



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

March 21, 2016

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. Erie Transportation Services Inc.
t/a Erie Yellow Cab
Docket No. C-2015-2498121

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,

Kourtney L. Myers
Prosecutor
PA Attorney ID No. 316494

Prosecutor for the Bureau of
Investigation and Enforcement

Enclosures

cc: As per Certificate of Service

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2016 MAR 21 AM 11:59
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**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

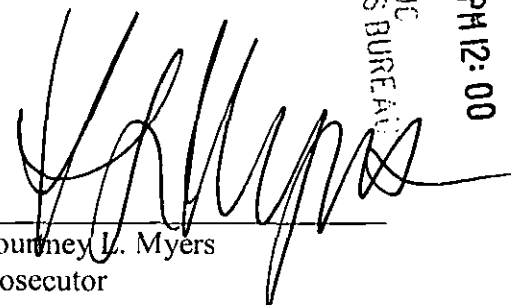
Pennsylvania Public Utility Commission, Bureau of Investigation and Enforcement, Complainant	:	
	:	
v.	:	Docket No. C-2015-2498121
	:	
Erie Transportation Services Inc. t/a Erie Yellow Cab, Respondent	:	

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.



Kourtney L. Myers
Prosecutor
PA Attorney ID No. 316494

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Bureau of Investigation and Enforcement
Pennsylvania Public Utility Commission
P.O. Box 3265
Harrisburg, PA 17105-3265
(717) 705-4366
komyers@pa.gov

Dated: March 21, 2016

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

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

v.

Erie Transportation Services Inc.
t/a Erie Yellow Cab,
Respondent

Docket No. C-2015-2498121

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 Erie Transportation Services Inc. t/a Erie Yellow Cab (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 August 14, 2015 by filing a Complaint.
2. On August 17, 2015, the Complaint was served by certified mail to Respondent at 129 East 26th Street, Erie, PA 16504.
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 19, 2015, Respondent signed a receipt confirming that it received the Complaint. A true and correct copy of proof of delivery of the Complaint is attached as Exhibit 1.

6. The twenty (20) days to file an Answer to the Complaint expired on September 8, 2015.

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. Subsequent to the filing of I&E's Complaint, on or about January 21, 2016, Respondent submitted payment in the amount of \$12,000 to be applied towards its outstanding assessment for the July 1, 2014 to June 30, 2015 Fiscal Year (2014-2015 Fiscal Year).

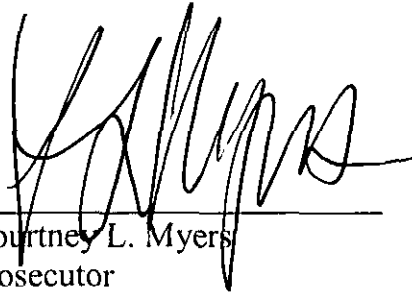
11. Respondent did not pay its remaining, outstanding assessment balance of \$7,157 for the 2014-2015 Fiscal Year or the civil penalty of \$2,874 that was sought in the Complaint for Respondent's failure to timely pay the assessment.

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

- a. Directs Respondent to pay its outstanding assessment of \$7,157 for the 2014-2015 Fiscal Year and the requested civil penalty of \$2,874 within thirty (30) days of the entry date of the Commission's Order;
- b. Directs the Bureau of Technical Utility Services to cancel Respondent's Certificate of Public Convenience at A-00108419 if the outstanding assessment and civil penalty set forth in subparagraph (a), above, for a total of \$10,031, is not paid within thirty (30) days of the entry date of the Commission's Order.
- c. 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 are not paid within thirty (30) days of the entry date of the Commission's Order; and

- d. 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 \$10,031, if that total is not paid within thirty (30) days of the entry date of the Commission's Order.

Respectfully submitted,



Kourtney L. Myers
Prosecutor
PA Attorney ID No. 316494

Pennsylvania Public Utility Commission
Bureau of Investigation and Enforcement
P.O. Box 3265
Harrisburg, PA 17105-3265
komyers@pa.gov
(717) 705-4366

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**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

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

v.

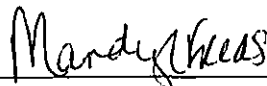
Erie Transportation Services Inc.
t/a Erie Yellow Cab,
Respondent

Docket No. C-2015-2498121

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: March 21, 2016



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

My Online Services

Profile Print Guide Export

Systems Reports E-Services Supplies

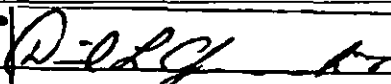
Home > E-Services > Status History

Status History ?

Tracking Number Information

Meter:	12650040	Mailing Date:	08/17/15 10:28 AM
Tracking Number:	9171969009350046806755	Sender:	
Current Status:	OK : Delivered,	Recipient:	
Class of Mail	FC	Zip Code:	16504
Service:	ERR	City:	ERIE
Value	\$0.705	State:	PA

[Proof of delivery](#)

Signature		
Printed Name	Mark Mcweeney	
Delivery Address	129 E. 26th St.	

Status Details

▼ Status Date	Status
Wed, 08/19/15, 11:15:00 AM	OK : Delivered
Wed, 08/19/15, 03:08:00 AM	Processed (processing scan)
Tue, 08/18/15, 08:36:00 PM	Dispatched from Sort Facility
Tue, 08/18/15, 12:03:00 PM	Processed (processing scan)
Mon, 08/17/15, 06:52:00 PM	Processed (processing scan)
Mon, 08/17/15, 05:37:00 PM	Origin Acceptance
Mon, 08/17/15, 01:40:00 PM	OK: USPS acknowledges reception of info

Note: Delivery status updates are processed throughout the day and posted upon receipt from the Postal Service.

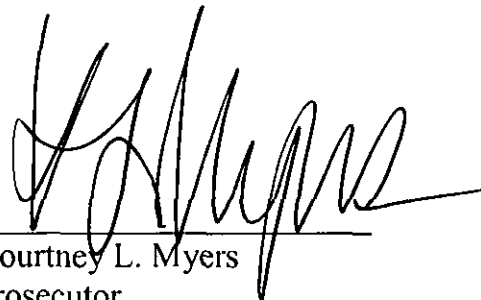
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CERTIFICATE OF SERVICE

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:

Mark J. McEnery
Erie Transportation Services Inc. t/a Erie Yellow Cab
129 East 26th Street
Erie, PA 16504



Kourtney L. Myers
Prosecutor
PA Attorney ID No. 316494

Pennsylvania Public Utility Commission
Bureau of Investigation and Enforcement
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Dated: March 21, 2016

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