



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

March 10, 2014

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

Re: Pennsylvania Public Utility Commission, Bureau of Investigation  
and Enforcement v. The Eagle's Nest, Inc.  
Docket No. C-2014-

Dear Secretary Chiavetta:

Enclosed for filing please find the Complaint in the above referenced case on behalf of the Bureau of Investigation and Enforcement of the Pennsylvania Public Utility Commission. Copies have been served on the parties of record in accordance with the Certificate of Service.

Sincerely,

A handwritten signature in black ink, appearing to read 'Stephanie M. Wimer'.

Stephanie M. Wimer  
Prosecutor  
PA Attorney ID No. 207522

Prosecutor for the Bureau of  
Investigation and Enforcement

Enclosures

cc: As per Certificate of Service

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**NOTICE**

**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](http://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](mailto:RA-PCCmplntResp@pa.gov)

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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 paying the civil penalty within 20 days. Your check or money order for the civil penalty should be payable to the Commonwealth of Pennsylvania and mailed to:

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

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.

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

**BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

<b>Pennsylvania Public Utility Commission</b>	:	
<b>Bureau of Investigation and Enforcement</b>	:	
	:	
v.	:	<b>Docket No. C-2014-</b>
	:	
<b>The Eagle's Nest, Inc.</b>	:	
	:	

**COMPLAINT**

NOW COMES the Bureau of Investigation and Enforcement (“I&E”) of the Pennsylvania Public Utility Commission (“Commission”), by its counsel, and files this Complaint against The Eagle’s Nest, Inc. (“Respondent”), pursuant to Section 701 of the Public Utility Code, 66 Pa.C.S. § 701. In support of its Complaint, I&E respectfully represents the following:

**Parties and Jurisdiction**

1. The Pennsylvania Public Utility Commission, with a mailing address of P.O. Box 3265, Harrisburg, PA 17105-3265, is a duly constituted agency of the Commonwealth of Pennsylvania empowered to regulate public utilities within the Commonwealth pursuant to the Public Utility Code, 66 Pa.C.S. §§ 101, *et seq.*
2. Complainant is the Commission’s Bureau of Investigation and Enforcement and is the entity established by statute to prosecute complaints against public utilities pursuant to 66 Pa.C.S. § 308.2(a)(11).
3. Complainant is represented by:

Stephanie M. Wimer  
Prosecutor  
Pennsylvania Public Utility Commission  
Bureau of Investigation and Enforcement  
P.O. Box 3265  
Harrisburg, PA 17105-3265  
717.772.8839  
stwimcr@pa.gov

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Wayne T. Scott  
First Deputy Chief Prosecutor  
Pennsylvania Public Utility Commission  
Bureau of Investigation and Enforcement  
P.O. Box 3265  
Harrisburg, PA 17105-3265  
717.783.6150  
wascott@pa.gov

4. Respondent is The Eagle's Nest, Inc. and maintains its principal place of business at 77 McCullough Drive, New Castle, DE 19720.
5. Respondent is a "public utility" as that term is defined at 66 Pa.C.S. § 102, as it is engaged in transporting passengers in the Commonwealth of Pennsylvania for compensation.
6. The Commission issued Respondent a certificate of public convenience on or about May 13, 2005, at A-00121666, for group and party 16 or greater authority.
7. Section 501(a) of the Public Utility Code, 66 Pa.C.S. § 501(a), authorizes and obligates the Commission to execute and enforce the provisions of the Public Utility Code.
8. Section 701 of the Public Utility Code, 66 Pa.C.S. § 701, authorizes the Commission, *inter alia*, to hear and determine complaints against public utilities for a violation of any law or regulation that the Commission has jurisdiction to administer.
9. Section 3301 of the Public Utility Code, 66 Pa.C.S. § 3301, authorizes the Commission to impose civil penalties on any public utility, or any other person or corporation subject to the Commission's authority, for violation(s) of the Public Utility Code and/or Commission regulations.
10. Respondent, in transporting passengers as a common carrier for compensation, is subject to the power and authority of this Commission pursuant to Section 501(c) of the Public Utility Code, 66 Pa.C.S. § 501(c), which requires a public utility to comply with Commission regulations.
11. Pursuant to the provisions of the applicable Commonwealth statutes and regulations, the Commission has jurisdiction over the subject matter of this complaint and the actions of Respondent related thereto.

## **Factual Background**

12. On or about February 15, 2011, the Commission mailed to Respondent an assessment report form for Respondent to report its 2010 calendar year revenues.
13. The assessment report form was accompanied by a letter, which notified Respondent that the report was due on or before March 31, 2011.
14. Respondent failed to file an assessment report to show its 2010 calendar year revenues.
15. On or about February 16, 2012, the Commission mailed to Respondent an assessment report form for Respondent to report its 2011 calendar year revenues.
16. The assessment report form was accompanied by a letter, which notified Respondent that the report was due on or before March 31, 2012.
17. Respondent failed to file an assessment report to show its 2011 calendar year revenues.
18. On or about February 7, 2013, the Commission mailed to Respondent an assessment report form for Respondent to report its 2012 calendar year revenues.
19. The assessment report form was accompanied by a letter, which notified Respondent that the report was due on or before March 31, 2013.
20. Respondent failed to file an assessment report to show its 2012 calendar year revenues.

## **Violations**

### **COUNTS 1-3**

21. That Respondent failed to demonstrate its gross intrastate operating revenues for the 2010, 2011 and 2012 calendar years in that it did not file assessment reports for those years.

If proven, this is a violation of Section 510(b) of the Public Utility Code, 66 Pa.C.S. § 510(b). The Bureau of Investigation and Enforcement's proposed civil penalty for this violation is \$3,000.

**WHEREFORE**, for all the foregoing reasons, the Bureau of Investigation and Enforcement of Pennsylvania Public Utility Commission respectfully requests that:

- (a) Respondent be directed to file assessment reports on a going-forward basis;
- (b) Respondent be ordered to pay a civil penalty of \$3,000 for the above-described violations; and
- (c) If payment of the civil penalty is not made, the Bureau of Investigation and Enforcement requests that the Commission issue an Order to cancel the Certificate of Public Convenience issued to Respondent.

Respectfully submitted,



Stephanie M. Wimer  
Prosecutor  
Bureau of Investigation & Enforcement  
Pennsylvania Public Utility Commission

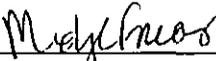
P.O. Box 3265  
Harrisburg, PA 17105-3265

Date: March 10, 2014

**VERIFICATION**

I, Mandy Freas, Accountant, Bureau of Administrative Services, Assessment Section, 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 the Bureau will 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: March 10, 2014

  
\_\_\_\_\_  
Mandy Freas, Accountant  
Assessment Section  
Bureau of Administrative Services  
PA. Public Utility Commission  
P.O. Box 3265  
Harrisburg, PA 17105-3265

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**CERTIFICATE OF SERVICE**

I hereby certify that I have this day served a true copy of the foregoing Complaint upon the parties, listed below, in accordance with the requirements of 52 Pa. Code § 1.54 (relating to service by a party).

Notification by First Class Mail:

The Eagle's Nest, Inc.  
77 McCullough Drive  
New Castle, DE 19720



Stephanie M. Wimer  
Prosecutor  
PA Attorney ID No. 207522

Pennsylvania Public Utility Commission  
Bureau of Investigation and Enforcement  
P.O. Box 3265  
Harrisburg, PA 17105-3265

Dated: March 10, 2014

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