



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

IN REPLY PLEASE
REFER TO OUR FILE

C-2012-2314291

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. Herbert B. Smith & Agee Copart t/a Samuel W.
Smith Moving and Storage
Docket No. C-2012-2314291

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

RECEIVED
2012 NOV 21 AM 11:32
PA PUC
SECRETARY'S BUREAU

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Pennsylvania Public Utility Commission,	:	
Bureau of Investigation and Enforcement	:	
Complainant	:	
	:	Docket No. C-2012-2314291
v.	:	
	:	
Herbert B. Smith & Agee Copart	:	
t/a Samuel W. Smith Moving & Storage	:	
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.

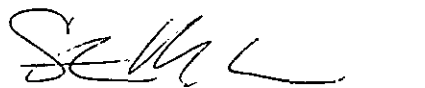
Your Answer must be verified and the original and three (3) copies sent to:

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

RECEIVED
2012 NOV 21 AM 11:32
PA PUC
SECRETARY'S BUREAU



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-2012-2314291
	:	
	:	
Herbert B. Smith & Agee Copart t/a Samuel W. Smith Moving & Storage Respondent	:	

MOTION FOR DEFAULT JUDGMENT

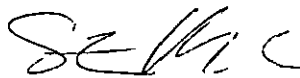
NOW COMES the Pennsylvania Public Utility Commission's ("Commission") Bureau of Investigation and Enforcement ("I&E"), by its counsel, and files this Motion for Default Judgment against Herbert B. Smith & Agee Copart t/a Samuel W. Smith Moving & Storage ("Respondent") pursuant to Section 5.103 of the 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 17, 2012 by filing a Complaint and serving it by certified mail.
2. While Respondent failed to file an Answer to this Complaint, I&E and Respondent participated in settlement discussions wherein I&E agreed to eliminate the civil penalty.
3. Subsequently, on October 12, 2012, I&E filed an Amended Complaint, which did not include a proposed civil penalty, and served the Amended Complaint by certified mail.
4. Attached to the Amended Complaint was a Notice advising Respondent that it must file an Answer within twenty (20) days of service of the Amended Complaint.
5. The Notice also advised Respondent that if it 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.

6. On October 17, 2012, Respondent signed a receipt confirming that it received the Amended Complaint. A true and correct copy of proof of delivery of the Amended Complaint is attached as Exhibit 1.
7. The twenty (20) days to file an Answer to the Amended Complaint expired on November 6, 2012.
8. To date, Respondent has not filed an Answer to the Amended Complaint.
9. To date, Respondent has not paid its outstanding assessment balance, which totals \$1,742.
10. 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 its outstanding assessments;
 - 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

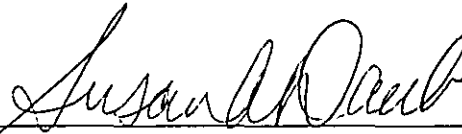
Date: November 21, 2012

RECEIVED
2012 NOV 21 AM 11:32
PA PUC
SECRETARY'S BUREAU

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

RECEIVED
2012 NOV 21 AM 11:32
PA PUC
SECRETARY'S BUREAU

EXHIBIT 1

RECEIVED
2012 NOV 21 AM 11:32
PA PUC
SECRETARY'S BUREAU

My Online Services

Profile Print Guide

Systems	Reports	E-Services	Supplies
---------	---------	------------	----------

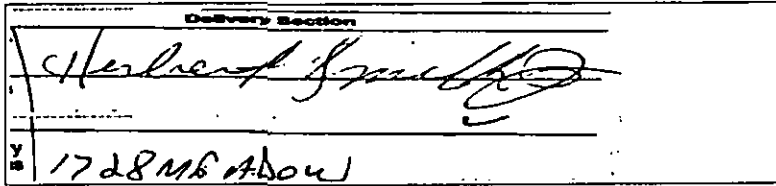
Home > E-Services > Status History

Status History ?

Tracking Number Information

Meter:	12601777	Mailing Date:	10/15/12 11:28 AM
Tracking Number:	9171969009350030590813	Sender:	
Current Status:	OK : Delivered	Recipient:	
Class of Mail	FC	Zip Code:	19124
Service:	ERR	City:	Philadelphia
Value	\$0.650	State:	PA

Proof of delivery



Status Details

Status Date	Status
Wed, 10/17/12, 11:27:00 AM	OK : Delivered
Mon, 10/15/12, 02:40:00 PM	OK: USPS acknowledges reception of info

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

RECEIVED
 2012 NOV 21 AM 11:32
 PA PUC
 SECRETARY'S BUREAU

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:

Herbert B. Smith, Sr. and Patricia L. Agee
Herbert B. Smith & Agee Copart
t/a Samuel W. Smith Moving & Storage
1728 Meadow Street
Philadelphia, PA 19124



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

RECEIVED
2012 NOV 21 AM 11:32
PA PUC
SECRETARY'S BUREAU