



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

IN REPLY PLEASE
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SECRETARY'S BUREAU

July 27, 2010

Rosemary Chiavetta, Secretary
Pa. Public Utility Commission
2nd Floor Keystone Bldg.
Harrisburg, PA 17120

Re: Pennsylvania Public Utility Commission, Bureau of Transportation and
Safety v. Southway, Inc.
Docket No. C-2009-2137026

Dear Secretary Chiavetta:

Enclosed for filing, please find an original and three copies of the Withdrawal of Complaint filed by the Law Bureau Prosecutory Staff of the Pennsylvania Public Utility Commission in the above-captioned matter. Copies have been served according to the attached Certificate of Service.

Sincerely,

Elizabeth Lion Januzzi
Law Bureau Prosecutory Staff

Enclosure

cc: Veronica A. Smith, Chief Administrative Law Judge
Wendy Keezel, Chief Motor Carrier Enforcement
As per certificate of service

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

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Law Bureau Prosecutory Staff,	:	
Complainant	:	
	:	
v.	:	Docket No. C-2009-2137026
	:	
Southway, Inc.,	:	
Respondent	:	

**PETITION FOR
WITHDRAWAL OF COMPLAINT**

AND NOW, pursuant to Section 5.94 of the Pa. Code, 52 Pa. Code § 5.94, comes the Bureau of Transportation and Safety of the Pennsylvania Public Utility Commission, by and through its counsel the Law Bureau Prosecutory Staff (Prosecutory Staff), after having carefully reviewed the facts and the law concerning this matter, hereby certifies as follows:

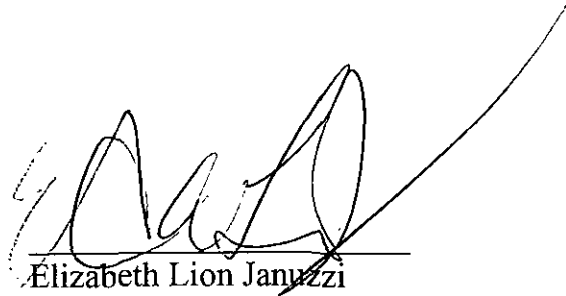
1. That Southway, Inc. holds a certificate of public convenience at Docket No. A-00107960, certficated August 18, 1988.

- 2 That this Complaint was filed on behalf of the with the Commission alleging that Southway, Inc., had reported zero PA PUC intrastate revenue for calendar years 2006 and 2007. On April 6, 2009 this Commission received Respondent's 2008 Assessment Report, which was signed by W. E.

Campbell, treasurer of the company. It also reported zero PA PUC regulated intrastate revenue.

3. That Respondent, by failing to submit a letter to this Commission prior to abandoning or discontinuing service, violated 52 Pa. Code §3.381(a)(1)(v), 52 Pa. Code §3.381(a)(5) and 66 Pa. C.S. §1102(a)(2) and, by failing to maintain adequate, efficient and safe service and facilities, violated 66 Pa. C.S. §1501
4. Subsequent to the filing of this Complaint, Southway, Inc., has verified its intent to continue business operations in Pennsylvania, has continued to comply with the obligation to file annual reports of revenue, maintains the appropriate insurance and complies with all obligations relevant to its ongoing operation as a certificated motor carrier.
5. Based upon the forgoing, the Respondent is in compliance and the Formal Complaint should be withdrawn.

WHEREFORE, the Law Bureau Prosecutory Staff hereby respectfully requests that the Complaint filed at the above-captioned docket be dismissed and the above docket marked closed.

A handwritten signature in black ink, appearing to read 'Elizabeth Lion Januzzi', written over a horizontal line.

Elizabeth Lion Januzzi
Law Bureau Prosecutory Staff

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

Dated: July 27, 2010

CERTIFICATE OF SERVICE

I hereby certify that I am this day serving the foregoing document, Withdrawal of Complaint, on behalf of the Bureau of Transportation and Safety of the Pennsylvania Public Utility Commission, upon the persons listed and in the manner indicated below:

Service by First Class Mail addressed as follows:

William A. Gray, Esq.
310 Grant Street
Suite 2310 Grant Building
Pittsburgh, PA 15219-2383

Veronica A. Smith, Chief
Office of Administrative Law Judge
Pennsylvania Public Utility Commission
P.O. Box 3265
Harrisburg, PA 17105-3265

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Elizabeth Lion Januzzi
Assistant Counsel
Attorney ID No. 69487
Pennsylvania Public Utility Commission

P.O. Box 3265
Harrisburg, PA 17105-3265
Phone: (717) 772-0696

Dated: July 27, 2010