

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

**PA PUC, BI&E**

**v.**

**Rodney P. Andrews, t/a Classic Limousines**

**Public Meeting held August 29, 2013**  
**2330883-OSA**

**Docket No. C-2012-2330883**

**MOTION OF COMMISSIONER WAYNE E. GARDNER**

Before the Commission for consideration is a Motion for Default Judgment regarding the above-captioned proceeding. On October 25, 2012, the Commission's Bureau of Investigation and Enforcement (BI&E) filed a Complaint alleging that Rodney P. Andrews, t/a Classic Limousines (Classic) failed to file an assessment report for the 2010 calendar year and failed to pay its assessments for the 2007-2008, 2008-2009, 2009-2010, 2010-2011, and 2011-2012 Fiscal Years. BI&E requested that Classic be ordered to pay a total of \$13,506.67, which consists of the outstanding assessment balance of \$10,876.67 and a civil penalty of \$2,630. The civil penalty imposed is comprised of \$1,000 for failure to file the 2010 assessment report and \$1,630 which is based on 15% of the outstanding assessment. Classic did not file an answer to the Complaint, nor did it pay the outstanding assessments or civil penalties.

On February 13, 2013, BI&E filed a Motion for Default Judgment requesting that the Commission order Classic to pay the outstanding assessment, cancel its Certificate of Public Convenience, and refer the matter to the Office of Attorney General for collection of the unpaid assessments. On March 7, 2013, BI&E filed a letter indicating that it was no longer pursuing the portion of the Complaint pertaining to the 2007-2008 and 2008-2009 assessments. Accordingly, the outstanding assessment was reduced by \$5,084 to \$5,792.67, but the penalty associated with the Complaint remained at \$2,630.

I do not agree that the penalty imposed on an outstanding assessment should remain if that portion of the Complaint no longer exists. By withdrawing the portion of the Complaint pertaining to the 2007-2008 and 2008-2009 outstanding assessments, the assessment was reduced by \$5,084. According, the penalty should be reduced by \$762.60 (15% of \$5,084).

**THEREFORE, I MOVE THAT:**

1. The Office of Special Assistants prepare an Opinion and Order consistent with this Motion.

**August 29, 2013**

**Date**

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**Wayne E. Gardner, Commissioner**