



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

IN REPLY PLEASE
REFER TO OUR FILE

January 31, 2013

Brock N. Hite t/a Hite Trucking
PO Box 275
Ulster, PA 18850

*\$500.00 check #3649
Fine Payment*

RECEIVED
2013 MAR 11 12:25
PA P.U.C.
SECRETARY'S BUREAU

**Re: Pennsylvania Public Utility Commission, Bureau of Investigation and Enforcement v. Brock N. Hite t/a Hite Trucking
Docket No. C-2012-2338276**

Dear Sir/Madam:

I am the Prosecuting Attorney in the Pennsylvania Public Utility Commission's Bureau of Investigation and Enforcement ("I&E") assigned to the above-captioned formal complaint proceeding. I have reviewed the complaint as well as the Answer in letter form filed by Brock N. Hite, on behalf of Brock N. Hite t/a Hite Trucking ("Hite Trucking") and received by the Commission's Secretary's Bureau on January 14, 2013. A review of the Commission's records indicates that Hite Trucking currently has the required evidence of both liability and cargo insurance on file with the Commission. Thank you for submitting the required proof of current insurance.

Despite Hite Trucking's submission of proof of insurance coverage, a period of time lapsed wherein Hite Trucking failed to maintain evidence of insurance on file with the Commission. As stated in the complaint, this is a violation of Commission regulations and a civil penalty of \$500 for Hite Trucking's failure to maintain evidence of insurance as required by the Commission's regulations has been assessed. This is the standard civil penalty that is assessed for this violation. **Please note: Failure to maintain evidence of insurance on file with the Commission is different from failing to maintain insurance coverage.**

By electronic filing of August 30, 2012 (Motor Carrier Information Exchange, National Online Registries)("NOR"), Form K was filed on behalf of National Casualty Company indicating that Hite Trucking's insurance would be cancelled, effective November 30, 2012. By letters automatically generated from the Commission Secretary dated November 27, 2012, Hite Trucking was advised that its liability and cargo insurance coverage would be suspended, effective November 30, 2012, consistent with the Form K. However, on January 7, 2013, a new Form E and Form H were electronically submitted on the NOR on behalf of Erie Insurance Exchange indicating that new liability and cargo insurance coverage were effective retroactive to November 29, 2012. By letters dated January 8, 2013, the Commission advised Hite Trucking that proof of liability insurance and cargo insurance had been received and that

the suspension of the carrier's operating authority was lifted. **Please note: By lifting the suspension and allowing Hite Trucking to resume operations, the Commission did not eliminate this complaint.**

This complaint results from the fact that, upon the cancellation, effective November 30, 2012, of the liability and cargo insurance coverage, no proof of new liability insurance or cargo insurance coverage had been received by the Commission. Rather, proof of insurance coverage was not deemed on file with the Commission until the Form E and Form H were submitted via the NOR on January 7, 2013. Consequently, although that new liability and cargo insurance coverage had a retroactive effective date of November 29, 2012, indicating that there was no lapse of insurance coverage, for the period of November 30, 2012 to January 7, 2013, Hite Trucking failed to maintain evidence of liability and cargo insurance on file with the Commission. Accordingly, the standard civil penalty of \$500 has been assessed.

Unless Hite Trucking pays the assessed \$500 fine, it will be necessary for I&E to transfer this matter to the Commission's Office of Administrative Law Judge for assignment of an administrative law judge to this case and the scheduling of an evidentiary hearing. It is within your right to request and participate in such a formal hearing. However, if you instead elect to pay the \$500 civil penalty, I&E will take the necessary steps to close this complaint and no further action by you will be required. Should you agree to do so, a check or money order in the amount of \$500 and made payable to "Commonwealth of Pennsylvania" should be forwarded to me within fifteen (15) days of your receipt of this letter.

Again, should you choose to **not** pay the stated civil penalty as satisfaction of this matter, be advised that this complaint will be assigned to an administrative law judge and the matter will move forward to a hearing wherein a larger fine could be sought and your certificate of public convenience could be cancelled.

Should you have any questions or concerns, please do not hesitate to contact me at (717) 783-6369 or mswindler@pa.gov.

Sincerely,



Michael L. Swindler, Prosecutor
PA Public Utility Commission
Bureau of Investigation and Enforcement



SM SMITH & COMPANY INC
PO BOX 610
WYALUSING, PA 18853

ATTN; MICHAEL SWINDLER
COMMONWEALTH OF PA
PA PUBLIC UTILITY COMMISSION
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