



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

IN REPLY PLEASE
REFER TO OUR FILE

January 28, 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. Nu Exodus, Inc. t/a J & W Airport
Transportation
Docket No. C-2014-2436776

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**

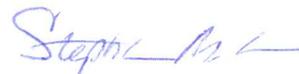
Pennsylvania Public Utility Commission,	:	
Bureau of Investigation and Enforcement	:	
Complainant	:	
	:	Docket No. C-2014-2436776
v.	:	
	:	
Nu Exodus, Inc.	:	
t/a J & W Airport Transportation	:	
Respondent	:	

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: January 28, 2015

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Pennsylvania Public Utility Commission,	:	
Bureau of Investigation and Enforcement	:	
Complainant	:	
	:	
v.	:	Docket No. C-2014-2436776
	:	
Nu Exodus, Inc.	:	
t/a J & W Airport Transportation	:	
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 Nu Exodus, Inc. t/a J & W Airport Transportation (“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 August 8, 2014 by filing a Complaint. The Complaint was served by certified mail on August 12, 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 14, 2014, Respondent 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 September 3, 2014.
6. Respondent did not file an Answer to the Complaint.
7. In the Complaint, I&E alleges that Respondent failed to fully pay its assessment for the 2012-2013 and 2013-2014 fiscal years, totaling \$2,332. I&E asserts that Respondent violated Section 510(c) of the Public Utility Code, 66 Pa.C.S. § 510(c), for failing to pay its assessments within thirty (30) days of receiving the assessment invoices.
8. I&E requests a civil penalty in the amount of \$583, which represents 25% of Respondent's outstanding assessment balance.
9. Subsequent to the filing of I&E's Complaint, on November 5, 2014, Respondent submitted a check in the amount of \$2,915.
10. There were insufficient funds in Respondent's checking account to cover the amount for which the check was written. Consequently, no money was received for either the outstanding assessment or civil penalty requested in this matter.
11. By letter dated December 18, 2014, the Commission's Bureau of Administrative Services (BAS) notified Respondent that its check was returned due to insufficient funds. BAS directed Respondent to send a money order or cashier's check within fifteen (15) days. A copy of this letter is attached as Exhibit 2.
12. Respondent has not submitted any payment in response to BAS' December 18, 2014 letter.
13. In addition, as mentioned above, Respondent did not answer the Complaint. 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).
14. 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).

15. Therefore, I&E respectfully requests that the Commission enter a Default Order against Respondent that:

- a. Directs Respondent to pay its outstanding assessment of \$2,332 for the 2012-2013 and 2013-2014 fiscal years and the requested civil penalty of \$583 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-00119033 if the remaining assessment balance and civil penalty is not paid within thirty (30) days of the entry date of the Commission's Order;
- 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: January 28, 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 28, 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: 917196900935 0047114224

Product & Tracking Information

Available Actions

Postal Product: First-Class Mail®
Features: Certified Mail™, Return Receipt Electronic

DATE & TIME	STATUS OF ITEM	LOCATION
August 14, 2014 , 11:52 am	Delivered	PITTSBURGH, PA 15205

Your item was delivered at 11:52 am on August 14, 2014 in PITTSBURGH, PA 15205.

August 14, 2014 , 3:41 am	Departed USPS Facility	PITTSBURGH, PA 15290
August 13, 2014 , 3:02 pm	Arrived at USPS Facility	PITTSBURGH, PA 15290
August 13, 2014 , 4:55 am	Departed USPS Facility	HARRISBURG, PA 17107
August 12, 2014 , 6:28 pm	Arrived at USPS Origin Facility	HARRISBURG, PA 17107

Track Another Package

Tracking (or receipt) number

Track It

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- Resources for Developers

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EXHIBIT 2



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

IN REPLY
PLEASE REFER
TO OUR FILE

641131

December 18, 2014

NU EXODUS, INC.
JAMES WILLIAMS
1425 IROQUOIS DRIVE
PITTSBURGH PA 15205

We recently received information that your check sent by your company for the assessment fee has been returned. The check was returned because the account did not have enough sufficient funds. A twenty (\$20.00) dollar returned check fee has been added to your account. Your total outstanding balance is \$3,664.00 including the returned check fee.

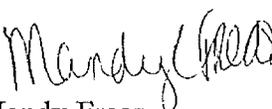
A valid money order or cashier's check is required for payment. If a valid payment is not received in 15 days, you will be referred to the Bureau of Investigation and Enforcement (I&E) for prosecution. Should this happen, your business will be subject to a civil penalty of up to \$1,000 per day for each day that the assessment is past due, as well as suspension or revocation of your certificate of public convenience and suspension or revocation of your vehicle registration with the Pennsylvania Department of Transportation (motor carriers).

To avoid prosecution, make your money order or cashier's check payable to the "Commonwealth of Pennsylvania" and mail the check and a copy of this letter to the following address:

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

If you have any questions, you may contact me at (717) 772-0316. Thank you for your immediate attention to this matter.

Sincerely,


Mandy Freas
Accountant

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:

James Williams, President
Nu Exodus, Inc. t/a J & W Airport Transportation
1425 Iroquois Drive
Pittsburgh, PA 15205



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: January 28, 2015