

PENNSYLVANIA
PUBLIC UTILITY COMMISSION
Harrisburg, PA 17120

Public Meeting held August 20, 1987

Commissioners Present:

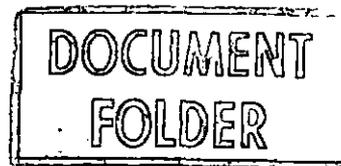
Bill Shane, Chairman
Linda C. Taliaferro
Frank Fischl
William H. Smith

Pennsylvania Public Utility Commission

A-00105185C871

v.
Kevin R. McHale, t/a McHale Delivery Service
R.D. 7, Box 428
Reading, PA 19606

ORDER TO SHOW CAUSE



BY THE COMMISSION:

This Commission, as the duly constituted agency of the Commonwealth of Pennsylvania, empowered to regulate common carriers and brokers within this Commonwealth, represents as follows:

1. That Kevin R. McHale, t/a McHale Delivery Service, respondent, maintains its principal place of business at R.D. 7, Box 428, Reading, PA 19606.
2. Respondent holds a certificate of public convenience or contract carrier permit issued by this Commission at Application Docket No. A-00105185.
3. Respondent is required by the Public Utility Code, 66 Pa. C.S. §504 or §2508, and by the regulations of the Commission, 52 Pa. Code §29.42, §31.9, or §33.103, to file an Annual Report with the Commission for each calendar year. The Annual Report must be filed with the Commission no later than March 31 of the succeeding calendar year unless an extension of time for filing has been granted by the Commission.
4. As of the date of this complaint, respondent has not submitted its Annual Report for the year 1986.
5. By failing to submit its Annual Report, respondent is in violation of 52 Pa. Code §29.42(d), §31.9(f), or §33.103(a); THEREFORE,

IT IS ORDERED:

1. That respondent show cause why the certificate of public convenience or contract carrier permit at Application Docket No. A-00105185 should not be revoked for failure to file respondent's Annual Report for 1986.

2. 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, in writing, under oath, which, as required by the Rules of Administrative Practice and Procedure, 52 Pa. Code §5.64, either affirms or specifically denies the allegations in this order.

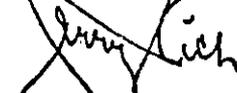
3. That in lieu of an answer to this order, respondent may file its Annual Report for 1986 within the time specified for filing an answer to this order. If the respondent so files its Annual Report for 1986, the time for filing that Report will be extended to the date upon which an answer is due, thereby mitigating the fine set forth in 52 Pa. Code §§29:42(d), 31.9(f), or 33.103(a), and this Order will be discharged without further proceedings.

4. That if respondent fails to file an answer or other responsive pleading, and if respondent does not file its Annual Report for 1986 within twenty (20) days, respondent will be deemed to have admitted all the allegations in this Order, in accordance with the Rules of Administrative Practice and Procedure, 52 Pa. Code §5.64. In that event, this Commission may, without hearing, enter an appropriate order which either revokes or suspends the certificate of public convenience or contract carrier permit held by respondent, and which imposes a fine or any other appropriate penalty or forfeiture as authorized by the Public Utility Code, 66 Pa. C.S. §§101, et seq.

5. That if respondent files an answer which admits the allegations contained in this order, and does not file its Annual Report for 1986, this Commission will enter an order which either revokes or suspends the certificate of public convenience or contract carrier permit held by respondent and which imposes a fine or any other appropriate penalty or forfeiture as authorized by the Public Utility Code, 66 Pa. C.S. §§101, et seq.

6. That if the respondent files a timely answer which specifically denies the allegations in this order, or which raises material questions of law or fact, and does not file its Annual Report for 1986, 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 order, the Administrative Law Judge may render a decision which either revokes or suspends the certificate of public convenience or contract carrier permit held by respondent, and which imposes a fine or any other appropriate penalty authorized by the Public Utility Code, 66 Pa. C.S. §§101, et seq.

BY THE COMMISSION,



Jerry Rich
Secretary

(SEAL)

ORDER ADOPTED: August 20, 1987

ORDER ENTERED: September 21, 1987