



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

IN REPLY PLEASE
REFER TO OUR FILE

April 16, 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. Scott A. Dechert t/a Distinctive Limousine
Service
Docket No. C-2014-2450665

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 the word "Sincerely,".

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 | : | |
| | : | Docket No. C-2014-2450665 |
| v. | : | |
| | : | |
| Scott A. Dechert | : | |
| t/a Distinctive Limousine Service | : | |
| Respondent | : | |

MOTION FOR DEFAULT JUDGMENT

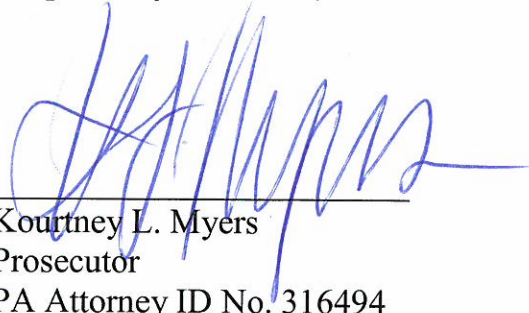
NOW COMES the Pennsylvania Public Utility Commission’s (Commission) Bureau of Investigation and Enforcement (I&E), by its prosecuting attorneys, and files this Motion for Default Judgment against Scott A. Dechert t/a Distinctive Limousine Service (Respondent) pursuant to Section 5.103 of the Commission’s regulations, 52 Pa. Code § 5.103. In support thereof, I&E respectfully represents as follows:

1. I&E commenced this action on October 30, 2014 by filing a Complaint.
2. On October 30, 2014, I&E served the Complaint by first class mail to Respondent at 1224 Oak Street, Lebanon, PA 17042-5841.
3. On October 31, 2014, the Commission’s Secretary’s Bureau served the Complaint by certified mail to Respondent at 1224 Oak Street, Lebanon, PA 17042-5841.
4. This is the last known mailing address that Respondent provided to the Commission.
5. On December 1, 2014, the Complaint was returned to the Commission by the United States Post Office and was marked as “Return to Sender;” “Unclaimed;” “Unable to Forward.”
6. On December 16, 2014, the Complaint was re-served to Respondent at 1224 Oak Street, Lebanon, PA 17042.

7. While there is no record that this Complaint was returned to the Commission, I&E was unable to obtain certification that Respondent received the Complaint.
8. Pursuant to the Commission's procedural regulations at 52 Pa. Code § 1.53(e), the Complaint was published in the Pennsylvania Bulletin on January 24, 2015. *See* 45 Pa. Bull. 480 (January 24, 2015).
9. Included with the Complaint was a Notice advising Respondent that it must file an Answer within twenty (20) days.
10. 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.
11. Respondent did not file an Answer to the Complaint.
12. 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).
13. 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).
14. Respondent did not pay its outstanding assessment balance of \$542 or the \$136 civil penalty that was requested in the Complaint for Respondent's failure to pay the Commission's assessments for the 2012-2013 and 2013-2014 fiscal years.
15. I&E respectfully requests that the Commission enter a Default Order against Respondent that:
 - a. Directs Respondent to pay its outstanding assessments of \$542 for the 2012-2013 and 2013-2014 fiscal years and the requested civil penalty of \$136 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-00116103 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: April 16, 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: April 16, 2015



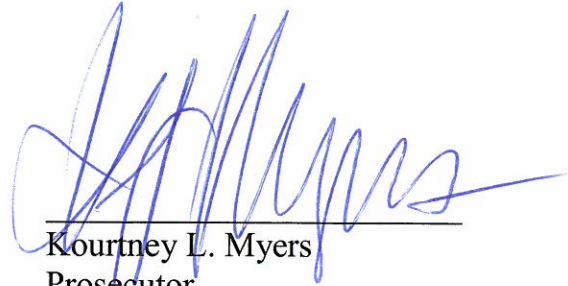
Mandy Freas, Accountant
Assessment Section
Bureau of Administrative Services
PA. Public Utility Commission
P.O. Box 3265
Harrisburg, PA 17105-3265

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:

Scott A. Dechert, President
Scott A. Dechert t/a Distinctive Limousine Service
1224 Oak Street
Lebanon, PA 17042



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: April 16, 2015