



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

IN REPLY PLEASE
REFER TO OUR FILE

January 12, 2015

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. Accurate Transportation LLC
Docket No. C-2014-2450034

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,

A handwritten signature in blue ink, appearing to read "K. Myers", is written over a faint blue circular stamp.

Kourtney L. Myers
Prosecutor
PA Attorney I.D. No. 316494

Enclosure

cc: As per certificate of service

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Pennsylvania Public Utility Commission,
Bureau of Investigation and Enforcement
Complainant

v.

Accurate Transportation LLC
Respondent

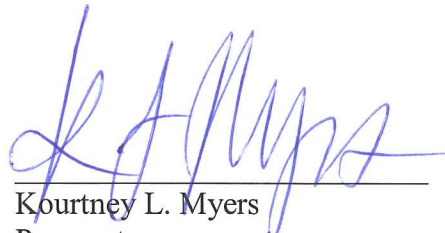
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: Docket No. C-2014-2450034
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NOTICE TO PLEAD

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


Kourtney L. Myers
Prosecutor
PA Attorney I.D. 316494

Bureau of Investigation and Enforcement
Pennsylvania Public Utility Commission
P.O. Box 3265
Harrisburg, PA 17105-3265
(717) 705-4366

Dated: January 12, 2015

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Pennsylvania Public Utility Commission,	:	
Bureau of Investigation and Enforcement	:	
Complainant	:	
	:	Docket No. C-2014-2450034
v.	:	
	:	
Accurate Transportation LLC	:	
Respondent	:	

MOTION FOR DEFAULT JUDGMENT

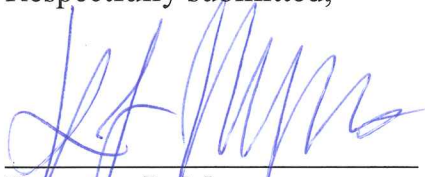
NOW COMES the Pennsylvania Public Utility Commission's (Commission) Bureau of Investigation and Enforcement (I&E), by its prosecuting attorneys, and files this Motion for Default Judgment against Accurate Transportation LLC (Respondent) pursuant to Section 5.103 of the Commission's regulations, 52 Pa.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

1. I&E commenced this action on October 27, 2014 by filing a Complaint. The Complaint was served by certified mail on October 28, 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 October 30, 2014, the Complaint was delivered to Respondent. 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 November 19, 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 balance and civil penalty that was requested in the Complaint for Respondent's failure to pay its assessments for the 2012-2013 and 2013-2014 fiscal years and file assessment reports for the 2011 and 2012 calendar years.
10. I&E respectfully requests that the Commission enter a Default Order against Respondent that:
 - a. Directs Respondent to pay its outstanding assessment balance of \$749 for the 2012-2013 and 2013-2014 fiscal years and the requested civil penalty of \$2,187 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-00120433 if the assessments and civil penalty are 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,



Kourtney L. Myers

Prosecutor

PA Attorney ID No. 316494

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

Date: January 12, 2015

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: January 12, 2015



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

EXHIBIT 1

[English](#)[Customer Service](#)[USPS Mobile](#)[Register / Sign In](#)

USPS Tracking™

[Customer Service >](#)
Have questions? We're here to help.

Tracking Number: 9171969009350046807080

On Time

Expected Delivery Day: Thursday, October 30, 2014

Product & Tracking Information

Postal Product:
First-Class Mail®Features:
Certified Mail™

Available Actions

[Return Receipt Electronic](#)[Return Receipt After Mailing](#)

DATE & TIME	STATUS OF ITEM	LOCATION
October 30, 2014 , 3:41 pm	Delivered	BROOKHAVEN, PA 19015

Your item was delivered at 3:41 pm on October 30, 2014 in BROOKHAVEN, PA 19015.

October 30, 2014 , 9:42 am	Out for Delivery	CHESTER, PA 19013
October 30, 2014 , 9:32 am	Sorting Complete	CHESTER, PA 19013
October 30, 2014 , 6:35 am	Arrived at Unit	CHESTER, PA 19013
October 30, 2014 , 1:12 am	Departed USPS Origin Facility	PHILADELPHIA, PA 19176
October 29, 2014 , 12:00 pm	Arrived at USPS Origin Facility	PHILADELPHIA, PA 19176
October 29, 2014 , 1:40 am	Departed USPS Facility	HARRISBURG, PA 17107
October 28, 2014 , 6:45 pm	Arrived at USPS Origin Facility	HARRISBURG, PA 17107
October 28, 2014 , 5:30 pm	Accepted at USPS Origin Sort Facility	HARRISBURG, PA 17120
October 28, 2014	Pre-Shipment Info Sent to USPS	

Track Another Package

Tracking (or receipt) number

[Track It](#)

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:

Accurate Transportation LLC
5200 Hilltop Drive G-4
Brookhaven, PA 19015



Kourtney L. Myers
Prosecutor
PA Attorney I.D. No. 316494

Pennsylvania Public Utility Commission
Bureau of Investigation and Enforcement
P.O. Box 3265
Harrisburg, PA 17105-3265
(717) 705-4366

Dated: January 12, 2015