

**BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Pennsylvania Public Utility Commission	:	
Bureau of Investigation and Enforcement	:	
	:	
v.	:	C-2025-3056851
	:	
Working Assets Funding Service	:	

**INITIAL DECISION**

Before  
Administrative Law Judge  
Steven K. Haas

**INTRODUCTION**

The Commission’s Bureau of Investigation and Enforcement (I&E) filed a Formal Complaint (Complaint) against Working Assets Funding Service (Respondent) for failing to pay its Universal Service Fund (USF) assessment balance for the 2025 calendar year. Respondent did not file an Answer to I&E’s Complaint. I&E filed a Motion for Default Judgment (Motion), which Respondent did not answer. This decision grants I&E’s Motion, sustains I&E’s Complaint, and orders Respondent to pay \$334.33, consisting of the past due assessment of \$270.33 plus a civil penalty totaling \$64.

## HISTORY OF THE PROCEEDING

On or about August 19, 1992, the Commission issued Respondent a Certificate of Public Convenience at Docket Number A-310064 for Interexchange Carrier Reseller authority.

I&E is the prosecutory arm of the Commission. On August 13, 2025, I&E filed a Complaint alleging that Respondent failed to pay its USF assessment balance for the 2025 calendar year in the amount of \$254.74. In Count 1 of the Complaint, I&E avers that Respondent failed to satisfy its USF assessments for the 2025 calendar year in violation of Section 63.169(a) of the Commission's regulations, 52 Pa. Code § 63.169(a). I&E proposes a civil penalty of \$64 for this violation. In total, I&E requests that Respondent be ordered to pay \$334.33, consisting of the outstanding USF assessment balance of \$254.74, associated late fees of \$15.59, and a civil penalty of \$64. If Respondent does not make this payment, I&E requests that the Commission issue an Order cancelling Respondent's Certificate of Public Convenience and referring this matter to the Pennsylvania Office of Attorney General for appropriate action.

Respondent did not file an Answer to I&E's Complaint.

On September 29, 2025, I&E filed a Motion for Default Judgment, which included a Notice to Plead. Respondent did not file a responsive pleading to I&E's Motion.

By Motion Judge Assignment Notice dated November 5, 2025, this matter was assigned to the Office of Administrative Law Judge for disposition. The matter is ripe for decision.

## FINDINGS OF FACT

1. Complainant, the Bureau of Investigation and Enforcement, is the prosecutory arm of the Commission.
2. Respondent, Working Assets Funding Service, is an Interexchange Carrier Reseller with authority to operate under a Certificate of Public Convenience issued by the Commission on or about August 19, 1992, at Docket Number A-310064.
3. The Commission's third-party USF administrator, Rolka Loube Saltzer, LLC (Rolka), calculated that the Respondent's monthly contribution to the USF for the 2025 calendar year would be \$25.53. Rolka mailed an invoice to the Respondent each month in 2025 for the amount of \$25.53, with payments due by the 15<sup>th</sup> of every month. I&E Formal Complaint, ¶ 17.
4. Respondent has not paid any of its USF assessment invoices in 2025. I&E Formal Complaint, ¶ 18.
5. Respondent was assessed \$15.59 in late fees for the unpaid USF assessments from January 1, 2025, to July 15, 2025. I&E Formal Complaint, ¶ 22.
6. On July 17, 2025, Rolka mailed Respondent a letter requesting payment of its past due USF assessment balance and associated late fees. I&E Formal Complaint, ¶ 21.
7. As of July 31, 2025, Respondent's outstanding USF balance is \$254.74. I&E Formal Complaint, ¶ 23.

8. As of July 31, 2025, Respondent's outstanding USF balance, including Respondent's assessment balance and associated late fees, is \$270.33. I&E Formal Complaint, ¶ 24.

### DISCUSSION

The Complainant is the Commission's Bureau of Investigation and Enforcement, which was established by statute to prosecute complainant against public utilities pursuant to Section 308.2 of the Public Utility Code (the Code), 66 Pa.C.S. § 308.2(a)(11). On August 19, 1992, at Docket Number A-310064, the Commission issued Respondent a Certificate of Public Convenience for Interexchange Carrier Reseller authority. Respondent is a "public utility" as defined by Section 102 of the Code, 66 Pa.C.S. § 102.

In a case involving an alleged violation of a determination or order of the Commission by a public utility, the burden of proof shall be upon the public utility to show that it has complied with the determination or order of the Commission. 66 Pa.C.S. § 315(b). As a recipient of a Commission-issued certificate of public convenience, Respondent has a duty to comply with Commission orders and regulations. 66 Pa.C.S. § 501(c).

Telecommunications public utilities regulated by the Commission are required under Section 3011 of the Code to establish a Universal Service Fund to ensure the availability of basic telecommunications services to all Pennsylvania residents. 66 Pa.C.S. § 3011. Pursuant to Section 63.169(b) of the Commission's regulations, failure to make timely payments will result in the levy of a late payment charge of 1.5% per month pro rata per diem on the delinquent contribution. 52 Pa. Code § 63.169(b).

The Respondent did not file an Answer to I&E's Complaint or a responsive pleading to its Motion. 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). 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 (Pa. Cmwlth. 1978).

The averments presented by I&E in its Complaint support finding that the Respondent violated Sections 63.169(a) and that a penalty under Section 3301 is appropriate. The Respondent failed to pay its USF assessment for the 2025 calendar year in full in that it did not pay any of the Universal Service Fund monthly contributions for the 2025 calendar to date. I&E Formal Complaint, ¶ 18. Therefore, the record establishes that the Respondent has violated Section 63.169(a) of the Commission's regulations, 52 Pa. Code § 63.169(a).

I&E asserts its proposed civil penalty of \$64 for violation of Section 63.169(a) of the Code is consistent with past Commission decisions. I&E Formal Complaint, citing *Pa. Pub. Util. Comm'n v. Moore Family Holdings, LLC*, Docket No. C-2021-3029489 (Opinion and Order entered Apr. 14, 2022) (*Moore Family Holdings*); *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 Feb. 24, 2022). Specifically, I&E asserts this amount is warranted based on the type of violation involved, the assessment amount in question and the need to deter future violations of the Public Utility Code and Commission regulations. I&E Formal Complaint, ¶ 25.

Factors and standards to be utilized when determining whether a fine for violating a Commission order, regulation or statute is appropriate are set forth in Section

63.169 of the Commission's regulations, 52 Pa. Code § 63.169(b). The Commission has determined that a civil penalty for failing to pay an outstanding assessment may be based on a review of: (1) Respondent's compliance history for the three-year period prior to the date I&E files its formal complaint; (2) the need to deter future violations; and (3) prior Commission decisions in similar situations pursuant to 52 Pa. Code §§ 69.1201(c)(6), (8), and (9). *Moore Family Holdings*.

Respondent owes \$254.74 for its outstanding 2025 USF balance, as well as associated late fees of \$15.59. I&E Formal Complaint. I&E also avers Respondent does not have an acceptable compliance history, having an outstanding balance of \$78.13 from prior years. I&E Formal Complaint, ¶ 19. Accordingly, I&E's requested penalty of \$64 is appropriate and consistent with Commission precedent. I&E's Motion will be granted and this decision will order payment of a civil penalty of \$64 for the Section 63.169(a) violation in addition to payment of the outstanding assessment of \$270.33, for a total of \$334.33. If the Respondent does not make payment of the outstanding assessment and the imposed civil penalty within thirty days of the date of entry of a Final Order, the Respondent's Certificate of Public Convenience will be revoked, the matter will be sent for collection and the Commission will pursue all remedies provided by law to ensure timely compliance with the Code, Commission regulations and orders, including initiation of further enforcement proceedings. 66 Pa.C.S. §§ 504-6, 3301-2; Pa. R.A.P. Rule 3761.

#### CONCLUSIONS OF LAW

1. The Commission has jurisdiction over the parties and the subject matter of this proceeding. 66 Pa.C.S. §§ 501(b), 701.
  
2. The Commission has the power, and the duty, to enforce the requirements of the Public Utility Code. 66 Pa.C.S. § 501(a).

3. In a case involving an alleged violation of a determination or order of the Commission by a public utility, the burden of proof shall be upon the public utility to show that it has complied with the determination or order of the Commission. 66 Pa.C.S. § 315(b).

4. As the holder of a Commission-issued certificate of public convenience, Respondent has a duty to comply with Commission orders and regulations. 66 Pa.C.S. § 501(c).

5. Telecommunications public utilities are required to contribute to the Universal Service Fund pursuant to 52 Pa. Code § 63.161-63.171.

6. The Respondent's failure to pay its monthly 2025 USF assessments to date is a violation of Section 63.169(a) of the Commission's regulations. 52 Pa. Code § 63.169(a).

7. If any regulated entity fails to make timely assessment payment, it will result in the levy of a late payment charge of 1.5% per month pro rata per diem on the delinquent contribution. 52 Pa. Code § 63.169(b)

8. A civil penalty for failing to pay an outstanding assessment will be based on a review of: (1) Respondent's compliance history for the three-year period prior to the date I&E files its formal complaint; (2) the need to deter future violations; and (3) prior Commission decisions in similar situations pursuant to 52 Pa. Code §§ 69.1201(c)(6), (8), and (9). *Pa. Pub. Util. Comm'n v. Moore Family Holdings, LLC*, Docket No. C-2021-3029489 (Opinion and Order entered Apr. 14, 2022).

9. A civil penalty in the amount of \$64 for a violation of Section 63.169(a) is reasonable and appropriate. *Pa. Pub. Util. Comm'n v. Moore Family Holdings, LLC*, Docket No. C-2021-3029489 (Opinion and Order entered Apr. 14, 2022).

10. 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).

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

#### ORDER

THEREFORE,

IT IS ORDERED:

1. That the Motion for Default Judgment filed by the Commission's Bureau of Investigation and Enforcement against Working Assets Funding Service at Docket No. C-2025-3056851 is granted.

2. That the Formal Complaint filed by the Commission's Bureau of Investigation and Enforcement against Working Assets Funding Service at Docket No. C-2025-3056851 is sustained.

3. That within thirty (30) days of the entry date of the Commission's Final Order in this matter, Working Assets Funding Service shall remit \$270.33 payable

to the “PA Universal Service Fund” and \$64 payable to the “Commonwealth of Pennsylvania” by check, money order, or certified funds, to:

Matt Homsher, Secretary  
Pennsylvania Public Utility Commission  
Commonwealth Keystone Building  
400 North Street  
Harrisburg, PA 17120

4. That a copy of this decision shall be served upon the Financial and Assessment Chief, Bureau of Administrative Services.

5. That the Bureau of Administrative Services, Assessment Section, shall monitor this matter for compliance.

6. That if Working Assets Funding Service fails to make the payment required by Ordering Paragraph No. 3 above within thirty (30) days of the entry date of the Commission’s Final Order in this matter:

a. The Certificate of Public Convenience held by Working Assets Funding Service issued at Docket Number A-310064 shall be cancelled without further action by this Commission; and

b. The Bureau of Administrative Services, Assessment Section, shall refer this matter to the Pennsylvania Office of Attorney General for appropriate action.

7. That after Working Assets Funding Service remits \$334.33 as required by Ordering Paragraph No. 3, the Secretary's Bureau shall mark this proceeding closed.

Date: November 24, 2025

/s/  
Steven K. Haas  
Administrative Law Judge