



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

IN REPLY PLEASE  
REFER TO OUR FILE

August 19, 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. Frank Lombardo Trucking Inc. T/A Lombardo Trucking Inc.  
Docket No. C-2013-2289670

Dear Secretary Chiavetta:

Enclosed for filing is the original copy of the Petition to Withdraw Formal Complaint on behalf of the Bureau of Investigation and Enforcement of the Pennsylvania Public Utility Commission ("I&E") in the above-referenced case. I&E requests that the complaint be withdrawn and the matter marked closed.

Pursuant to 52 Pa. Code § 5.94(a), a party may object to the petition within 20 days of service. **Should Lombardo agree with the withdrawal of I&E's complaint against it, no action by Lombardo is required.**

Copies have been served on the parties of record in accordance with the Certificate of Service. Should you have any questions, please do not hesitate to contact me.

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Sincerely,

Michael L. Swindler  
Prosecutor  
PA Attorney ID No. 43319

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

Enclosures

cc: Kimberly Hafner, OALJ  
As per Certificate of Service

**BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Pennsylvania Public Utility Commission, :  
Bureau of Investigation and Enforcement :  
v. : C-2012-2289670  
Frank Lombardo Trucking Inc. :  
T/A Lombardo Trucking Inc. :

**PETITION FOR WITHDRAWAL OF FORMAL COMPLAINT**

NOW COMES, the Bureau of Investigation & Enforcement (“I&E”) of the Pennsylvania Public Utility Commission (“Commission”), Complainant in the above-docketed matter, by and through counsel, pursuant to 52 Pa. Code § 5.94, and hereby petitions as follows:

1. By Order entered August 12, 2011, Lombardo’s certificate of authority was cancelled for failure to pay its annual assessment.
2. In November 2011, Lombardo paid the delinquent assessment.
3. In February 2012, a random stop by an enforcement officer found that Lombardo was providing service without proper Commission authority. The payment of the delinquent assessment in November 2011 did not, in and of itself, reinstate Lombardo’s certificate of authority. A fine of \$1,000 was assessed.
4. On or about April 26, 2012, the above-docketed complaint was filed against Lombardo.

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5. In its letter/Answer of May 21, 2012, Lombardo noted that it had “applied to have my existing number [authority] reinstated.” In fact, Lombardo filed a new application for authority on or about May 3, 2012 at Docket No. A-2012-2309608.

6. By letter dated August 6, 2013, Lombardo was advised that his application for authority as a motor carrier of property was denied for the carrier’s failure to pay the outstanding \$1,000 fine related to the above-docketed complaint.

7. At present, Lombardo has no Commission authority and no pending application for authority. Should Lombardo wish to again begin transportation operations within the Commonwealth of Pennsylvania, the carrier must file a new application for authority in order to obtain a Certificate of Public Convenience and must pay all *outstanding assessments and fines*.

8. Given the circumstances as set forth above, including the current lack of authority of Lombardo and the requirement that this fine be paid before any new application for authority will be considered, I&E deems it unnecessary to pursue the above-docketed formal complaint at this time.

WHEREFORE, The Pennsylvania Public Utility Commission's Bureau of Investigation and Enforcement respectfully requests that the above-docketed formal complaint at Docket No. C-2012-2289670 be withdrawn and this matter be marked closed.

Respectfully submitted,



Michael L. Swindler

Prosecutor

PA Attorney ID No. 43319

Pennsylvania Public Utility Commission  
Bureau of Investigation and Enforcement

P.O. Box 3265  
Harrisburg, PA 17105-3265  
(717)783-6369

Dated: August 19, 2013

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## CERTIFICATE OF SERVICE

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

### By First Class Mail:

Frank Lombardo Trucking, Inc.  
T/A Lombardo Trucking Inc.  
16 Stout Street  
Pittston, PA 18640



Michael L. Swindler  
Prosecutor  
PA Attorney ID No. 43319  
Pennsylvania Public Utility Commission  
Bureau of Investigation and Enforcement

P.O. Box 3265  
Harrisburg, PA 17105-3265  
717.783.6369  
[mwindler@pa.gov](mailto:mwindler@pa.gov)

Dated: August 19, 2013

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