



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

May 1, 2013

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

RECEIVED
2013 MAY - 1 AM 10:30
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SECRETARY'S BUREAU

Re: Pennsylvania Public Utility Commission, Bureau of Investigation
and Enforcement v. Scott A. Dechert t/a Distinctive Limousine
Service, Docket No. C-2012-2334904

Dear Secretary Chiavetta:

During the Initial Hearing in the above-referenced matter, which took place on April 30, 2013, Administrative Law Judge Susan D. Colwell (ALJ Colwell) requested that the Bureau of Investigation and Enforcement (I&E) provide information pertaining to the regulatory compliance history of Scott A. Dechert t/a Distinctive Limousine's (Respondent). A utility's compliance history is one of the factors and standards that the Commission may use when evaluating litigated cases involving regulatory violations. See 52 Pa. Code § 69.1201(c)(6).

In two separate proceedings, the Commission found that Respondent failed to provide a list of vehicles used under its authority between December 1 and December 31 of each year, in violation of 52 Pa. Code §29.333(d). Each case imposed a \$250 civil penalty. The cases are cited as follows:

- *Pennsylvania Public Utility Commission v. Scott A. Dechert t/a Distinctive Limousine Service*, Docket No. C-2010-2189828 (Secretarial Letter issued March 24, 2011).
- *Pennsylvania Public Utility Commission v. Scott A. Dechert t/a Distinctive Limousine Service*, Docket No. C-2011-2270768 (Secretarial Letter Issued June 11, 2012).

Both Secretarial Letters are on file with the Commission and are public documents pursuant to 52 Pa. Code § 5.406.

I&E provides this information at the specific request of ALJ Colwell. However, I&E avers that the burden of proving the violation at issue – a late paid assessment - was not affected by its decision not to present a second witness whose sole purpose would be to testify about Respondent's compliance history. I&E presented a witness who

thoroughly testified about Respondent's untimely paid assessments while Respondent chose not to appear at the hearing. Further, the factors and standards for evaluating litigated proceedings are set forth in a Policy Statement, not a regulation and are *guidelines*, not requirements. The party with the burden of proof is under absolutely no affirmative duty to prove each element under these guidelines.

If you have any questions, you may contact me at (717) 772-8839.

Sincerely,



Stephanie M. Wimer
Prosecutor
PA Attorney ID No. 207522

Wayne T. Scott
First Deputy Chief Prosecutor
PA Attorney ID No. 29133

Counsel for the Bureau of
Investigation and Enforcement

Enclosures

cc: As per Certificate of Service

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CERTIFICATE OF SERVICE

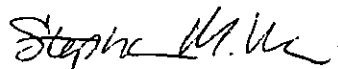
I hereby certify that I have this day served a true copy of the foregoing letter regarding Respondent's compliance history upon the parties, listed below, in accordance with the requirements of 52 Pa. Code § 1.54 (relating to service by a party).

Service by Hand Delivery:

The Honorable Susan D. Colwell
Administrative Law Judge
Commonwealth of Pennsylvania
Pennsylvania Public Utility Commission
P.O. Box 3265
Harrisburg, PA 17105-3265

Service by First Class Mail:

Scott A. Dechert, President
Scott A. Dechert t/a Distinctive Limousine Service
1224 Oak Street
Lebanon, PA 17042



Stephanie M. Wimer
Prosecutor
PA Attorney ID No. 207522

Pennsylvania Public Utility Commission
Bureau of Investigation and Enforcement
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Dated: May 1, 2013

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