

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

Public Meeting held July 11, 2024

Commissioners Present:

Stephen M. DeFrank, Chairman  
Kimberly Barrow, Vice Chair  
Ralph V. Yanora  
Kathryn L. Zerfuss  
John F. Coleman, Jr.

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

M-2024-3049348

**TENTATIVE ORDER**

**BY THE COMMISSION:**

The Public Utility Code (Code) requires that by March 31st of each year, every public utility must file a report detailing its total 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.* Commission regulations authorize the cancelation of a telecommunication utility's Certificate of Public Convenience (CPC) for failure to comply with applicable reporting requirements such as the filing of annual financial reports. *See* 52 Pa. Code § 63.36.

The Commission has undertaken a review of its records which has revealed that a significant number of telecommunication utilities have repeatedly failed to file the required annual assessment report or have continually reported zero intrastate operating revenue in their filed annual assessment report. Specifically, each telecommunication utility listed in Appendix A, attached hereto, has failed to report any intrastate operating revenue to the Commission since calendar year 2020. The telecommunication utilities

listed in Appendix B have either reported zero intrastate revenue since 2020 or reported zero intrastate revenue in any year since 2020 in combination with not reporting intrastate operating revenue.

The Commission's Bureau of Administration sent a final warning letter to each individual telecommunication utility listed in Appendix A and Appendix B, requesting that they either file an assessment report detailing their annual intrastate operating revenue for the applicable period or notify the Commission of their desire to abandon their CPCs. The telecommunication utilities were provided twenty (20) days to comply. The letter further warned the telecommunication utilities that their failure to comply with the filing directive would result in the Commission taking appropriate action to cancel their CPCs. None of the telecommunication utilities listed in Appendix A or Appendix B responded to the warning letter.

The Public Utility Code requires each telecommunications public utility to operate continuously and without unreasonable interruptions of service. 66 Pa.C.S. § 1501, 52 Pa. Code §§ 63.24. Section 510(b) of the Code requires these public utilities to file a report detailing their total gross intrastate operating revenue for the preceding calendar year based on the intrastate revenues it generates from the jurisdictional telecommunications services it offers within the Commonwealth of Pennsylvania. 66 Pa.C.S. § 510(b). Under the present circumstances, the failure of the telecommunication utilities listed in Appendix A to file an annual assessment report for various years has created a rebuttable presumption that they are not operating in the Commonwealth of Pennsylvania. Additionally, the continual filing of zero intrastate operating revenue in their annual assessment form by the telecommunication utilities listed in Appendix B has created a rebuttable presumption that they are not providing jurisdictional telecommunications services in the Commonwealth of Pennsylvania.

As such, we determine that the actions of failing to file an annual assessment report with the Commission or reporting zero intrastate operating revenue in each successive calendar year since 2020 indicates that there is no need for these non-reporting or zero reporting telecommunications utilities to possess a CPC in Pennsylvania. These carriers are not in compliance with the reporting requirements of 66 Pa.C.S. § 510(b) nor are they in compliance with the operational requirements of 66 Pa.C.S. § 1501, 52 Pa. Code §§ 63.24. Based on their failure to cure these deficiencies in a timely manner, we tentatively conclude that it is in the public interest to initiate the process for canceling the telecommunication utilities' CPCs listed in Appendix A and Appendix B; **THEREFORE,**

**IT IS ORDERED:**

1. That cancelation of the Certificates of Public Convenience of each telecommunication utility listed in Appendix A and Appendix B is hereby *tentatively* approved as being in the public interest.
2. That all parties listed in Appendices A and B, to the extent they challenge the rebuttable presumption created by their actions and inactions which led to the conclusion that cancelation of their CPC remains appropriate and in the public interest, must file comments in support of their challenge no later than 20 days after publication of this Tentative Order in the *Pennsylvania Bulletin*. The comments shall be sent to the Pennsylvania Public Utility Commission, Attn: Secretary Rosemary Chiavetta, Commonwealth Keystone Building, 400 North Street, 2nd Floor, Harrisburg, PA 17120.
3. Alternatively, the telecommunication utilities listed in Appendices A and B may file an Assessment Report with the Commission's Fiscal Office reflecting their total gross intrastate operating revenues for calendar years 2020, 2021 and 2022, no later than 20 days after publication of this Tentative Order in the *Pennsylvania Bulletin*.

4. That absent the timely filing of any comment challenging cancelation of the CPC, or the timely reporting of a telecommunication utility's gross intrastate operating revenues from calendar years 2020, 2021 and 2022, the Law Bureau shall prepare a Final Order for entry by the Secretary canceling the telecommunication utility's CPC.

5. That upon entry of the Final Order described in Ordering Paragraph No. 4 above, the CPC of each non-compliant carrier shall be canceled, and each non-compliant carrier listed in Appendix A and Appendix B will 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.

6. That the Secretary serve a copy of this Tentative Order upon the Bureau of Investigation & Enforcement, the Bureau of Technical Utility Services, the Bureau of Administration, Department of Revenue – Bureau of Corporation Taxes, and all telecommunication utilities listed in Appendix A and Appendix B. The Tentative Order shall be filed at each carrier's docket number.

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

**BY THE COMMISSION,**



Rosemary Chiavetta  
Secretary

(SEAL)

ORDER ADOPTED: July 11, 2024

ORDER ENTERED: July 11, 2024

# Appendix A

### Carriers Not Reporting Revenue Since 2020

<b>Utility Code</b>	<b>Utility Name</b>	<b>Application Number</b>
310542	INMARK, INC	A-310542
3111216	VELOCITY A MANAGED SERVICES COMPANY INC	A-2009-2115464 A-2009-2115466 A-2009-2115468
3111938	UNITED TELECOM INC	A-2010-2166915
3113719	ROMAN LD INC	A-2011-2252782
311454	AMERICA NET, LLC	A-311454

## Appendix B

**Carriers Reporting Zero Revenue Since 2020 or Reporting Zero Revenue in  
Combination With Not Reporting Revenue In Any Year Since 2020**

<u>Utility Code</u>	<u>Utility Name</u>	<u>Application Number</u>
3110605	ALLIANCE GLOBAL NETWORKS LLC	A-2008-2075015
311231	DES COMMUNICATIONS, INC.	A-311231 A-2014-2417773 A-2020-3020284
311445	CONSUMER TELCOM, INC	A-311445 A-2014-2412189
3114607	PEG BANDWIDTH PA LLC	A-2012-2301870 A-2012-2324606 A-2013-2349229 A-2015-2461495 A-2015-2463250 A-2016-2529446 A-2016-2577819 A-2018-3001452 A-2019-3009570 A-2019-3015092 A-2020-3020969 A-2020-3022772 A-2021-3024733
3116282	MASTER CALL CONNECTIONS LLC	A-2014-2401264
3120378	TIME CLOCK SOLUTIONS LLC	A-2017-2632817 A-2017-2632820
3121819	UNITED COMMERCIAL TELECOM LLC	A-2019-3007582
3122100	NGA 911, LLC	A-2019-3009273 A-2019-3009292
3123680	COMMUNICATIONS VENTURE CORPORATION	A-2020-3023391 A-2020-3023392 A-2020-3023393 A-2020-3023394