

PENNSYLVANIA
PUBLIC UTILITY COMMISSION
Harrisburg, PA 17120

Public Meeting held August 27, 1984

Commissioners Present:

Linda C. Taliaferro, Chairman
Michael Johnson
James H. Cawley
Frank Fischl
Bill Shane

Pennsylvania Public Utility Commission

v

A. Graziani & Sons, Inc.
1057 Butler Avenue
New Castle, PA 16101

A- 00093031C841

F. 1



COMPLAINT UPON COMMISSION MOTION

BY THE COMMISSION:

This Commission, upon its own motion, as the duly constituted agency of the Commonwealth empowered to regulate and control motor carriers within the Commonwealth, hereby institutes a complaint against the above referenced carrier and represents as follows:

1. Respondent is required under Section 504 and 2508 of the Public Utility Code, 66 Pa.C.S. §504 and 2508, and the rules and regulations of the Commission, to file an Annual Report with the Commission for each calendar year showing certain required financial and operating data. The Annual Report shall be prepared on the form prescribed and filed with the Commission no later than March 31st of the succeeding calendar year unless extension of time for filing has been granted the individual carrier by the Commission.

2. As of the date of this complaint respondent has submitted its Annual Report for the year 1983 but has not paid the \$ fine as required under Title 52 Pa. §29.42 Subsection (d) and/or §31.9 Subsection (f).

3. By virtue of its failure to submit payment of the fine, respondent is in violation of Section 3301 of the Public Utility Code, 66 Pa.C.S. §3301; THEREFORE,

IT IS ORDERED:

1. That respondent shall have twenty (20) days from the date on which this order is served to file with the Secretary of the Pennsylvania Public Utility Commission, P.O. Box 3265, Harrisburg, PA 17120, an answer, in writing, under oath, which, as required by 1 Pa. Code §35.35, either affirms or specifically denies the allegations contained in the complaint.

2. That if respondent fails to file an answer or other responsive pleading in timely fashion within the specified twenty (20) days, respondent will be deemed to have admitted all the allegations in accordance with the General Rules of Administrative Practice and Procedure, 1 Pa. Code §35.35 and thereupon, this Commission, may, without hearing, enter an appropriate order which either revokes and cancels any Certificate(s) or Permit(s) respondent may currently possess or enter an order imposing other appropriate penalty or forfeiture as authorized by the Public Utility Code, 66 Pa.C.S. §101, et. seq.

3. That if respondent by his answer admits the allegations contained herein in accordance with 1 Pa. Code §35.35 and 52 Pa. Code §3.122, this Commission will enter an appropriate order which either revokes and cancels any Certificate(s) or Permit(s) respondent may currently possess, or in lieu thereof imposes any other appropriate penalty or forfeiture as authorized by the Public Utility Code, 66 Pa.C.S. §101, et seq.

4. That if the respondent files a timely answer specifically denying the charges in the complaint or such answer raises material questions of law or fact, a hearing shall be held before an Administrative Law Judge for the purpose of rendering a decision.

BY THE COMMISSION,

A handwritten signature in cursive script, appearing to read "Jerry Rich", written over a large, loopy flourish.

Jerry Rich
Secretary

(SEAL)

ORDER ADOPTED: August 27, 1984

ORDER ENTERED: September 27, 1984