



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

IN REPLY PLEASE  
REFER TO OUR FILE

September 22, 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. Juan Genet Enterprises LLC  
t/a Safe Destinations  
Docket No. C-2014-2450660

Dear Secretary Chiavetta:

Enclosed for electronic filing please find the Bureau of Investigation and Enforcement's Motion for Default Judgment in the above-referenced proceeding. Copies have been served on the parties of record in accordance with the Certificate of Service.

Should you have any questions, please do not hesitate to contact me.

Sincerely,

A handwritten signature in blue ink, appearing to read "K. Myers", is written over a faint, illegible typed name.

Kourtney L. Myers  
Prosecutor  
PA Attorney ID No. 316494

Prosecutor for the Bureau of  
Investigation and Enforcement

Enclosure

cc: As per Certificate of Service

**BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Pennsylvania Public Utility Commission,  
Bureau of Investigation and Enforcement,  
Complainant

v.

Juan Genet Enterprises LLC  
t/a Safe Destinations,  
Respondent

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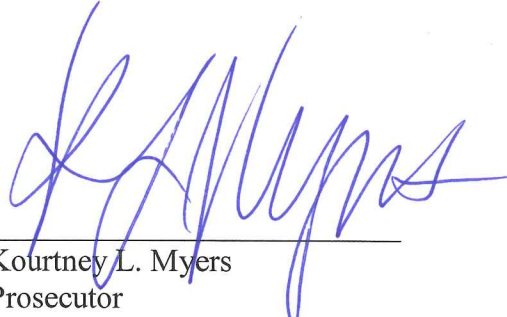
Docket No. C-2014-2450660

**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 the undersigned prosecutor.

  
\_\_\_\_\_  
Kourtney L. Myers  
Prosecutor  
PA Attorney ID No. 316494

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

Dated: September 22, 2015

**BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Pennsylvania Public Utility Commission,	:	
Bureau of Investigation and Enforcement,	:	
Complainant	:	
	:	
v.	:	Docket No. C-2014-2450660
	:	
Juan Genet Enterprises LLC	:	
t/a Safe Destinations,	:	
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 Juan Genet Enterprises LLC t/a Safe Destinations (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 31, 2014, the Complaint was served by certified mail to Respondent at 3311 Hartel Avenue, Philadelphia, PA 19136.
3. This is the last known mailing address that Respondent provided to the Commission.
4. There is no record that the Complaint was returned to the Commission.
5. Depositing a properly addressed, prepaid letter in the mail raises a presumption that it reached its destination and mailing a letter in such a way is *prima*

*facie* evidence that it was received by the person to whom it was addressed. *See Cameron Estate*, 130 A.2d 173 (Pa. 1957); *Meierdierck v. Miller*, 147 A.2d 406 (Pa. 1959); and *Samaras v. Hartwick*, 698 A.2d 71 (Pa. Super. Ct. 1997).

6. Even though the Complaint is presumed to have been delivered, out of an abundance of caution, I&E published the Complaint in the Pennsylvania Bulletin on January 24, 2015 pursuant to the Commission's regulation at 52 Pa. Code §1.53(e). *See* 45 Pa. Bull. 480 (January 24, 2015).

7. Included with the Complaint was a Notice advising Respondent that it must file an Answer within twenty (20) days.

8. 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.

9. Respondent did not file an Answer to the Complaint.

10. In the Complaint, I&E alleges that Respondent violated Section 510(b) of the Public Utility Code, 66 Pa.C.S. § 510(b), by failing to file assessment reports demonstrating its gross intrastate operating revenues for the 2011 and 2012 calendar years. I&E also alleges that Respondent violated Section 510(c) of the Public Utility Code, 66 Pa.C.S. § 510(c), by failing to pay its assessments for the July 1, 2012 to June 30, 2013 Fiscal Year (2012-2013 Fiscal Year) in the amount of \$224 and July 1, 2013 to June 30, 2014 Fiscal Year (2013-2014 Fiscal Year) in the amount of \$218.

11. Regarding relief, I&E requests that Respondent pay its outstanding

assessment balance of \$442 and a civil penalty of \$2,066.<sup>1</sup> If payment of the outstanding assessments and civil penalty is not made, then I&E requested in the Complaint that the Commission cancel Respondent's Certificate of Public Convenience, refer the matter to the Pennsylvania Office of Attorney General for further action and certify Respondent's automobile registrations to the Pennsylvania Department of Transportation for suspension.

12. Subsequent to the filing of I&E's Complaint, on November 21, 2014, the Commission cancelled Respondent's Certificate of Public Convenience at A-2009-2109403 by Secretarial Letter at Docket No. C-2013-2360362 (related to a failure to maintain evidence of insurance).

13. As mentioned above, Respondent did not file an Answer to 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. Respondent did not pay the outstanding assessment balance of \$442 for the 2012-2013 and 2013-2014 Fiscal Years or the civil penalty of \$2,066 that was requested

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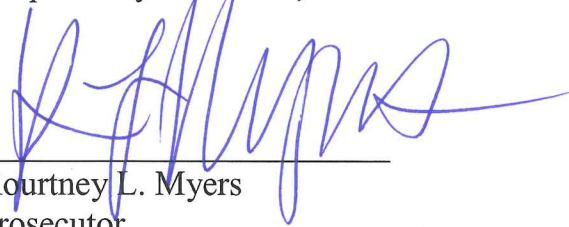
<sup>1</sup> The civil penalty represents the following: \$2,000 or \$1,000 for each year that Respondent failed to file an assessment report and \$66 or 15% of Respondent's outstanding assessment balance for the 2012-2013 and 2013-2014 Fiscal Years.

in the Complaint for Respondent's failure to file an assessment report demonstrating revenues earned during the 2011 and 2012 calendar years and timely pay the assessments.

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

- a. Directs Respondent to pay its outstanding assessment of \$442 for the 2012-2013 and 2013-2014 Fiscal Years and the requested civil penalty of \$2,066 within thirty (30) days of the entry date of the Commission's Order;
- b. 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 if the outstanding assessments and civil penalty are not paid within thirty (30) days of the entry date of the Commission's Order; and
- 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 if the outstanding assessment and civil penalty are not paid within thirty (30) days of the entry date of the Commission's Order.

Respectfully submitted,



Kourtney L. Myers  
Prosecutor

PA Attorney ID No. 316494

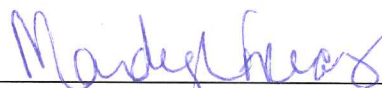
Pennsylvania Public Utility Commission  
Bureau of Investigation and Enforcement  
P.O. Box 3265  
Harrisburg, PA 17105-3265  
[komyers@pa.gov](mailto:komyers@pa.gov)  
(717) 705-4366

Date: September 22, 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: September 22, 2015



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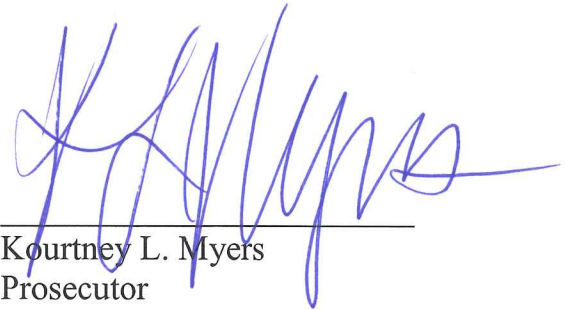
Mandy Freas, Accountant  
Assessment Section  
Bureau of Administrative Services  
PA. Public Utility Commission  
P.O. Box 3265  
Harrisburg, PA 17105-3265

## 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 (relating to service by a party).

Notification by First Class Mail:

Juan Genet, President  
Juan Genet Enterprises LLC t/a Safe Destinations  
3311 Hartel Avenue  
Philadelphia, PA 19136



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Kourtney L. Myers  
Prosecutor  
PA Attorney ID No. 316494

Pennsylvania Public Utility Commission  
Bureau of Investigation and Enforcement  
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Dated: September 22, 2015