



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

IN REPLY PLEASE
REFER TO OUR FILE
C-2012-2316007

January 25, 2013

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. Pine Roe Natural Gas Company, Inc.
Docket No. C-2012-2316007

Dear Secretary Chiavetta:

Enclosed for filing is an original copy of the Amended Motion for Default Judgment of the Bureau of Investigation and Enforcement (I&E) of the Pennsylvania Public Utility Commission in the above-captioned matter. I&E amended its Motion for Default Judgment to reflect that Pine Roe Natural Gas Company, Inc. (Respondent) paid the outstanding assessment balance that was requested in the above-captioned proceeding. However, Respondent has not paid the civil penalty that I&E requested in its Complaint.

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
2013 JAN 25 PM 1:05
PA PUC
SECRETARY'S BUREAU

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Pennsylvania Public Utility Commission,	:	
Bureau of Investigation and Enforcement	:	
Complainant	:	
	:	Docket No. C-2012-2316007
v.	:	
	:	
Pine Roe Natural Gas Company, Inc.	:	
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
2013 JAN 25 PM 1:05
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) 772-8839

Dated: January 25, 2013

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

RECEIVED
2013 JAN 25 PM 1:05
PA PUC
SECRETARY'S BUREAU

Pennsylvania Public Utility Commission,	:	
Bureau of Investigation and Enforcement	:	
Complainant	:	
	:	Docket No. C-2012-2316007
v.	:	
	:	
Pine Roe Natural Gas Company, Inc.	:	
Respondent	:	

AMENDED 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 First Amended Motion for Default Judgment against Pine Roe Natural Gas Company, Inc. (“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 26, 2012, by filing a Complaint and serving it by certified mail to Respondent at P.O. Box 146, Clarion, PA 16214.
2. This is the last known main mailing address that Respondent provided to the Commission.
3. On August 28, 2012, the Complaint was returned to the Commission by the United States Post Office and was marked as “Unclaimed.”
4. On August 30, 2012, the Complaint was re-served to Respondent at P.O. Box 146, Clarion, PA 16214.
5. This Complaint was not returned to the Commission. However, out of an abundance of caution, I&E published the Complaint in the Pennsylvania Bulletin pursuant to the Commission’s procedural regulations. 52 Pa. Code §1.53(e)(related to Service by the Commission).

6. The Complaint was published in the Pennsylvania Bulletin on December 1, 2012. 42 Pa. Bull. 7372 (December 1, 2012).
7. Included with the Complaint was a Notice advising Respondent that it must file an Answer within twenty (20) days.
8. 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.
9. Respondent's answer was due on or before December 21, 2012, which was twenty (20) days after publication of the Complaint in the Pennsylvania Bulletin.
10. Respondent did not answer the Complaint or pay any amount towards its unpaid assessments and requested civil penalty.
11. On January 2, 2013, I&E filed a Motion for Default Judgment.
12. On or about January 23, 2013, Respondent paid its outstanding assessment balance for the 2008-2009 and 2009-2010 Fiscal Years, which was requested in I&E's Complaint. This amount totaled \$1,234.
13. Respondent has not paid I&E's requested civil penalty of \$2,185.
14. Respondent has not filed an answer to I&E's Complaint dated July 26, 2012, and has not filed an answer to I&E's Motion for Default Judgment dated January 2, 2013.
15. Pursuant to Section 5.61(c) of the Commission's regulations, a Respondent who fails to file an Answer to a Complaint within the 20-day response period may be deemed in default, and the relevant facts stated in the Complaint may be deemed admitted. 52 Pa. Code § 5.61(c).
16. The Commonwealth Court has upheld the Commission's authority to sustain complaints that are not answered within twenty days. *See Fusaro v. Pa. PUC*, 382 A.2d 794, 797 (Pa. Cmwlt. 1978).

WHEREFORE, I&E respectfully requests that the Commission enter a Default Order against Respondent that orders Respondent to pay the civil penalty of \$2,185.

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: January 25, 2013

RECEIVED
2013 JAN 25 PM 1:05
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: January 25, 2013



Susan A. Daub, Accountant
Assessment Section
Bureau of Administrative Services
PA. Public Utility Commission
P.O. Box 3265
Harrisburg, PA 17105-3265

RECEIVED
2013 JAN 25 PM 1:05
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:

John Habjan, President
Pine Roe Natural Gas Company, Inc.
P.O. Box 145
Clarion, PA 16214



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: January 25, 2013

RECEIVED
2013 JAN 25 PM 1:05
PA PUC
SECRETARY'S BUREAU