

PENNSYLVANIA PUBLIC UTILITY COMMISSION
Uniform Cover and Calendar Sheet

1. **REPORT DATE:** January 5, 2005

3. **BUREAU:** Transportation and Safety

4. **SECTION(S):** MCS&E

6. **APPROVED BY:**
 Director: Hoffman: 3-3846
 Mgr/Spvr: Minder: 7-1168
 Legal Review:

2. **BUREAU AGENDA NO.**
FEB-2005-TSM-0027*

5. **PUBLIC MEETING DATE:**
February 3, 2005

DOCKETED
MAR 02 2005

7. **PERSONS IN CHARGE:** Deitrich 3-5933

8. **DOCKET NO:** A-00111153C0301, F. 2, A-00113598C0401, A-00115170C0401, A-00114980C0301, A-00118532C0401, A-00114612C0301, F. 2, A-00118445C0401, A-00110502C0401, F. 2, A-00114300C0401, A-00105016C0401, F. 2, A-00096680C0401, F. 2, A-00112077C0301, A-00119417C0401, A-00116943C0301, A-00101283C0401, Fs. 1 & 2, A-00114596C0301, A-00120214C0401, A-00108351C0401 (See Attached List)

DOCUMENT FOLDER

9. (a) **CAPTION** (abbreviate if more than 4 lines)
 (b) **Short summary of history & facts, documents & briefs**
 (c) **Recommendation**
- (a) Eighteen (18) Commission Orders adjudicating Bureau of Transportation and Safety instituted complaints alleging failure to maintain proof of bodily injury and property damage liability insurance and/or cargo insurance on file with the Commission.
 - (b) The Bureau of Transportation and Safety notified Respondents that an answer to the complaint must be filed within twenty (20) days of the date of service of the complaint in accordance with 52 Pa. Code §5.61. Respondents were advised that failure to file an answer or filing an answer which fails to deny the allegations in the complaint would result in a recommendation to the Commission that the respondent's certificate be cancelled. The Respondents listed on the attachment have either failed to file an answer, or filed an answer which admitted the allegations in the complaint. The allegations are therefore deemed admitted and the complaints are sustained.
 - (c) The Bureau of Transportation and Safety recommends the Commission adopt the orders directing that the complaints be sustained, that the certificates be canceled, and that some be fined \$100.

10. **MOTION BY:** Commissioner Chm. Holland

SECONDED: Commissioner Bloom

Commissioner Thomas - Yes
 Commissioner Pizzigrilli - Yes
 Commissioner

CONTENT OF MOTION: Staff recommendation adopted.



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

IN REPLY PLEASE
REFER TO OUR FILE

FEBRUARY 7, 2005

A-00108351C0401
A-00108351

DOCKETED
FEB 28 2005

WAYNE STORAGE COMPANY
100 LAWRENCE DRIVE
WEST CHESTER PA 19380-4253

DOCUMENT

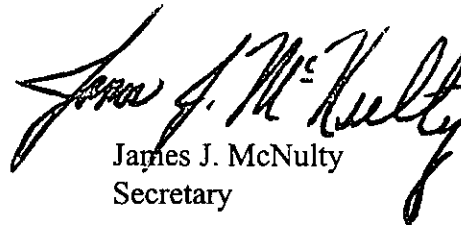
Pennsylvania Public Utility Commission
V.
Wayne Storage Company

To Whom It May Concern:

This is to advise you that the Commission in Public Meeting on February 3, 2005 has adopted an Order in the above entitled proceeding.

An Order has been enclosed for your records.

Very truly yours,



James J. McNulty
Secretary

fg
encls
cert. mail

PENNSYLVANIA
PUBLIC UTILITY COMMISSION
Harrisburg, PA 17105-3265

Public Meeting held February 3, 2005

Commissioners Present:

Wendell F. Holland, Chairman
Robert K. Bloom, Vice Chairman
Glen R. Thomas
Kim Pizzingrilli

Pennsylvania Public Utility Commission

v.

Wayne Storage Company

DOCUMENT

ORDER

A-00108351C0401
A-00108351
DOCKETED
FEB 28 2005

BY THE COMMISSION:

On November 1, 2004, the Bureau of Transportation and Safety instituted a Complaint against Wayne Storage Company, respondent, alleging failure to maintain evidence of bodily injury and property damage liability insurance on file with this Commission, a violation of the Public Utility Code at 66 Pa C.S. §512, 52 Pa. Code §32.2(c), and 52 Pa. Code §32.11(a), §32.12(a) or §32.13(a).

In accordance with 52 Pa. Code §5.61, the Bureau of Transportation and Safety notified the respondent that it must file an Answer to the Complaint within twenty days of the date of service. The Notice further specified that, if respondent failed to answer the Complaint within twenty days, the Bureau of Transportation and Safety would request the Commission issue an order which cancels respondent's Certificate of Public Convenience.

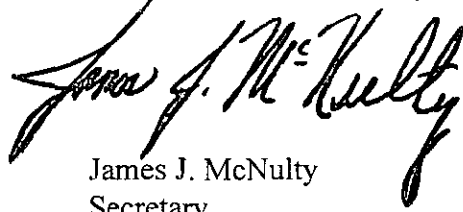
The Complaint was served on respondent on November 12, 2004. To date, more than twenty days later, respondent has failed to file an Answer to the Complaint.

THEREFORE, IT IS ORDERED:

1. That the allegations in the Complaint are deemed to be admitted.
2. That the Complaint is hereby sustained.
3. That the Certificate of Public Convenience, issued to respondent at A-00108351 is hereby cancelled.
4. That respondent is assessed a fine in the amount of \$100 for failing to comply with the provisions of 66 Pa. C.S. §512. Payment must be made by certified check or money order payable to the Pa. Public Utility Commission, P.O. Box 3265, Harrisburg, PA 17105-3265.
5. That respondent is hereby notified to cease and desist from further violations of the Public Utility Code, 66 Pa. C.S. §§101, et seq. and the regulations of the Commission, 52 Pa. Code §§1.1, et seq. In view of the cancellation of respondent's Certificate of Public Convenience, it is specifically prohibited from rendering service as a common carrier by motor vehicle in intrastate commerce in the Commonwealth of Pennsylvania.
6. That should respondent wish to again begin transportation operations in the Commonwealth of Pennsylvania, respondent must file a Petition for Reinstatement of its Certificate for good cause, in accordance with the provisions of 52 Pa. Code §5.41(a) and 1 Pa. Code §35.17. An original and three copies shall be filed within 15 days of receipt of this letter. The Petition shall be filed with the Secretary, PA Public Utility Commission, P.O. Box 3265, Harrisburg, PA 17105-3265. A copy of the Petition must also be served on the Bureau of Transportation and Safety and all other parties to the proceeding. The Commission will either grant or deny the Petition. If the Petition is denied or a timely Petition is not filed, respondent must file a new application for authority in order to obtain a Certificate of Public Convenience. The Commission will assess the following five factors in deciding whether to grant or deny a Petition for Reinstatement: (1) Respondent's violation history of Commission rules and regulations, (2) respondent's outstanding obligations to the Commission, such as monetary penalties, assessments, and insurance filings, (3) the timeliness of respondent's filing of the Petition from the date of cancellation of its Certificate, (4) respondent's rationale given for the violation resulting in the cancellation of its Certificate, and (5) respondent's solution to prevent future violations of Commission rules and regulations. Respondent's Petition for Reinstatement should address each of these five factors. Further, the Petition must be accompanied by an Affidavit or Verification stating: "that the facts above set forth are true and correct to the best of my knowledge, information and belief. 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" as set forth at 52 Pa. Code §1.36. The Verification must be signed and dated. Respondent must pay all outstanding assessments and fines before this Commission will act on a Petition for Reinstatement.

Payment must be made by certified check or money order payable to the Pa. Public Utility Commission, P.O. Box 3265, Harrisburg, PA 17105-3265.

BY THE COMMISSION,

A handwritten signature in black ink, appearing to read "James J. McNulty". The signature is written in a cursive style with a large, sweeping initial "J".

James J. McNulty
Secretary

(SEAL)

ORDER ADOPTED: February 3, 2005

ORDER ENTERED: **FEB 07 2005**

2. Article Number



7160 3901 9843 0733 8008

3. Service Type **CERTIFIED MAIL**

4. Restricted Delivery? (Extra Fee) Yes

1. Article Addressed to:

A-00108351C0401 etal O
WAYNE STORAGE COMPANY
100 LAWRENCE DRIVE
WEST CHESTER PA 19380-4253

COMPLETE THIS SECTION ON DELIVERY

A. Received by (Please Print Clearly), <i>R. GRAGILLA</i>	B. Date of Delivery <i>2-9-5</i>
C. Signature <i>R. Gragilla</i>	<input type="checkbox"/> Agent <input checked="" type="checkbox"/> Addressee
D. Is delivery address different from item 1? If YES, enter delivery address below:	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No

Respondent

A-00111153C0301
A-00111153, F. 2

Absolute Limousine Service, Inc.,
t/a Absolute Transportation Services

A-00113598C0401
A-00113598

Acme Transportation, Inc.

A-00115170C0401
A-00115170

A. H. S., Inc.

A-00114980C0301
A-00114980

B & B Gash Trucking Corp.

A-00118532C0401
A-00118532

Bianco Transport, Inc.

A-00114612C0301
A-00114612, F. 2

Robert Carmel, t/a Robert Carmel Trucking

A-00118445C0401
A-00118445

S. Carr Transport, Inc.

A-00110502C0401
A-00110502, F. 2

Dettinburn Transport, Inc.

A-00114300C0401
A-00114300

Joseph R. Gavalis,
t/a J. R. Trucking

A-00105016C0401
A-00105016, F. 2

Mark W. Geib, t/a White Oak
Valley Trucking

A-00096680C0401
A-00096680, F. 2

D. Grenaldo, Inc.

A-00112077C0301
A-00112077

Harris Transport Company, t/a
t/a H. T. Monroe

A-00119417C0401
A-00119417

Michael J. Lavigne

TSM-0027*

3-B

A-00116943C0301
A-00116943

J. R. Ryan Enterprise, Inc.

A-00101283C0401
A-00101283, Fs. 1 & 2

Shun-Pike, Ltd.

A-00114596C0301
A-00114596

Superior Transportation Services, Inc.,
T/A Superior Limousine Service

A-00120214C0401
A-00120214

Elmer C. Sutton, Jr.

A-00108351C0401
A-00108351

Wayne Storage Company