



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

IN REPLY PLEASE
REFER TO OUR FILE

February 1, 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. Linda G. Krein t/a We Care Limousine Service
Docket No. C-2012-2314283

Dear Secretary Chiavetta:

Enclosed for filing is an original copy of a **Petition for Leave to Withdraw the Bureau of Investigation and Enforcement's Complaint** in the above-referenced case. Copies have been served on the parties of record in accordance with the Certificate of Service.

Sincerely,

A handwritten signature in black ink, appearing to read "Stephanie M. Wimer", written over a horizontal line.

Stephanie M. Wimer
Prosecutor

Enclosure

cc: As per certificate of service

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PA PUC
SECRETARY'S BUREAU

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

**PA PUC
SECRETARY'S BUREAU**

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Pennsylvania Public Utility Commission, :
Bureau of Investigation and Enforcement :

v. :

C-2012-2314283

Linda G. Krein t/a We Care Limousine :
Service :

PETITION FOR LEAVE TO WITHDRAW
THE BUREAU OF INVESTIGATION AND ENFORCEMENT'S COMPLAINT

AND NOW comes the Bureau of Investigation and Enforcement (I&E) of the Pennsylvania Public Utility Commission (Commission), by and through its attorney, Stephanie Wimer, and files this Petition for Leave to Withdraw the Complaint in the above-captioned proceeding, pursuant to Section 5.94(a) of the Commission's regulations, 52 Pa. Code § 5.94(a). In support thereof, I&E states as follows:

1. On July 17, 2012, I&E filed a complaint against Linda G. Krein t/a We Care Limousine Service (Respondent) alleging that Respondent failed to pay the Commission's assessment for the July 1, 2009 to June 30, 2010 fiscal year, pursuant to Section 510(c) of the Public Utility Code, 66 Pa. C.S. § 510(c).
2. I&E's complaint alleges that Respondent owes an outstanding assessment balance of \$1,754 for this fiscal year.
3. I&E also requested that Respondent pay a civil penalty in the amount of \$260 for violating 66 Pa. C.S. § 510(c).
4. After filing this complaint, I&E 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.*

5. I&E first received notice of Respondent's bankruptcy petition on Friday, February 01, 2013.

6. I&E initially received a copy of this letter by fax from Respondent. The letter is attached to this petition.

7. According to the letter, Respondent's bankruptcy petition was filed on September 28, 2012, at Bankruptcy Case No. 12-24861-CMB.

8. I&E's 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).

9. 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.*

10. Given that I&E's action to collect Respondent's outstanding assessment is subject to the automatic stay provisions of the Bankruptcy Code, I&E petitions to withdraw its complaint, without prejudice.

11. Should Respondent's bankruptcy proceeding conclude and assets remain, I&E reserves the right to bring another action to collect Respondent's unpaid assessments.

12. The above-captioned case is scheduled for an initial hearing before

Administrative Law Judge (ALJ) Conrad A. Johnson on Tuesday, February 5, 2013, at 10:00 a.m. in Pittsburgh, PA.

13. I&E respectfully requests that ALJ Johnson cancel the initial hearing in light of the fact that I&E desires to withdraw its complaint.

WHEREFORE, for the foregoing reasons, I&E respectfully requests that the Complaint in this proceeding be withdrawn, the Initial Hearing scheduled on February 5, 2013 cancelled, and the matter marked closed.

Respectfully submitted,



Stephanie M. Wimer
Prosecutor
Attorney I.D. No. 207522

Counsel for the Pennsylvania
Public Utility Commission, Bureau of
Investigation and Enforcement

P.O. Box 3265
Harrisburg, PA 17105-3265
(717) 772-8839

DATED: February 1, 2013

ATTACHMENT

BARTIFAY LAW OFFICES

a Pennsylvania Professional Corporation
400 Penn Center Boulevard
Building Four, Suite 777
Pittsburgh, PA 15235

Phone: (412) 824-4011 Toll Free: (877) 781-4012 Fax: (412) 202-0180
Email: gbartifay@bartifaylaw.com Website: www.bartifaylaw.com

January 31, 2013

The Honorable Conrad A. Johnson
Pennsylvania Public Utilities Commission
Office of Administrative Law Judge
Piatt Place, Suite 220
301 5th Avenue
Pittsburgh, PA 15222

Stephanie M. Wimer, Esquire
PA PUC Law Bureau
P.O. Box 3265
Harrisburg, PA 17105-3265

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RE: PENNSYLVANIA PUBLIC UTILITY COMMISSION, BUREAU OF
INVESTIGATION AND ENFORCEMENT v. LINDA G. KREIN t/a
WE CARE LIMOUSINE SERVICE, NO. C-2012-2314283; CHAPTER 7
BANKRUPTCY NO. 12-24861-CMB

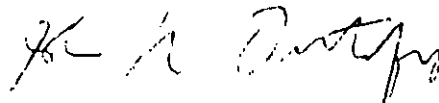
Dear Judge Johnson and Ms. Wimer:

Our offices represent Ms. Linda Krein in active Chapter 7 Bankruptcy Case No. 12-24861-CMB which was filed on September 28, 2012. Ms. Krein informed me that the PUC has scheduled an enforcement proceeding at No. C-2012-2314283 to collect a debt to the PUC for assessments for the period of September 1, 2009 to June 30, 2010 invoiced on September 9, 2009. Please see the copy Amended Schedule F that we filed on October 19, 2012 listing the PUC debt. The debt was for a government assessment invoiced more than three years pre-filing and appears to be dischargeable. Please be aware that automatic stay against state court collection activity remains in effect. Please allow this letter to serve as a demand to refrain from all further collection activity regarding this claim outside of bankruptcy court.

Your anticipated cooperation is appreciated. Please do not hesitate to contact me with any questions.

Very Truly Yours,

BARTIFAY LAW OFFICES, P.C.



GLENN R. BARTIFAY, ESQUIRE

GRB/md
enc.

cc: Ms. Linda Krein

CERTIFICATE OF SERVICE

I hereby certify that I am this day serving the foregoing document, Petition for Leave to Withdraw the Bureau of Investigation and Enforcement's Complaint, upon the persons listed and in the manner indicated below, which service satisfies the requirement of 52 Pa.Code § 1.54 (relating to service by a participant):

Service by First Class Mail and Electronic Mail:

The Honorable Conrad A. Johnson
Pennsylvania Public Utility Commission
Office of Administrative Law Judge
Piatt Place, Suite 220
301 Fifth Avenue
Pittsburgh, PA 15222
cojohnson@pa.gov

Linda G. Krein
We Care Limousine Service
259 Richland Drive
Pittsburgh, PA 15235
wecarelimo@att.net

Glenn R. Bartifay, Esq.
Bartifay Law Offices
400 Penn Center Boulevard
Building Four, Suite 777
Pittsburgh, PA 15235
gbartifay@bartifaylaw.com



Stephanie M. Wimer
Prosecutor
Attorney I.D. No. 207522

Counsel for the Pennsylvania
Public Utility Commission, Bureau of
Investigation and Enforcement

P.O. Box 3265
Harrisburg, PA 17105-3265
Phone: (717) 772-8839

Dated: February 1, 2013

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