



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

IN REPLY PLEASE  
REFER TO OUR FILE

February 15, 2011

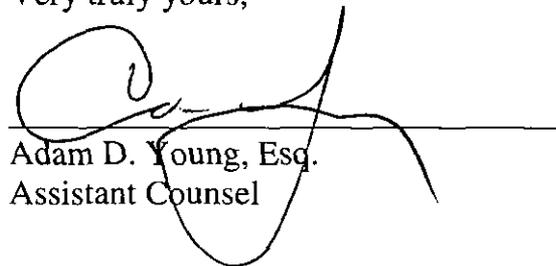
Rosemary Chiavetta, Secretary  
Pennsylvania Public Utility Commission  
P.O. Box 3265  
Harrisburg, PA 17105-3265

**Re: Docket No. C-2009-2127784**

Dear Secretary Chiavetta:

Enclosed for filing please find the original and three (3) copies of the *Motion for Judgment on the Pleadings* in the above-captioned matter.

Very truly yours,



Adam D. Young, Esq.  
Assistant Counsel

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BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION

FEB 15 2011

PA PUBLIC UTILITY COMMISSION  
SECRETARY'S BUREAU

PENNSYLVANIA PUBLIC UTILITY :  
COMMISSION, BUREAU OF :  
TRANSPORTATION AND SAFETY :

V. :

DOCKET NO: C-2009-2127784

DONALD FIX t/a DON FARR :  
MOVING COMPANY :  
4920 BUTTERMILK HOLLOW ROAD :  
WEST MIFFLIN, PA 15122 :

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**MOTION FOR JUDGMENT ON THE PLEADINGS**

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Now comes, the Pennsylvania Public Utility Commission Bureau of Transportation and Safety ("BTS"), through its counsel Adam D. Young, and files this Motion for Judgment on the Pleadings pursuant to 52 Pa. Code § 5.102, and in support thereof states the following:

1. On September 7, 2010, BTS filed a First Amended Complaint in the above-captioned matter, against Respondent Donald Fix t/a Don Farr Moving Company, which maintains its principle place of business at 4920 Buttermilk Hollow Road, West Mifflin, PA 15122.

2. The First Amended Complaint alleged several violations of the Public Utility Commission's regulations, including 52 Pa. Code § 31.134(c), 52 Pa. Code § 31.27(6), 52 Pa. Code § 31.122(2), 52 Pa. Code § 31.27, and the Public

Utility Code at 66 Pa C.S. § 1303. The total requested civil penalty is \$7,050, with an additional \$8.00 to be refunded to Respondent's customer, Wendy Church.

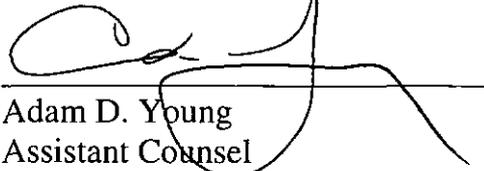
3. As of the date of this Motion, Respondent has not filed an Answer to the First Amended Complaint, and does not intend to file an answer to the First Amended Complaint.

4. A Motion for Summary Judgment or Judgment on the Pleadings must be based on the pleadings and depositions, answers to interrogatories, admissions and supporting affidavits. 52 Pa. Code § 5.102(c). There being no Answer, the First Amended Complaint is the only pleading in this case on which to base a ruling on this Motion.

5. Judgment on the Pleadings is appropriate in this matter, as the applicable pleadings show that there is no genuine issue as to a material fact. 52 Pa. Code § 5.102(d)(1). Accordingly, BTS is entitled to a judgment as a matter of law.

WHEREFORE, Respondent, by not filing an Answer in this matter, has admitted all relevant issues of fact alleged in the First Amended Complaint. BTS hereby moves this Court to enter Judgment on the Pleadings in favor of BTS consistent with the relief requested in the First Amended Complaint.

Respectfully Submitted,



Adam D. Young  
Assistant Counsel  
Attorney ID: 91822

Counsel for the Bureau of  
Transportation and Safety

P.O. Box 3265  
Harrisburg, PA 17105-3265  
(717) 772-8582

Dated: February 15, 2011

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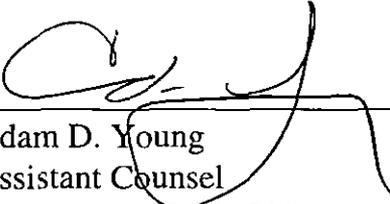
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## CERTIFICATE OF SERVICE

I hereby certify that I am this day serving the foregoing document, Motion for Judgment on the Pleadings, upon the persons listed and in the manner indicated below:

### Service by Certified Mail:

Louis W. Emmi, Esq.  
201 Lebanon Shops  
300 Mt. Lebanon Blvd  
Pittsburgh, PA 15234



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Adam D. Young  
Assistant Counsel  
Attorney ID No. 91822  
Pennsylvania Public Utility Commission

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Dated: February 15, 2011

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