

CAPTION SHEET

CASE MANAGEMENT SYSTEM

1. REPORT DATE: 00/00/00	:	
2. BUREAU: TAS	:	
3. SECTION(S):	:	
5. APPROVED BY:	:	4. PUBLIC MEETING DATE:
DIRECTOR:	:	00/00/00
SUPERVISOR:	:	
6. PERSON IN CHARGE: BINGAMAN	:	7. DATE FILED: 08/10/05
8. DOCKET NO: A-00103923C0501	:	9. EFFECTIVE DATE: 00/00/00

PARTY/COMPLAINANT: TRANSPORTATION & SAFETY, BUREAU OF

RESPONDENT/APPLICANT: SUPERIOR MOVING & STORAGE, INC.

COMP/APP COUNTY: UTILITY CODE: 853285

ALLEGATION OR SUBJECT

TAS COMPLAINT AGAINST SUPERIOR MOVING & STORAGE INC FOR VARIOUS VIOLATIONS.

DOCKETED

AUG 15 2005

DOCUMENT

BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION

RECEIVED
05 AUG 10 PM 1:31
I.A.H.J.C.
SECRETARY'S BUREAU

PENNSYLVANIA PUBLIC UTILITY COMMISSION
BUREAU OF TRANSPORTATION AND SAFETY

v.

DOCKET NO. A-00103923C0501

SUPERIOR MOVING & STORAGE, INC.

COMPLAINT

The Pennsylvania Public Utility Commission (Commission) is a duly constituted agency of the Commonwealth of Pennsylvania empowered to regulate public utilities within the Commonwealth. The Commission has delegated its authority to initiate proceedings which are prosecutory in nature to the Bureau of Transportation and Safety and other bureaus with enforcement responsibilities. Pursuant to that delegated authority and Section 701 of the Public Utility Code, the Bureau of Transportation and Safety Prosecutory Staff hereby represents as follows:

1. That Superior Moving & Storage, Inc., respondent, maintains a principal place of business at 5101 Unruh Street, Philadelphia, Pennsylvania, with a mailing address of P.O. Box 17795, Philadelphia, Pennsylvania 19135-0795.

2. That respondent was issued a Certificate of Public Convenience by this Commission on September 22, 1982, at Application Docket No. A-00103923.

3. That respondent, on February 25, 2005, transported household goods for Denise Thomas from 2058 Maple Avenue, Hatfield, Pennsylvania to 11 Aston Lane, Gilbertsville, Pennsylvania. On March 24, 2005, Enforcement Officer John Theodosiades spoke to Mr. Mark Brenfleck, who confirmed that Denise Thomas was given a verbal estimate of \$400. Respondent charged Ms. Thomas \$51 for accessorial charges with \$82 per hour for one van and three men for 5.5 hours for a total of \$517, which is an underestimate of \$117. Respondent's tariff reveals that the hourly rate for one van and three men should have been \$75; therefore, the correct charge should have been \$463.50 and shipper was overcharged \$53.50. Following discussion with Enforcement Officer Theodosiades, respondent issued a refund of \$100 to the shipper. Additionally, the shipper was not provided with a written estimate or "Information for Shippers" statement and a quarterly underestimate report was not filed with this Commission.

4. That respondent, by charging a higher rate than that specified in the tariff on file with this Commission, violated 66 Pa. C.S. §1303. The penalty is \$500.

5. That respondent, by failing to use and complete the written form for estimates of charges titled "Estimated Costs of Service," violated 52 Pa. Code §31.122(2). The penalty is \$250.

6. That respondent, by failing to furnish the complainant with an "Information for Shippers" statement prior to the preparation of an order for service, violated 52 Pa. Code §31.121(a). The penalty is \$250.

7. That respondent, by failing to file a quarterly report of the underestimate with this Commission, violated 52 Pa. Code §31.124. The penalty is \$100.


DOCKETED

AUG 15 2005

ORIGINAL

WHEREFORE, the Bureau of Transportation and Safety Prosecutory Staff hereby requests that the Commission fine Superior Moving & Storage, Inc. the sum of one thousand and one hundred dollars (\$1,100) for the illegal activities described in this complaint and order such other remedy as the Commission may deem to be appropriate.

Respectfully submitted,

A handwritten signature in black ink that reads "Wendy J. Keezel". The signature is written in a cursive, flowing style.

Wendy J. Keezel, Chief of Enforcement
Motor Carrier Services & Enforcement Division
Bureau of Transportation and Safety
P.O. Box 3265
Harrisburg, PA 17105-3265

VERIFICATION

I, Wendy J. Keezel, 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 to 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: 8-9-05

Wendy J. Keezel
Wendy J. Keezel

NOTICE

A. You must file an answer within twenty (20) days of the date of service of this complaint. The date of service is the mailing date as indicated at the top of the Secretarial cover letter for this complaint and notice. 52 Pa. Code §1.56(a). An answer is a written explanation of circumstances wished to be considered in determining the outcome. The answer shall raise all factual and legal arguments that you wish to claim in your defense and must include the reference number of this complaint. Your answer must be verified and the original and three (3) copies sent to:

James J. McNulty, Secretary
Pennsylvania Public Utility Commission
P.O. Box 3265
Harrisburg, PA 17105-3265

B. If you fail to answer this complaint within twenty (20) days, the Bureau of Transportation and Safety will request that the Commission issue a Secretarial Letter imposing a penalty.

C. You may elect not to contest this complaint by paying the fine proposed in this complaint by certified check or money order. Payment must be made to the **Commonwealth of Pennsylvania** and should be forwarded to:

James J. McNulty, Secretary
Pennsylvania Public Utility Commission
P. O. Box 3265
Harrisburg, PA 17105-3265

Your payment is an admission that you committed the alleged violation and an agreement to cease and desist from further violations. Upon receipt of your payment, the complaint proceeding shall be closed.

D. If you file an answer which either admits or fails to deny the allegations of the complaint, the Bureau of Transportation and Safety will request that the Commission issue a Secretarial Letter imposing a penalty.

E. If you file an answer which contests the complaint, the matter will be assigned to an administrative law judge for hearing and decision. The judge is not bound by the optional fine set forth above.

F. *Alternative formats of this material are available for persons with disabilities, by contacting the Compliance Office at (717) 787-1168.*

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

Date of Service: AUGUST 15, 2005
Docket Number: A-00103923C0501

SUPERIOR MOVING & STORAGE INC
PO BOX 17795
PHILADELPHIA PA 19135-0795

Pennsylvania Public Utility Commission Bureau of Transportation and Safety
v.
SUPERIOR MOVING & STORAGE INC

Dear Sir/Madam:

The Pennsylvania Public Utility Commission has delegated its authority to initiate prosecutory proceedings to several bureaus in the Commission with enforcement responsibilities.

Pursuant to this delegated authority and Section 701 of the Public Utility Code, the Bureau of Transportation and Safety Prosecutory Staff has filed the attached complaint against you.

Please refer to the Notice page at the conclusion of this complaint for detailed instructions on how to proceed. Alternative formats of this material are available for persons with disabilities.

Any questions may be directed to the Technical Review Section of the Bureau of Transportation and Safety at (717) 787-1168.

Very truly yours,

James J. McNulty
Secretary

ddi

DOCKETED

AUG 15 2005

2. Article Number



7160 3901 9843 0007 6587

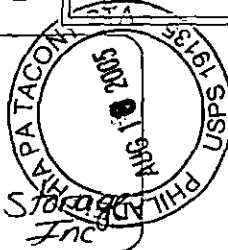
3. Service Type **CERTIFIED MAIL**

4. Restricted Delivery? (Extra Fee) Yes

1. Article Addressed to:

A-06/03923C0501

Superior Moving & Storage Inc



COMPLETE THIS SECTION ON DELIVERY

A. Received by (Please Print Clearly)

B. Date of Delivery

C. Signature

X *[Signature]*

Agent
 Addressee

D. Is delivery address different from item 1?
If YES, enter delivery address below:

Yes
 No

PENNSYLVANIA PUBLIC UTILITY COMMISSION

RECEIPT

The addressee named here has paid the PA P.U.C. for the following bill:

DATE: 8/25/2005
RECEIPT NO: 183441

SUPERIOR MOVING & STORAGE INC.
6 CHRISTOPHER DR.
PHILADELPHIA PA 19115

PUC VS. SUPERIOR MOVING & STORAGE INC.

Fine for the violation of Pa Public Utility Law

**DOCUMENT
FOLDER**

Docket Number A-00103923C0501..... \$1,100.00

REVENUE ACCOUNT: 001420-017000-101

CHECK NUMBER: 10027
CHECK AMOUNT: \$1,100.00

Stephen Reed
(for Department of Revenue)

RJP

DOCKETED
AUG 29 2005