

PENNSYLVANIA  
PUBLIC UTILITY COMMISSION  
Harrisburg, PA 17120

Public Meeting held August 13, 1982

Commissioners Present:

Susan M. Shanaman, Chairman  
Michael Johnson  
James H. Cawley  
Linda C. Taliaferro  
Clifford L. Jones

Pennsylvania Public Utility Commission

A-00102471C821

v.

Pitt-Ohio Express, Inc.

COMPLAINT UPON COMMISSION MOTION

BY THE COMMISSION:

This Commission, upon its own motion, as the duly constituted agency of the Commonwealth of Pennsylvania empowered to regulate motor carriers within the Commonwealth, institutes a complaint against Pitt-Ohio Express, Inc., and represents as follows:

1. That Pitt-Ohio Express, Inc., respondent, maintains its principal place of business at 315 East Second Street, East Liverpool, Ohio 43920.
2. That respondent was issued a certificate of public convenience by this Commission on March 4, 1981 at Application Docket No. 102471.
3. That respondent does not hold a contract carrier permit issued by this Commission pursuant to Section 2503 of the Public Utility Code, 66 Pa. C.S. §2503.
4. That respondent, on or about May 24, 1982, by the use of a certain Mercedes-Benz truck bearing Pennsylvania License No. CR11392, Manufacturer's No. 34403012450638, further identified as Company No. 60, leased to it by Martera, Inc., 1014 Osage Road, Pittsburgh, Pennsylvania, transported miscellaneous freight (2301#) for compensation from the Steel City Products Company, 630 Alpha Drive, Pittsburgh, Allegheny County, Pennsylvania to Heck's Store No. 75, 100 Sugar Run Road, Waynesburg, Greene County, Pennsylvania.
5. That the movement described in Paragraph 4 was not permissible in that the shipment neither originated nor terminated at points specified in the respondent's operating authority.



6. That respondent, in performing the acts described in Paragraph 4 of this complaint, violated Section 1102(a)(1)(i) of the Public Utility Code, 66 Pa. C.S. §1102(a)(1)(i), by rendering service within the Commonwealth of Pennsylvania of a different nature and to a different territory than that authorized by its certificate of public convenience.

THEREFORE, IT IS ORDERED:

1. That respondent has twenty (20) days from the date on which this order is served to file with the Secretary of the Pennsylvania Public Utility Commission, P.O. Box 3265, Harrisburg, PA 17120, an answer (original and two copies), in writing, under oath, which, as required by Section 35.35 of the General Rules of Administrative Practice and Procedure, 1 Pa. Code §35.35, either affirms or specifically denies the allegations in this complaint.

2. That if respondent fails to file an answer or other responsive pleading within twenty (20) days, respondent will be deemed to have admitted all the allegations in this complaint in accordance with Section 35.35 of the General Rules of Administrative Practice and Procedure, 1 Pa. Code §35.35. In that event, this Commission may, without hearing, enter an order which either revokes or suspends any certificate or permit held by respondent, or which imposes a fine or any other appropriate penalty or remedy authorized by the Public Utility Code, 66 Pa. C.S. §101, et seq.


3. That respondent may elect not to contest this complaint without filing a formal answer by paying within twenty (20) days from the date on which this order is served a fine of one hundred dollars (\$100.00) by certified check or money order payable to the Pennsylvania Public Utility Commission at P.O. Box 3265, Harrisburg, PA 17120, as provided in Sections 3301 and 3315. Payment by the respondent of this fine shall be deemed an admission by the respondent that the respondent committed the violation alleged in this complaint, as well as a waiver of any procedural rights to which the respondent may be entitled. By paying this fine, respondent also agrees to cease and desist from rendering further unauthorized transportation. Upon payment of this fine the record in this proceeding shall be closed.

4. That if respondent files an answer which admits the allegations in this complaint or which fails to specifically deny the allegations in this complaint, this Commission will, without hearing, enter an order which either revokes or suspends any certificate or permit held by respondent, or which imposes a fine or any other appropriate penalty or remedy authorized by the Public Utility Code, 66 Pa. C.S. §101, et seq.

5. That if the respondent files a timely answer which specifically denies the allegations in this complaint, or which raises material questions of law or fact, this matter shall be referred to an

Administrative Law Judge for hearing and decision. If, after hearing on the issues raised by that answer, the respondent is found to have committed any of the violations alleged in this complaint, the Administrative Law Judge may render a decision which either revokes or suspends any certificate or permit held by respondent, or which imposes a fine or any other appropriate penalty or remedy authorized by the Public Utility Code, 66 Pa. C.S. §101, et seq. In the imposition of a penalty after hearing the Administrative Law Judge is not bound by the fine which the Commission would accept as complete satisfaction of this complaint in the event that respondent elects not to contest it; the penalty imposed by the Administrative Law Judge may be more or less stringent than the fine specified in this complaint.

BY THE COMMISSION,



Jerry Rich  
Secretary

(SEAL)

ORDER ADOPTED: August 13, 1982

ORDER ENTERED: AUG 26 1982