



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. Smiley's Well Services, LLC and William E.
Robinson t/a Tri State Trucking Co.
Docket No. C-2014-2457980

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 typed name.

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.

Smiley's Well Services, LLC
and
William E. Robinson
t/a Tri State Trucking Co.
Respondents

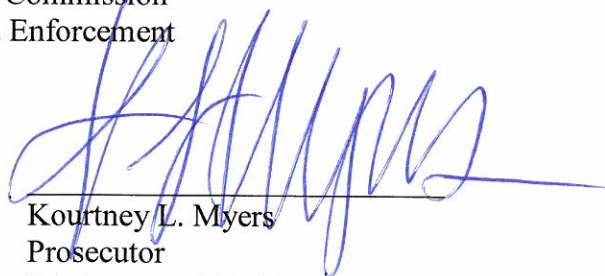
Docket No. C-2014-2457980

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: April 16, 2015

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Pennsylvania Public Utility Commission,	:	
Bureau of Investigation and Enforcement	:	
Complainant	:	
	:	Docket No. C-2014-2457980
v.	:	
	:	
Smiley's Well Services, LLC	:	
and	:	
William E. Robinson	:	
t/a Tri State Trucking Co.	:	
Respondents	:	

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 Smiley's Well Services, LLC ("Smiley's Well Services") and William E. Robinson t/a Tri State Trucking Co. ("William E. Robinson") (collectively, "Respondents") 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 December 10, 2014 by filing a Complaint.
2. On December 16, 2014, the Complaint was served by certified mail to Smiley's Well Services at P.O. Box 114, Arnot, PA 16911.
3. This is the last known mailing address that Smiley's Well Services provided to the Commission.
4. On December 16, 2014, the Complaint was served by certified mail to William E. Robinson at 16064 Route 6, Mansfield, PA 16933.
5. This is the last known mailing address that William E. Robinson provided to the Commission.

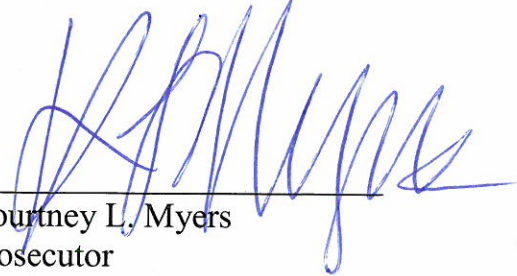
6. On December 22, 2014, the Complaint mailed to Smiley's Well Services was returned to the Commission by the United States Post Office and was marked as "Return to Sender" with a new address listed at 2720 South Main Street, Mansfield, PA 16933-9479.
7. On December 22, 2014, the Complaint mailed to William E. Robinson was returned to the Commission by the United States Post Office and was marked as "Return to Sender" with a new address listed at 2720 South Main Street, Mansfield, PA 16933-9479.
8. On December 29, 2014, the Complaint was re-served to Respondents at 2720 South Main Street, Mansfield, PA 16933-9479.
9. On January 26, 2015, the Complaint mailed to Smiley's Well Services was returned to the Commission by the United States Post Office and was marked as "Return to Sender;" "Unclaimed;" "Unable to Forward."
10. On January 26, 2015, the Complaint mailed to William E. Robinson was returned to the Commission by the United States Post Office and was marked as "Return to Sender;" "Unclaimed;" "Unable to Forward."
11. On February 19, 2015, the Complaint was re-served to Respondents at 2720 South Main Street, Mansfield, PA 16933-9479.
12. While there is no record that this Complaint was returned to the Commission, I&E was unable to obtain certification that Respondents received the Complaint.
13. 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).
14. Included with the Complaint was a Notice advising Respondents that they must file an Answer within twenty (20) days.
15. The Notice also advised Respondents that if they failed to answer the Complaint, I&E would request that the Commission issue an Order imposing the penalty set forth in the Complaint.
16. Respondents did not file an Answer to the Complaint.
17. 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).

18. 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).
19. Respondents did not pay their outstanding assessment balance of \$460 or the \$69 civil penalty that was requested in the Complaint for Respondents' failure to pay the Commission's assessment for the 2013-2014 fiscal year.
20. I&E respectfully requests that the Commission enter a Default Order against Respondents that:
 - a. Directs Respondents to pay their outstanding assessment of \$460 for the 2013-2014 fiscal year and the requested civil penalty of \$69 within thirty (30) days of the entry date of the Commission's Order;
 - b. Directs the Bureau of Technical Utility Services to cancel Smiley's Well Service's certificate of public convenience at A-2010-2214118 and William E. Robinson's certificate of public convenience at A-2010-2166900 if the assessment and civil penalty are not timely paid;
 - c. Notifies Respondents 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 Respondents' 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 assessment.

Respectfully submitted,



Kourtney L. Myers

Prosecutor

PA Attorney ID No. 316494

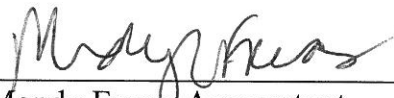
Pennsylvania Public Utility Commission
Bureau of Investigation and Enforcement
P.O. Box 3265
Harrisburg, PA 17105-3265

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

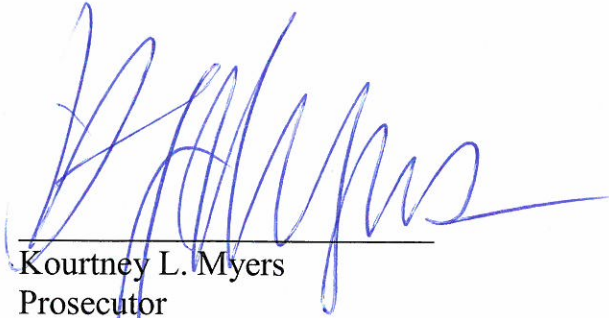
I hereby certify that I have this day served a true copy of the foregoing document upon the parties, listed below, in accordance with the requirements of 52 Pa. Code § 1.54 *et seq.* (relating to service by a party).

Service by First Class Mail:

Christopher Parker, President
Smiley's Well Services, LLC
P.O. Box 114
Arnot, PA 16911

Christopher Parker, President
Smiley's Well Services, LLC
118 Mulberry Street
Arnot, PA 16911

William E. Robinson, President
William E. Robinson t/a Tri State Trucking Co.
16064 Route 6
Mansfield, PA 16933



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