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April 11, 2013

C-2012-2324886

Commonwealth of Pennsylvania
Pennsylvania Public Utility Commission
PO Box 3265
Harrisburg, PA 17105-3265

Re: John A. King, enclosed letter

Dear Ms. Chiavetta:

This letter is in response to yours of April 9th, a copy of which is enclosed.

I am just a bit frustrated at the Commonwealth's failure to take cognizance of both the phone and written correspondence from myself and Mr. King regarding this matter. Mr. King is no longer actively providing transportation services and informed the Commission that he no longer utilizes his Certificate of Public Convenience and that is why he no longer maintains it or the requisite insurance on file with your Commission.

It is a bit much to propose a fine on Mr. King since he responded promptly to prior correspondence from the Commission regarding this matter.

I am sure that Mr. King, if he ever saw the Complaint which you indicate was served on him on September 30, 2012 deemed that no response was necessary since he had previously responded to correspondence from the Commission regarding cessation of his business.

Mr. King is an elderly fellow and in my view no longer able to comprehend the correspondence which he has been receiving from you. He periodically brings it into my office to look at and I left a few messages with the earlier correspondent from your Commission regarding this matter but never received a phone call back. I know that Mr. King notified the Commission in writing that he was ceasing to do business. That was sometime last year and no response was ever forthcoming from the Commission.

I would appreciate if someone could contact me regarding this matter. I request that your letter, in so far as it proposes fines, be rescinded.

Best Regards,



Samuel A. Goodley, Jr., Esquire
BYLER, GOODLEY & WINKLE, P.C.

SAG/jsb
Enclosures

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

IN REPLY PLEASE
REFER TO OUR FILE

April 9, 2013

C-2012-2324886
A-6410118

JOHN A KING
172 NORTH NEW HOLLAND ROAD
GORDONVILLE PA 17529

RE: JOHN A. KING

Respondent:

On September 26, 2012, the Bureau of Investigation and Enforcement instituted a Complaint against John A. King, Respondent, for failure to maintain evidence of bodily injury and property damage liability insurance on file with this Commission, a violation of the Public Utility Code at 66 Pa C.S. §512, 52 Pa. Code §32.2(c), and 52 Pa. Code §32.11(a), §32.12(a) or §32.13(a).

In accordance with 52 Pa. Code §5.61, the Bureau of Investigation and Enforcement notified the Respondent that, unless the insurer files evidence of insurance with this Commission, and Respondent pays the proposed fine, an Answer to the Complaint must be filed within twenty (20) days of the date of service. The Notice further specified that, if Respondent failed to answer the Complaint within twenty (20) days, the Bureau of Investigation and Enforcement would request that the Commission cancel Respondent's Certificate of Public Convenience.

The Complaint was served on Respondent, John A. King, on September 30, 2012. To date, more than twenty (20) days later, Respondent has failed to file an Answer to the Complaint and has failed to pay the fine and have his insurer file evidence of insurance with this Commission.

Therefore, the allegations in the Complaint are deemed to be admitted. The Complaint is hereby sustained and the Certificate of Public Convenience, issued to Respondent at A-6410118 is hereby canceled. Carrier does not hold any other active authority.

Respondent is assessed a fine of \$500 for failure to maintain evidence of insurance on file with this Commission as required at 52 Pa. Code §32. Respondent is also assessed a fine in the amount of \$100 for failing to file an answer to the Complaint as required by 52 Pa. Code §5.61. Payment must be made by certified check or money order payable to the Pa. Public Utility Commission, P.O. Box 3265, Harrisburg, PA 17105-3265.

Furthermore, this Commission will request the Pennsylvania Department of Transportation to put an administrative hold on Respondent's vehicle registrations. Respondent will NOT be able to register any new vehicles or renew any existing vehicle registrations until all past due assessments are paid, all past due fines are paid, all insurance filings are up to date, and he holds an active Certificate of Public Convenience issued by this Commission.

This Secretarial Cancellation Letter will also be served on:

The Department of Revenue
Bureau of Audit Programs
Sales and Use Taxes
Tenth Floor, Strawberry Square
Harrisburg, PA 17128-1061

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and on Respondent's insurance carrier(s):

United Financial Casualty Company
PO Box 94739
Cleveland, OH 44101

Respondent is hereby notified to cease and desist from further violations of the Public Utility Code, 66 Pa. C.S. §§1.1 *et seq.*, and the regulations of the Commission, 52 Pa. Code §§1.1 *et seq.* In view of the **cancellation of Respondent's Certificate of Public Convenience**, he is specifically prohibited from rendering service as a common carrier by motor vehicle in intrastate commerce in the Commonwealth of Pennsylvania.

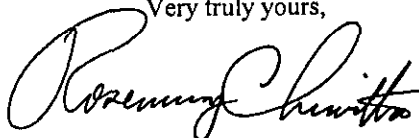
Should Respondent wish to again begin transportation operations in the Commonwealth of Pennsylvania, Respondent must file a Petition for Reinstatement of its Certificate for good cause, in accordance with the provisions of 52 Pa. Code §5.41(a) and 1 Pa. Code §35.17. An original and three copies shall be filed within 15 days of receipt of this letter. The Petition shall be filed with the Secretary, PA Public Utility Commission, P.O. Box 3265, Harrisburg, PA 17105-3265. A copy of the Petition must also be served on the Bureau of Investigation and Enforcement and all other parties to the proceeding. The Commission will either grant or deny the Petition. If the Petition is denied or a timely Petition is not filed, Respondent must file a new application for authority in order to obtain a Certificate of Public Convenience. The Commission will assess the following five factors in deciding whether to grant or deny a Petition for Reinstatement:

- (1) Respondent's violation history of Commission rules and regulations,
- (2) Respondent's outstanding obligations to the Commission, such as monetary penalties, assessments, and insurance filings,
- (3) the timeliness of Respondent's filing of the Petition from the date of cancellation of its Certificate,
- (4) Respondent's rationale given for the violation resulting in the cancellation of its Certificate, and
- (5) Respondent's solution to prevent future violations of Commission rules and regulations.

Respondent's Petition for Reinstatement should address each of these five factors. Further, the Petition must be accompanied by an Affidavit or Verification stating: "that the facts above set forth are true and correct to the best of my knowledge, information and belief. I expect to be able to prove the same at any hearing held in this matter. I understand that the statements herein are made subject to the penalties of 18 Pa. C.S. §4904 relating to unsworn falsification to authorities" as set forth at 52 Pa. Code §1.36. The Verification must be signed and dated. Respondent must pay all outstanding assessments and fines before this Commission will act on a Petition for Reinstatement. Payment must be made by certified check or money order payable to the Pa. Public Utility Commission, P.O. Box 3265, Harrisburg, PA 17105-3265.

If you disagree with this determination you may appeal to the Commission, pursuant to 52 Pa. Code §5.44 *or*, if you believe that you have received this letter in error, you must write a letter stating the reasons you believe this letter is in error and requesting that it be rescinded within twenty (20) days of the date of this letter. The letter shall be sent to: Secretary, PA Public Utility Commission, P.O. Box 3265, Harrisburg, PA 17105-3265.

Very truly yours,



Rosemary Chiavetta
Secretary

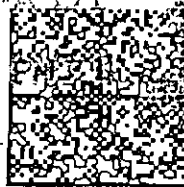
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pc: Department of Revenue
United Financial Casualty Company

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