

CAPTION SHEET

CASE MANAGEMENT SYSTEM

1. REPORT DATE: 00/00/00	:	
2. BUREAU: TAS	:	
3. SECTION(S):	:	
5. APPROVED BY:	:	4. PUBLIC MEETING DATE:
DIRECTOR:	:	00/00/00
SUPERVISOR:	:	
6. PERSON IN CHARGE: FACKLER	:	7. DATE FILED: 05/11/07
8. DOCKET NO: A-00106548C0701	:	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

TAS COMPLAINT VS. DEBO MOVING & STORAGE, INC. FOR VARIOUS VIOLATIONS.

DOCUMENT
FOLDER

DOCKETED
JUN 13 2007

BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION

PENNSYLVANIA PUBLIC UTILITY
COMMISSION, BUREAU OF
TRANSPORTATION AND SAFETY

v.

DEBO MOVING & STORAGE, INC.

DOCKET NO. A-00106548C

0701

ORIGINAL

2007 JUN 11 11:11:17

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 & Storage, Inc., respondent, maintains its principal place of business at 1508B State St. West, Baden, Pennsylvania 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. Information was received by the Commission on May 1, 2006 concerning a household goods move made by respondent on April 22, 2006 from 209 Sherwood Drive, Cranberry Township, Butler County to 706 Genkinger Drive, Zelienople, Butler County for compensation. On May 26, 2006, Enforcement Officer Roy Barlett obtained shipping documents verifying the move in question. A review of respondent's tariff on file with this Commission indicates that respondent's authority does not permit it to provide transportation from points originating in Butler County.

4. As a result of the investigation described in Paragraph 3 of this complaint, the following violation was disclosed:

- (a) Rendering service to a different territory than that authorized by its certificate of public convenience.

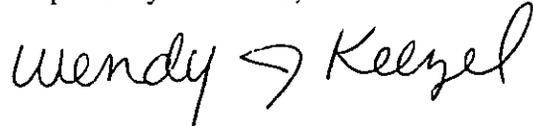
DOCUMENT
FOLDER

DOCKETED
JUN 13 2007

5. That respondent violated 66 Pa. C.S. §1102, by operating beyond the scope of its authority issued by this Commission at Docket No. A-00106548. 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 and 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,

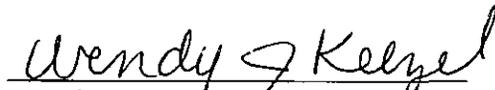


Wendy J. Keezel, Chief of Enforcement
Motor Carrier Services & Enforcement Division
Bureau of Transportation and Safety
P.O. Box 3265
Harrisburg, PA 17105-3265

VERIFICATION

I, Wendy J. Keezel, Chief of Enforcement for the Motor Carrier Services and Enforcement Division of the Bureau of Transportation and Safety, 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: 5-9-07



Wendy J. Keezel, Chief of Enforcement
Motor Carrier Services and Enforcement Division
Bureau of Transportation and Safety

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 outcome. 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.

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 **Commonwealth of Pennsylvania** and should be forwarded to:

James J. McNulty, 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 your payment, the complaint proceeding shall be closed.

D. If you file an Answer which 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.

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 above.

F. Alternative formats of this material are available, for persons with disabilities, by contacting the Compliance Office at (717) 787-1227.

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

Date of Service: JUNE 13, 2007
Docket Number: A-00106548C0701

DEBO MOVING & STORAGE, INC.
1508B STATE STREET, WEST
BADEN PA 15005

Pennsylvania Public Utility Commission Bureau of Transportation and Safety
v.
DEBO MOVING & 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.

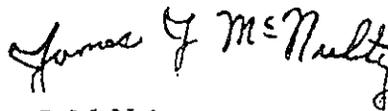
Pursuant to this delegated authority and Section 701 of the Public Utility Code, the Bureau of Transportation and Safety Prosecutory Staff has filed the attached complaint against you.

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.

DOCUMENT
FOLDER

Very truly yours,



James J. McNulty
Secretary

DOCKETED
JUN 13 2007

jih

2. Article Number



7160 3901 9843 1962 2263

3. Service Type **CERTIFIED MAIL**

4. Restricted Delivery? (Extra Fee) Yes

1. Article Addressed to:

A-00106548C0701
FC
DEBO MOVING & STORAGE, INC.

COMPLETE THIS SECTION ON DELIVERY

A. Received by (Please Print Clearly)

B. Date of Delivery

6/5/07

C. Signature

[Handwritten Signature]

Agent
 Addressee

D. Is delivery address different from Item 1?
If YES, enter delivery address below:

Yes
 No

PS Form 3800, February 2005

Domestic Return Receipt



**LAW OFFICES OF
JOHN A. PILLAR**

680 WASHINGTON ROAD, SUITE B101
PITTSBURGH, PENNSYLVANIA 15228-1925
PHONE: (412) 343-0970 FAX: (412) 343-0971
E MAIL: japillar@nauticom.net

July 2, 2007

Re: Bureau of Transportation and Safety v.
Debo Moving and Storage, Inc.
Docket A-00106548C0701
File No. 1151

ORIGINAL

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

**DOCUMENT
FOLDER**

Dear Mr. McNulty:

Enclosed for filing are the original and three copies of an 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

sw

Enclosures

cc: Wendy J. Keezel, Chief of Enforcement (w/encl.)
Debo Moving and Storage, Inc. (w/o encl.)

RJP

PA.P.U.C.
SECRETARY'S BUREAU

2007 JUL -5 AM 11:49

RECEIVED

55

Before the
PENNSYLVANIA PUBLIC UTILITY COMMISSION

RECEIVED
2007 JUL -5 AM 11:49
PA.P.U.C.
SECRETARY'S BUREAU

PENNSYLVANIA PUBLIC UTILITY)
COMMISSION, BUREAU OF)
TRANSPORTATION AND SAFETY)

v.)

DEBO MOVING AND STORAGE, INC.)

Docket A-00106548C0701

ORIGINAL

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. Respondent admits that it transported household goods on April 22, 2006 from 209 Sherwood Drive, Cranberry Township, to 706 Genkinger Drive, Zelienople, for compensation. Respondent denies that the transportation performed is not permitted by the operating authority issued to Respondent. On the contrary, Respondent is specifically authorized under its Folder 1, Am-E authority to transport household goods in use between points in the Borough of Ambridge, Beaver County, and within an airline distance of 10 miles thereof, and from points in said area to points in Pennsylvania, and vice versa. 209 Sherwood Drive, Cranberry

**DOCUMENT
FOLDER**

DOCKETED
JUL 09 2007

Township, Butler County, is within an airline distance of 10 statute miles of the limits of the Borough of Ambridge, Beaver County.

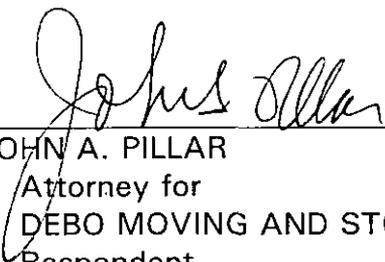
4. The averments of paragraph 4 of the Complaint constitute a legal conclusion to which no factual response is required. Nevertheless, Respondent did not provide any service different from that authorized by its Certificate of Public Convenience.

5. The averments of paragraph 5 of the Complaint constitute a legal conclusion to which no factual response is required. Nevertheless, Respondent avers that it did not violate any provision of the Public Utility Code.

WHEREFORE, Respondent respectfully requests that the Complaint be dismissed.

Respectfully submitted,

Dated: July 2, 2007

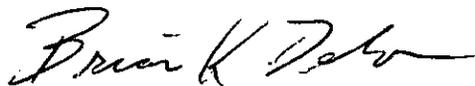


JOHN A. PILLAR
Attorney for
DEBO MOVING AND STORAGE, INC.,
Respondent

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.

Dated: 6-26, 2007



Brian K. Debo
President
Debo Moving and Storage, Inc.

RECEIVED
2007 JUL -5 AM 11:49
PA. P.U.C.
SECRETARY'S BUREAU



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

IN REPLY PLEASE
REFER TO OUR FILE

JUL 11 2007

A-00106548C0701

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

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

**DOCUMENT
FOLDER**

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 reviewing the circumstances involved in this case, it has been determined that the complaint should not have been filed.

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 James Minder, Compliance Office Supervisor, so that our records may be closed.

Sincerely,

Jenni Fackler, Compliance Specialist
Motor Carrier Services and Enforcement Division
Bureau of Transportation and Safety

pc: Wanda Zeiders, Docket Management Supervisor
Pittsburgh District Office

RJP
DOCKETED
JUL 13 2007