

PENNSYLVANIA PUBLIC UTILITY COMMISSION
HARRISBURG, PENNSYLVANIA 17105

PENNSYLVANIA PUBLIC
UTILITY COMMISSION, BUREAU
OF TRANSPORTATION AND
SAFETY v. ROBERT LEVAN t/a
NIGHT MOVES

Public Meeting March 15, 2012
2070216-OSA
Docket No.C-2009-2070216

**MOTION OF
CHAIRMAN ROBERT F. POWELSON**

Before the Commission for consideration are the Exceptions filed by Robert Levan t/a Night Moves (Respondent) and Law Bureau Prosecutory Staff (LBPS-- representing the Bureau of Transportation and Safety), filed in response to the Initial Decision of the Administrative Law Judge (ALJ).

The Office of Special Assistants (OSA) recommends granting the Exceptions of Respondent, granting in part and denying in part the Exceptions of the LBPS and modifying the Initial Decision of the ALJ. Furthermore, OSA recommends approval of the Settlement Agreement and sustaining the Complaint at Docket C-2009-2070216 issuing a civil penalty of \$500.00. I disagree.

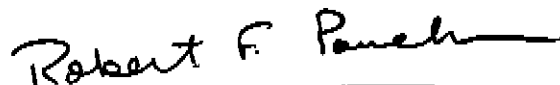
I believe the Settlement Agreement should be rejected and the matter remanded to the Office of Administrative Law Judge for further investigation. Additionally, the Respondent stated in its Exceptions (Exceptions at 1): "If the promise of the Commission's Law Bureau will not be honored, I demand a full hearing in this matter."

Moreover, in the interest of public safety, I request that the hearing be expedited.

THEREFORE, IT IS ORDERED:

1. That the Exceptions of Robert Levan t/a Night Moves and Law Bureau Prosecutory Staff be denied consistent with this Motion.
2. That the Settlement Agreement entered into between Robert Levan t/a Night Moves and Law Bureau Prosecutory Staff be rejected.
3. That the matter be remanded to the Office of Administrative Law Judge for an expedited hearing.
4. That the Office of Special Assistants prepare the appropriate Opinion and Order.

DATED: March 15, 2012


ROBERT F. POWELSON
CHAIRMAN