



COMMONWEALTH OF PENNSYLVANIA  
PENNSYLVANIA PUBLIC UTILITY COMMISSION  
P.O. BOX 3265, HARRISBURG, PA 17105-3265

December 31, 2015

Rosemary Chiavetta, Secretary  
Pennsylvania Public Utility Commission  
P.O. Box 3265  
Harrisburg, PA 17105-3265

Re: Pennsylvania Public Utility Commission, Bureau of Investigation  
and Enforcement v. Hooters Hotshot Inc.  
Docket No. C-2015-2495067

Dear Secretary Chiavetta:

Enclosed for filing please find an original of the Bureau of Investigation and Enforcement's Motion for Default Judgment in the above-referenced proceeding. Copies have been served on the parties of record in accordance with the Certificate of Service.

Should you have any questions, please do not hesitate to contact me.

Sincerely,

Stephanie M. Wimer  
Prosecutor  
PA Attorney ID No. 207522

Prosecutor for the Bureau of  
Investigation and Enforcement

Enclosures

cc: As per Certificate of Service

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**BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Pennsylvania Public Utility Commission,  
Bureau of Investigation and Enforcement,  
Complainant

v.

Hooters Hotshot Inc.,  
Respondent


Docket No. C-2015-2495067

**NOTICE TO PLEAD**

The Bureau of Investigation and Enforcement (I&E) of the Pennsylvania Public Utility Commission (Commission) has filed a Motion for Default Judgment in the above-captioned matter, pursuant to the Commission's regulations at 52 Pa. Code §5.103. You are hereby notified to file a written response within twenty (20) days of the service of the Motion, consistent with 52 Pa. Code §5.61.

Your Answer must be verified, pursuant to 52 Pa. Code §1.36, and the original sent to:  
Rosemary Chiavetta, Secretary  
Pennsylvania Public Utility Commission  
P.O. Box 3265  
Harrisburg, PA 17105-3265

Additionally, you must serve a copy on the undersigned prosecutor.

  
Stephanie M. Wimer  
Prosecutor  
PA Attorney ID No. 207522

Bureau of Investigation and Enforcement  
Pennsylvania Public Utility Commission  
P.O. Box 3265  
Harrisburg, PA 17105-3265  
(717) 772-8839  
stwimer@pa.gov

Dated: December 31, 2015

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**BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Pennsylvania Public Utility Commission,	:	
Bureau of Investigation and Enforcement,	:	
Complainant	:	
	:	
v.	:	Docket No. C-2015-2495067
	:	
Hooters Hotshot Inc.,	:	
Respondent	:	

**MOTION FOR DEFAULT JUDGMENT**

NOW COMES the Pennsylvania Public Utility Commission's (Commission) Bureau of Investigation and Enforcement (I&E), by its prosecuting attorneys, and files this Motion for Default Judgment against Hooters Hotshot Inc. (Respondent) pursuant to Section 5.103 of the Commission's regulations, 52 Pa. Code §5.103. In support thereof, I&E respectfully represents as follows:

1. I&E commenced this action on July 28, 2015 by filing a Complaint.
2. On July 28, 2015, the Complaint was served by certified mail to Respondent at 8136 North Indian Trail Road Vernal, UT 84078.
3. Attached to the Complaint was a Notice advising Respondent that it must file an Answer within twenty (20) days of service of the Complaint.
4. The Notice also advised Respondent that if it failed to answer the Complaint, I&E would request that the Commission issue an Order imposing the penalty set forth in the Complaint.
5. On August 24, 2015, Respondent received the Complaint. A true and correct copy of proof of delivery of the Complaint is attached as Exhibit 1.
6. More than twenty (20) days have passed since Respondent received the Complaint.

7. Respondent did not file an Answer to the Complaint.

8. 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).

9. The Commonwealth Court has upheld the Commission's authority to sustain complaints that are not answered within twenty days. *See Fusaro v. Pa. PUC*, 382 A.2d 794, 797 (Pa. Cmwlth. 1978).

10. Respondent did not pay the outstanding assessment balance of \$701 for the July 1, 2013 to June 30, 2014 Fiscal Year (2013-2014 Fiscal Year), the outstanding assessment balance of \$761 for the July 1, 2014 to June 30, 2015 Fiscal Year (2014-2015 Fiscal Year) or the civil penalty of \$1,219 that was sought in the Complaint for Respondent's failure to timely pay the assessment and file an assessment report demonstrating revenues earned during the 2013 calendar year.

11. I&E respectfully requests that the Commission enter a Default Order against Respondent that:

- a. Directs Respondent to pay its outstanding assessment of \$1,462 for the 2013-2014 and 2014-2015 Fiscal Years and the requested civil penalty of \$1,219 within thirty (30) days of the entry date of the Commission's Order;
- b. Notifies Respondent that a copy of this Order will be sent to the Pennsylvania Department of Transportation for the suspension or revocation of vehicle registrations that were used under Respondent's operating authority if the outstanding assessment and civil penalty is not paid within thirty (30) days of the entry date of the Commission's Order; and

- c. Directs the Bureau of Administrative Services, Assessment Section, to refer the matter to the Pennsylvania Office of Attorney General for collection of the outstanding assessment and civil penalty set forth in subparagraph (a), above, for a total of \$2,681, if that total is not paid within thirty (30) days of the entry date of the Commission's Order.<sup>1</sup>

Respectfully submitted,



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Stephanie Wimer  
Prosecutor  
PA Attorney ID No. 207522

Pennsylvania Public Utility Commission  
Bureau of Investigation and Enforcement  
P.O. Box 3265  
Harrisburg, PA 17105-3265  
[stwimer@pa.gov](mailto:stwimer@pa.gov)  
(717) 772-8839

Date: December 31, 2015

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<sup>1</sup> I&E notes that the Commission cancelled Respondent's Certificate of Public Convenience by Secretarial Letter dated August 5, 2015 at docket number C-2014-2436893. Therefore, I&E's requested relief regarding revocation of Respondent's operating authority, which is set forth in I&E's Complaint, has been addressed.

**BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Pennsylvania Public Utility Commission,  
Bureau of Investigation and Enforcement,  
Complainant

v.

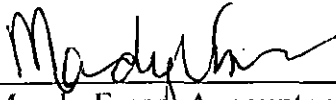
Hooters Hotshot Inc.,  
Respondent

Docket No. C-2015-2495067

**VERIFICATION**

I, Mandy Freas, Accountant, Bureau of Administrative Services, Assessment Section, hereby state that the facts above set forth are true and correct to the best of my knowledge, information, and belief and that I expect the Bureau will be able to prove the same at any hearing held in this matter. I understand that the statements herein are made subject to the penalties of 18 Pa.C.S. §4904 relating to unsworn falsification to authorities.

Date: December 31, 2015

  
Mandy Freas, Accountant  
Assessment Section  
Bureau of Administrative Services  
Pennsylvania Public Utility Commission  
P.O. Box 3265  
Harrisburg, PA 17105-3265

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**EXHIBIT 1**

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### Available Actions

Return Receipt Electronic

Text Updates

Email Updates

DATE & TIME	STATUS OF ITEM	LOCATION
August 24, 2015 , 1:58 pm	Delivered	VERNAL, UT 84078

Your item was delivered at 1:58 pm on August 24, 2015 in VERNAL, UT 84078.

August 19, 2015 , 1:02 pm	Available for Pickup	VERNAL, UT 84078
August 3, 2015 , 10:35 am	Notice Left (No Authorized Recipient Available)	VERNAL, UT 84078
August 2, 2015 , 10:15 pm	Departed USPS Facility	SALT LAKE CITY, UT 84199
August 1, 2015 , 9:59 am	Arrived at USPS Facility	SALT LAKE CITY, UT 84199
July 30, 2015 , 1:12 am	Departed USPS Facility	HARRISBURG, PA 17107
July 29, 2015 , 10:14 pm	Arrived at USPS Origin Facility	HARRISBURG, PA 17107
July 29, 2015 , 8:59 pm	Accepted at USPS Origin Sort Facility	HARRISBURG, PA 17120
July 28, 2015	Pre-Shipment Info Sent to USPS	

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## CERTIFICATE OF SERVICE

I hereby certify that I have this day served a true copy of the foregoing document upon the parties, listed below, in accordance with the requirements of 52 Pa. Code § 1.54 (relating to service by a party).

Notification by First Class Mail:

Vicky Reed  
Hooters Hotshot Inc.  
8136 North Indian Trail Road  
Vernal, UT 84078



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Stephanie M. Wimer  
Prosecutor  
PA Attorney ID No. 207522

Pennsylvania Public Utility Commission  
Bureau of Investigation and Enforcement  
P.O. Box 3265  
Harrisburg, PA 17105-3265  
717.772.8839  
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