



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

IN REPLY PLEASE  
REFER TO OUR FILE  
C-2012-2321024

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. Turtle Creek Industrial Railroad Company  
Docket No. C-2012-2321024

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-2012-2321024
v.	:	
	:	
Turtle Creek Industrial Railroad Company	:	
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	:	
	:	Docket No. C-2012-2321024
v.	:	
	:	
Turtle Creek Industrial Railroad Company	:	
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 Turtle Creek Industrial Railroad Company (“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. 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 September 4, 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 September 24, 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 \$6,979.67, and the associated civil penalty of \$2,045, which were requested in the Complaint.
8. I&E respectfully requests that the Commission enter a Default Order against Respondent that:
  - a. Orders Respondent to pay its outstanding assessment and civil penalty;
  - b. Cancels Respondent's certificate of public convenience; 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,



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

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

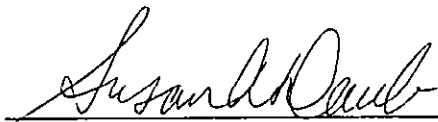
Date: November 21, 2012

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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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# EXHIBIT 1

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My Online Services

Profile Print Guide

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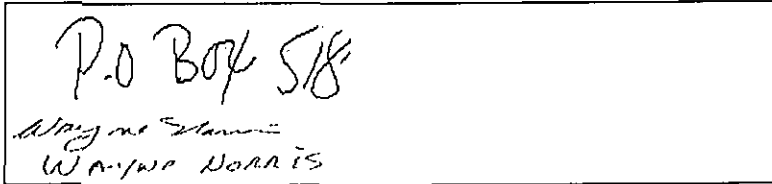
Home > E-Services > Status History

Status History ?

Tracking Number Information

Meter:	12601777	Mailing Date:	08/28/12 11:01 AM
Tracking Number:	9171969009350023209586	Sender:	
Current Status:	OK : Delivered	Recipient:	
Class of Mail	FC	Zip Code:	15632
Service:	ERR	City:	Export
Value	\$0 850	State:	PA

Proof of delivery



Status Details

Status Date	Status
Tue, 09/04/12, 02:43:00 PM	OK : Delivered
Tue, 09/04/12, 10:30:00 AM	Delayed : Attempted
Tue, 08/28/12, 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.

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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:

Wayne Norris, President  
Turtle Creek Industrial Railroad Company  
2658 Jefferson Street  
P.O. Box 518  
Export, PA 15632-0518



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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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