



December 3, 2013

Pennsylvania Public Utility Commission
PO BOX 3265
Harrisburg PA 17105-3265

File #

C-2013-2380950

RECEIVED

DEC - 3 2013

PA PUBLIC UTILITY COMMISSION
SECRETARY'S BUREAU

Rosemary Chiavetta

Office of the Secretary

This letter is in response to the PA PUC complaint that our cargo insurance form H was not made on 7/1/2013. Our company switched carriers on that date and Continental Casualty Company did not, as requested, make the cargo filing. We did not receive the two compliant notices (attached) that were sent out. We did a name change and address change earlier this year. The name change was processed, but the address was not, which is why we didn't respond- we never received the letter. We have submitted a separate change request for the address change. We contacted our insurance agent and he notified Continental Casualty Company, they then posted (see attached NOR) the cargo filing with an effective date of 7/1/2013. Our agent called the PUC and informed us a "lift" order will be issued and our authority is in compliance. We are requesting that the fine of \$500 be waived as we did not cause any of this issue and it was corrected as soon as we became aware of the matter. Please inform us of your decision.

Thank you for your assistance in the matter

Sincerely,

Bryan Barnhart, Sole Member - Barnhart Transportation LLC

Barnhart Transportation, LLC
9251 West Main Road, North East, PA 16428
PO Box 247 Harborcreek, PA 16421-0247
Phone: (814)898-2668 Fax: (814)898-1090



- [Create Filing](#)
- [Search Filings](#)
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- [Reports](#)
- [My Profile](#)
- [User Manual](#)
- [Log Out](#)

You have submitted the following motor carrier insurance filings. Your application will be sent to the corresponding state agency automatically and your account will be billed \$ 3.50. If you filed a paper filing, please print out the form now and either mail/fax to the state. Paper filings are not submitted to states via the system.

Insurance Information

Insurance Company	Continental Casualty Company - USDOT 1360		
Authorized Signature		Insurance Agent ID	
Form Type	Form H	Reinstate	<input type="checkbox"/>

Certificate of Insurance

Policy Number	5093694921	USDOT	01259891
Effective Date	Jul 01 2013	FHWA	MC494758

Motor Carrier Information

Electronic Filing States

Pennsylvania

Insurer #		State MC ID	A-00120995
Legal Name	BRYAN BARNHART T/A		
DBA	BARNHART TRANSPORTATION LLC		
Address	9251 W MAIN RD		
City	NORTH EAST	State *	PENNSYLVANIA
Zip	16428	Country	US
Notes			

Non-electronic Filing States

You have submitted the following motor carrier insurance filings. Your application will be sent to the corresponding state agency automatically and your account will be billed \$ 3.50. If you filed a paper filing, please print out the form now and either mail/fax to the state. Paper filings are not submitted to states via the system.

[Create Another Filing](#)

[Back to TOP](#)

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 Investigation and Enforcement and other bureaus with enforcement responsibilities. Pursuant to that delegated authority and Section 701 of the Public Utility Code, the Bureau of Investigation and Enforcement hereby represents as follows:

1. That all authority issued to Barnhart Transportation, LLC, (respondent) is under suspension effective August 05, 2013 for failure to maintain evidence of insurance on file with this Commission.
2. That respondent maintains a principal place of business at 3022 Ash Street, Erie, PA 16504.
3. That respondent was issued a Certificate of Public Convenience by this Commission on September 07, 2004, at A-00120995.
4. That respondent has failed to maintain evidence of Cargo insurance on file with this Commission. The Bureau of Investigation and Enforcement's proposed civil penalty for this violation is \$500 and cancellation of the Certificate of Public Convenience.
5. That respondent, by failing to maintain evidence of insurance on file with this Commission, violated 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).

Wherefore, unless respondent pays the penalty of \$500 and causes its insurer to file evidence of insurance with this Commission within twenty (20) days of the date of service of this Complaint, the Bureau of Investigation and Enforcement will request that the Commission issue an Order which (1) cancels the Certificate of Public Convenience held by respondent at A-00120995 for failure to maintain evidence of current insurance on file with the Commission, (2) fines Respondent the sum of five hundred dollars (\$500.00) for the illegal activity described in this Complaint, (3) orders such other remedy as the Commission may deem to be appropriate, which may include the suspension of a vehicle registration and (4) imposes an additional fine on the respondent should cancellation occur.

Respectfully submitted,

David W. Loucks, Chief
Motor Carrier Enforcement
Bureau of Investigation and Enforcement
P. O. Box 3265
Harrisburg, PA 17105-3265

VERIFICATION

I, David W. Loucks, Chief, Motor Carrier Enforcement, Bureau of Investigation and Enforcement, 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 that the Bureau will be able to prove 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: 9/4/2013

David W. Loucks, Chief
Motor Carrier Enforcement
Bureau of Investigation and Enforcement

A. You must file an Answer within 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 Letter. See 52 Pa. Code § 1.56(a). The Answer must raise all factual and legal arguments that you wish to claim in your defense, include the docket number of this Complaint, and be verified. You may file your Answer by mailing an original to:

Rosemary Chiavetta, Secretary
Pennsylvania Public Utility Commission
P. O. Box 3265
Harrisburg, PA 17105-3265

Or, you may eFile your Answer using the Commission's website at www.puc.pa.gov. The link to eFiling is located under the Filing & Resources tab on the homepage. If your Answer is 250 pages or less, you are not required to file a paper copy. If your Answer exceeds 250 pages, you must file a paper copy with the Secretary's Bureau.

Additionally, a copy should either be mailed to:

Wayne T. Scott, First Deputy Chief Prosecutor
Pennsylvania Public Utility Commission
Bureau of Investigation and Enforcement
P. O. Box 3265
Harrisburg, PA 17105-3265

Or, emailed to Mr. Scott at: RA-PCCmplntResp@pa.gov

B. If you fail to answer this Complaint within 20 days, the Bureau of Investigation and Enforcement will request that the Commission issue an Order imposing the penalty.

C. You may elect not to contest this Complaint by causing your insurer to file proper evidence of current insurance in accordance with the Commission's regulations and by paying the fine proposed in this Complaint by certified check or money order within twenty (20) days of the date of service of this Complaint. Accord certificates of insurance and faxed FORM Es and Hs are unacceptable as evidence of insurance.

The proof of insurance must be filed with the:

Compliance Office, Bureau of Technical Utility Services
Pennsylvania Public Utility Commission
P. O. Box 3265
Harrisburg, PA 17105-3265

Payment of the fine must be made to the Commonwealth of Pennsylvania and should be forwarded to:

Rosemary Chiavetta, 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 the evidence of insurance from your insurer, and 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 Investigation and Enforcement will request the Commission to issue an Order imposing the penalty set forth in this Complaint.

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 penalty set forth in the Complaint, and may impose additional and/or alternative penalties as appropriate.

F. If you are a corporation, you must be represented by legal counsel. 52 Pa. Code § 1.21.

Alternative formats of this material are available for persons with disabilities by contacting the Commission's ADA Coordinator at 717-787-8714.



PENNSYLVANIA
PUBLIC UTILITY COMMISSION

CONSUMER INFO UTILITY SEARCH FILING REGISTRATION ABOUT PUC CONTACT

ABOUT PUC > Utility/Authority Search > Utility Detail View

The utility detail view displays the utility information (identified by Utility Code), authorities, and case information associated with that utility.

The Utility Detail View displays the Utility Information (identified by Utility Code - 706868), authorities, and case information associated with that utility.

Basic Utility Information

Utility Name: BARNHART TRANSPORTATION, LLC
 Utility Code: 706868
 Utility Type: Truck
 Utility Status: Active
 Carrier ID: A-00120995

Utility Contact Information

Main Mailing Address: 3022 ASH STREET
 ERIE, PA 16504
 Phone:
 Fax:
 Website:
 Email:

Authority Information

Service Type	Authority Status	Date Certified	Suspension Date	Suspension Expiration	Application Number	Trading As Name
Truck	Active	9/7/2004 4:00:00 AM			A-00120995	

Insurance Information

Insurance Type	Insurance Status	Insurance Status Date	Insurance Effective Date	Insurance Lapse Date
Liability	Form E Received	7/3/2013 4:00:00 AM	7/1/2013 4:00:00 AM	
Cargo			6/4/2012 4:00:00 AM	8/5/2013 4:00:00 AM

Insurance Complaint
Created

8/15/2013 10:50:33
AM

Number of cases retrieve: 2, results limited to 1000 cases. If you require information for a particular case not listed, please contact the Secretary's Bureau at 717-772-7777.

Docketed Cases

<u>Docket Number</u>	<u>Case Status</u>	<u>Date Filed</u>	<u>Allegation</u>
<u>C-2013-2380950</u>	Active	15-Aug-2013	BI&E COMPLAINT ALLEGING FAILURE TO MAINTAIN EVIDENCE OF CARGO INSURANCE
<u>A-00120995</u>	Closed	24-Jun-2004	TRANSPORT PROPERTY IN PA

Customer Hotline 1-800-692-7380 | [PUC Webmaster](#)

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

IN REPLY PLEASE
REFER TO OUR FILE

C-2013-2380950

Date of Service: September 25, 2013

BARNHART TRANSPORTATION LLC
3022 ASH STREET
ERIE PA 16504

**PENNSYLVANIA PUBLIC UTILITY COMMISSION
BUREAU OF INVESTIGATION & ENFORCEMENT**

v.

BARNHART TRANSPORTATION LLC

Dear Sir/Madam:

Please be advised that the attached complaint has been filed against you by the Bureau of Investigation & Enforcement.

Detailed instructions on how to proceed are contained in the NOTICE section, and you are advised to read everything carefully or consult with your attorney.

Very truly yours,

A handwritten signature in black ink, appearing to read "Rosemary Chiavetta", written in a cursive style.

Rosemary Chiavetta
Secretary

Attachments

MH



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

IN REPLY PLEASE
REFER TO OUR FILE

C-2013-2380950

Date of Service: October 9, 2013 Reserved

BARNHART TRANSPORTATION LLC
3022 ASH STREET
ERIE PA 16504

**PENNSYLVANIA PUBLIC UTILITY COMMISSION
BUREAU OF INVESTIGATION & ENFORCEMENT**

v.

BARNHART TRANSPORTATION LLC

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Very truly yours,

A handwritten signature in black ink, appearing to read "Rosemary Chiavetta", is written over a faint, larger version of the same signature.

Rosemary Chiavetta
Secretary

Attachments

MH

UPS Internet Shipping: View/Print Label

1. **Ensure there are no other shipping or tracking labels attached to your package.** Select the Print button on the print dialog box that appears. Note: If your browser does not support this function select Print from the File menu to print the label.
2. **Fold the printed sheet containing the label at the line so that the entire shipping label is visible.**
Place the label on a single side of the package and cover it completely with clear plastic shipping tape. Do not cover any seams or closures on the package with the label. Place the label in a UPS Shipping Pouch. If you do not have a pouch, affix the folded label using clear plastic shipping tape over the entire label.
3. **GETTING YOUR SHIPMENT TO UPS**
UPS locations include the UPS Store®, UPS drop boxes, UPS customer centers, authorized retail outlets and UPS drivers.
Schedule a same day or future day Pickup to have a UPS driver pickup all of your Internet Shipping packages.
Hand the package to any UPS driver in your area.
Take your package to any location of The UPS Store®, UPS Drop Box, UPS Customer Center, UPS Alliances (Office Depot® or Staples®) or Authorized Shipping Outlet near you. Items sent via UPS Return Services(SM) (including via Ground) are also accepted at Drop Boxes. To find the location nearest you, please visit the 'Find Locations' Quick link at ups.com.

Customers with a Daily Pickup
Your driver will pickup your shipment(s) as usual.

FOLD HERE

JOHN 8144560498 1062 GREAT LAKES INSURANCE ASSOCIAT 3205 PEACH STREET ERIE PA 16508	0.0 LBS LTR	1 OF 1
SHIP TO: PA PUBLIC UTILITY COMMISSION COMMONWEALTH OF PA PO BOX 3265 ATTN OFFICE OF THE SECRETARY HARRISBURG PA 17105-3265		
	PA 171 9-20 	
UPS NEXT DAY AIR		1
TRACKING #: 1Z 197 R69 01 9979 6422		
		
BILLING: P/P		
<small>UIS 15.6.12. WNT7E100 45.0A 10/2013</small>		

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PA PUBLIC UTILITY COMMISSION
SECRETARY'S BUREAU