



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

IN REPLY PLEASE  
REFER TO OUR FILE

February 20, 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. Land Clearing Specialists, Inc.,  
Docket No. C-2013-2294509

Dear Secretary Chiavetta:

Enclosed for filing is the original copy of the Reply to New Matter on behalf of the Bureau of Investigation and Enforcement of the Pennsylvania Public Utility Commission in the above-referenced case. Copies have been served on the parties of record in accordance with the Certificate of Service.

Should you have any questions, please do not hesitate to contact me.

Sincerely,

Michael L. Swindler  
Prosecutor  
PA Attorney ID No. 43319

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

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PA PUC  
SECRETARY'S BUREAU

Enclosures

cc: As per Certificate of Service

**BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

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

**Complainant, :**  
**v. :**

**Land Clearing Specialists, Inc., :**

**Respondent :**

**C-2013-2294509**

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**REPLY TO NEW MATTER**

TO THE HONORABLE PENNSYLVANIA PUBLIC UTILITY COMMISSION:

**NOW COMES**, the Bureau of Investigation and Enforcement (“I&E”) of the Pennsylvania Public Utility Commission (“Commission”), Complainant in the above-docketed matter, by and through counsel, and replies to the New Matter of Land Clearing Specialists, Inc. (“LCS”), Respondent herein, pursuant to 52 Pa. Code § 5.63(a) as follows:

**Background**

On or about January 9, 2013, the Commission served a complaint filed against LCS at Docket No. C-2013-2294509, alleging that LCS violated provisions of the Public Utility Code with regard to its failure to achieve a satisfactory safety fitness review evaluation. LCS was advised to file an Answer within twenty (20) days of receipt of the

complaint. On January 30, 2013, LCS, by counsel, filed its Answer and New Matter, and attached Exhibit 1.

While it appears as though some averments in the body of LCS's Answer could be deemed "new matter," I&E replies herein only to those averments that LCS has specifically set forth as "New Matter." To the extent that there may be factual and/or legal discrepancies between I&E's Complaint and LCS's Answer, I&E fully intends to address those matters at hearing and in brief.

#### REPLY TO NEW MATTER

1-4 Denied. These paragraphs corresponding to Respondent's Answer to which no response is required in this pleading.

5. Denied. Complainant, I&E, is without knowledge sufficient to form a belief as to the truth of the matters asserted and same is therefore denied and proof thereof demanded. By way of further reply, LCS is responsible for the actions of its employees and, as such, this averment does not raise a valid affirmative defense.

6. Denied. Complainant, I&E, is without knowledge sufficient to form a belief as to the truth of the matters asserted and same is therefore denied and proof thereof demanded. By way of further reply, LCS is responsible for the actions of its employees and, as such, this averment does not raise a valid affirmative defense.

7. Denied. Complainant, I&E, is without knowledge sufficient to form a belief as to the truth of the matters asserted and same is therefore denied and proof thereof

demanded. By way of further reply, LCS is responsible for the actions of its employees and, as such, this averment does not raise a valid affirmative defense.

8. Denied. Complainant, I&E, is without knowledge sufficient to form a belief as to the truth of the matters asserted and same is therefore denied and proof thereof demanded. By way of further reply, LCS is responsible for the actions of its employees and, as such, this averment does not raise a valid affirmative defense.

9. Denied. Complainant, I&E, is without knowledge sufficient to form a belief as to the truth of the matters asserted and same is therefore denied and proof thereof demanded. By way of further reply, LCS is responsible for the actions of its employees and, as such, this averment does not raise a valid affirmative defense.

10. Denied. Complainant, I&E, is without knowledge sufficient to form a belief as to the truth of the matters asserted and same is therefore denied and proof thereof demanded. By way of further reply, LCS is responsible for the actions of its employees and, as such, this averment does not raise a valid affirmative defense.

11. Denied. Complainant, I&E, is without knowledge sufficient to form a belief as to the truth of the matters asserted and same is therefore denied and proof thereof demanded. By way of further reply, LCS is responsible for the actions of its employees and, as such, this averment does not raise a valid affirmative defense.

12. Denied. Complainant, I&E, is without knowledge sufficient to form a belief as to the truth of the matters asserted and same is therefore denied and proof thereof demanded. By way of further reply, LCS is responsible for the actions of its employees and, as such, this averment does not raise a valid affirmative defense.

13. Denied. Complainant, I&E, is without knowledge sufficient to form a belief as to the truth of the matters asserted and same is therefore denied and proof thereof demanded. By way of further reply, LCS is responsible for the actions of its employees and, as such, this averment does not raise a valid affirmative defense.

14. Denied. Complainant, I&E, is without knowledge sufficient to form a belief as to the truth of the matters asserted and same is therefore denied and proof thereof demanded. By way of further reply, LCS is responsible for the actions of its employees and, as such, this averment does not raise a valid affirmative defense.

**WHEREFORE**, The Pennsylvania Public Utility Commission, Bureau of Investigation and Enforcement, for the reasons set forth herein, respectfully requests that the Answer and New Matter of Land Clearing Specialists, Inc. be dismissed and the I&E Complaint against LCS be sustained.

Respectfully submitted,



Michael L. Swindler  
Prosecutor  
PA Attorney ID No. 43319

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

P. O. Box 3265  
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(717) 787-5000

Dated: February 20, 2013

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## CERTIFICATE OF SERVICE

I hereby certify that I have this day served a true copy of the foregoing document upon the parties, listed below, in accordance with the requirements of 52 Pa. Code § 1.54 (relating to service by a party).

### Notification by First Class Mail:

Wayne V. DeLuca, Esquire  
Eddy, DeLuca, Gravina & Townsend  
Attorneys at Law  
Manor Building Penthouse  
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Prosecutor  
PA Attorney ID No. 43319

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Dated: February 20, 2013

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