



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

August 27, 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 Second 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 Second Amended Motion to withdraw the \$1,000 civil penalty associated with Sorantino Enterprises, Inc.'s (Respondent) alleged failure to report revenues earned during the 2008 calendar year. I&E desires to pursue all other counts of the Complaint that was filed on October 19, 2012.

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  
Jonathan Nasc, OSA

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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 a Second 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 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: August 27, 2013

**BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

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

**SECOND 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 Second 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. Through this Motion, I&E requests to withdraw the \$1,000 civil penalty associated with Respondent's failure to file an assessment report that was due on or before March 31, 2009. I&E seeks default judgment on all other counts alleged in the Complaint. 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. In the Complaint, I&E requested that Respondent pay a \$1,000 civil penalty for failing to file a report showing the revenues it earned during the 2008 calendar year. This assessment report was due on or before March 31, 2009.
11. Through this Motion, I&E desires to withdraw the \$1,000 civil penalty associated with this violation.
12. I&E is pursuing all other counts that were set forth in the Complaint, including a failure to file assessment reports demonstrating revenues earned during the 2009 and 2010 calendar years, as well as a failure to pay assessments.
13. I&E modifies its requested civil penalty to be \$2,290, or \$1,000 lower than originally demanded.
14. Respondent still has not paid and continues to owe its outstanding assessment balance, which totals \$1,943.
15. 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).

16. 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).
17. I&E respectfully requests that the Commission enter a Default Order against Respondent that:
- a. Orders Respondent to pay its outstanding assessment of \$1,943 and civil penalty in the amount of \$2,290;
  - 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,



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

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

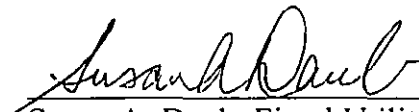
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## VERIFICATION

I, Susan A. Daub, was formerly employed as an Accountant in the Assessment Section of the Commission's Bureau of Administrative Services and assisted the Bureau of Investigation and Enforcement in the preparation of the Complaint and other documents pertaining to this case. I hereby state that the facts set forth above are true and correct to the best of my knowledge, information, and belief and that I expect the Bureau of Investigation and Enforcement 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: August 27, 2013



Susan A. Daub, Fixed Utility Financial Analyst  
Bureau of Investigation and Enforcement  
PA. Public Utility Commission  
P.O. Box 3265  
Harrisburg, PA 17105-3265

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# EXHIBIT 1

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My Online Services

Profile Print Guide

|         |         |            |          |
|---------|---------|------------|----------|
| Systems | Reports | E-Services | Supplies |
|---------|---------|------------|----------|

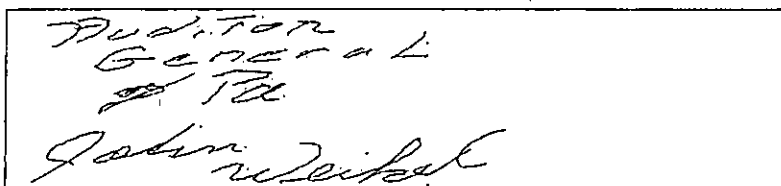
Home > E-Services > Status History

Status History ?

Tracking Number Information

|                  |                        |               |                   |
|------------------|------------------------|---------------|-------------------|
| Meter:           | 12801777               | Mailing Date: | 10/19/12 03:36 PM |
| Tracking Number: | 9171989009350030590936 | 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.

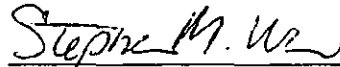
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## CERTIFICATE OF SERVICE

I hereby certify that I am this day serving a true copy of the foregoing Second Amended 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



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  
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