

PARTIAL CASE

THE REST OF THE CASE

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PENNSYLVANIA
PUBLIC UTILITY COMMISSION
Harrisburg, PA 17120

Public Meeting held June 14, 1990

Commissioners Present:

Bill Shane, Chairman
William H. Smith, Vice Chairman
Joseph Rhodes, Jr.
Frank Fischl
David W. Rolka

Pennsylvania Public Utility Commission

A-00107960C901

v.

Southway, Inc.

ORDER TO SHOW CAUSE

BY THE COMMISSION:

This Commission, as the duly constituted agency of the Commonwealth of Pennsylvania, empowered to regulate common carriers within this Commonwealth, represents as follows:

1. That Southway, Inc., respondent, maintains its principle place of business at 3132 Industrial Boulevard, Bethel Park, PA 15102.
 2. That respondent holds a certificate of public convenience issued by this Commission at Application Docket No. A-00107960.
 3. That respondent is required by the Public Utility Code, 66 Pa. C.S. §510(b), and by the regulations of the Commission, 52 Pa. Code §29.43 or §31.10, to file with the Commission, on or before March 31 of each year, an Assessment Report, consisting of a statement, under oath, showing its gross intrastate operating revenues for the preceding calendar year.
 4. That as of the date of this order to show cause, which is after March 31, 1990, respondent has not filed its Assessment Report for 1989 revenues.
 5. That by failing to file its Assessment Reports for 1989 revenues, respondent is in violation of 52 Pa. Code §29.43 or §31.10,
- THEREFORE,



IT IS ORDERED:

1. That respondent show cause why the certificate of public convenience at Application Docket No. A-00107960 should not be revoked for failure to file its Assessment Report for 1989 revenues.

2. That respondent has 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 the Rules of Administrative Practice and Procedure, 52 Pa. Code §5.64, either affirms or specifically denies the allegations in this order.

3. That in lieu of an answer to this order, respondent may file its Assessment Report for 1989 revenues within the time specified for filing an answer to this order. If the respondent so files its Assessment Report for 1989 revenues, this Order will be discharged without further proceedings.

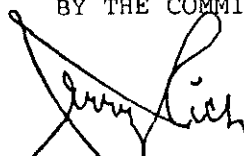
4. That if respondent fails to file an answer or other responsive pleading, and if respondent does not file its Assessment Report for 1989 revenues within twenty (20) days, in accordance with the Rules of Administrative Practice and Procedure, 52 Pa. Code §5.64. In that event, this Commission may, without hearing, enter an appropriate order which either revokes or suspends the certificate of public convenience held by respondent, and which imposes a fine or any other appropriate penalty or forfeiture as authorized by the Public Utility Code, 66 Pa. C.S. §§101, et seq.

5. That if respondent files an answer which admits the allegations contained in this order, and does not file its Assessment Report for 1989 revenues, this Commission will enter an order which either revokes or suspends the certificate of public convenience held by respondent and which imposes a fine or any other appropriate penalty or forfeiture as authorized by the Public Utility Code, 66 Pa. C.S. §§101, et seq.

6. That if the respondent files a timely answer which specifically denies the allegations in this order, or which raises material questions of law or fact, and does not file its Assessment Report for 1989 revenues, this matter shall be referred to an Administrative Law Judge for hearing and decision. If, after hearing on the issues raised by that answer, the respondent is found to have committed any of the violations alleged in this order, the Administrative Law Judge may render a decision which either revokes

or suspends the certificate of public convenience permit held by respondent, and which imposes a fine or any other appropriate penalty authorized by the Public Utility Code, 66 Pa. C.S. §§101, et seq.

BY THE COMMISSION,



Jerry Rich
Secretary

(SEAL)

ORDER ADOPTED: June 14, 1990

ORDER ENTERED: August 31, 1990