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Pamela C. Polack  
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Direct Fax: 717.260.1736  
ppolack@mwn.com

September 17, 2012

Rosemary Chiavetta, Secretary  
Pennsylvania Public Utility Commission  
Commonwealth Keystone Building  
400 North Street, 2nd Floor  
Harrisburg, PA 17120

**VIA HAND DELIVERY**

**RE: Pennsylvania Public Utility Commission, Bureau of Investigation and Enforcement  
v. Transcorr, LLC; Docket No. C-2012-2321032**


Dear Secretary Chiavetta:

Enclosed please find for filing with the Pennsylvania Public Utility Commission ("PUC" or "Commission") the original and three (3) copies of the Answer of Transcorr, LLC, to the Complaint of the Bureau of Investigation and Enforcement in the above-referenced proceeding.

As shown by the attached Certificate of Service, all parties to this proceeding are being duly served. Please date stamp the extra copy of this transmittal letter and Answer, and kindly return them for our filing purposes. Thank you.

Sincerely,

McNEES WALLACE & NURICK LLC

By   
Pamela C. Polack

Counsel to Transcorr, LLC

Enclosures

c: Ronald J. Morelock (via E-mail and First Class Mail)  
Certificate of Service

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HARRISBURG, PA • LANCASTER, PA • STATE COLLEGE, PA • COLUMBUS, OH • WASHINGTON, DC

**BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Pennsylvania Public Utility Commission  
Bureau of Investigation and Enforcement

v.

Transcorr, LLC

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Docket No. C-2012-2321032

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**ANSWER TO COMPLAINT**

Transcorr, LLC (the "Respondent"), by and through its undersigned counsel, hereby files its Answer to the Complaint of the Pennsylvania Public Utility Commission Bureau of Investigation and Enforcement (the "I&E"), and hereby states in paragraph order in response to the specific allegations of the Complaint as follows:

1. Respondent admits the allegations contained in Paragraph 1 of the Complaint.
2. Respondent admits the allegations contained in Paragraph 2 of the Complaint.
3. Respondent admits the allegations contained in Paragraph 3 of the Complaint.
4. Respondent admits the allegations contained in Paragraph 4 of the Complaint.
5. Respondent admits the allegations contained in Paragraph 5 of the Complaint.

6. Respondent admits the allegations contained in Paragraph 6. By way of further response, Respondent was issued a Certificate to operate as a motor property contract carrier on December 24, 1996 and a Certificate to operate as a motor property common carrier on September 21, 2001 by the Federal Motor Carrier Safety Administration. The Certificates have been active ever since and authorize Respondent to engage in for-hire trucking operations in interstate commerce. *See Exhibit 1* (Federal Motor Carrier Safety Administration Authority Record).

7. Respondent admits the allegations contained in Paragraph 7 of the Complaint.

8. Respondent admits the allegations contained in Paragraph 8 of the Complaint.

9. Respondent admits the allegations contained in Paragraph 9 of the Complaint.

10. Denied. By way of further response, Respondent is only subject to the Commission's regulations for actions that are subject to the PUC's jurisdiction.

11. Denied. By way of further response, Respondent is only subject to the Commission's regulations for actions that are subject to the PUC's jurisdiction.

### **2007 – 2008 FISCAL YEAR**

12. Respondent lacks knowledge or information to form a belief as to whether the Commission sent an assessment invoice for the July 1, 2007 to June 30, 2008 Fiscal Year. As a result, Respondent denies that such invoice was sent and demands proof that this occurred.

By way of further response, Respondent paid Unified Carrier Registration ("UCR") fees in the amount of \$75,000 during the 2007 and 2008 calendar years. *See Exhibit 2* (UCR payment history and 2007 and 2008 receipts). Pursuant to 49 U.S.C. § 14504(c), Respondent's payment of UCR fees preempts the Commission from levying an assessment for the July 1, 2007 to June 30, 2008 Fiscal Year. The Respondent denies any remaining allegations averred in Paragraph 12 of the Complaint.

13. Respondent lacks knowledge or information sufficient to form a belief as to the truth of the matter averred in Paragraph 13, and therefore denies such allegations.

14. Respondent lacks knowledge or information sufficient to form a belief as to the truth of the matter averred in Paragraph 14, and therefore denies such allegations.

15. Respondent lacks knowledge or information sufficient to form a belief as to the truth of the matter averred in Paragraph 15, and therefore denies such allegations.

**2010 – 2011 FISCAL YEAR**

16. Respondent lacks knowledge or information sufficient to form a belief as to the truth of the matter averred in Paragraph 16. As a result, Respondent denies that such invoice was sent and demands proof that this occurred.

17. Respondent lacks knowledge or information sufficient to form a belief as to the truth of the matter averred in Paragraph 17, and therefore denies such allegations.

18. Respondent lacks knowledge or information sufficient to form a belief as to the truth of the matter averred in Paragraph 18, and therefore denies such allegations.

19. Respondent lacks knowledge or information sufficient to form a belief as to whether the Commission sent Respondent an assessment invoice for the July 1, 2010 to June 30, 2011 Fiscal Year. As a result, Respondent denies that such invoice was sent and demands proof that this occurred.

By way of further response, Respondent paid Unified Carrier Registration ("UCR") fees during the 2009 and 2010 calendar years in the amount of \$45,011. *See Exhibit 3* (UCR payment history and 2009 and 2010 receipts). Pursuant to 49 U.S.C. § 14504(c), Respondent's payment of UCR fees preempts the Commission from levying an assessment for the July 1, 2010 to June 30, 2011 Fiscal Year. The Respondent denies any remaining allegations contained in Paragraph 19 of the Complaint.

20. Respondent lacks knowledge or information sufficient to form a belief as to the truth of the matter averred in Paragraph 20, and therefore denies such allegations.

21. Respondent lacks knowledge or information sufficient to form a belief as to the truth of the matter averred in Paragraph 21, and therefore denies such allegations.

22. Respondent lacks knowledge or information sufficient to form a belief as to the truth of the matter averred in Paragraph 22, and therefore denies such allegations.

23. Respondent lacks knowledge or information sufficient to form a belief as to the truth of the matter averred in Paragraph 23, and therefore denies such allegations.

**COUNT 1**

24. Respondent denies the material allegations contained in Paragraph 24 of the Complaint. By way of further response, no civil penalty is warranted or appropriate.

**COUNT 2**

25. Respondent denies the material allegations contained in Paragraph 25 of the Complaint. By way of further response, no civil penalty is warranted or appropriate.


**WHEREFORE**, Respondent, by counsel, hereby respectfully requests that the Commission void and cancel assessment invoices issued to Respondent on or about December 21, 2007 (for the 2007 – 2008 Fiscal Year) and on or about September 9, 2010 (for the 2010 – 2011 Fiscal Year) . Assessments issued by the Commission to UCR carriers such as Respondent after January 1, 2007 are invalid as a matter of law and preempted by 49 U.S.C. § 14504(c).

Respondent also requests rejection of the proposed \$2,480.00 civil penalty imposed on the alleged failure to pay the assessments, as the assessments are unlawful as a matter of law. Similarly, Respondent requests rejection of the proposed \$1,000.00 civil penalty for the alleged failure to file a 2009 assessment report. An assessment report filing under 66 Pa. C.S. § 510(b) is preempted by federal law as to UCR carriers such as Respondent per 49 U.S.C. § 14504(a)(c)(1)(D).

In addition, Respondent respectfully requests the Commission leave intact its Certificate of Public Convenience A-00119553, and keep active its automobile registrations. Thus, Respondent requests that I&E take nothing by way of its Complaint and for all other just and proper relief in the premises.

Respectfully submitted,

McNEES WALLACE & NURICK LLC

By 

Pamela C. Polacek (I.D. No. 78276)  
Barbara A. Darkes (I.D. No. 77419)  
100 Pine Street  
P.O. Box 1166  
Harrisburg, PA 17108-1166  
Phone: (717) 232-8000  
Fax: (717) 237-5300

Counsel to Transcorr, LLC

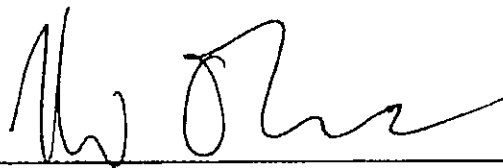
Dated: September 17, 2012

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**VERIFICATION**

I, Kevin O'Connor, hereby state that the facts set forth are true and correct to the best of my knowledge, information and belief and I expect to 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.

Dated: 9/14/12



Kevin O'Connor

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**BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Pennsylvania Public Utility Commission :  
Bureau of Investigation and Enforcement :

v. :

Transcorr, LLC :

Docket No. C-2012-2321032  
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**RESPONDENT, TRANSCORR, LLC'S**

***EXHIBIT 1  
FEDERAL MOTOR CARRIER SAFETY ADMINISTRATION  
AUTHORITY RECORD***

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U.S. Department of Transportation  
**Federal Motor Carrier Safety Administration**  
**Licensing and Insurance Public**

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**Motor Carrier Details**

US DOT:	670782	Docket Number:	MC311135	
Legal Name:	TRANSCORR, LLC			
Doing-Business-As Name:				
<b>Business Address</b>	<b>Business Telephone and Fax</b>	<b>Mail Address</b>	<b>Mail Telephone and Fax</b>	<b>Undeliverable Mail</b>
4901 W 96TH STREET INDIANAPOLIS IN 46288	(317) 879-3906	P O BOX 618548 INDIANAPOLIS IN 46268-7548		NO
<b>Authority Type</b>	<b>Authority Status</b>		<b>Application Pending</b>	
Common	ACTIVE		NO	
Contract	ACTIVE		NO	
Broker	INACTIVE		NO	
<b>Property</b>	<b>Passenger</b>	<b>Household Goods</b>	<b>Private</b>	<b>Enterprise</b>
YES	NO	NO	NO	NO
<b>Insurance Type</b>	<b>Insurance Required</b>		<b>Insurance on File</b>	
BIPD	\$1,000,000		\$1,000,000	
Cargo	NO		NO	
Bond	YES		NO	

BOC-3: YES  
 Blanket Company: SERVICE OF PROCESS AGENTS, INC.  
 Web Site Content and BOC-3 Information Clarification

[Active/Pending Insurance](#) | [Rejected Insurance](#) | [Insurance History](#) | [Authority History](#) | [Pending Application](#) | [Revocation](#) |

September 14, 2012



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Federal Motor Carrier Safety Administration  
 1200 New Jersey Avenue SE, Washington, DC 20590 • 1-800-832-5960 • TTY: 1-800-877-8339 • [FBI Office Contacts](#)



U.S. Department of Transportation  
Federal Motor Carrier Safety Administration  
Licensing and Insurance Public

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Authority History

US DOT:	970782	Docket Number:	MC311135		
Legal Name:	TRANSCORR, LLC				
Sub	Auth Type	Original Action		Disposition	
	PROPERTY BROKER	GRANTED	07/17/1997	REVOKED	08/01/2005
	MOTOR PROPERTY COMMON CARRIER	GRANTED	09/21/2001		
	MOTOR PROPERTY CONTRACT CARRIER	GRANTED	12/24/1996		

[Carrier Details](#) | [Active/Pending Insurance](#) | [Rejected Insurance](#) | [Insurance History](#) | [Pending Application](#) | [Revocation](#) |

September 14, 2012



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Federal Motor Carrier Safety Administration  
1205 New Jersey Avenue SE, Washington, DC 20590 • 1-800-832-6650 • TTY: 1-800-877-8339 • Field Office Contacts

**BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Pennsylvania Public Utility Commission :  
Bureau of Investigation and Enforcement :

v. :

Transcorr, LLC :

Docket No. C-2012-2321032

**RESPONDENT, TRANSCORR, LLC'S**

***EXHIBIT 2***  
***UCR Payment History and 2007 and 2008 Receipts***

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UNIFIED CARRIER REGISTRATION SYSTEM

UCR Home Logout Contact Us

Unified Carrier Registration

USDOT	Year	MC	MX	FF	Legal Name	Total Fee Paid	More Info
670782	2007	311135			TRANSCORR LLC	\$37500.00	More Info.
670782	2008	311135			TRANSCORR LLC	\$37500.00	More Info.
670782	2009	311135			TRANSCORR LLC	\$37500.00	More Info.
670782	2010	311135			TRANSCORR LLC	\$7511.00	More Info.
670782	2011	311135			TRANSCORR LLC	\$7511.00	More Info.
670782	2012	311135			TRANSCORR LLC	\$7511.00	More Info.



**Receipt number:** 2007500043086  
**Registration Year:** 2007  
**Expiration Date:** 12/31/2007  
**Legal Name:** TRANSCORR LLC  
**USDOT Number:** 670782  
**MC Number:** 311135  
**Telephone Number:** 3178793900  
**Base State:** IN  
**Business Address:** 4901 W 96th Street  
 Indianapolis , IN 46268  
**Mailing Address:** 4901 W 96th Street  
 Indianapolis , IN 46268  
**Classification:** Motor Carrier

Transaction Type	Total Vehicles	Certified By	Fee Paid	Paid Date	Amount	Other Fee
REGISTRATION	1562	RUTH LOHMAN	Yes	10/09/2007	\$37500.00	\$0.00
<b>Total</b>	<b>1562</b>				<b>\$37500.00</b>	

**Note:**

If Fee Paid is 'Payment Error', please contact your financial organization OR base state.

**Receipt number:** 2008500043086  
**Registration Year:** 2008  
**Expiration Date:** 12/31/2008  
**Legal Name:** TRANSCORR LLC  
**USDOT Number:** 670782  
**MC Number:** 311135  
**Telephone Number:** 3178793900  
**Base State:** IN  
**Business Address:** 4901 W 96th Street  
 Indianapolis , IN 46268  
**Mailing Address:** 4901 W 96th Street  
 Indianapolis , IN 46268  
**Classification:** Motor Carrier

Transaction Type	Total Vehicles	Certified By	Fee Paid	Paid Date	Amount	Other Fee
REGISTRATION	2605		Yes	06/26/2008	\$37500.00	\$0.00
<b>Total</b>	<b>2605</b>				<b>\$37500.00</b>	

**Note:**

If Fee Paid is 'Payment Error', please contact your financial organization OR base state.

**BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Pennsylvania Public Utility Commission :  
Bureau of Investigation and Enforcement :

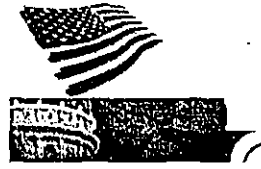
v. :

Transcorr, LLC :

Docket No. C-2012-2321032  
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**RESPONDENT, TRANSCORR, LLC'S**

***EXHIBIT 3***  
***UCR Payment History and 2010 and 2011 Receipts***



UCR Home Logout Contact Us

Unified Carrier Registration

USDOT	Year	MC	MX	FF	Legal Name	Total Fee Paid	More Info
670782	2007	311135			TRANSCORR LLC	\$37500.00	More Info.
670782	2008	311135			TRANSCORR LLC	\$37500.00	More Info.
670782	2009	311135			TRANSCORR LLC	\$37500.00	More Info.
670782	2010	311135			TRANSCORR LLC	\$7511.00	More Info.
670782	2011	311135			TRANSCORR LLC	\$7511.00	More Info.
670782	2012	311135			TRANSCORR LLC	\$7511.00	More Info.



**Receipt number:** 2009500043086  
**Registration Year:** 2009  
**Expiration Date:** 12/31/2009  
**Legal Name:** TRANSCORR LLC  
**USDOT Number:** 670782  
**MC Number:** 311135  
**Telephone Number:** 3178793900  
**Base State:** IN  
**Business Address:** 4901 W 96th Street  
 Indianapolis, IN 46268  
**Mailing Address:** 4901 W 96th Street  
 Indianapolis, IN 46268  
**Classification:** Motor Carrier

Transaction Type	Total Vehicles	Certified By	Fee Paid	Paid Date	Amount	Other Fee
REGISTRATION	1958		Yes	11/26/2008	\$37500.00	\$0.00
<b>Total</b>	<b>1958</b>				<b>\$37500.00</b>	

**Note:**

If Fee Paid is 'Payment Error', please contact your financial organization OR base state.

**Receipt number:** 2010500043086  
**Registration Year:** 2010  
**Expiration Date:** 12/31/2010  
**Legal Name:** TRANSCORR LLC  
**USDOT Number:** 670782  
**MC Number:** 311135  
**Telephone Number:** 3178793900  
**Base State:** IN  
**Business Address:** 4901 W 96th Street  
 Indianapolis , IN 46268  
**Mailing Address:** 4901 W 96th Street  
 Indianapolis , IN 46268  
**Classification:** Motor Carrier

Transaction Type	Total Vehicles	Certified By	Fee Paid	Paid Date	Amount	Other Fee
REGISTRATION	465	RUTH LOHMAN	Yes	06/11/2010	\$7511.00	\$0.00
<b>Total</b>	<b>465</b>				<b>\$7511.00</b>	

**Note:**

If Fee Paid is 'Payment Error', please contact your financial organization OR base state.

**Receipt number:** 2011500043086  
**Registration Year:** 2011  
**Expiration Date:** 12/31/2011  
**Legal Name:** TRANSCORR LLC  
**USDOT Number:** 670782  
**MC Number:** 311135  
**Telephone Number:** 3178793900  
**Base State:** IN  
**Business Address:** 4901 W 96th Street  
 Indianapolis , IN 46268  
**Mailing Address:** 4901 W 96th Street  
 Indianapolis , IN 46268  
**Classification:** Motor Carrier

Transaction Type	Total Vehicles	Certified By	Fee Paid	Paid Date	Amount	Other Fee
REGISTRATION	465	RUTH LOHMAN	Yes	11/23/2010	\$7511.00	\$0.00
<b>Total</b>	<b>465</b>				<b>\$7511.00</b>	

**Note:**

If Fee Paid is 'Payment Error', please contact your financial organization OR base state.

**CERTIFICATE OF SERVICE**

I hereby certify that I have this day served a true copy of the foregoing document upon the participants listed below in accordance with the requirements of 52 Pa. Code § 1.54 (relating to service by a participant).

**VIA E-MAIL AND FIRST CLASS MAIL**

Wayne T. Scott, Esquire  
Stephanie M. Wimer, Esquire  
Bureau of Investigation and Enforcement  
Pennsylvania Public Utility Commission  
Commonwealth Keystone Building  
400 North Street, 3<sup>rd</sup> Floor West  
Harrisburg, PA 17120  
[wascott@pa.gov](mailto:wascott@pa.gov)  
[stwimer@pa.gov](mailto:stwimer@pa.gov)

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Pamela C. Polacek

Counsel to Transcorr, LLC

Dated this 17<sup>th</sup> day of September, 2012, at Harrisburg, Pennsylvania.