



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

IN REPLY PLEASE
REFER TO OUR FILE
C-2012-2339662

April 23, 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. Deluxe Delivery Service, Inc.
Docket No. C-2012-2339662

Dear Secretary Chiavetta:

Enclosed for filing is an original copy of the Motion for Default Judgment of the Bureau of Investigation and Enforcement of the Pennsylvania Public Utility Commission in the above-captioned matter. Copies have been served on the parties of record in accordance with the Certificate of Service.

Sincerely,

Stephanie M. Wimer
Prosecutor
Attorney I.D. No. 207522

Enclosure

cc: As per certificate of service

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SECRETARY'S BUREAU

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Pennsylvania Public Utility Commission, Bureau of Investigation and Enforcement Complainant	:	
	:	
	:	
v.	:	Docket No. C-2012-2339662
	:	
	:	
Deluxe Delivery Service, Inc. Respondent	:	

NOTICE TO PLEAD

Pursuant to 52 Pa. Code §5.103, the Bureau of Investigation and Enforcement (I&E) of the Pennsylvania Public Utility Commission (Commission) has filed a Motion for Default Judgment in the above-captioned matter. You are hereby notified to file a written response within twenty (20) days of the service of the Motion, consistent with Commission procedural regulations at 52 Pa. Code §5.61.

Your Answer must be verified and the original and three (3) copies sent to:

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

Additionally, you must serve a copy on:

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

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Stephanie M. Wimer
Prosecutor
Attorney I.D. 207522

Bureau of Investigation and Enforcement
Pennsylvania Public Utility Commission
P.O. Box 3265
Harrisburg, PA 17105-3265
(717) 787-5000

Dated: April 23, 2013

BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION

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Pennsylvania Public Utility Commission, :
Bureau of Investigation and Enforcement :
Complainant :
 : Docket No. C-2012-2339662
v. :
 :
Deluxe Delivery Service, Inc. :
Respondent :

MOTION FOR DEFAULT JUDGMENT

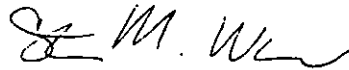
NOW COMES the Pennsylvania Public Utility Commission's ("Commission") Bureau of Investigation and Enforcement ("I&E"), by its counsel, and files this Motion for Default Judgment against Deluxe Delivery Service, Inc. ("Respondent") pursuant to Section 5.103 of the Commission's regulations, 52 Pa. Code §5.103. In support thereof, I&E respectfully represents as follows:

1. I&E commenced this action on December 19, 2012, by filing a Complaint. The Complaint was served by certified mail to Respondent at 35 East First Street East Stroudsburg, PA 18301.
2. This is the last known address that Respondent provided to the Commission.
3. On December 26, 2012, the Complaint was returned to the Commission by the United States Post Office and was marked as "Return to Sender; Moved- Left No Address; Unable to Forward."
4. Pursuant to the Commission's procedural regulations at 52 Pa. Code §1.53(e), the Complaint was published in the Pennsylvania Bulletin on March 30, 2013. *See* 43 Pa. Bull. 1815 (March 30, 2013).

5. Included with the Complaint was a Notice advising Respondent that it must file an Answer within twenty (20) days.
6. The Notice also advised Respondent that if it failed to answer the Complaint, I&E would request that the Commission issue an Order imposing the penalty set forth in the Complaint.
7. Respondent did not file an Answer to the Complaint.
8. Pursuant to Section 5.61(c) of the Commission's regulations, a Respondent who fails to file an Answer to a Complaint within the 20-day response period may be deemed in default, and the relevant facts stated in the Complaint may be deemed admitted. 52 Pa. Code §5.61(c).
9. The Commonwealth Court has upheld the Commission's authority to sustain complaints that are not answered within twenty days. *See Fusaro v. Pa. PUC*, 382 A.2d 794, 797 (Pa. Cmwlth. 1978).
10. Respondent has not paid its outstanding assessment balance for the July 1, 2011 to June 30, 2012 Fiscal Year, which totals \$736.
11. Respondent has not paid the civil penalty that was proposed in the Complaint.
12. I&E respectfully requests that the Commission enter a Default Order against Respondent that:
 - a. Orders Respondent to pay its outstanding assessment and civil penalty;
 - b. Directs the Bureau of Technical Utility Services to cancel Respondent's certificate of public convenience at A-00116186 if the past-due assessment and civil penalty are not paid;
 - c. Notifies Respondent that a copy of this Order will be sent to the Pennsylvania Department of Transportation for the suspension or revocation of vehicle registrations that were used under Respondent's operating authority; and

- d. Directs the Bureau of Administrative Services, Assessment Section to refer the matter to the Pennsylvania Office of Attorney General for collection of the unpaid assessments.

Respectfully submitted,



Stephanie Wimer
Prosecutor
Attorney ID # 207522
Bureau of Investigation and Enforcement

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

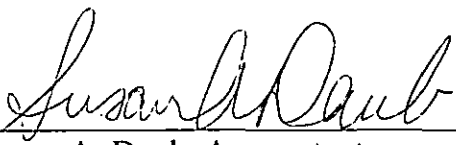
Date: April 23, 2013

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VERIFICATION

I, Susan A. Daub, Accountant, Bureau of Administrative Services, Assessment Section, hereby state that the facts above set forth are true and correct to the best of my knowledge, information, and belief and that I expect the Bureau will 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.

Date: April 23, 2013



Susan A. Daub, Accountant
Assessment Section
Bureau of Administrative Services
PA. Public Utility Commission
P.O. Box 3265
Harrisburg, PA 17105-3265

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CERTIFICATE OF SERVICE

I hereby certify that I am this day serving a true copy of the foregoing *Motion for Default Judgment in accordance with the requirements of 52 Pa. Code § 1.54 et seq.* (relating to service by a party).

Service by First Class Mail:

Thomas Terracino, President
Deluxe Delivery Service, Inc.
35 East First Street
East Stroudsburg, PA 18301



Stephanie M. Wimer
Prosecutor
Attorney I.D. No. 207522

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

P.O. Box 3265
Harrisburg, PA 17105-3265
(717) 787-5000

Dated: April 23, 2013

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