingly, since RCLEC has an active abandonment docket with the Commission, RCLEC’s Petition to Rescind the Commission’s March 16<sup>th</sup> Tentative Order is dismissed as moot. Additionally, ITC Global Networks, LLC (ITC Global Networks) filed comments indicating its intent to file an application to abandon. ITC Global Networks also has filed an Application for Abandonment. ITC Global Network’s Application for Abandonment is at Docket A-2023-3040636 and has been assigned to the Commission’s Bureau of Technical Utility Services for disposition. ITC Global Networks’ Application for Abandonment shall be handled separately from this proceeding. Accordingly, since ITC Global Network has an active abandonment docket with the Commission, its Comments to the Commission’s March 16<sup>th</sup> Tentative Order is dismissed as moot.

The telecommunications public utilities listed in Table 1 will retain their respective CPCs but will be referred to the Commission's Bureau of Investigation and Enforcement for further investigation as to whether their respective CPCs are still necessary or proper for the service, accommodation, convenience, or safety of the public. Since the telecommunications public utilities listed in Table 2 have failed to properly respond to the Tentative Order, they remain in a state of non-compliance with the Commission's regulations.<sup>2</sup> The failure of each of these carriers to report any total intrastate operating revenues to the Commission for several years indicates that they are no longer providing jurisdictional public utility service in Pennsylvania and, therefore, CPCs for these entities are no longer "necessary or proper for the service, accommodation, convenience, or safety of the public." 66 Pa.C.S. § 1103(a). Each of these telecommunications public utilities have had ample notice and an opportunity to be heard via the Secretarial Letter and the March 16, 2023 Tentative Order. Accordingly, the CPCs of each telecommunications public utility listed in Table 2 will be canceled and all rights and privileges existing under the CPC subject to cancelation, including but not limited to all rights and privileges with eminent domain authority, zoning exemptions, and public right-of-way occupancy, will be revoked and such cancelation is effective immediately with the issuance of this Final Order; **THEREFORE,**

**IT IS ORDERED:**

1. That this matter is closed for the telecommunications public utilities listed in Table 1 and that these telecommunications public utilities are referred to the Commission's Bureau of Investigation and Enforcement for investigation to determine

---

<sup>2</sup> It is noted that the Commission received comments from an individual purporting to be an out-of-state attorney, E. Ashton Johnston, on Pennsylvania MSA, LLC's behalf. However, Mr. Johnston does not appear as an active member of the Pennsylvania Bar and is therefore precluded from representing Pennsylvania MSA, LLC in this proceeding. See 52 Pa. Code § 1.21. As such, MSA, LLC's comments were not considered.

whether their respective CPCs are still necessary or proper for the service, accommodation, convenience, or safety of the public.


2. That this matter is closed for RCLEC, Inc. and ITC Global Networks, LLC (ITC Global Networks) as they both have active abandonment dockets before the Commission at Docket Nos. A-2014-2403433, A-2014-2403434, A-2014-2403435 and A-2014-2403488 and Docket A-2023-3040636, respectively.

3. That the Certificate of Public Convenience for each telecommunications public utility listed in Table 2 is canceled for reasons cited herein and all rights and privileges existing under the Certificate of Public Convenience subject to cancelation, including but not limited to all rights and privileges with eminent domain authority, zoning exemptions, and public right-of-way occupancy, are revoked. These telecommunications public utilities shall be stricken from all active utility lists maintained by the Commission's Bureau of Technical Utility Services and the Fiscal & Assessments Section of the Bureau of Administration.

4. That the Secretary serve a copy of this Final Order upon the Bureau of Investigation & Enforcement, the Bureau of Technical Utility Services, the Bureau of Administration, Department of Revenue – Bureau of Corporation Taxes, Department of Transportation, and all telecommunications public utilities listed in Tables 1 and 2. The Final Order shall be filed at each carrier's docket number.

5. That the Law Bureau shall publish a copy of this Final Order in the *Pennsylvania Bulletin*.

**BY THE COMMISSION,**

  
Rosemary Chiavetta  
Secretary

(SEAL)

ORDER ADOPTED: June 15, 2023

ORDER ENTERED: June 15, 2023

**Table 1 – Telecommunications public utilities That Filed Comments Objecting to Cancellation**

| <b><u>Utility Code</u></b> | <b><u>Carrier Name</u></b> | <b><u>Docket No.</u></b>                             |
|----------------------------|----------------------------|--|
| 3119957                    | CONSOLIDATED TELECOM INC   | A-2017-2608094                                       |
| 3120378                    | TIME CLOCK SOLUTIONS LLC   | A-2017-2632817,<br>A-2017-2632820                    |
| 3120524                    | IRU NETWORKS, LLC          | A-2017-2638921,<br>A-2017-2638923,<br>A-2017-2638926 |
| 3122100                    | NGA 911, LLC               | A-2019-3009273,<br>A-2019-3009292                    |
| 3114607                    | PEG BANDWIDTH PA LLC       | A-2012-2301870                                       |

**Table 2 – Telecommunications public utilities: Certificates of Public Convenience  
Canceled for Noncompliance**

| <b><u>Utility Code</u></b> | <b><u>Carrier Name</u></b>        | <b><u>Docket No.</u></b>  |
|----------------------------|-----------------------------------|---|
| 310507                     | AMERICAN TELECOMMUNICATIONS SYST  | A-310507  |
| 3110196                    | MOMENTUM TELECOM, INC.            | A-2008-2045159,<br>A-2008-2046169                                       |
| 3110551                    | TOTAL HOLDINGS INC                | A-2008-2069549  |
| 3110581                    | ONE SOURCE NETWORKS CLEC LLC      | A-2008-2073165  |
| 310197                     | NOSVA LIMITED PARTNERSHIP         | A-310197  |
| 3111047                    | BROADVOX-CLEC LLC                 | A-2009-2104391,<br>A-2009-2104393                                       |
| 3111706                    | AIRUS INC                         | A-2010-2152263,<br>A-2010-2152282,<br>A-2010-2152284,<br>A-2010-2152286 |
| 3111908                    | WORLDWIDE MARKETING SOLUTIONS INC | A-2010-2165627  |
| 3119113                    | CORRECT SOLUTIONS LLC             | A-2016-2562526  |
| 3121484                    | DELTA TELECOM OF PA INC           | A-2018-3005390  |
| 311391                     | EURO CONNECT, INC                 | A-311391  |
| 3115091                    | LOCAL ACCESS LLC                  | A-2012-2322682,<br>A-2012-2322693,<br>A-2012-2322696                    |
| 3119952                    | PENNSYLVANIA MSA LLC              | A-2017-2607866,<br>A-2017-2607867                                       |