



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

IN REPLY PLEASE
REFER TO OUR FILE
C-2012-2318060

November 21, 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. Anthony Rodillo
Docket No. C-2012-2318060

Dear Secretary Chiavetta:

Enclosed for filing is an original copy 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**

Pennsylvania Public Utility Commission,	:	
Bureau of Investigation and Enforcement	:	
Complainant	:	
	:	Docket No. C-2012-2318060
v.	:	
	:	
Anthony Rodilosso	:	
Respondent	:	

NOTICE TO PLEAD

Pursuant to 52 Pa. Code §5.103, the Bureau of Investigation and Enforcement (I&E) of the Pennsylvania Public Utility Commission (Commission) has filed a Motion for Default Judgment in the above-captioned matter. You are hereby notified to file a written response within twenty (20) days of the service of the Motion, consistent with Commission procedural regulations at 52 Pa. Code §5.61.

Your Answer must be verified and the original and three (3) copies sent to:

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

Additionally, you must serve a copy on:

Wayne T. Scott
First Deputy Chief Prosecutor
Pennsylvania Public Utility Commission
Bureau of Investigation and Enforcement
P.O. Box 3265
Harrisburg, PA 17105

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Stephanie M. Wimer
Prosecutor
Attorney I.D. 207522

Bureau of Investigation and Enforcement
Pennsylvania Public Utility Commission
P.O. Box 3265
Harrisburg, PA 17105-3265
(717) 787-5000

Dated: November 21, 2012

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Pennsylvania Public Utility Commission, Bureau of Investigation and Enforcement Complainant	:	
	:	
	:	
v.	:	Docket No. C-2012-2318060
	:	
	:	
Anthony Rodilosso Respondent	:	

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 Anthony Rodilosso (“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 August 7, 2012, by filing a Complaint and serving it by certified mail.
2. The Complaint was mailed to Respondent at 2163 East Berlin Road, East Berlin, PA 17316. This is Respondent’s last known address that he provided to the Commission.
3. I&E’s Complaint was returned to the Commission by the United States Post Office on August 29, 2012, with a notation stating “Return to Sender, Unclaimed, Unable to Forward.”
4. Since Respondent failed to claim his certified mail, on September 4, 2012, the Commission re-served I&E’s Complaint to Respondent at the above-mentioned address.
5. Attached to the Complaint was a Notice advising Respondent that he must file an Answer within twenty (20) days of service of the Complaint or pay his outstanding assessment and civil penalty.
6. Respondent failed to file an Answer to this Complaint.

7. While Respondent failed to file a written response to the Complaint, Respondent received the Complaint because he contacted counsel for I&E by telephone to discuss the matter.
8. Counsel for I&E and Respondent participated in negotiations wherein I&E agreed to reduce the proposed civil penalty.
9. Subsequently, on September 24, 2012, I&E filed an Amended Complaint, which lowered the proposed civil penalty, and served the Amended Complaint by first class mail.
10. Attached to the Amended Complaint was a Notice advising Respondent that he must file an Answer within twenty (20) days of service of the Amended Complaint.
11. The Notice also advised Respondent that if he failed to answer the Amended Complaint, I&E would request that the Commission issue an Order imposing the relief set forth in the Amended Complaint.
12. The Amended Complaint was mailed to Respondent at the address he provided to the Commission.
13. The Amended Complaint was not returned to the Commission as undeliverable.
14. The twenty (20) days to file an Answer to the Amended Complaint expired on October 15, 2012.
15. To date, Respondent has not filed an Answer to the Amended Complaint.
16. To date, Respondent has not paid his outstanding assessment balance, which totals \$179, and the \$500 civil penalty that was proposed in the Amended Complaint.
17. I&E respectfully requests that the Commission enter a Default Order against Respondent that:
 - a. Cancels Respondent's certificate of public convenience;
 - b. Orders Respondent to pay his outstanding assessments and associated civil penalty;
 - c. 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

- d. 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

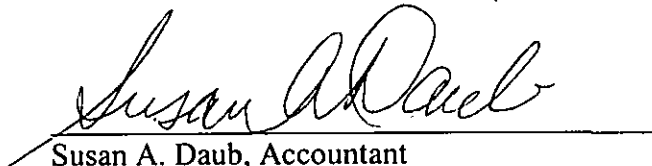
Date: November 21, 2012

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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: November 21, 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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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 First Class Mail:

Anthony Rodilosso
2163 East Berlin Road
East Berlin, PA 17316



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: November 21, 2012

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