



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

IN REPLY PLEASE  
REFER TO OUR FILE  
C-2012-2330205

May 29, 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. Sorantino Enterprises, Inc.  
Docket No. C-2012-2330205

Dear Secretary Chiavetta:

Enclosed for filing is an original copy of the Amended Motion for Default Judgment of the Pennsylvania Public Utility Commission's Bureau of Investigation and Enforcement ("I&E") in the above-captioned matter. I&E files this Amended Motion to indicate that the Complaint in this matter was published in the *Pennsylvania Bulletin* on May 4, 2013. Respondent did not answer the Complaint after its publication.

Copies have been served on the parties of record in accordance with the Certificate of Service.

Sincerely,

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

Enclosure

cc: As per certificate of service

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**BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Pennsylvania Public Utility Commission,	:	
Bureau of Investigation and Enforcement	:	
Complainant	:	
	:	Docket No. C-2012-2330205
v.	:	
	:	
Sorantino Enterprises, Inc.	:	
Respondent	:	

**NOTICE TO PLEAD**

Pursuant to 52 Pa. Code §1.81 and §5.103, the Bureau of Investigation and Enforcement (I&E) of the Pennsylvania Public Utility Commission (Commission) has filed an Amended 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 Amended Motion, consistent with Commission procedural regulations at 52 Pa. Code §5.61 and §5.65.

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  
PA Attorney I.D. 207522

Bureau of Investigation and Enforcement  
Pennsylvania Public Utility Commission  
P.O. Box 3265  
Harrisburg, PA 17105-3265  
(717) 772-8839

Dated: May 29, 2013

**BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

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Pennsylvania Public Utility Commission, :  
Bureau of Investigation and Enforcement :  
Complainant :  
v. :  
Sorantino Enterprises, Inc. :  
Respondent :

Docket No. C-2012-2330205

**AMENDED MOTION FOR DEFAULT JUDGMENT**

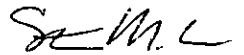
NOW COMES the Pennsylvania Public Utility Commission's ("Commission") Bureau of Investigation and Enforcement ("I&E"), by its counsel, and files this Amended Motion for Default Judgment against Sorantino Enterprises, Inc. ("Respondent") pursuant to Sections 1.81 and 5.103 of the Commission's regulations, 52 Pa. Code §1.81 and §5.103. In support thereof, I&E respectfully represents as follows:

1. I&E commenced this action on October 19, 2012 by filing a Complaint and serving it by certified mail.
2. On October 26, 2012, an individual signed a receipt confirming that it received the Complaint. A true and correct copy of proof of delivery of the Complaint is attached as Exhibit 1.
3. The name that was signed on the return receipt was as follows: Auditor General of PA John Weikert.
4. In the event that this individual is not a representative of Respondent and out of an abundance of caution, I&E arranged to publish the Complaint in the Pennsylvania Bulletin.
5. Pursuant to the Commission's procedural regulations at 52 Pa. Code §1.53(e), I&E published the Complaint in the Pennsylvania Bulletin on May 4, 2013. 43 Pa. Bull. 2532 (May 4, 2013).

6. Included with the Complaint was a Notice advising Respondent that it must file an Answer within twenty (20) days of service of the Complaint.
7. 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.
8. The twenty (20) days to file an Answer to the Complaint expired on May 24, 2013.
9. To date, Respondent has not filed an Answer to the Complaint.
10. To date, Respondent has not paid its outstanding assessment balance that totals \$1,943, and the associated civil penalty of \$3,290, which were requested in the Complaint.
11. 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).
12. 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).
13. 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. Cancels Respondent's certificate of public convenience;
  - 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,



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

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

Date: May 29, 2013

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**EXHIBIT 1**

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My Online Services

Profile Print Guide

Systems	Reports	E-Services	Supplies
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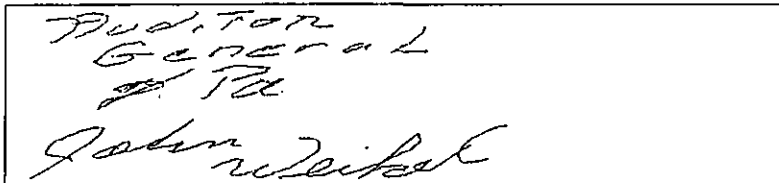
Home > E-Services > Status History

Status History ?

Tracking Number Information

Meter:	12601777	Mailing Date:	10/19/12 03:36 PM
Tracking Number:	9171969009350030590936	Sender:	
Current Status:	OK : Delivered	Recipient:	
Class of Mail	FC	Zip Code:	08332
Service:	ERR	City:	Laurel Lake
Value	\$0.850	State:	NJ

Proof of delivery



Status Details

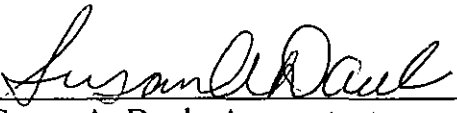
Status Date	Status
Fri, 10/26/12, 09:19:00 AM	OK : Delivered
Fri, 10/26/12, 09:16:00 AM	OK : Delivered
Fri, 10/26/12, 05:23:00 AM	Arrival at Unit
Tue, 10/23/12, 09:06:00 AM	Not delivered: Moved, Left no Address
Sun, 10/21/12, 01:31:00 AM	
Sun, 10/21/12, 12:14:00 AM	Processed (processing scan)
Fri, 10/19/12, 06:40:00 PM	OK: USPS acknowledges reception of info

Note: Delivery status updates are processed throughout the day and posted upon receipt from the Postal Service.

## 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: May 29, 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 Certified Mail:**

Douglas Sorantino, President  
Sorantino Enterprises, Inc.  
5 Reese Road  
Millville, NJ 08332



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Stephanie M. Wimer  
Prosecutor  
PA 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) 772-8839

Dated: May 29, 2013

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