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February 3, 2011

**VIA ELECTRONIC FILING**

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

In re: Pennsylvania Public Utility Commission v. Blue & White USA, Inc.,  
t/a Altoona USA & Transfer  
C-2010-2189008, A-00119928

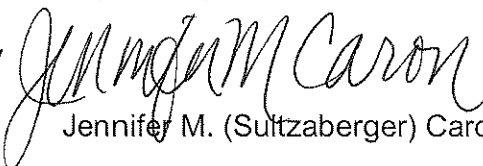
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Dear Secretary Chiavetta:

Enclosed for filing on behalf of Blue & White USA, Inc., t/a Altoona USA & Transfer is its Petition for Reconsideration of the Order Entered January 19, 2011. Copies of the Company's Petition are being served upon the person and in the manner set forth on the certificate of service attached to it.

Very truly yours,

THOMAS, LONG, NIESEN & KENNARD

By   
Jennifer M. (Sultzaberger) Caron

Enclosure

cc: Vincent Velez, President

**BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

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<b>Pennsylvania Public Utility Commission</b>	:	<b>C-2010-2189008</b>
	:	<b>A-00119928</b>
	:	
<b>v.</b>	:	
	:	
<b>Blue &amp; White USA, Inc., t/a Altoona USA &amp; Transfer 1024 Chestnut Avenue Altoona, PA 16001</b>	:	

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**PETITION OF BLUE AND WHITE USA, INC., T/A ALTOONA USA & TRANSFER  
FOR RECONSIDERATION OF THE ORDER  
ENTERED JANUARY 19, 2011**

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AND NOW, comes Blue and White USA, Inc., t/a Altoona USA & Transfer (“Altoona USA”) by and through its attorneys, and, pursuant to 52 Pa. Code § 5.572, petitions the Public Utility Commission (“Commission”) for reconsideration of its Order entered January 19, 2011, in the above captioned proceeding. In support of reconsideration, Altoona USA submits as follows.

**I. BACKGROUND**

1. By Order entered January 19, 2011, a copy of which is attached hereto as Attachment A (the “Order”), the Commission sustained the Complaint and fined Altoona USA \$1,100 for allegedly charging a rate greater than that authorized by its tariff, in violation of 54 Pa. Code 29.316(a) and 66 Pa. C.S. § 1303; and for allegedly failing to have tires in safe

operating condition installed, in violation of 52 Pa. Code § 29.402(1) and 67 Pa. Code § 175.65(a).

## **II. STANDARD FOR RECONSIDERATION**

2. A Petition for Reconsideration must make new or novel arguments not previously considered or raise matters which are designed to convince the Commission to exercise its discretion to rescind or amend an Order under consideration. *Duick v. Pennsylvania Gas and Water Co.*, 56 Pa. PUC 553, 51 P.U.R.4<sup>th</sup> 284 (1982).

## **III. CONSIDERATIONS JUSTIFYING RECONSIDERATION**

3. As the Commission recognized in its Order, the notice attempted to be served once on Altoona USA on October 7, 2010, was “returned as undeliverable.”

4. Altoona USA employs staff 24 hours a day, 7 days a week at the “1024 Chestnut Street” address. However, Altoona USA has no record of receiving the Complaint.

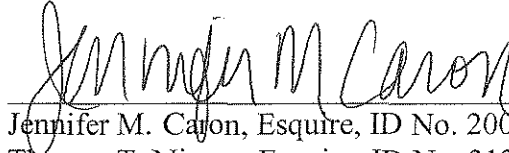
5. Altoona USA respectfully requests that it be given the opportunity to submit evidence regarding its non-receipt of the Complaint and, consequently, its inability to respond to the allegations contained therein.

6. Altoona USA also respectfully requests that it be given the opportunity to Answer the Complaint and/or submit evidence at a hearing in the matter with regard to the alleged violations.

IV. CONCLUSION

WHEREFORE, Blue & White USA, Inc., t/a Altoona USA & Transfer respectfully requests that its Petition for Reconsideration of the Commission's Order entered January 19, 2011, be granted and that the matter be reopened for further consideration.

Respectfully submitted,



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Jennifer M. Canon, Esquire, ID No. 200993  
Thomas T. Niesen, Esquire, ID No. 31379  
THOMAS, LONG, NIESEN & KENNARD  
212 Locust Street, Suite 500  
P.O. Box 9500  
Harrisburg, PA 17108-9500  
(717) 255-7600

Attorneys for Blue & White USA, Inc., t/a  
Altoona USA & Transfer

Date: February 3, 2011

ATTACHMENT A

PENNSYLVANIA  
PUBLIC UTILITY COMMISSION  
Harrisburg, PA 17105-3265

Public Meeting held January 13, 2011

**Commissioners Present:**

**James H. Cawley, Chairman**  
**Tyrone J. Christy, Vice Chairman**  
**John F. Coleman, Jr.**  
**Wayne E. Gardner**  
**Robert F. Powelson**

Pennsylvania Public Utility Commission

v.

C-2010-2189008  
A-00119928

BLUE & WHITE USA INC  
T/A ALTOONA USA & TRANSFER  
1024 CHESTNUT AVE  
ALTOONA PA 16601

ORDER

BY THE COMMISSION:

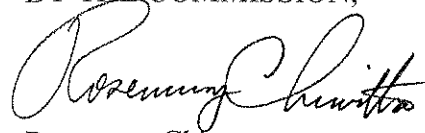
On October 7, 2010, the Bureau of Transportation and Safety instituted a Complaint against Cool Blue & White USA, Inc., t/a Altoona USA & Transfer, respondent, for charging a rate greater than that authorized by its tariff, in violation of 52 Pa. Code §29.316(a) and 66 Pa. C.S. §1303; as well as for failing to have tires in safe operating condition installed, in violation of 52 Pa. Code §29.402(1) and 67 Pa. Code §175.65(a).

The respondent was notified that an Answer to the complaint was due within 20 days of the date of service and that failure to file a timely Answer would result in an Order imposing a fine or other appropriate remedy. The first attempt to serve notice upon the respondent was issued on October 7, 2010, with an Answer due no later than October 27, 2010. On October 22, 2010, the notice was returned as undeliverable. The address information was then verified against Commission records and was found to match. On November 6, 2010, the Complaint and Notice were published in *The Pennsylvania Bulletin* with an Answer to be due no later than November 26, 2010. To date, more than twenty (20) days later, 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.
3. That Respondent is hereby fined \$1,100.00 for charging a rate greater than that authorized by its tariff, in violation of 52 Pa. Code §29.316(a) and 66 Pa. C.S. §1303; as well as for failing to have tires in safe operating condition installed, in violation of 52 Pa. Code §29.402(1) and 67 Pa. Code §175.65(a). Payment must be made to the Pennsylvania Public Utility Commission, P.O. Box 3265, Harrisburg, PA 17105-3265.
5. 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.

BY THE COMMISSION,



Rosemary Chiavetta  
Secretary

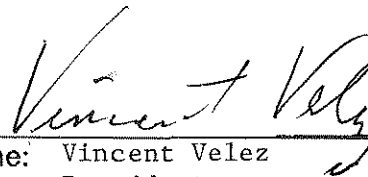
(SEAL)

**ORDER ADOPTED: January 13, 2011**

**ORDER ENTERED: January 19, 2011**

VERIFICATION

I, Vincent Velez of Blue & White USA, Inc., t/a Altoona USA & Transfer, am authorized to represent Blue & White USA, Inc., t/a Altoona USA & Transfer to make this Verification on its behalf, and hereby state that the facts above set forth are true and correct (or are true and correct to the best of my knowledge, information and belief) and that I expect to be able to prove the same at a 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).



Name: Vincent Velez  
Title: President  
Blue & White USA, Inc.,  
t/a Altoona USA & Transfer

Date: 2-2-11

**BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

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<b>Pennsylvania Public Utility Commission</b>	:	<b>C-2010-2189008</b>
	:	<b>A-00119928</b>
	:	
v.	:	
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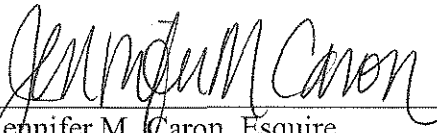
**CERTIFICATE OF SERVICE**

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I hereby certify that I have this 3<sup>rd</sup> day of February, 2011, served a true and correct copy of the Petition of Blue and White USA, Inc., t/a Altoona USA & Transfer for Reconsideration of the Order Entered January 19, 2011, upon the person and in the manner indicated below:

**FIRST CLASS MAIL**

Wendy J. Keezel, Chief of Enforcement  
Motor Carrier Services & Enforcement Division  
Bureau of Transportation and Safety  
P.O. Box 3265  
Harrisburg, PA 17105-3265

  
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Jennifer M. Caron, Esquire  
Attorney ID No. 200993