

EDDY, DeLUCA, GRAVINA & TOWNSEND

ATTORNEYS AT LAW *

MANOR BUILDING PENTHOUSE

564 FORBES AVENUE

PITTSBURGH, PENNSYLVANIA 15219

* AN UNINCORPORATED ASSOCIATION

JOHN D. EDDY
WAYNE V. DeLUCA
THOMAS J. GRAVINA
STEVEN C. TOWNSEND

January 30, 2013

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Rosemary Chiavetta, Secretary
Pennsylvania Public Utility Commission
400 North Street, 2nd Floor
Harrisburg, PA 17120

RECEIVED

JAN 30 2013

PA PUBLIC UTILITY COMMISSION
SECRETARY'S BUREAU

Re: *Pennsylvania Public Utility Commission
Bureau of Investigation & Enforcement
v. Land Clearing Specialists, Inc.
Docket No. C-2013-2294509*

Dear Ms. Chiavetta:

Enclosed please find an Answer and New Matter in response to the Complaint filed by the Bureau of Investigation & Enforcement against my client, Land Clearing Specialists, Inc. A copy was also served upon Wayne T. Scott, Prosecutor for the Bureau of Investigation & Enforcement.

Very truly yours,



Wayne V. DeLuca

WVD/db

Enclosure

cc: Wayne T. Scott, Esq. (w/encl.)
Land Clearing Specialists (w/encl.)

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PA PUBLIC UTILITY COMMISSION
SECRETARY'S BUREAU

BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION

PENNSYLVANIA PUBLIC UTILITY)	
COMMISSION, BUREAU OF)	
TRANSPORTATION AND SAFETY)	Docket No. C-2013-2294509
)	
v.)	
)	
LAND CLEARING SPECIALISTS, INC.)	
111 KELSO ROAD)	
McDONALD, PA 15057)	

ANSWER AND NEW MATTER

AND NOW COMES, Land Clearing Specialists, Inc. by and through its attorney, Wayne V. DeLuca, Esquire of Eddy, DeLuca, Gravina & Townsend and files the following Answer to the PUC Complaint at Docket No. C-2013-2294509.

1. The averments of Paragraph 1 of the Complaint are admitted.
2. The averments of Paragraph 2 of the Complaint are admitted.
3. The averments of Paragraph 3 of the Complaint are denied as stated. The PUC letter dated February 27, 2012 does not specifically state the requirements for a Safety Fitness Review but only refers to the PUC website. The PUC letter dated February 14, 2012, set forth the specific language regarding the Safety Fitness Review. The May 21, 2012 letter advised of the contact person to conduct the Safety Fitness Review.

By way of further Answer, all PUC requirements were handled by Michelle Betarie, a former employee of Land Clearing Specialists, Inc. The PUC letters of February 14, February 27, and May 21, 2012 went directly to Michelle Betarie and were not reviewed by Eric

Vaccarello, President or any other staff members. Other than complying with the insurance requirement, the former employee took no action to set up the Safety Fitness Review.

4. The averments of Paragraph 4 of the Complaint set forth conclusions of law to which no responses is required.

NEW MATTER

5. Michelle Betarie was an employee of Land Clearing Specialists, Inc. hired on March 19, 2009 and terminated on November 26, 2012.

6. Betarie was a staff administrator whose job duties included licensing, payroll, maintaining employees files and employee benefits.

7. Because of poor job performance, Betarie was terminated.

8. Her replacement, Terry Casserly, reviewed all files that were previously the responsibility of Betarie.

9. Upon receipt of the PUC letter and Complaint dated January 16, 2013, the PUC file was reviewed by Terry Casserly and Eric Vaccarello, President.

10. Neither Eric Vaccarello , nor any other staff member, were shown the PUC letters of February 14, February 27, and May 21, 2012 received by Betarie.

11. Land Clearing Specialists, Inc.'s first knowledge of the letters referred to in Paragraph 10, occurred upon review of Betarie's PUC file, when the PUC letter and Complaint dated January 16, 2013 were received.

12. Upon review of the May 21, 2012 PUC letter, it revealed Betarie's handwriting with names and phone numbers. Apparently the former employee was attempting to contact James

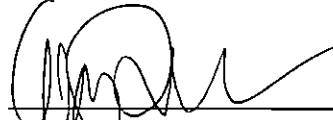
Murray (Exhibit 1).

13. The attempted contacts by Betarie to Murray were never brought to Eric Vaccarello's attention. If so, contact would have been made immediately.

14. The present staff will contact James Murray to set up a Safety Fitness Review.

WHEREFORE, for these reasons set forth above, Land Clearing Specialists, Inc. respectfully request that it's Certificate of Public Convenience at A-8914176 not be revoked nor any fine assessed.

Respectfully submitted,



Wayne V. DeLuca, Esquire

Pa. I. D. No. 16309

Eddy, DeLuca, Gravina & Townsend

Manor Building Penthouse

564 Forbes Avenue

Pittsburgh, PA 15219

(412) 281-5336



COMMONWEALTH OF PENNSYLVANIA
PENNSYLVANIA PUBLIC UTILITY COMMISSION
245 WILLIAM PITT WAY
PITTSBURGH, PA 15238
OFFICE: (412) 423-9310 FAX: (412) 820-2607

IN REPLY PLEASE
REFER TO OUR FILE

May 21, 2012

certified: 7006 2760 0002 3716 4669

LAND CLEARING SPECIALISTS INC
111 KELSO ROAD
MCDONALD, PA 15057

Dear Carrier:

You were notified February 27, 2012 by letter from Harrisburg, PA that your operating authority was approved. You were also advised within that letter that you must submit to a Safety Fitness Review within 180 days.

Your review has been assigned to the Pittsburgh District Office. Enforcement Officer James Murray has made numerous attempts to you contact you by telephone. All of those attempts to contact you have failed.

Please contact the Western Regional Office with ten (10) working days, in order to schedule the Safety Fitness Review. The review must be completed by August 27, 2012 or your certificate of public convenience may be cancelled.

If you have any questions, please contact the office at the number above. Thank you.

Sincerely,

Charles Bowser
Regional Manager
Western Regional Office

CB:ek

ref: SFR 2012-148-01

BP8: 2294509

Applications -

717-787-3834

[Scribbled out text]

Robert Biggama

717-787-1168

717-787-3834

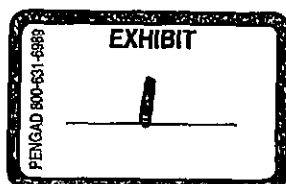
www.pa public utility commission

8914176

*Wendy PUC
717-787-3794
Verified # is good*

Jim Murray (cell)


717-433-7884



VERIFICATION

I, ERIC VACCARELLO, state that I am authorized to make this statement on behalf of the Defendant in the foregoing action, and that the facts set forth in the foregoing Answer and Counterclaim are true and correct upon my personal knowledge or upon my information and belief and I make this statement subject to the penalties of 18 Pa. C.S.A. §4904 relating to unsworn falsification to authorities.

DATED: 1-28-13


Eric Vaccarello, President

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JAN 30 2013

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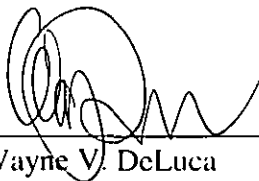
CERTIFICATE OF SERVICE

I, Wayne V. DeLuca, Esquire, hereby certify that the foregoing Answer and New Matter was served the 30th day of January, 2013 by Overnight Delivery on:

Rosemary Chiavetta, Secretary
Pennsylvania Public Utility Commission
400 North Street, 2nd Floor
Harrisburg, PA 17120

and on the 30th day of January, 2013 by U.S. First Class Mail:

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


Wayne V. DeLuca

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JAN 30 2013

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SECRETARY'S BUREAU**



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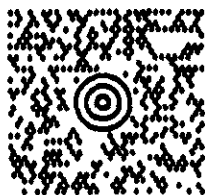
REFERENCE NUMBER

Wayne V. DeLuca TELEPHONE
412-281-5336

EDDY, DELUCA, GRAVINA & TOWNSEND

564 FORBES AVE PENTHOUSE

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