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March 27, 2026

VIA ELECTRONIC FILING

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

RE: Cancellation of Certificates of Public Convenience for Telecommunications Utilities, Failure to Operate or Report any Intrastate Operating Revenue; Docket No. M-2026-3059781; **COMMENTS OF ALLEGHENIES BROADBAND, INC.**

Dear Secretary Homsher:

Enclosed for filing with the Pennsylvania Public Utility Commission is the Comments of Alleghenies Broadband, Inc. to the Tentative Order in the above-referenced matter.

Thank you for your attention to this matter. If you have any questions related to this filing, please do not hesitate to contact me

Very truly yours,

A handwritten signature in blue ink, appearing to read "Todd S. Stewart", is written over a large, loopy blue scribble that extends across the signature line and into the text below.

Todd S. Stewart
Counsel for Alleghenies Broadband, Inc.

TSS/jld
Enclosure

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Cancellation of Certificates of Public Convenience for Telecommunications Utilities, Failure to Operate or Report any Intrastate Operating Revenue : : Docket No. M-2026-3059781 : :

**COMMENTS
OF ALLEGHENIES BROADBAND, INC.**

Alleghenies Broadband, Inc. (“ABI”)¹ offers the following Comments in response to the Tentative Order issued by the Pennsylvania Public Utility Commission (“Commission”) at its March 12, 2026, Public Meeting. At the March 12 meeting, the Commission voted to issue a Tentative Order (“Tentative Order”) revoking the Certificates of Public Convenience (“CPC”) of fifteen telecommunications companies as a response to those companies having submitted the annual financial reports as required but reporting no jurisdictional revenue for the reporting period.

The Tentative Order concludes that if a jurisdictional entity reports no jurisdictional revenue, that it is not providing public utility service in a reasonably continuous manner and thus is presumed to be in violation of the Public Utility Code (“Code”), 66 Pa. C.S. § 1501. The Tentative Order does not, however, seek to harmonize its determination to revoke CPC’s with the express requirements of the Code with regard to terminating, abandoning or surrendering a CPC, which requires specific Commission actions that the Commission does not appear prepared to

¹ Utility Code: 3123764, A-2021-3023875.

engage in this instance.² Nor does the Commission acknowledge that Code Section 3301, which prescribes the available punishments for the Commission when a jurisdictional entity violates the Code, does not include revocation of the CPC of the offending party as an available penalty.³ In short, it does not appear that the Code provides revocation of a CPC as a remedy for alleged violations of the Code or the Commission's Regulations, nor does the Code suggest that failing to have revenue is an offense in need of remedy.

With regard to the premise that failure to earn revenue is a violation of the Code, neither 66 Pa C.S. § 510(b); 52 Pa. Code § 63.36; nor, 66 Pa. C.S. § 3301 as cited in the Tentative Order, require a public utility to report any level of income, nor do any of the cited sections authorize the Commission to cancel or revoke a certificate of public Convenience as a punishment for filing a report in compliance with the regulations that happens to show no revenue. The Tentative Order points to no source of authority that supports the proposition that the Commission can revoke a CPC for reporting zero revenue for a particular year.

It also is clear from the Tentative Order that the Commission is not alleging that ABI did not file the report as required. Rather, it is clear that ABI filed the report on time. The sole alleged offense is the failure to report jurisdictional revenue.

Section 1501 requires that service be "reasonably continuous" but does not suggest or require that any level of revenue is necessary to demonstrate that service is available, nor does it suggest that failure to earn revenue in any time period is evidence that the utility is not ready willing and able to provide service. ABI disagrees with the conclusion that failure to have earned intrastate operating revenue is singularly indicative of a failure to provide jurisdictional telecommunications services in Pennsylvania. Rather, it is indicative of the fact that the utility has

² 66 Pa. C.S. § 1102 (a)(2).

³ 66 Pa. C.S. § 3301.

not received any revenue from jurisdictional service. There clearly is no intention on the part of ABI to abandon its CPC, nor has it requested such. The Law in Pennsylvania is clear that in order for there to be a determination that a CPC is abandoned, one must first conclude that the party intended to abandon service.⁴ ABI has no intention of abandoning its CPC.

As indicated in its Application, ABI is a non-profit organization focused on providing internet connectivity in several rural counties. In that role, and without private investment, it is reliant on external funding sources to capitalize any projects, and projects that would permit it to provide jurisdictional services have so far not been available. There is no evidence that ABI refused to provide service to any customer, nor is there any evidence that ABI is not actively seeking such projects. Indeed, ABI continues to engage in projects that advance its mission of 100% access to broadband by households and businesses in its chartered area, but to date has not been in a position to provide jurisdictional service nor to earn jurisdictional revenue. However, ABI is now in the construction phase of a project funded through the NTIA BIP that should be commercially ready in February 2028.

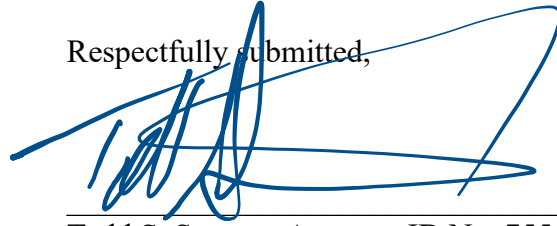
ABI suggests that in the case of a non-profit organization that does not deploy private capital, failure for any particular year or years to produce jurisdictional revenue cannot be presumed as a lack of operation or activity intended to result in service that will result in jurisdictional revenue.

There is nothing in the Code that requires as a condition of retaining a CPC, that any class of certificated entities produce any level or revenue or face the consequence of CPC revocation. In light of the lack of specific statutory or regulatory requirement, ABI submits that there is not a basis to revoke its CPC based upon a presumption.

⁴ *Byerly v. Pa. PUC*, 440 Pa. 521, 270 A.2d 186 (1970).

Accordingly, ABI respectfully requests that it be able to retain its CPC as provided by law, until such time as it voluntarily surrenders said CPC.

Respectfully submitted,



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DATED: March 27, 2026