

PENNSYLVANIA
PUBLIC UTILITY COMMISSION
Harrisburg, PA 17105-3265

Public Meeting held July 14, 2011

Commissioners Present:

Robert F. Powelson, Chairman
John F. Coleman, Jr., Vice Chairman
Wayne E. Gardner
James H. Cawley
Pamela A. Witmer

**DOCUMENT
FOLDER**

Pennsylvania Public Utility Commission
v.
Wayne Storage Co
100 Lawrence Drive
West Chester PA 19380-4253

A-00108351
C-2011-2228163

ORDER

BY THE COMMISSION:

On March 14, 2011, the Bureau of Transportation and Safety instituted a Complaint at C-2011-2228163 against Wayne Storage Co., Respondent, alleging failure to pay assessments totaling seven hundred and eighty six dollars (\$786.00). Failure to pay these assessments is a violation of the Public Utility Code at 66 Pa. C.S. §510(c).

The Bureau of Transportation and Safety notified 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 could request the Commission to issue an Order cancelling Respondent's Certificates of Public Convenience, requesting the Pennsylvania Department of Transportation to place an administrative hold on Respondent's motor vehicle registrations, and notifying the Pennsylvania Department of Revenue and Respondent's insurance carriers that Respondent's Certificates are revoked.

The Complaint was sent by Certified Mail on March 14, 2011, and delivered on March 17, 2011. To date, Respondent has failed to file an Answer to the Complaint.

Respondent currently possesses the authority to transport household goods, and to transport property, excluding household goods in use. Other carriers in this area with active

household goods authority include Chester County Moving & Storage, LLC, Bradley A. Kleffel t/a Kleffel's Moving & Delivery Service, Barry Mills Moving and Hauling, LLC, Sholmo Sudai t/a New Horizon Movers, and SVJ Inc. Although property carriers are not restricted to specific counties within the Commonwealth of Pennsylvania, several property carriers are domiciled in Chester County, such as Worth and Sons Hauling, Inc. and Lewis P. Amos. Consequently, residents of Chester County would not be unduly inconvenienced as a result of the cancellation of Respondent's Certificates of Public Convenience.

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 Certificates of Public Convenience, issued to Respondent at A-00108351 are hereby cancelled.
4. That Respondent, within twenty (20) days from the date of service of this Order, shall pay a fine in the amount of one hundred dollars (\$100.00) for failing to comply with the provisions of 66 Pa. C.S. §501(c). 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. Furthermore, the Commission will request that the Pennsylvania Department of Transportation put an administrative hold on Respondent's vehicle registrations. Respondent will not be able to register any new vehicles or renew any existing vehicle registrations until all past due assessments are paid, all past due fines are paid, all insurance filings are up to date, and it holds active Certificates of Public Convenience issued by this Commission.

This Secretarial Cancellation Order will be served on:

The Department of Revenue
Bureau of Audit Programs
Sales and Use Taxes
Tenth Floor, Strawberry Square
Harrisburg, PA 17128-1061

and on Respondent's insurance carriers:

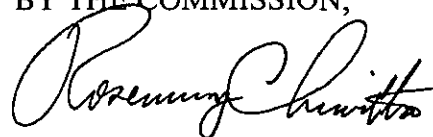
Transguard Insurance Company of America, Inc.
700 Oakmont Lane
Westmont, IL 60559

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 Certificates 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 household goods transportation operations in the Commonwealth of Pennsylvania, Respondent must file a Petition for Reinstatement of its Certificates 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 Certificates 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 Certificates, (4) Respondent's rationale given for the violation resulting in the cancellation of its Certificates, 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.

7. That should Respondent wish to again begin property transportation operations in the Commonwealth of Pennsylvania, Respondent must file a new application for authority in order to obtain a Certificate of Public Convenience. The Respondent must pay all outstanding assessments and fines before this Commission will act on an application for authority. 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,



Rosemary Chiavetta
Secretary

(SEAL)

ORDER ADOPTED: July 14, 2011

ORDER ENTERED: July 14, 2011