

CAPTION SHEET

CASE MANAGEMENT SYSTEM

- 1. REPORT DATE: 00/00/00
- 2. BUREAU: TAS
- 3. SECTION(S):
- 5. APPROVED BY: DIRECTOR: SUPERVISOR:
- 6. PERSON IN CHARGE: RUDY
- 8. DOCKET NO: A-00103923C0601
- 4. PUBLIC MEETING DATE: 00/00/00
- 7. DATE FILED: 03/15/06
- 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.

DOCUMENT FOLDER

DOCKETED
MAR 20 2006

ORIGINAL

BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION

PA P.U.C.
SECRETARY'S BUREAU

2006 MAR 15 PM 1:17

RECEIVED

PENNSYLVANIA PUBLIC UTILITY
COMMISSION, BUREAU OF TRANSPORTATION
AND SAFETY

v.

DOCKET NO. A-00103923C0001

SUPERIOR MOVING & STORAGE INC
5101 UNRUH AVENUE
PHILADELPHIA PA 19135

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 Avenue, Philadelphia, Pennsylvania 19135.
2. That respondent was issued a certificate of public convenience by this Commission on September 28, 1982, at Application Docket No. A-00103923.
3. That respondent, on November 12 and 13, 2005, transported household goods for Mr. James McDonough from 2938 Haverford Road, Ardmore, Pennsylvania to respondent's storage warehouse, Philadelphia, Pennsylvania. Respondent provided Mr. McDonough with a verbal estimate for the move of \$325.00 to \$650.00. Mr. McDonough's household goods were located outside under tarpins. Mr. McDonough's original description of the household goods consisted almost exclusively of boxes of books and bookcases. Upon further examination, Mr. McDonough discovered that his wife had moved a lot of the books into the house, and although there were still boxes of books, most of the items were furniture, such as a washing machine, dryer, air conditioners, shelving, etc. Mr. McDonough called respondent and advised him that he was wrong about the contents of the move, but not the volume. Mr. McDonough told respondent that he would put aside the original estimate and asked for a new estimate. He asked respondent to send someone to his house and make a "solid" estimate, not an estimate based on his descriptions and measurements. Mr. McDonough called respondent for several days inquiring about the estimate. When the estimators finally did come, several days after Mr. McDonough's first call, they told Mr. McDonough that "Joe" would give him an estimate on the telephone the next day. Respondent did not call Mr. McDonough the next day, and, in fact, only provided a new "verbal" estimate the day before the move. Respondent provided a new "verbal" estimate of six hundred to six hundred fifty dollars. Respondent charged Mr. McDonough \$1,942, including storage costs. The move took two days because the respondent did not send a truck large enough for Mr. McDonough's goods. Respondent did not provide Mr. McDonough with a written estimate or an "Information for Shippers" statement prior to the preparation of an order for service. Respondent charged a rate of \$109.00 per job hour, when in fact, the proper rate for 1 van, 4 men (which included 1 supervisor) is \$98.00. Additionally, respondent charged for shrink wrap and locks which are not included in respondent's tariff on file with this Commission at Freight Pa. P.U.C. No. 3. The overcharge for the hourly rate, locks, and shrink wrap was \$214.00.
4. That respondent, by failing to file a quarterly report of the underestimate with this Commission, violated of 52 Pa. C.S. §31.124. Penalty is \$100.00.

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MAR 20 2006

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). Penalty is \$250.00.

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). Penalty is \$250.00.

7. That respondent, violated 66 Pa. C.S. §1303, by charging a higher rate than that specified in the tariff on file with this Commission. Penalty is \$500.00.

8. That respondent, by failing to provide a truck large enough for shipper's household goods, which necessitated another day to complete the move, failed to maintain safe, adequate, efficient and reasonable service and facilities for the proper safety of its patrons and public, violated 66 Pa. C.S. §1501. Penalty is \$250.00.

WHEREFORE, the Bureau of Transportation and Safety Prosecutory Staff hereby requests that the Commission fine Superior Moving & Storage, Inc., the sum of one thousand, three hundred fifty dollars (\$1,350.00) for the illegal activity described in this complaint, and order such other remedy as the Commission may deem to be appropriate.

Respectfully submitted,



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: 3-14-06



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 out come. 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 suspension or 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. Should you elect not to contest this complaint, you are also directed to refund two hundred, fourteen dollars (\$214.00) to James McDonough within twenty (20) days from the date on which is complaint is served. You must obtain an affidavit, executed by Mr. McDonough stating that such a refund has been paid; such affidavit must be filed with the Secretary of this Commission at the time the fine is paid. Upon payment of the fine, the record in this proceeding shall be closed.

D. If you file an answer which 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 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

DOCUMENT
FOLDER

Date of Service: March 20, 2006
Docket Number: A-00103923C0601

SUPERIOR MOVING & STORAGE INC
5101 UNRUH AVENUE
PHILADELPHIA PA 19135

DOCKETED
MAR 20 2006

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

Dear Sir/Madam:

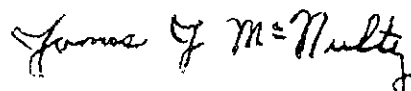
The Pennsylvania Public Utility Commission has delegated its authority to initiate prosecutory proceedings to several bureaus in the Commission with enforcement responsibilities.

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

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2. Article Number



7160 3901 9843 0826 3569

3. Service Type **CERTIFIED MAIL**

4. Restricted Delivery? (Extra Fee) Yes

1. Article Addressed to:

Superior Moving & Storage
Inc.
FC
A-0010392300601

COMPLETE THIS SECTION ON DELIVERY

A. Received by (Please Print Clearly)

B. Date of Delivery

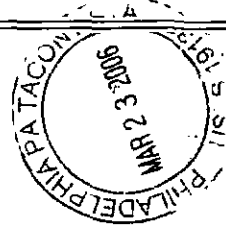
C. Signature

X

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: 4/7/2006
RECEIPT NO: 183631

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

Docket Number A-00103923C0601..... \$1,350.00

REVENUE ACCOUNT: 001420-017000-101

CHECK NUMBER: 10196
CHECK AMOUNT: \$1,350.00

**DOCUMENT
FOLDER**

DOCKETED
APR 10 2006

Michael Sobolesky
(for Department of Revenue)