



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

IN REPLY PLEASE
REFER TO OUR FILE

June 11, 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. Family Transport Services, Inc.
Docket No. C-2012-2326249

Dear Secretary Chiavetta:

Enclosed for filing is an original copy of the Motion for Continuance on behalf 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

Enclosure

cc: Honorable Mary D. Long
As per certificate of service

RECEIVED
2013 JUN 11 AM 8:51
PA PUC
SECRETARY'S BUREAU

4. On January 2, 2013, I&E filed a Motion for Default Judgment. I&E's motion noted that although Respondent had not filed an answer to the complaint, it paid \$783 towards the outstanding assessment and civil penalty amount that was requested.
5. On January 16, 2013, Respondent filed a letter in response to I&E's Motion for Default Judgment. Respondent admitted that it failed to pay its outstanding assessment and failed to file an assessment report. Respondent requested additional time to pay the outstanding balance.
6. By Secretarial Letter dated February 8, 2013, Respondent was granted an additional 90 days to pay the outstanding civil penalty, or no later than April 16, 2013.
7. On May 8, 2013, Administrative Law Judge ("ALJ") Mary D. Long granted, in part, and denied, in part, I&E's Motion for Default Judgment. The ALJ granted I&E's motion to the extent that it established that Respondent violated Sections 510(b) and 510(c) of the Public Utility Code, 66 Pa. C.S. §510(b)-(c) (pertaining to the requirement to file an assessment report and pay the assessment within 30 days of receipt of the invoice). The ALJ denied I&E's motion with respect to the amount of the civil penalty being requested, concluding that there were not sufficient facts alleged in the complaint to determine whether the civil penalties sought by I&E were consistent with the Commission's factors and standards for evaluating litigated and settled proceedings. *See* 52 Pa. Code § 69.1201.
8. An Initial Telephonic Hearing is scheduled for Tuesday, June 18, 2013, at 10:00 AM.

9. Respondent currently owes \$1,040, or the majority of the civil penalty requested by I&E in this proceeding. Respondent has satisfied the outstanding assessment amount it owed.

10. On June 10, 2013, counsel for Respondent contacted counsel for I&E and expressed that Respondent is willing to pay the remaining \$1,040 civil penalty, but requests additional time to do so.

11. I&E is willing to give Respondent until the close of business on Monday, August 26, 2013, to pay the civil penalty. Respondent believes that it will be able to pay the civil penalty by this date.

12. Should Respondent submit payment of the civil penalty by August 26, 2013, thereby satisfying the balance due that is the subject of this proceeding, I&E will take the necessary action to close the complaint proceeding by filing a certificate of satisfaction pursuant to 52 Pa. Code § 5.24, or take such other action as directed by the presiding officer. Should Respondent fail to comply with the terms of the payment arrangement, I&E will move forward with the proceeding before ALJ Long and seek payment of the civil penalty.

13. Accordingly, I&E hereby respectfully requests by filing this Motion that ALJ Long continue the above-captioned proceeding until at least August 27, 2013, in order to allow sufficient time for Respondent to submit payment of the civil penalty. Upon Respondent's compliance with the terms of this arrangement, resulting in payment of \$1,040 by August 26, 2013, I&E will file with the Commission a certificate of satisfaction in order to close the complaint proceeding.

WHEREFORE, the Pennsylvania Public Utility Commission's Bureau of Investigation and Enforcement respectfully requests that the above captioned-matter be continued until at least August 27, 2013, in order to allow Respondent with sufficient time to pay the civil penalty that is the subject of this proceeding. Should Respondent fail to pay the civil penalty, I&E shall advise ALJ Long and the matter shall proceed forward. Otherwise, at or about August 27, 2013, and upon full compliance by Respondent of the terms of the arrangement, the total amount due having been paid, I&E shall prepare and file a certificate of satisfaction of the complaint, or take such other action as directed by the presiding officer, in order to end the formal complaint proceeding and mark this matter closed.

Respectfully Submitted,



Stephanie M. Wimer
Prosecutor
PA Attorney ID # 207522

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

P.O. Box 3265
Harrisburg, PA 17105-3265
(717) 772-8839

Dated: June 11, 2013

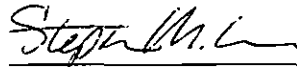
CERTIFICATE OF SERVICE

I hereby certify that I have this day served a true copy of the foregoing Motion for Continuance upon the parties, listed below, in accordance with the requirements of 52 Pa. Code §1.54 (relating to service by a party).

Service by First Class Mail:

Victor S. Heutsche, Esq.
734 Stambaugh Avenue
Sharon, PA 16146-4131

David A. Ranilli, President
Family Transport Services, Inc.
315 Independence Court
Sharon, PA 16146



Stephanie M. Wimer
Prosecutor
PA Attorney ID # 207522

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

Dated: June 11, 2013

RECEIVED
2013 JUN 11 AM 8:51
PA PUC
SECRETARY'S BUREAU