

CAPTION SHEET

E MANAGEMENT SYSTEM

- 1. REPORT DATE: 00/00/00
- 2. BUREAU: TAS
- 3. SECTION(S):
- 5. APPROVED BY:
 - DIRECTOR:
 - SUPERVISOR:
- 6. PERSON IN CHARGE: BEARD
- 8. DOCKET NO: A-00106548C0201
- 4. PUBLIC MEETING DATE: 00/00/00
- 7. DATE FILED: 05/30/02
- 9. EFFECTIVE DATE: 00/00/00

PARTY/COMPLAINANT: TRANSPORTATION & SAFETY BUREAU OF

RESPONDENT/APPLICANT: DEBO MOVING AND STORAGE, INC.

COMP/APP COUNTY:

UTILITY CODE: 736090

ALLEGATION OR SUBJECT

COMPLAINT FILED AGAINST THE RESPONDENT FOR VARIOUS VIOLATIONS

DOCUMENT
FOLDER

DOCKETED

JUL 04 2002

BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION

PENNSYLVANIA PUBLIC UTILITY
COMMISSION, BUREAU OF TRANSPORTATION
AND SAFETY

v.

Debo Moving and Storage, Inc.

DOCKET NO. A-00106548C0201

RECEIVED
2002 MAY 30 PM 2:02
SECRETARY'S BUREAU

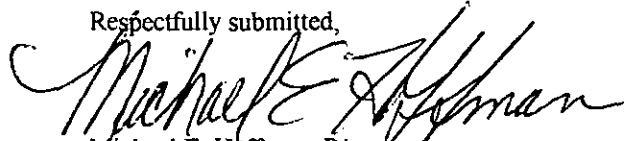
COMPLAINT

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 Debo Moving and Storage, Inc., respondent, maintains its principal place of business at 1508 B Street West, Baden, PA 15005.
2. That respondent was issued a certificate of public convenience by this Commission on April 11, 1986, at Application Docket No. A-00106548.
3. That respondent, on June 29, 2001, transported the household goods of Mike & Heather Kaminiski for \$1,473.35 compensation from 242 East Commons Drive, Cranberry, Butler County, Pennsylvania to 403 Auburn Drive, Cranberry, Butler County, Pennsylvania. Respondent's operating authority does not allow it to transport household goods for compensation between the aforementioned points.
4. That respondent, in performing the acts described in Paragraph 3, violated the Public Utility Code, 66 Pa. C.S. §1102(a)(1)(i), by rendering service within the Commonwealth of Pennsylvania to a different territory than that authorized by its certificate of public convenience. The penalty is \$250.00

WHEREFORE, the Bureau of Transportation and Safety Prosecutory Staff hereby requests that the Commission fine Debo Moving and Storage, Inc. the sum of two hundred fifty dollars (\$250.00) for the illegal activity described in this complaint and order such other remedy as the Commission may deem to be appropriate.

Respectfully submitted,



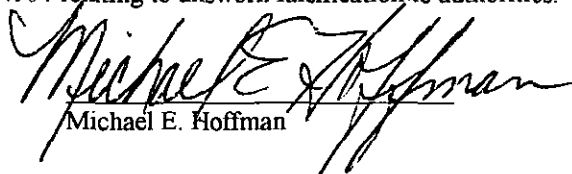
Michael E. Hoffman, Director
Bureau of Transportation and Safety
P.O. Box 3265
Harrisburg, PA 17105-3265

VERIFICATION

I, Michael E. Hoffman, 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:

5/29/02



Michael E. Hoffman

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. 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 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 in C, above.

F. Alternative formats of this material are available, for persons with disabilities, by contacting the Technical Unit at (717) 783-5945.

BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION

PENNSYLVANIA PUBLIC UTILITY
COMMISSION, BUREAU OF TRANSPORTATION
AND SAFETY

V.

DOCKET NO. A-00106548C0201
(CORRECTED)

Debo Moving and Storage, Inc.

COMPLAINT

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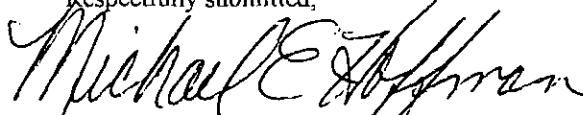
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3. That respondent, on March 14, 2002, transported the household goods of Mike & Heather Kaminiski for \$1,473.35 compensation from 242 East Commons Drive, Cranberry, Butler County, Pennsylvania to 403 Auburn Drive, Cranberry, Butler County, Pennsylvania. Respondent's operating authority does not allow it to transport household goods for compensation between the aforementioned points.
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DOCUMENT
FOLDER

RECEIVED
2002 JUL 10 PM 3:35
SECRETARY'S BUREAU

WHEREFORE, the Bureau of Transportation and Safety Prosecutory Staff hereby requests that the Commission fine Debo Moving and Storage, Inc. the sum of two hundred fifty dollars (\$250.00) for the illegal activity described in this complaint and order such other remedy as the Commission may deem to be appropriate.

Respectfully submitted,



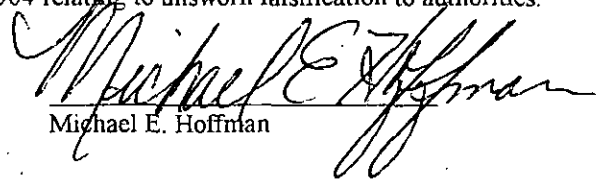
Michael E. Hoffman, Director
Bureau of Transportation and Safety
P.O. Box 3265
Harrisburg, PA 17105-3265

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Date:

7/3/02



Michael E. Hoffman

NOTICE

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James J. McNulty, Secretary
Pennsylvania Public Utility Commission
P.O. Box 3265
Harrisburg, PA 17105-3265

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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 in C, above.

F. Alternative formats of this material are available, for persons with disabilities, by contacting the Technical Unit at (717) 783-5945.

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

Date of Service: JUNE 4, 2002
Docket Number: A-00106548C0201

DEBO MOVING AND STORAGE INC
1508 B STREET
WEST BADEN PA 15005

Pennsylvania Public Utility Commission Bureau of Transportation and Safety

v.

DEBO MOVING AND 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.

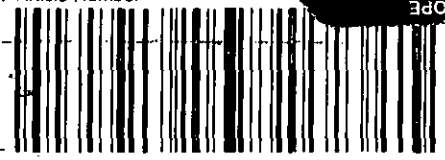
Any questions may be directed to the Technical Review Section of the Bureau of Transportation and Safety at (717) 787-1168.

Very truly yours,


James J. McNulty
Secretary

ddi

2. Article Number



7106 4525 1293 0912 7061

3. Service Type **CERTIFIED MAIL**

4. Restricted Delivery? (Extra Fee) **Yes**

1. Article Addressed to:

A-00106548C0201
DEBO MOVING AND STORAGE INC
1508 B STREET
WEST BADEN PA 15005

FORM 3810, June 2000

PLEASE STICKER AT TOP OF ENVELOPE

A. Received by (Please Print Clearly) **Jessica Debo** B. Date of Delivery **6/02**

C. Signature **Jessica Debo** Agent Addressee

D. Is delivery address different from item 1? Yes No
If YES, enter delivery address below:

Domestic Return Receipt



LAW OFFICES OF
JOHN A. PILLAR
 680 WASHINGTON ROAD
 SUITE B101
 PITTSBURGH, PENNSYLVANIA 15228

John A. Pillar
 Karen S. Timko

June 24, 2002

(412) 343-0970
 FAX (412) 343-0971
 pillarlaw@stargate.net

ORIGINAL

Re: Pennsylvania Public Utility Commission,
 Bureau of Transportation and Safety v.
 Debo Moving and Storage, Inc.
 Docket No. A-00106548C0201
 File No. 1151

BTL

2002 JUN 24
 11:09 AM
 RECEIVED
 BUREAU OF TRANSPORTATION AND SAFETY

DOCUMENT
 FOLDER

Hon. James J. McNulty, Secretary
 Pennsylvania Public Utility Commission
 P. O. Box 3265
 Harrisburg, PA 17105-3265

Dear Sir:

Enclosed for filing are the original and three copies of **Answer to Complaint** in connection with the above docketed proceeding.

Please acknowledge receipt of the enclosures on the duplicate of this letter of transmittal and return it in the stamped, self-addressed envelope provided.

Very truly yours,

John A. Pillar
 JOHN A. PILLAR

sw

Enclosures

cc: Michael E. Hoffman, Director
 Bureau of Transportation and Safety (w/encl.)
 Wendy J. Keezel, Chief,
 Motor Carrier Services and Enforcement Division (w/encl.)
 Debo Moving and Storage, Inc. (w/o encl.)

U. S. POSTAL SERVICE CERTIFICATE OF MAILING ENCLOSED

///

ORIGINAL
Before Me

PENNSYLVANIA PUBLIC UTILITY COMMISSION

RECEIVED

JUN 24 2002

PA PUBLIC UTILITY COMMISSION
SECRETARY'S BUREAU

PENNSYLVANIA PUBLIC UTILITY
COMMISSION, BUREAU OF
TRANSPORTATION AND SAFETY

Docket A-00106548C0201

v.

DEBO MOVING AND STORAGE, INC.

DOCKETED

JUN 26 2002

**DOCUMENT
FOLDER**

ANSWER TO COMPLAINT

AND NOW COMES Debo Moving and Storage, Inc., by and through its attorney, John A. Pillar, and answers the Complaint filed in the above docketed proceeding as follows:

1. The averments of paragraph 1 of the Complaint are admitted.
2. The averments of paragraph 2 of the Complaint are admitted.
3. The averments of paragraph 3 of the Complaint are denied. The

household goods of Mike and Heather Kaminski were transported by Respondent from 224 East Commons Drive, Cranberry Township, to 403 Auburn Drive located in Cranberry Township, on March 15, 2002. No transportation was performed for Mike and Heather Kaminski on June 29, 2001, as alleged in the Complaint. Respondent denies that its operating authority does not allow it to transport household goods for compensation between the aforementioned points. On the contrary, Respondent's operating authority authorizes the transportation of

household goods in use between points in the borough of Ambridge, Beaver County, and within an airline distance of 10 miles thereof, including the Townships of Harmony and Economy, Beaver County, and from points in said area, to points in Pennsylvania, and vice versa.

4. The averments of paragraph 4 of the Complaint constitute a legal conclusion to which no factual response is required. Notwithstanding, Respondent denies that it has performed transportation within the Commonwealth in a territory that is not authorized by its certificate of public convenience.

WHEREFORE, Respondent respectfully requests that based on the foregoing answer, the Complaint be dismissed.

Respectfully submitted,



JOHN A. PILLAR
Attorney for
DEBO MOVING AND STORAGE, INC.,
Respondent

VERIFICATION

I verify that the statements made in the foregoing **Answer to Complaint** are true and correct. I understand that false statements herein are made subject to the penalties of 18 Pa.C.S. § 4904 relating to unsworn falsification to authorities.

Date: June 24, 2002

Brian K. Debo
Brian K. Debo

LAW OFFICES OF
JOHN A. PILLAR
680 WASHINGTON ROAD
SUITE B101
PITTSBURGH, PENNSYLVANIA 15228

ORIGINAL

John A. Pillar
Karen S. Timko

(412) 343-0970
FAX (412) 343-0971
pillarlaw@stargate.net

August 15, 2002

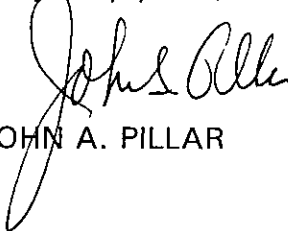
Re: Pennsylvania Public Utility Commission
Bureau of Transportation and Safety v.
Debo Moving and Storage, Inc.
Docket A-00106548C0201 (Corrected)
File No. 1151

Hon. James J. McNulty, Secretary
Pennsylvania Public Utility Commission
P. O. Box 3265
Harrisburg, PA 17105-3265

Dear Sir:

My client, Debo Moving and Storage, Inc., received a Corrected Complaint in the above docketed proceeding. Debo Moving and Storage, Inc. filed an Answer to the original Complaint. If we were to file an answer to the Corrected Complaint, it would be identical to the Answer filed to the original Complaint and, therefore, Debo Moving and Storage, Inc. adopts the Answer to the original Complaint as its Answer to the Corrected Complaint.

Very truly yours,


JOHN A. PILLAR

sw

cc: Michael E. Hoffman, Director
Bureau of Transportation and Safety
Debo Moving and Storage, Inc.

SRB

SECRETARY'S BUREAU

2002 AUG 15 10:53:20

DOCKETED

SEP 20 2002

DOCUMENT FOLDER

74



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

IN REPLY PLEASE
REFER TO OUR FILE

August 26, 2002

A-00106548C0201

JAMES J. MCNULTY SECRETARY
PENNSYLVANIA PUBLIC UTILITY COMMISSION
PO BOX 3265
HARRISBURG PA 17105-3265

SRB **DOCKETED**
SEP 26 2002

Re: Pennsylvania Public Utility Commission
v.
Debo Moving and Storage, Inc.

DOCUMENT

Dear Secretary McNulty:

Please be advised that the Bureau of Transportation and Safety Prosecutory Staff is withdrawing the complaint in the above captioned matter. After answer and a further review of the circumstances involved in this case, we find that newly discovered evidence reveals that our allegation was in error.

Accordingly, the Bureau of Transportation and Safety Prosecutory Staff determines that it would not be in the public interest to continue prosecution of this matter. Therefore, we hereby withdraw the complaint and request that the record be closed.

It is also requested that a copy of the Secretarial letter withdrawing the complaint and closing the record be sent to Tim Zeigler, Supervisor, Technical Unit, Bureau of Transportation and Safety, so that we may close our records.

Very truly yours,

Dwight W. Beard
Motor Carrier Services and Enforcement Division
Bureau of Transportation and Safety

DWB:db

pc: Pittsburgh District Office/Wested/073-02

Wendy J. Keezel
Compliance Office Chief