



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

IN REPLY PLEASE  
REFER TO OUR FILE

November 3, 2014

Rosemary Chiavetta, Secretary  
Pennsylvania Public Utility Commission  
P.O. Box 3265  
Harrisburg, PA 17105-3265

Re: Pennsylvania Public Utility Commission, Bureau of Investigation  
and Enforcement v. American Courier Company, Inc.  
Docket No. C-2014-2434728

Dear Secretary Chiavetta:

Enclosed for electronic filing is the Motion for Default Judgment of the Bureau of Investigation and Enforcement of the Pennsylvania Public Utility Commission in the above-captioned matter.

Copies have been served on the parties of record in accordance with the Certificate of Service.

Sincerely,

Stephanie M. Wimer  
Prosecutor  
PA Attorney I.D. No. 207522

Enclosure

cc: As per certificate of service

**BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION**


|   |   |                           |
|---|---|---------------------------|
| Pennsylvania Public Utility Commission, | : |                           |
| Bureau of Investigation and Enforcement | : |                           |
| Complainant                             | : |                           |
|   | : | Docket No. C-2014-2434728 |
| v.                                      | : |                           |
|   | : |                           |
| American Courier Company, Inc.          | : |                           |
| Respondent                              | : |                           |

**NOTICE TO PLEAD**

Pursuant to 52 Pa. Code §5.103, the Bureau of Investigation and Enforcement (I&E) of the Pennsylvania Public Utility Commission (Commission) has filed a Motion for Default Judgment in the above-captioned matter. You are hereby notified to file a written response within twenty (20) days of the service of the Motion, consistent with Commission procedural regulations at 52 Pa. Code §5.61.

Your Answer must be verified and the original sent to:  
Rosemary Chiavetta, Secretary  
Pennsylvania Public Utility Commission  
P.O. Box 3265  
Harrisburg, PA 17105-3265

Additionally, you must serve a copy on:  
Wayne T. Scott  
First Deputy Chief Prosecutor  
Pennsylvania Public Utility Commission  
Bureau of Investigation and Enforcement  
P.O. Box 3265  
Harrisburg, PA 17105

  
\_\_\_\_\_  
Stephanie M. Wimer  
Prosecutor  
PA Attorney I.D. 207522

Bureau of Investigation and Enforcement  
Pennsylvania Public Utility Commission  
P.O. Box 3265  
Harrisburg, PA 17105-3265  
(717) 772-8839

Dated: November 3, 2014

**BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

|   |   |                           |
|---|---|---------------------------|
| Pennsylvania Public Utility Commission, | : |                           |
| Bureau of Investigation and Enforcement | : |                           |
| Complainant                             | : |                           |
|   | : | Docket No. C-2014-2434728 |
| v.                                      | : |                           |
|   | : |                           |
| American Courier Company, Inc.          | : |                           |
| Respondent                              | : |                           |

**MOTION FOR DEFAULT JUDGMENT**

NOW COMES the Pennsylvania Public Utility Commission’s (“Commission”) Bureau of Investigation and Enforcement (“I&E”), by its prosecuting attorneys, and files this Motion for Default Judgment against American Courier Company, Inc. (“Respondent”) pursuant to Section 5.103 of the Commission’s regulations, 52 Pa. Code §5.103. In support thereof, I&E respectfully represents as follows:

1. I&E commenced this action on July 28, 2014 by filing a Complaint. The Complaint was served by certified mail on July 30, 2014.
2. Attached to the Complaint was a Notice advising Respondent that it must file an Answer within twenty (20) days of service of the Complaint.
3. The Notice also advised Respondent that if it failed to answer the Complaint, I&E would request that the Commission issue an Order imposing the penalty set forth in the Complaint.
4. On August 1, 2014, Respondent signed a receipt confirming that it received the Complaint. A true and correct copy of proof of delivery of the Complaint is attached as Exhibit 1.
5. The twenty (20) days to file an Answer to the Complaint expired on August 21, 2014.

6. Respondent did not file an Answer to the Complaint.
7. Pursuant to Section 5.61(c) of the Commission's regulations, a Respondent who fails to file an Answer to a Complaint within the 20-day response period may be deemed in default, and the relevant facts stated in the Complaint may be deemed admitted. 52 Pa. Code §5.61(c).
8. The Commonwealth Court has upheld the Commission's authority to sustain complaints that are not answered within twenty days. *See Fusaro v. Pa. PUC*, 382 A.2d 794, 797 (Pa. Cmwlth. 1978).
9. Respondent did not pay the outstanding assessment for the 2012-2013 and 2013-2014 fiscal years. In addition, Respondent did not pay the civil penalty that was requested in the Complaint regarding Respondent's failure to pay its assessment for the 2012-2013 and 2013-2014 fiscal years.
10. I&E respectfully requests that the Commission enter a Default Order against Respondent that:
  - a. Directs Respondent to pay its outstanding assessment of \$6,227 for the 2012-2013 and 2013-2014 fiscal years and the requested civil penalty of \$934 within thirty (30) days of the entry date of the Commission's Order;
  - b. Directs the Bureau of Technical Utility Services to cancel Respondent's certificate of public convenience at A-00123099 if the assessment and civil penalty is not timely paid;
  - c. Notifies Respondent that a copy of this Order will be sent to the Pennsylvania Department of Transportation for the suspension or revocation of vehicle registrations that were used under Respondent's operating authority; and

- d. Directs the Bureau of Administrative Services, Assessment Section to refer the matter to the Pennsylvania Office of Attorney General for collection of the unpaid assessments.

Respectfully submitted,



---

Stephanie Wimer  
Prosecutor  
PA Attorney ID No. 207522

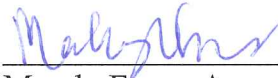
Pennsylvania Public Utility Commission  
Bureau of Investigation and Enforcement  
P.O. Box 3265  
Harrisburg, PA 17105-3265

Date: November 3, 2014

## VERIFICATION

I, Mandy Freas, Accountant, Bureau of Administrative Services, Assessment Section, 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 the Bureau will 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: November 3, 2014



---

Mandy Freas, Accountant  
Assessment Section  
Bureau of Administrative Services  
PA. Public Utility Commission  
P.O. Box 3265  
Harrisburg, PA 17105-3265

# **EXHIBIT 1**

My Online Services

[Profile](#) [Print Guide](#) [Export](#)

|                         |                         |                            |                          |
|-------------------------|-------------------------|----------------------------|--------------------------|
| <a href="#">Systems</a> | <a href="#">Reports</a> | <a href="#">E-Services</a> | <a href="#">Supplies</a> |
|-------------------------|-------------------------|----------------------------|--------------------------|

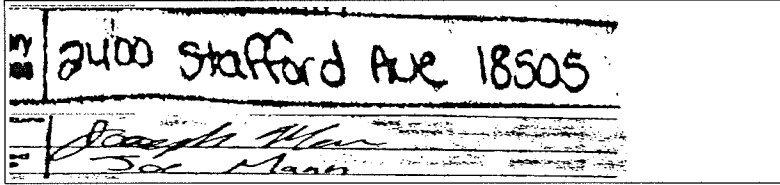
[Home](#) > [E-Services](#) > [Status History](#)

Status History [?](#)

Tracking Number Information

|                  |                        |               |                   |
|------------------|------------------------|---------------|-------------------|
| Meter:           | 12601777               | Mailing Date: | 07/30/14 12:50 PM |
| Tracking Number: | 9171969009350047113128 | Sender:       |                   |
| Current Status:  | OK : Delivered         | Recipient:    |                   |
| Class of Mail    | FC                     | Zip Code:     | 18505             |
| Service:         | ERR                    | City:         | SCRANTON          |
| Value            | \$0.690                | State:        | PA                |

[Proof of delivery](#)



Status Details

| Status Date                | Status                                  |
|----------------------------|---|
| Fri, 08/01/14, 09:48:00 AM | OK : Delivered                          |
| Fri, 08/01/14, 05:07:00 AM | Dispatched from Sort Facility           |
| Fri, 08/01/14, 12:00:00 AM | Processed (processing scan)             |
| Thu, 07/31/14, 05:02:00 PM | Processed (processing scan)             |
| Thu, 07/31/14, 01:24:00 AM | Dispatched from Sort Facility           |
| Wed, 07/30/14, 07:21:00 PM | Processed (processing scan)             |
| Wed, 07/30/14, 06:06:00 PM | Origin Acceptance                       |
| Wed, 07/30/14, 05:40:00 PM | OK: USPS acknowledges reception of info |

Note: Delivery status updates are processed throughout the day and posted upon receipt from the Postal Service.

## CERTIFICATE OF SERVICE

I hereby certify that I have this day served a true copy of the foregoing document upon the parties, listed below, in accordance with the requirements of 52 Pa. Code § 1.54 *et seq.* (relating to service by a party).

### Service by First Class Mail:

Joe Lavenduski  
American Courier Company, Inc.  
2400 Stafford Avenue  
Suite 300  
Scranton, PA 18505



---

Stephanie M. Wimer  
Prosecutor  
PA Attorney I.D. No. 207522

Pennsylvania Public Utility Commission  
Bureau of Investigation and Enforcement  
P.O. Box 3265  
Harrisburg, PA 17105-3265  
(717) 772-8839

Dated: November 3, 2014