PENNSYLVANIA

PUBLIC UTILITY COMMISSION

Harrisburg, PA 17105-3265

Public Meeting held January 28, 2010

Commissioners Present:

James H. Cawley, Chairman

Tyrone J. Christy, Vice Chairman

Kim Pizzingrilli

Wayne E. Gardner

Robert F. Powelson

Pennsylvania Public Utility Commission A-00123898

v. C-2009-2131062

JJJ Rides, LLC

7914 Ridge Avenue

Philadelphia, PA 19128

ORDER

BY THE COMMISSION:

On November 12, 2009, the Bureau of Transportation and Safety instituted a Complaint at C-2009-2131062 against JJJ Rides, LLC, Respondent, alleging failure to pay an outstanding fine of two hundred fifty dollars ($250.00) as required by a Commission Secretarial Letter issued on April 27, 2009 at C-2009-2081017. Failure to pay the fine is a violation of the Public Utility Code at 66 Pa. C.S. §501(c).

The Bureau of Transportation and Safety notified Respondent that it must file an Answer to the Complaint in accordance with 52 Pa. Code §5.61, within twenty days of the date of service. The Notice further specified that, if Respondent failed to answer the Complaint within twenty days, the Bureau of Transportation and Safety would request the Commission to issue an order cancelling Respondent’s Certificate of Public Convenience, requesting the Pennsylvania Department of Transportation to place an administrative hold on Respondent’s motor vehicle registrations, and notifying the Pennsylvania Department of Revenue and Respondent’s insurance carrier that Respondent’s Certificate is revoked.

The Complaint was sent by Certified Mail on November 12, 2009, and delivered on November 16, 2009. To date, Respondent has failed to file an Answer to the Complaint.

THEREFORE, IT IS ORDERED:

1. That the allegations in the Complaint are deemed to be admitted.

2. That the Complaint is hereby sustained.

1. That the Certificate of Public Convenience, issued to Respondent at A-00123898 is hereby cancelled.
2. That Respondent is assessed a fine in the amount of one hundred dollars ($100.00) for failing to comply with the provisions of 66 Pa. C.S.A. §501 (c). Payment must be made by certified check or money order payable to the Pa. Public Utility Commission, P.O. Box 3265, Harrisburg, PA 17105-3265. Furthermore, the Commission will request that the Pennsylvania Department of Transportation put an administrative hold on Respondent’s vehicle registrations. Respondent will not be able to register any new vehicles or renew any existing vehicle registrations until all past due assessments are paid, all past due fines are paid, all insurance filings are up to date, and it holds an active Certificate of Public Convenience issued by this Commission.

This Secretarial Cancellation Order will be served on:

The Department of Revenue

Bureau of Audit Programs

Sales and Use Taxes

Tenth Floor, Strawberry Square

Harrisburg, PA 17128-1061

and on Respondent’s insurance carrier:

American Southern Insurance Company

P.O. Box 723030

Atlanta, GA 31139

1. That Respondent is hereby notified to cease and desist from further violations of the Public Utility Code, 66 Pa. C.S. §§101, et seq. and the regulations of the Commission, 52 Pa. Code §§1.1, et seq. In view of the cancellation of Respondent’s Certificate of Public Convenience, it is specifically prohibited from rendering service as a common carrier by motor vehicle in intrastate commerce in the Commonwealth of Pennsylvania.

6. That should Respondent wish to again begin transportation operations in the Commonwealth of Pennsylvania, Respondent must file a Petition for Reinstatement of its Certificate for good cause, in accordance with the provisions of 52 Pa. Code §5.41(a) and 1 Pa. Code §35.17. An original and three copies shall be filed within 15 days of receipt of this letter. The Petition shall be filed with the Secretary, PA Public Utility Commission, P.O. Box 3265, Harrisburg, PA 17105-3265. A copy of the Petition must also be served on the Bureau of Transportation and Safety and all other parties to the proceeding. The Commission will either grant or deny the Petition. If the Petition is denied or a timely Petition is not filed, Respondent must file a new application for authority in order to obtain a Certificate of Public Convenience. The Commission will assess the following five factors in deciding whether to grant or deny a Petition for Reinstatement: (1) Respondent’s violation history of Commission rules and regulations, (2) Respondent’s outstanding obligations to the Commission, such as monetary penalties, assessments, and insurance filings, (3) the timeliness of Respondent’s filing of the Petition from the date of cancellation of their Certificate, (4) Respondent’s rationale given for the violation resulting in the cancellation of their Certificate, and (5) Respondent’s solution to prevent future violations of Commission rules and regulations. Respondent’s Petition for Reinstatement should address each of these five factors. Further, the Petition must be accompanied by an Affidavit or Verification stating: “that the facts above set forth are true and correct to the best of my knowledge, information and belief. I expect to 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” as set forth at 52 Pa. Code §1.36. The Verification must be signed and dated. Respondent must pay all outstanding assessments and fines before this Commission will act on a Petition for Reinstatement. Payment must be made by certified check or money order payable to the Pa. Public Utility Commission, P.O. Box 3265, Harrisburg, PA 17105-3265.

BY THE COMMISSION,

James J. McNulty

Secretary

(SEAL)

ORDER ADOPTED: January 28, 2010  
  
ORDER ENTERED: **January 29, 2010**