

1. REPORT DATE: January 15, 2004	2. BUREAU AGENDA NO. FEB-2004-TSM-0020*
3. BUREAU: Transportation and Safety	
4. SECTION(S): MCS&E	5. PUBLIC MEETING DATE:
6. APPROVED BY: Director: Hoffman: 3-384 Mgr/Spvr: Keezel: 3-5010 Legal Review:	February 12, 2004
7. PERSONS IN CHARGE: Bingaman: 3-5011	

DOCKETED
FEB 23 2004

8. **DOCKET NO.:** A-00113765C0201 & C0301; A-00118197C0304; A-00114508C0301, Fs. 1 & 2; A-00103570C0302; A-00116610C0201; A-00114194C0301, F. 2; A-00119328C0301; A-00114001C0301; A-00113308C0301; A-00118969C0301; A-00118908C0301; A-00114335C0301; A-00118676C0301; A-00117347T0301, P-770; A-00105185C0301; Fs. 1 & 2; A-00111064C0301; A-00116350C0301; A-00115911C0302; A-00119124C0301; A-00111511C0301; A-00109094C0301; A-00118742C0301; A-00093988C0301; A-00108333C0201 (See Attached List)

9. (a) **CAPTION** (abbreviate if more than 4 lines)
 (b) **Short summary of history & facts, documents & briefs**
 (c) **Recommendation**
- (a) 24 Commission Orders adjudicating Bureau of Transportation and Safety instituted complaints alleging failure to maintain proof of bodily injury and property damage liability insurance and/or cargo insurance on file with the Commission.
- (b) The Bureau of Transportation and Safety notified Respondents that an answer to the complaint must be filed within twenty (20) days of the date of service of the complaint in accordance with 52 Pa. Code §5.61. Respondents were advised that failure to file an answer or filing an answer which fails to deny the allegations in the complaint, would result in a recommendation to the Commission that the respondent's certificate be canceled. The Respondents listed on the attachment have either failed to file an answer, or filed an answer which admitted the allegations in the complaint. The allegations are therefore deemed admitted and the complaints are sustained.
- (c) The Bureau of Transportation and Safety recommends the Commission adopt the orders directing that the complaints be sustained and that the certificates be canceled.

10. **MOTION BY:** Commissioner Chm. Fitzpatrick Commissioner Pizzingrilli - Yes
 Commissioner Holland - Yes
SECONDED: Commissioner Thomas Commissioner

RJP

CONTENT OF MOTION: Staff recommendation adopted.

**DOCUMENT
FOLDER**



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

IN REPLY PLEASE
REFER TO OUR FILE

FEBRUARY 18, 2004

A-00105185C0301

A-00105185

Fs. 1&2

MCHALE'S DELIVERY SERVICE INC
619 SPRUCE STREET
READING PA 19602

DOCUMENT

Pennsylvania Public Utility Commission
V.
MCHALES DELIVERY SERVICE INC

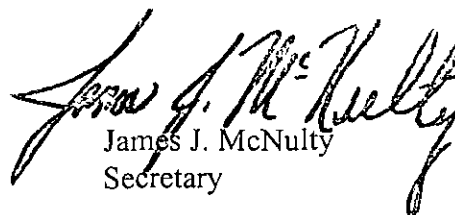
DOCKETED
MAR 03 2004

To Whom It May Concern:

This is to advise you that the Commission in Public Meeting on February 12, 2004 has adopted an Order in the above entitled proceeding.

An Order has been enclosed for your records.

Very truly yours,


James J. McNulty
Secretary

fg
encls
cert. mail

PENNSYLVANIA
PUBLIC UTILITY COMMISSION
Harrisburg, PA 17105-3265

Public Meeting held February 12, 2004

Commissioners Present:

Terrance J. Fitzpatrick, Chairman
Glen R. Thomas
Kim Pizzingrilli
Wendell F. Holland

DOCKETED
MAR 03 2004

Pennsylvania Public Utility Commission
v.

A-00105185C0301
A-00105185
Fs. 1 & 2

MCHALES DELIVERY SERVICE INC

ORDER

DOCUMENT

BY THE COMMISSION:

On October 22, 2003, the Bureau of Transportation and Safety instituted a Complaint against McHale's Delivery Service, Inc., respondent, alleging failure to maintain evidence of bodily injury and property damage liability insurance on file with this Commission, a violation of the Public Utility Code at 66 Pa C.S. §512, 52 Pa. Code §32.2(c), and 52 Pa. Code §32.11(a), §32.12(a) or §32.13(a).

In accordance with 52 Pa. Code §5.61, the Bureau of Transportation and Safety notified the Respondent that, unless its insurer files evidence of insurance with this Commission, Respondent must file an Answer to the Complaint within twenty days of the date of service. The Notice further specified that, if respondent failed to answer the Complaint within twenty days, the Bureau of Transportation and Safety would request the Commission issue an order which cancels respondent's Certificates of Public Convenience.

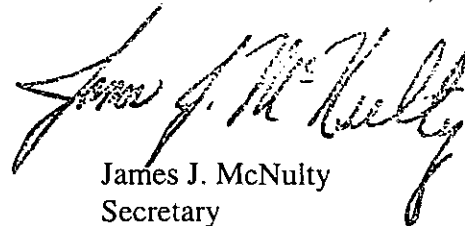
The Complaint was served on respondent on October 23, 2003. To date, more than twenty days later, respondent has failed to file an Answer to the Complaint and has failed to have its insurer file evidence of insurance with this Commission.

RJP

THEREFORE, IT IS ORDERED:

1. That the allegations in the Complaint are deemed to be admitted.
2. That the Complaint is hereby sustained.
3. That the Certificates of Public Convenience, issued to respondent at A-00105185, Fs. 1 & 2, are hereby cancelled.
4. That Respondent is hereby notified to cease and desist from further violations of the Public Utility Code, 66 Pa. C.S. §§101, et seq. and the regulations of the Commission, 52 Pa. Code §§1.1, et seq. In view of the cancellation of respondent's Certificates of Public Convenience, it is specifically prohibited from rendering service as a common carrier by motor vehicle in intrastate commerce in the Commonwealth of Pennsylvania.
5. Should respondent wish to again begin transportation operations in the Commonwealth of Pennsylvania, respondent must file a new application for authority in order to obtain a Certificate of Public Convenience. The respondent must pay all outstanding assessments and fines before this Commission will act on an application for authority. Payment must be made by certified check or money order payable to the Pa. Public Utility Commission, P.O. Box 3265, Harrisburg, PA 17105-3265.

BY THE COMMISSION,



James J. McNulty
Secretary

(SEAL)

ORDER ADOPTED: February 12, 2004

ORDER ENTERED:

FEBRUARY 18 2004