

PENNSYLVANIA PUBLIC UTILITY COMMISSION :  
BUREAU OF INVESTIGATION AND ENFORCEMENT :

V. :

DOCKET NO: C-2013-2345252

AFFORDABLE PARTS & SERVICE, INC.  
53 MAFFETT STREET  
PLAINS, PA 18705

\$ 500.00 check

**ANSWER and OBJECTIONS**

1. Neither Admit nor Deny.
2. Admit.
3. Admit.
4. Admitted in part and Denied in part. Respondent has maintained insurance with Progressive Insurance for the past twelve (12) years by and through Respondent's insurance agent, Kubler and Associates (hereinafter, Kubler). For the past twelve (12) years, Kubler has automatically filed Form E with the PUC electronically. Recently, Respondent purchased a second vehicle to be added to the existing policy, and for reasons unbeknownst to Respondent, instead of adding the new vehicle to the existing policy, Kubler canceled the original policy of insurance and wrote a new insurance policy, insuring both vehicles. In so doing, Kubler failed to note that Form E was to continue being automatically filed with the PUC via electronic means, which was only discovered by Respondent upon receipt of the within Complaint. Respondent has confirmed this situation with its insurance carrier, Progressive Insurance, and represents that if any violation occurred, it is not because Respondent failed to maintain the proper policy of insurance, but due to the negligent failure of Kubler to file Form E with the PUC as has been done for the past twelve (12) years. By way of further answer, and without waiving Respondent's objection, Respondent has been advised by its insurance carrier, Progressive Insurance, to pay the civil

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penalty for this violation purely in an effort to prevent the cancellation of the Respondent's Certificate of Public Convenience so that any interruption to Respondent's business is minimized and not because Respondent admits to any violation. Finally, Respondent has been advised by Progressive Insurance to pay this civil penalty for the aforementioned reasons and to seek reimbursement from Progressive for same through Arbitration.

5. Admitted in part and Denied in part. As stated *supra*, Respondent maintained Liability insurance in effect as of 11/13/2012. please see attached Form E evidencing the policy of insurance maintained by Respondent However, Respondent did not violate 66 Pa. C.S. §512, 52 Pa. Code §32.2©, and 52 Pa. Code §32.12(a) or §32.13(a). Rather it was the negligent failure of Kubler to file Form E with the PUC that caused any such violation.

WHEREFORE, Respondent submits Form E, attached hereto, as evidence of Respondent's maintenance of Liability insurance and requests that the Commission (1) waive the \$500 civil penalty, (2) lift the suspension levied against Respondent effective January 4, 2013, and (3) dismiss this action in favor of Respondent.

Respectfully submitted,



Linda Fettig, President  
Affordable Parts & Service, Inc.  
53 Maffett Street  
Plains, PA 18705

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***PROGRESSIVE***

**Customer Service**

800-444-4487

800-556-0014 (fax)

**Mailing address**

Progressive

P.O. Box 94739

Cleveland, OH 44101-4739

Tuesday, February 05, 2013 12:47:34 PM

Total Number of Pages:05

**Requested policy documents**

**To:** Linda

**Fax number:** 5702351007

**Message:**

**Form E**  
**UNIFORM MOTOR CARRIER BODILY INJURY AND PROPERTY**  
**DAMAGE LIABILITY CERTIFICATE OF INSURANCE**

Filed with the PENNSYLVANIA PUBLIC UTILITIES COMMISSION (hereinafter called Commission) of PO BOX 3265, HARRISBURG, PA 17105

This is to certify, that the United Financial Casualty Company (hereinafter called Company) of PO BOX 94739, CLEVELAND, OH 44101 has issued to AFFORDABLE PARTS AND SERVICE INC of 53 MAFFETT ST, PLAINS, PA 18705-0000 a policy or policies of insurance effective from 11/13/2012 12:01 A.M. standard time at the address of the insured stated in said policy or policies and continuing until cancelled as provided herein, which, by attachment of the Uniform Motor Carrier Bodily Injury and Property Damage Liability Insurance Endorsement, has or have been amended to provide automobile bodily injury and property damage liability insurance covering the obligations imposed upon such motor carrier by the provisions of the motor carrier law of the State in which the Commission has jurisdiction or regulations promulgated in accordance therewith.

Whenever requested, the Company agrees to furnish the Commission a duplicate original of said policy or policies and all endorsements thereon.

This certificate and the endorsement described herein may not be cancelled without cancellation of the policy to which it is attached. Such cancellation may be effected by the Company or the insured giving thirty (30) days notice in writing to the State Commission, such thirty (30) days notice to commence to run from the date notice is actually received in the office of the Commission.

Countersigned at 6300 WILSON MILLS, MAYFIELD VILLAGE, OH 44143

this 5th day of February, 2013

Insurance Company File No. CA 01939040

(Policy Number)



(Authorized Company Representative)

MC1633a(08/99)

IR83539B

**FORM F**

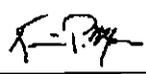
**UNIFORM MOTOR CARRIER BODILY INJURY AND PROPERTY DAMAGE LIABILITY INSURANCE ENDORSEMENT**

It is agreed that:

1. The certification of the policy, as proof of financial responsibility under the provisions of any State motor carrier law or regulations promulgated by any State Commission having jurisdiction with respect thereto, amends the policy to provide insurance for automobile bodily injury and property damage liability in accordance with the provisions of such law or regulations to the extent of the coverage and limits of liability required thereby; provided only that the insured agrees to reimburse the company for any payment made by the company which it would not have been obligated to make under the terms of this policy except by reason of the obligation assumed in making such certification.
2. The Uniform Motor Carrier Bodily Injury and Property Damage Liability Certificate of Insurance has been filed with the State Commissions indicated below.
3. This endorsement may not be cancelled without cancellation of the policy to which it is attached. Such cancellation may be effected by the company or the insured giving thirty (30) days notice in writing to the State Commission with which such certificate has been filed, such thirty (30) days notice to commence to run from the date the notice is actually received in the office of such Commission.

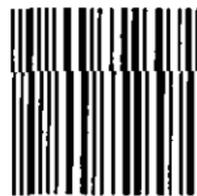
Attached to and forming part of policy No. CA 01939040-0 issued by United Financial Casualty Company, herein called Company, of PO BOX 94739, CLEVELAND, OH 44101 to AFFORDABLE PARTS AND SERVICE INC of 53 MAFFETT ST, PLAINS, PA 18705-0000

Dated at MAYFIELD VILLAGE, OH 44143 this 5 th day of February, 2013

Countersigned by  \_\_\_\_\_  
Authorized Representative

X -- INDICATES STATE COMMISSIONS WITH WHOM UNIFORM MOTOR CARRIER BODILY INJURY AND PROPERTY DAMAGE LIABILITY CERTIFICATE OF INSURANCE HAS BEEN FILED			
ALABAMA	ILLINOIS	MONTANA	RHODE ISLAND
ALASKA	INDIANA	NEBRASKA	SOUTH CAROLINA
ARIZONA	IOWA	NEVADA	SOUTH DAKOTA
ARKANSAS	KANSAS	NEW HAMPSHIRE	TENNESSEE
CALIFORNIA	KENTUCKY	NEW JERSEY	TEXAS
COLORADO	LOUISIANA	NEW MEXICO	UTAH
CONNECTICUT	MAINE	NEW YORK	VERMONT
DELAWARE	MARYLAND	NORTH CAROLINA	VIRGINIA
DISTRICT OF COLUMBIA	MASSACHUSETTS	NORTH DAKOTA	WASHINGTON
FLORIDA	MICHIGAN	OHIO	WEST VIRGINIA
GEORGIA	MINNESOTA	OKLAHOMA	WISCONSIN
HAWAII	MISSISSIPPI	OREGON	WYOMING
IDAHO	MISSOURI	PENNSYLVANIA	X

Affordable Parts & SUC, INC.  
53 Maffett ST.  
Plains, PA. 18705



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18705  
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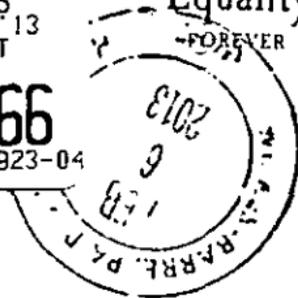


Equality

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

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