



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

IN REPLY PLEASE
REFER TO OUR FILE

C-2012-2316193

August 27, 2012

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

Re: Pennsylvania Public Utility Commission, Bureau of Investigation
and Enforcement v. Floyd C. Matthews t/a F.C. Matthews Trucking
Docket No. C-2012-2316193

Dear Secretary Chiavetta:

Enclosed for filing are an original and three (3) copies of the Motion for Default Judgment of the Bureau of Investigation and Enforcement of the Pennsylvania Public Utility Commission in the above-captioned matter. Copies have been served on the parties of record in accordance with the Certificate of Service.

Sincerely,

Stephanie M. Wimer
Prosecutor
Attorney I.D. No. 207522

Enclosure

cc: As per certificate of service

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**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

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Pennsylvania Public Utility Commission, :
Bureau of Investigation and Enforcement :
Complainant :
v. :
Floyd C. Matthews t/a F.C. Matthews Trucking :
Respondent :

Docket No. C-2012-231619

MOTION FOR DEFAULT JUDGMENT

NOW COMES the Pennsylvania Public Utility Commission's ("Commission") Bureau of Investigation and Enforcement ("I&E"), by its counsel, and files this Motion for Default Judgment against Floyd C. Matthews t/a F.C. Matthews Trucking ("Respondent") pursuant to Section 5.103 of the Commission's regulations, 52 Pa. Code §5.103. In support thereof, I&E respectfully represents as follows:

1. I&E commenced this action on July 27, 2012 by filing a Complaint and serving it by certified mail.
2. Attached to the Complaint was a Notice advising Respondent that it must file an Answer within twenty (20) days of service of the Complaint.
3. The Notice also advised Respondent that if it failed to answer the Complaint, I&E would request that the Commission issue an Order imposing the penalty set forth in the Complaint.
4. On August 1, 2012, Respondent signed a receipt confirming that it received the Complaint. A true and correct copy of proof of delivery of the Complaint is attached as Exhibit 1.
5. The twenty (20) days to file an Answer to the Complaint expired on August 21, 2012.

6. To date, Respondent has not filed an Answer to the Complaint.
7. To date, Respondent has not paid its outstanding assessment balance that totals \$635, and the associated civil penalty of \$1,095, which were requested in the Complaint.
8. I&E respectfully requests that the Commission enter a Default Order against Respondent that:
 - a. Cancels Respondent's certificate of public convenience;
 - b. Notifies Respondent that a copy of this Order will be sent to the Pennsylvania Department of Transportation for the suspension or revocation of vehicle registrations that were used under Respondent's operating authority; and
 - c. Directs the Bureau of Administrative Services, Assessment Section to refer the matter to the Pennsylvania Office of Attorney General for collection of the unpaid assessments.

Respectfully submitted,



Stephanie Wimer
Prosecutor
Attorney ID # 207522
Bureau of Investigation and Enforcement

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

Date: August 27, 2012

VERIFICATION

I, Susan A. Daub, Accountant, Bureau of Administrative Services, Assessment Section, hereby state that the facts above set forth are true and correct to the best of my knowledge, information, and belief and that I expect the Bureau will be able to prove the same at any 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.

Date: August 27, 2012



Susan A. Daub, Accountant
Assessment Section
Bureau of Administrative Services
PA. Public Utility Commission
P.O. Box 3265
Harrisburg, PA 17105-3265

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EXHIBIT 1

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My Online Services

Profile Print Guide

Systems	Reports	E-Services	Supplies
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Home > E-Services > Status History

Status History ?

Tracking Number Information

Motor:	12601777	Mailing Date:	07/30/12 10:50 AM
Tracking Number:	9171969009350019452842	Sender:	
Current Status:	OK : Delivered	Recipient:	
Class of Mail	FC	ZIP Code:	16153
Service:	ERR	City:	Stoneboro
Value	\$0.650	State:	PA

Floyd Matthews

Proof of delivery



Status Details

Status Date	Status
Wed, 08/01/12, 12:44:00 PM	OK : Delivered
Mon, 07/30/12, 01:40:00 PM	OK: USPS acknowledges reception of info

Note: Delivery status updates are processed throughout the day and posted upon receipt from the Postal Service.

CERTIFICATE OF SERVICE

I hereby certify that I am this day serving a true copy of the foregoing Motion for Default Judgment in accordance with the requirements of 52 Pa. Code § 1.54 *et seq.* (relating to service by a party).

Service by Certified Mail:

Floyd C. Matthews, President
Floyd C. Matthews t/a F.C. Matthews Trucking
3292 Georgetown Road
Stoneboro, PA 16153



Stephanie M. Wimer
Prosecutor
Attorney I.D. No. 207522

Counsel for the Bureau of
Investigation and Enforcement,
Pennsylvania Public Utility
Commission

P.O. Box 3265
Harrisburg, PA 17105-3265
(717) 787-5000

Dated: August 27, 2012

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