

**PENNSYLVANIA
PUBLIC UTILITY COMMISSION
Harrisburg, PA 17120**

Public Meeting held April 16, 2026

Commissioners Present:

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

Everstream Solutions LLC 2024 Pennsylvania
Universal Service Fund Carrier Compliance
Review Report

M-2024-3052147

OPINION AND ORDER

BY THE COMMISSION:

Before the Pennsylvania Public Utility Commission (Commission) for consideration and disposition is the Petition for Reconsideration of Staff Action (Petition) filed by Everstream Solutions LLC (Everstream or Company) on November 19, 2025, seeking reconsideration of Staff action in a Secretarial Letter issued on October 30, 2025 (*October 2025 Secretarial Letter*), in the above captioned proceeding. No response to the Petition has been filed. For the reasons that follow, we will deny the Petition, consistent with this Opinion and Order.

I. History of Proceeding/Background

The Commission issued Everstream a Certificate of Public Convenience to operate throughout Pennsylvania as a Competitive Access Provider (CAP) on February 25, 2021, at Docket No. A-2020-3022566.

Pursuant to *Pennsylvania Universal Service Fund Annual Rate Adjustment*, Docket No. M-00001337 (Order entered December 7, 2023) (*2023 Pa. USF Annual Rate Adjustment Order*), the Pennsylvania Universal Service Fund (Pa. USF) Administrator, Rolka Loube Saltzer, LLC (Rolka Loube), conducted a carrier compliance review of Everstream to ensure that its Pa. USF filings were compliant with the Commission's Regulations. Rolka Loube submitted its Carrier Review Report (Report) to the Commission on September 24, 2025. In the Report, Rolka Loube stated that following the issuance of a preliminary draft of the Report, Everstream made substantial revisions to its Pa. USF revenue reporting for the 2023 calendar year. Rolka Loube also stated that it cannot readily validate or confirm on a standalone basis Everstream's jurisdictional redesignations or reclassifications of services from what the Company initially reported for the 2023 calendar year. As a result, Rolka Loube concluded that it cannot confirm that the Company can be relieved of its relevant Pa. USF mechanism obligations as a contributing telecommunications carrier. *October 2025 Secretarial Letter* at 1. Rolka Loube recommended that Everstream file a petition for relief with the Commission concerning its revised intrastate revenue reporting method and its Pa. USF obligations for the 2023 calendar year and subsequent reporting years.

The Commission accepted the Report in the *October 2025 Secretarial Letter*. In addition, the Commission stated that further action did not appear warranted at that time because the Company was current with its Pa. USF assessments. To the extent Everstream was dissatisfied with the resolution of the matter, the *October 2025 Secretarial Letter* explained that Everstream may file a petition with the Commission

within twenty (20) days in accordance with 52 Pa. Code § 5.44. *October 2025 Secretarial Letter* at 1.

On November 19, 2025, Everstream filed the instant Petition. No response to the Petition has been filed.

In addition to the instant Petition, there are two other relevant, active proceedings involving Everstream. Everstream's application to abandon public utility service in Pennsylvania is currently pending with the Commission. *See Application of Everstream Solutions, LLC for the Approval of the Discontinuance of Competitive Access Services*, Docket No. A-2025-3053757 (filed March 5, 2025). Everstream is also currently involved in Chapter 11 bankruptcy proceedings. Everstream filed for bankruptcy on May 28, 2025. *See* Commission Docket No. M-2025-3052793; *In re Everstream Solutions LLC, et al.*, Ch. 11, Bankr. S.D. Tex. Houston Divis., Case No. 25-90144 (CML). The Commission timely filed a Proof of Claim on November 24, 2025 in Everstream's bankruptcy case. Any monies due and owing to the Commission will be pursued in Everstream's bankruptcy case.

II. Discussion

A. Legal Standards

1. Petition for Reconsideration from Staff Action

In considering the Petition, we are reminded that we are not required to consider expressly or at great length each and every contention raised by a party to our proceedings. *University of Pennsylvania, et al. v. Pa. PUC*, 485 A.2d 1217, 1222

(Pa. Cmwlth. 1984). Any argument that is not specifically addressed herein shall be deemed to have been duly considered and denied without further discussion.

Petitions for Reconsideration from Staff Action are governed by Section 5.44(a) of the Commission's Rules of Administrative Practice and Procedure, which provides the following:

Actions taken by staff, other than a presiding officer, under authority delegated by the Commission, will be deemed to be the final action of the Commission unless reconsideration is sought from the Commission within 20 days after service of notice of the action, unless a different time-period is specified in this chapter or in the act.

52 Pa. Code § 5.44(a).

When evaluating appeals from a Commission Staff action under 52 Pa. Code § 5.44, 66 Pa.C.S. § 332(a) provides that the party seeking affirmative relief from the Commission has the burden of proof. In this proceeding, Everstream is the party seeking affirmative relief from the Commission; therefore, Everstream is the party with the burden of proof.

2. Assessment Requirements

Section 510 of 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 (Section 510 Assessment Report). This report is essential for the Commission to fund its operations and to properly allocate assessment costs among regulated utilities. 66 Pa.C.S. § 510(b).

In addition to the Section 510 Assessment Report, contributing telecommunications providers are required to submit an affidavit to the Pa. USF administrator by March 31st of each year identifying the provider's total intrastate end-user telecommunications retail revenue for the previous calendar year. 52 Pa. Code § 63.165(a). The third-party administrator is responsible for maintaining the Pa. USF and assessing contributing telecommunications providers for contributions to the Pa. USF, receiving contributions, validating contributions, and distributing payments to Pa. USF recipients. 52 Pa. Code § 63.163(a),(d). The administrator then determines the annual assessment rate using the calculation specified in the Regulations. 52 Pa. Code § 63.165(b).

B. Petition¹

In its Petition, Everstream seeks reconsideration of the *October 2025 Secretarial Letter's* acceptance of Rolka Loube's Report. Everstream requests that the Commission accept the Company's revised financial filings for 2023 and 2024, which are attached to the Petition as exhibits.²

Everstream avers that before 2023, the Company had filed annual reports with the Commission showing that it had no intrastate end-user telecommunications retail revenue on which it could be assessed for Pa. USF contributions. Petition at 1. Everstream also avers that it experienced staff changes before submitting its 2023 filings

¹ No Verification was included with the Petition as required by 52 Pa. Code § 1.36.

² The attached Exhibits include two confidential documents: Exhibit 1, Everstream 2023 PA Revenue Data, and Exhibit 2, Everstream 2024 PA Revenue Data. The attached Exhibits also include two public documents: Exhibit 3, consisting of Everstream's Corrected 2023 Annual Report, 2023 Assessment Report, and PaUSF Development of Assessment Data Request for Fiscal Year 2025; and Exhibit 4, Everstream's Corrected 2024 Annual Report, 2024 Assessment Report, and PaUSF Development of Assessment Data Request for Fiscal Year 2026.

and, as a result, it erroneously reported gross intrastate operating revenues of \$20,853,810 on both its 2023 Annual Report and Assessment Report. *Id.* at 1-2. Everstream states that this amount consisted of all the Company's revenue in Pennsylvania, including interstate and intrastate revenue; revenue that was reported and assessed federal universal service charges; wholesale and retail end-user revenue; and amounts billed to customers for taxes. Everstream submits that it recognized that this amount was incorrect and then filed amended reports for 2023 in September 2024, reporting gross intrastate operating revenues of \$10,507,090.

Everstream notes that this amount was also incorrect because it was taken from a service order report for all revenue generated in Pennsylvania, but it included revenue from circuits that were jurisdictionally interstate and reported on the federal Form 499 as well as revenue from non-telecommunications services and wholesale services. Everstream continues that it made its 2024 filings using the same method and erroneously reported gross intrastate operating revenues of \$8,135,471. Everstream explains that, similar to its 2023 filings, this amount included revenue from jurisdictionally interstate traffic, non-telecommunications services, and wholesale services. *Id.* at 2.

Everstream indicates that it became aware of the reporting mistakes it made in 2023 and 2024 when it was compiling data to respond to Rolka Loube's requests for information in early 2025 as part of the carrier compliance review. As a result, Everstream has submitted revised filings to the Commission in the form of corrected Annual Reports and Assessment Reports for 2023 and 2024 and Development of Assessment Data Requests for Fiscal Years 2025 and 2026. *Petition* at 2-3.

Everstream avers that, as shown in the 2023 revenue information it submitted as confidential Exhibit 1, the Company did not have any intrastate end-user

telecommunications retail revenue in Pennsylvania in 2023. Everstream states the following:

- Everstream's total Pennsylvania revenue from all sources was \$ 11,752,582.69.
- Of that amount, \$9,810,720.34 represented interstate revenue reportable on Line 419 of the federal Form 499.
- Everstream's intrastate revenue was \$1,941,862.35.
- Of the intrastate amount, \$373,561.65 is attributable to non-telecommunications services (collocation, dark fiber, and dedicated Internet access service).
- Everstream's Pennsylvania gross intrastate operating revenues were \$1,568,300.70.
- All of the \$1,568,300.70 amount was received from providing wholesale services to resellers in Pennsylvania. Everstream received no retail end-user revenue in Pennsylvania in 2023.

Petition at 3.

Additionally, Everstream avers that, as shown in the 2024 revenue information it submitted as confidential Exhibit 2, the Company did not have any intrastate end-user telecommunications retail revenue in Pennsylvania in 2024.

Everstream states the following:

- Everstream's total Pennsylvania revenue from all sources was \$10,486,112.54.
- Of that amount, \$7,491,505.68 represented interstate revenue reportable on Line 419 of the federal Form 499.
- Everstream's intrastate revenue was \$2,994,606.86.
- Of the intrastate amount, \$407,521.80 is attributable to non-telecommunications services (collocation, dark fiber, and dedicated Internet access service).
- Everstream's Pennsylvania gross intrastate operating revenues were \$2,587,085.06.

- All of the \$2,587,085.06 amount was received from providing wholesale services to resellers in Pennsylvania. Everstream received no retail end-user revenue in Pennsylvania in 2024.

Everstream argues that, based on the corrected revenue amounts it submitted, it should not be assessed state universal service contribution fees in Pennsylvania for 2023 and 2024. Petition at 4. Everstream asks the Commission to grant its Petition and accept its revised reports. *Id.* at 5.

C. Disposition

Upon review, we shall deny the Petition because Everstream has not presented any grounds on which to overturn the Commission's decision to accept Rolka Loube's Report in the *October 2025 Secretarial Letter*. When it submitted its intrastate revenue information to the Commission, Everstream verified the accuracy of the information in its Annual Reports and reported, under oath, its jurisdictional revenues for regulatory assessment purposes for calendar year 2023 (CY23) and calendar year 2024 (CY24). Everstream also certified the accuracy of the revenue amounts it reported to Rolka Loube in its Pa. USF Assessment Data Request. Further, Everstream paid its Section 510 and Pa. USF assessment amounts for CY23 and CY24 in full without objection.

Everstream avers that it did not become aware of its reporting mistakes until it was in the process of compiling data to respond to Rolka Loube's requests for information in early 2025 as part of the carrier compliance review. Everstream made significant revisions to the intrastate revenue amounts it previously reported in for both Section 510 and Pa. USF assessment purposes, which it explains in detail in its Petition, and provided this revised information to Rolka Loube during the carrier compliance review. Rolka Loube stated that it could not readily validate or confirm on a standalone

basis Everstream's jurisdictional redesignations or reclassifications of services from what the Company initially reported for the 2023 calendar year. As a result, Rolka Loube indicated that it could not confirm that the Company could be relieved of its relevant Pa. USF obligations as a contributing telecommunications carrier.

In filing this Petition, Everstream has not presented the Commission with any information or documentation to support its Petition that the Commission did not previously have access to and review, when it issued the *October 2025 Secretarial Letter* accepting the Report Rolka Loube compiled based on information that was provided to it in its role as the Pa. USF administrator. Accordingly, we are not persuaded that Everstream is not subject to Pa. USF assessments for CY23 and CY24 based on the intrastate revenue amounts it attested to when it submitted its revenue to the Commission under Section 510 and to Rolka Loube under the Pa. USF Regulations.

III. Conclusion

For the reasons set forth above, we will deny the Petition, consistent with this Opinion and Order; **THEREFORE,**

IT IS ORDERED:

1. That the Petition for Reconsideration of Staff Action filed by Everstream Solutions LLC on November 19, 2025, is denied, consistent with this Opinion and Order.

2. That the Commission's Secretary shall mark this docket closed.

BY THE COMMISSION,

A handwritten signature in black ink, appearing to read "Matthew L. Homsher". The signature is written in a cursive style with a large initial "M".

Matthew L. Homsher
Secretary

(SEAL)

ORDER ADOPTED: April 16, 2026

ORDER ENTERED: April 17, 2026