

CAPTION SHEET

CASE MANAGEMENT SYSTEM

1. REPORT DATE: 00/00/00 :
 2. BUREAU: TAS :
 3. SECTION(S): : 4. PUBLIC MEETING DATE:
 5. APPROVED BY: : 00/00/00
 DIRECTOR: :
 SUPERVISOR: :
 6. PERSON IN CHARGE: BEARD : 7. DATE FILED: 10/19/01
 8. DOCKET NO: A-00103923C0104 : 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 VS. SUPERIOR MOVING & STORAGE, INC. FOR VARIOUS VIOLATIONS.

DOCUMENT
FOLDER

DOCKETED
OCT 19 2001

BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION

ORIGINAL

PENNSYLVANIA PUBLIC UTILITY
COMMISSION, BUREAU OF TRANSPORTATION
AND SAFETY

V.

DOCKET NO. A-00103923C0104

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 its principal place of business at 5101 Unruh Street, Building 1, Philadelphia, PA 19135. Respondent's mailing address is c/o Mrs. Maria Brenfleck, P.O. Box 17795, Philadelphia, PA 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, on July 18, 2001, a follow-up Household Mover Audit was performed on respondent by Enforcement Officer William Kilrain, a duly authorized officer of this Commission. The information contained in this complaint was obtained during the review.

4. That respondent, on June 8, 2001, transported household goods for Marta Massaro-Sineni from Penn Valley, Montgomery County, Pennsylvania to Philadelphia, Philadelphia County, Pennsylvania for \$531.00 compensation. At that time, the following violations were disclosed:

- (a) Not charging in accordance with its tariff on file with this Commission at Freight Pa. P.U.C. No. 3.
- (b) Improper information for shipper form.

5. That respondent, on June 20, 2001, transported household goods for Lynne Winner from Langhorne, Bucks County, Pennsylvania to Collegeville, Montgomery County, Pennsylvania for \$375.00 compensation. At that time, the following violations were disclosed:

- (a) Improper information for shipper form.

6. That respondent, on June 21, 2001, transported household goods for Peter Savlnier from Narberth, Montgomery County, Pennsylvania to Ardmore, Montgomery County, Pennsylvania for \$675.00 compensation. At that time, the following violations were disclosed:

- (a) Improper information for shipper form.

That respondent, on June 22, 2001, transported household goods for Daisy Maztinez

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between points in Philadelphia, Philadelphia County, Pennsylvania for \$203.00 compensation. At that time, the following violations were disclosed:

- (a) Not charging in accordance with its tariff on file with this Commission at Freight Pa. P.U.C. No. 3.
- (b) Improper information for shipper form.

8. That respondent, on June 22, 2001, transported household goods for Pauline Blatt between points in the City of Philadelphia, Philadelphia County, Pennsylvania for \$397.00 compensation. At that time, the following violations were disclosed:

- (a) Improper information for shipper form.

9. That respondent, on June 25, 2001, transported household goods for Patty Lance from Huntingdon Valley Montgomery County, Pennsylvania to Philadelphia, Philadelphia County, Pennsylvania for \$452.00 compensation. At that time, the following violations were disclosed:

- (a) Improper information for shipper form

10. That respondent, on June 26, 2001, transported household goods for Gary McFadden between points in the City of Philadelphia, Philadelphia County, Pennsylvania for \$335.00 compensation. At that time, the following violations were disclosed:

- (a) Not charging in accordance with its tariff on file with this Commission at Freight Pa. P.U.C. No. 3.
- (b) Improper information for shipper form.

11. That respondent, on June 26, 2001, transported household goods for Kate Batten from Glenolden, Delaware County, Pennsylvania to Cheltenham, Montgomery County, Pennsylvania for \$249.00 compensation. At that time, the following violations were disclosed:

- (a) Improper information for shipper form.

12. That respondent, on June 27, 2001, transported household goods for Susan Ciambrano between points in the City of Philadelphia, Philadelphia County, Pennsylvania for \$549.00 compensation. At that time, the following violations were disclosed:

- (a) Not charging in accordance with its tariff on file with this Commission at Freight Pa. P.U.C. No. 3.
- (b) Improper information for shipper form.

13. That respondent, on June 27, 2001, transported household goods for Vu Nguyen between points in the City of Philadelphia, Philadelphia County, Pennsylvania for \$600.00 compensation. At that time, the following violations were disclosed:

- (a) Not charging in accordance with its tariff on file with this Commission at Freight Pa. P.U.C. No. 3.
- (b) Improper information for shipper form.

14. That respondent, on June 27, 2001, transported household goods for Shruti Engstrom from the City of Philadelphia, Philadelphia County, Pennsylvania to Rosemont, Montgomery County, Pennsylvania for \$599.00 compensation. At that time, the following violations were disclosed:

- (a) Not charging in accordance with its tariff on file with this Commission at Freight Pa. P.U.C. No. 3.
- (b) Improper information for shipper form.

15. That respondent, on June 28, 2001, transported household goods for Jill Fowler from West Chester, Chester County, Pennsylvania to Haverford, Montgomery County, Pennsylvania for \$723.00 compensation. At that time, the following violations were disclosed:

- (a) *Outside geographic area.*
- (b) Improper information for shipper form.

16. That respondent, on June 29, 2001, transported household goods for Ed Fisher between points in the City of Philadelphia, Philadelphia County, Pennsylvania for \$281.00 compensation. At that time, the following violations were disclosed:

- (a) Not charging in accordance with its tariff on file with this Commission at Freight Pa. P.U.C. No. 3.
- (b) Improper information for shipper form.

17. That respondent, on June 29, 2001, transported household goods for Elyce May between points in the City of Philadelphia, Philadelphia County, Pennsylvania for \$750.00 compensation. At that time, the following violations were disclosed:

- (a) Not charging in accordance with its tariff on file with this Commission at Freight Pa. P.U.C. No. 3.
- (b) Improper information for shipper form.

18. That respondent, on June 30, 2001, transported household goods for Wendy Holbrook from Glenside, Montgomery County, Pennsylvania to Ambler, Montgomery County, Pennsylvania for \$1,074.00 compensation. At that time, the following violations were disclosed:

- (a) Improper information for shipper form.

19. That respondent, by charging an improper rate other than that specified in the tariff on file with this Commission, violated 66 Pa. C.S. §1303. The penalty is \$250.00 per violation for a total penalty of \$2,000.00.

20. That respondent, in performing the act described in paragraph 15, violated the Public Utility Code, 66 Pa. C.S. §1102(a)(1)(i), by rendering service within the Commonwealth of Pennsylvania to different territories than that authorized by its certificate of public convenience. The penalty is \$250.00.

21. That respondent, by failing to furnish the shipper with a proper "Information for Shippers" form prior to the preparation of an order for service, violated 52 Pa. Code §31.121(a). The penalty is \$250.00 per violation for a total penalty of \$3,750.00.

Respondent has shown that it is not capable of operating a business in a responsible manner. It has consistently ignored this Commission's requirements and regulations.

During its nineteen (19) years of operation, respondent has had fifty (50) complaints instituted against it. It has not even had one clean year without violations.

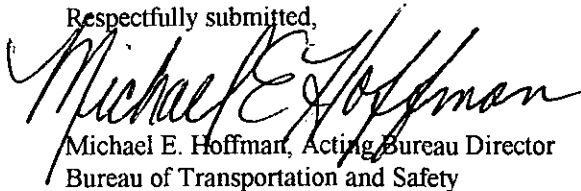
In 1998, a Household Good Review was performed on respondent. Its records were reviewed by an Enforcement Officer and respondent was informed of violations. It was also advised of all Household Good requirements and regulations at that time. Since then, respondent has had ten (10) complaints instituted against it.

An Audit was performed in January of 2001. At that time, a complaint was instituted against respondent for fifteen (15) violations of improper charges, fifteen (15) violations of improper estimates, and fifteen (15) violations of no information for shippers. A fine of \$6,750.00 was assessed for these violations. In the complaint, respondent was ordered to immediately comply with all rules and regulations of the Commission; several specific violations relating to Household Good carriers were listed. Respondent was advised that a follow-up Audit would be conducted by an Enforcement Officer and that failure to adhere to Commission regulations would result in a severe monetary penalty and cancellation of its Certificate of Public Convenience. This complaint is the result of the follow-up Audit. Many of the violations are the same. However, respondent's improper charges violations went from fifteen (15) in the first audit to eight (8) in the second audit. The eight (8) improper charges violations found during this audit were seven (7) undercharges ranging from \$1.00 to \$37.00 and one (1) overcharge \$.50. The improper charges were due to respondent's failure to properly charge for "pads", rather than an improper hourly rate being used. Furthermore, the information for shipper violations went from fifteen (15) no information for shipper violations in the first audit to fifteen (15) improper information for shipper violations in the second audit. Respondent attempted to furnish the shippers with the information for shipper form, but failed to use the proper forms. Enclosed is a proper form to be used as an "Information for Shippers". It should be used immediately.

Due to the above-extenuating circumstances, we believe that respondent's certificate should not be cancelled at this time. However, the monetary penalty will be imposed for the violations found. Respondent is hereby cautioned that future failures to charge properly for pads and future failures to use the proper form for information for shippers will result in the cancellation of its certificate.

WHEREFORE, the Bureau of Transportation and Safety Prosecutory Staff hereby requests that the Commission fine Superior Moving & Storage, Inc. the sum of six thousand dollars (\$6,000.00) for the illegal activity described in this complaint.

Respectfully submitted,



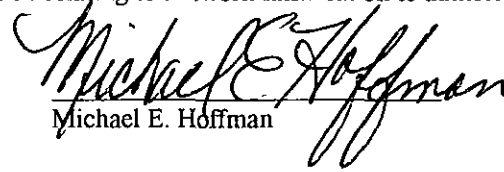
Michael E. Hoffmann, Acting Bureau Director
Bureau of Transportation and Safety
P.O. Box 3265
Harrisburg, PA 17105-3265

VERIFICATION

I, Michael E. Hoffman, 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:

10/12/01


Michael E. Hoffman

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). 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. The penalty could include a fine, the revocation of your certificate of public convenience or other remedy.

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 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 payment of the fine, the record in this 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 (see B).

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 in C, above.

F. Alternative formats of this material are available, for persons with disabilities, by contacting the Technical Unit at (717) 783-5945.

INFORMATION FOR SHIPPERS

The carrier must give you a written estimate that will approximate the amount he believes it will cost you to move your household furnishings. In this connection, it is important that you inform the estimator of *everything* you intend to move. The total actual charges may be more or less than the estimate, depending on the size of your shipment, the distance it is to move, and other circumstances relating to your shipment.

You will be required ultimately to pay the mover's applicable tariff charges based on an hourly rate (if distance is 40 miles or less) or on a weight and mileage basis (if distance is over 40 miles).

Where the mover has not informed you *prior to delivery* that he will extend credit, the mover will expect you to make payment of the charges at time of delivery in cash, money order or certified check.

If the total actual charges *do not exceed* the estimate by more than 10 percent, you must be prepared to pay *all of the actual charges* prior to the mover unloading your goods. If the total actual charges *do exceed* the estimate by more than 10 percent, the mover is required to deliver the full and complete shipment upon payment of the estimated charges, plus an additional \$25 or 10 percent of the estimate, whichever is greater. You may defer paying the balance for 15 days after delivery.

In case you sustain a loss or damage to your household effects, you are protected only up to, but not exceeding, 30 cents per pound per article. If you desire protection greater than 30 cents per pound, you may declare such valuation and pay the increased tariff rate applicable to the valuation you declare. You may also protect yourself to the full valuation of your goods by taking out a policy of transit insurance.

Upon completion of the delivery, the driver will ask you to sign the delivery receipt, the inventory, or both. Before signing either one, be sure that one or the other notes all the damage and any lost articles. If the driver will not make such notations, make them yourself before signing. Remember, telling the driver about these things is not enough. Do not sign any delivery papers for the driver until delivery is completed. When you sign the delivery receipt, you accept your goods in apparent good condition, except as noted on the receipt.

I hereby certify that a copy of above Information for Shippers was furnished

_____ on _____
Name of Shipper Date

Signature of Carrier Representative

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

Date of Service: OCTOBER 22, 2001
Docket Number: A-00103923C0104

SUPERIOR MOVING & STORAGE, INC.
C/O MRS. MARIA BRENFLECK
P.O. 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.

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Very truly yours,

James J. McNulty

James J. McNulty
Secretary

DOCKETED

OCT 19 2001

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2. Article Number



7106 4575 1293 1144 1988

3. Service Type **CERTIFIED MAIL**

4. Restricted Delivery? (Extra Fee) Yes

1. Article Addressed to:

A-0010392300104
FC
Superior Moving &
Storage Inc.

COMPLETE THIS SECTION ON DELIVERY	
A. Received by (Please Print Clearly) G. van Buren / etc	B. Date of Delivery
C. Signature x <i>G. van Buren</i>	<input type="checkbox"/> Agent <input type="checkbox"/> Addressee
D. Is delivery address different from item 1? If YES, enter delivery address below:	<input type="checkbox"/> Yes <input type="checkbox"/> No



DATE: January 14, 2002
TO: Bureau of Transportation & Safety
FROM: James J. McNulty, Secretary

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Answers or fines were due to be filed or paid on the following cases.

To this date, no answers have been received on the following:

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JAN 15 2002

- A-00017619C0101 - Ashland & Shamokin Auto Bus Co.
- A-00079143C0112 - Harrisburg Taxicab & Baggage Co.
- A-00103923C0104 - Superior Moving & Storage, Inc.
- A-00110733C0111 - Penn Cab Company
- A-00112441C0106 - Donald A. Fix Jr.
- A-00113019C0102 - Santoro Enterprises, Inc.
- A-00113100C0101 - Atlas Cab Co.
- A-00116394C0103 - Atlantic Coast Express, Inc.
- C-20016179 - Thomas Novak d/b/a Lee's Moving
- C-20016391 - Manuel Delgado Trucking, Inc.
- C-20016392 - Al Express, t/d/b/a Tiffany's Limousine

(YOUR INITIALS)