



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

IN REPLY PLEASE  
REFER TO OUR FILE  
C-2011-2235323

November 5, 2012

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

Re: Pennsylvania Public Utility Commission, Bureau of Transportation  
and Safety v. Cawley Bros. Van Lines, Inc.  
Docket No. C-2011-2235323

Dear Secretary Chiavetta:

Enclosed for filing is an original copy of a Motion for Continuance of the Bureau of Transportation and Safety in the above-referenced case. Copies have been served on the parties of record in accordance with the Certificate of Service.

Sincerely,

Stephanie M. Wimer  
Prosecutor

Enclosure

cc: As per certificate of service

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2007-2008, 2008-2009, 2009-2010 and 2010-2011 fiscal years. BTS' complaint alleges that Respondent owes an outstanding assessment balance of \$9,911.

3. After filing this complaint, BTS became aware that Respondent filed a Voluntary Petition for Relief under Chapter 7 of the United States Bankruptcy Code, 11 U.S.C.S. §§701 *et seq.*

4. Respondent's bankruptcy petition was filed on November 23, 2011, in the Middle District of Pennsylvania at Docket No. 5:11-bk-07847-RNO.

5. BTS believes that its action to collect Respondent's outstanding assessment balance, which occurred prior to the date that Respondent filed for bankruptcy, is subject to the automatic stay provisions of the Bankruptcy Code. 11 U.S.C.S. §362(a).

6. Section 362(a) provides that the filing of a petition for relief under the Bankruptcy Code operates as a stay of the commencement or continuation of a judicial, administrative or other proceeding against the debtor that was brought before the commencement of the bankruptcy case. *Id.*

7. While there is an exception to the automatic stay provisions of the Bankruptcy Code for actions or proceedings by governmental units to enforce a governmental unit's police and regulatory power, this exception applies to actions other than the enforcement of a money judgment. 11 U.S.C.S. §362(b)(4).

8. The instant proceeding involves BTS' attempt to collect past due assessments that are owed to the Commission, which Respondent incurred prior to filing its Chapter 7 bankruptcy petition.

9. BTS submits that this proceeding is automatically stayed until Respondent's bankruptcy case is closed or dismissed, or until the time that a discharge is granted or denied. 11 U.S.C.S. §362(c)(2)(A)-(C).

10. BTS is willing to provide ALJ Jandebaur with periodic updates with respect to Respondent's bankruptcy case, such as once every six months, provided that BTS is capable of finding out this information by researching Respondent's case at the bankruptcy docket or by communicating with Respondent's trustee.

11. BTS contacted Attorney John L. Siejk, who is Respondent's attorney-of-record in this proceeding, to obtain Respondent's consent to continue the hearing. Attorney Siejk indicated that he is not permitted to act on Respondent's behalf and advised that all matters must be handled by Respondent's trustee.

12. Subsequently, BTS contacted Respondent's trustee, Attorney Mark J. Conway. Attorney Conway consented to BTS' request to continue the hearing.

WHEREFORE, the Bureau of Transportation and Safety requests that the hearing in this matter be continued until the conclusion of Respondent's bankruptcy case.

Respectfully Submitted,



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Stephanie M. Wimer  
Attorney ID # 207522

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Dated: November 5, 2012

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CERTIFICATE OF SERVICE

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

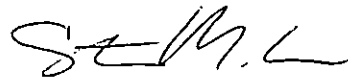
Service by First Class Mail and Electronically:

The Honorable Ember Jandebaur  
Administrative Law Judge  
Pennsylvania Public Utility Commission  
Office of Administrative Law Judge  
Scranton State Office Building  
Room 317, 100 Lackawanna Avenue  
Scranton, PA 18503  
ejandebaur@pa.gov

Service by First Class Mail:

John L. Siejk, Esq.  
201 S. Blakely St. #331  
Dunmore, PA 18512

Mark J. Conway, Esq.  
502 South Blakely Street  
Dunmore, PA 18512



Stephanie M. Wimer  
Prosecutor  
Attorney ID # 207522

Counsel for the Bureau of  
Transportation and Safety of the  
Pennsylvania Public Utility  
Commission

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