

**PENNSYLVANIA PUBLIC UTILITY COMMISSION**  
**Harrisburg, Pennsylvania 17105-3265**

**PA PUC, BTS**  
**v.**  
**Milton B. Romig**

**Public Meeting held January 27, 2012**  
**2147793-ALJ**

**Docket No. C-2010-2147793**

**MOTION OF COMMISSIONER WAYNE E. GARDNER**

Before the Commission for consideration is the Initial Decision issued by the Office of Administrative Law Judge (OALJ) with respect to the formal Complaint issued against Milton B. Romig. The Complaint alleged that Mr. Romig transported passengers and property for compensation while not holding a certificate of public convenience. The Complaint imposed by the Bureau of Transportation and Safety recommends the imposition of a \$1,000 penalty.<sup>1</sup>

While I agree with the ALJ's decision to reduce the penalty to \$500, the issue of greatest concern is ensuring the safety of the traveling public. It is the responsibility of this Commission to make certain that any carrier providing transportation for compensation to the public in Pennsylvania has adequate insurance and meets all fitness and safety requirements. It is very important that these carriers become certificated and adhere to our regulations.

Accordingly, I recommend that Mr. Romig be given the following two options to resolve the Complaint:

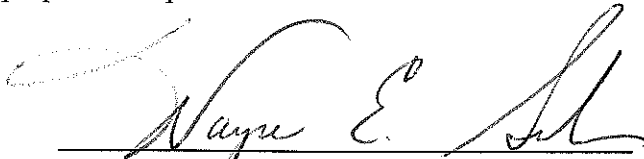
1. Mr. Romig pay a civil penalty of \$150 **and** file an application for a certificate of public convenience, including all the necessary documentation, within 30 days; or
2. Mr. Romig pay the full \$500 penalty as imposed by the ALJ in the Initial Decision before us today. If he chooses not to file an application, Mr. Romig does so with the understanding that he is not certificated and **may not** provide transportation for compensation.

If Mr. Romig chooses to file an Application, the Bureau of Technical Utility Services should review 52 PA Code § 29.508, as well as 49 Code of Federal Regulations § 391.41, to determine if Mr. Romig requires medical certification.

**THEREFORE, I MOVE THAT:**

1. The Office of Special Assistants prepare an Opinion and Order consistent with this Motion.

**January 27, 2012**  
**Date**

  
**Wayne E. Gardner, Commissioner**

<sup>1</sup> Effective September 15, 2011, these functions were transferred to the Bureau of Investigation and Enforcement as part of the Commission's Reorganization.