



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

IN REPLY PLEASE
REFER TO OUR FILE

October 9, 2015

Via E-Filing

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. Myers Truck Lines, Inc.
C-2015-2406242

Dear Ms. Chiavetta:

Enclosed for electronic filing is the Answer to New Matter of the Pennsylvania Public Utility Commission, Bureau of Investigation and Enforcement in the above-referenced case. Copies have been served on the parties of record in accordance with the Certificate of Service.

Sincerely,

Adam D. Young
Assistant Counsel
Attorney ID No. 91822
Pennsylvania Public Utility Commission

Enclosures

cc: As per Certificate of Service

BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION

PENNSYLVANIA PUBLIC UTILITY :
COMMISSION :
BUREAU OF INVESTIGATION AND :
ENFORCEMENT :

V. :

DOCKET NO. C-2015-2406242

MYERS TRUCK LINES INC. :
2001 BALL PARK ROAD :
EXPORT PA 15632 :

ANSWER TO NEW MATTER

NOW COMES, the Pennsylvania Public Utility Commission Bureau of Investigation and Enforcement (“I&E”), by and through counsel, and files this Answer to New Matter pursuant to 52 Pa. Code § 5.63(a). I&E hereby represents as follows:

5. I&E is without sufficient knowledge or information upon which to form a belief as to the truth of the information contained in this paragraph. By way of further answer, by Secretarial Letter dated November 13, 2013, Respondent was advised that it must submit to a Safety Fitness Review (“SFR”) within 180 days of the date the Certificate of Public Convenience is issued. *See Attachment “A”.* *See also* 52 Pa Code § 3.381(f)(3) (requiring a SFR within 180 days, or within the 90 day grace period after failing a SFR, or the certificate of public convenience will be “immediately suspen[ded]” and proceedings to revoke the certificate will be initiated.). Respondent’s Certificate of Public Convenience was issued on February 14, 2014. As of the date of this filing,

Respondent *still* has not submitted to a SFR, nor has Respondent filed for an extension of time to submit to a SFR. Successful completion of a SFR is a requirement to continue to possess a valid Certificate of Public Convenience irrespective of whether Respondent is currently operating.

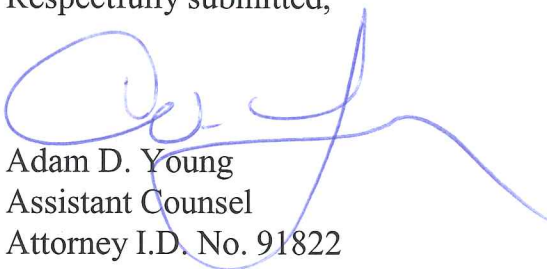
6. Admitted in part. It is admitted that the Commission maintains insurance on file for this carrier. As to the remainder of this paragraph, I&E is without sufficient knowledge to form a belief as to the truth of the information contained in this paragraph. By way of further answer, it is admitted that Respondent had on file with the Commission a valid Form E and Form H indicating liability and cargo insurance, respectively. The effective dates of these policies are February 3, 2014. It is admitted that Respondent submitted a new Form E and Form H both effective August 20, 2014. Respondent's intent to operate in the future, however, has no bearing on Respondent's requirement to comply with the Secretarial Letter by submitting to a SFR.

7. I&E is without sufficient knowledge or information upon which to form a belief as to the truth of the information contained in this paragraph. By way of further answer, lack of intent to abandon service, or the filing of an application in pursuit thereof, is irrelevant to the instant proceeding. Respondent still has not submitted to a SFR as required within 180 days of the issuance of the Certificate of Public Convenience pursuant to the Commission's Secretarial Letter. The SFR is independent of a carrier's operation. The Motor Carrier Division made numerous attempts to contact Respondent to schedule an SFR. On the few occasions that Respondent returned calls, Respondent's

only answer was that it was not operating. Again, the SFR occurs independent of operation as a condition for maintaining a Certificate of Public Convenience.

WHEREFORE, the I&E hereby requests that the Commission deny the New Matter and revoke Respondent's Certificate of Public Convenience for failing to submit to a Safety Fitness Review within 180 days of receiving its Certificate of Public Convenience as required by the Commission's Secretarial Letter, and/or order such other remedy as the Commission may deem to be appropriate.

Respectfully submitted,



Adam D. Young
Assistant Counsel
Attorney I.D. No. 91822

Counsel for the Pennsylvania
Public Utility Commission
Bureau of Investigation and Enforcement

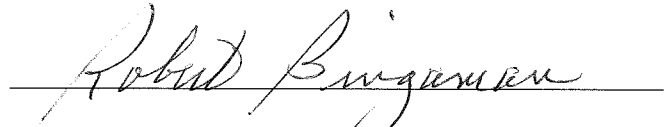
P.O. Box 3265
Harrisburg, PA 17105
(717) 772-8582

Dated: October 9, 2015

VERIFICATION

I, Robert Bingaman, Manager of Motor Carrier Compliance, 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: 10/7/15


Robert Bingaman, Manger
Motor Carrier Compliance
Bureau of Investigation and Enforcement

ATTACHMENT A



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

IN REPLY PLEASE
REFER TO OUR FILE

November 13, 2013

A-8916042
A-2013-2386539

25

WILLIAM A GRAY ESQUIRE
VUONO & GRAY LLC
310 GRANT STREET
SUITE 2310
PITTSBURGH PA 15219-2383

**Re: Application of Myers Truck Lines, Inc., 2001 Ball Park Road, Export,
Westmoreland County, Pennsylvania 15632, (9724) 733-1045.**

To Whom It May Concern:

Your application has been reviewed and it has been determined that a certificate of public convenience with **PUC No. A-8916042** shall issue only upon compliance; Therefore,

YOU ARE ADVISED to contact your insurance agent/broker so that the required evidence of permanent insurance will be filed with this Commission.

A certificate of public convenience will be issued UPON THE FILING OF PERMANENT PROOF OF INSURANCE and compliance with any other provision of this letter:

- a. An acceptable Form E, as evidence of bodily injury and property damage liability insurance, **and**
- b. An acceptable Form H, as evidence of cargo liability insurance; **or** an acceptable cargo waiver.

FAILURE TO FILE THE ABOVE REQUIRED EVIDENCE OF INSURANCE AND/OR COMPLY WITH ANY OTHER PROVISION OF THIS LETTER WITHIN SIXTY (60) DAYS OF THE DATE OF THIS LETTER CAN RESULT IN THE DISMISSAL OF THE APPLICATION AND REQUIRE THE FILING OF A NEW APPLICATION AND FILING FEE.

You may want to operate prior to filing permanent proof of insurance. (Temporary proof of insurance is only good for 60 days from the date of this letter). You need to file:

For bodily injury and property damage (BIPD) only (submit one)

- a. *A copy of the insurance identification card for vehicles registered in Pennsylvania; **or***
- b. *A copy of the declaration page of the insurance policy; **or***
- c. *A copy of a valid binder of insurance; **or***
- d. *A copy of a valid application for insurance to the Pennsylvania Automobile Insurance Plan, and*

For cargo insurance (submit one)

- a. *A copy of the declaration page of the insurance policy; or*
- b. *A copy of a valid binder of insurance; or*
- c. *A copy of a cargo waiver (The cargo waiver form can be found on the PUC's Website: <http://www.puc.pa.gov> - then select: Filing & Resources, Online Forms, Motor Carrier Forms and Exemption from PUC Cargo Insurance Regulations.)*

Upon the filing of acceptable temporary proof of insurance, you will be granted the right to operate as follows:

To transport, as a motor common carrier, property, excluding household goods in use, between points in Pennsylvania.

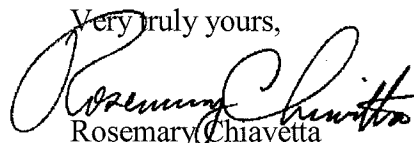
Upon the filing of temporary and permanent proof of insurance, **(in the exact name of the applicant as it appears on this letter – Myers Truck Lines, Inc.; also advise your insurance carrier to place the following numbers at the top of your insurance form: A-2013-2386539 and A-8916042)**, and upon compliance with any other provision of this letter, a certificate of public convenience will be issued authorizing the service cited above.

If you have not previously submitted a copy of a current satisfactory safety rating from the U.S. Department of Transportation or another state with safety regulations comparable to Pennsylvania, you must demonstrate safety fitness by completing a Safety Fitness Review which will be scheduled by a PUC enforcement officer within 180 days of the date your certificate of public convenience is issued/entered. Failure to submit to the Safety Fitness Review will result in the cancellation of your certificate. An overview of the safety regulations for carriers of people, property, and household goods between points in Pennsylvania can be found on the PUC's Website: <http://www.puc.pa.gov> - then select: Filing & Resources, Online Forms, Motor Carrier Forms and Safety Fitness Compliance.

The applicant is hereby advised of its obligation to familiarize itself with the requirements of 52 Pa. Code as applicable to the operation of a common carrier as authorized by this Secretarial Letter. Applicant is further advised that failure to comply with all applicable requirements may subject the carrier to penalties, including fines, suspension of operating rights or cancellation of its authority. Title 52 of the Pennsylvania Code is available online at www.pacode.com.

Any PUC motor carrier who needs to submit a change of address to the Public Utility Commission, can obtain the Change of Address form from the PUC Website: <http://www.puc.pa.gov> - then select: Filing & Resources, Online Forms, Motor Carrier Forms and Change of Address.

Very truly yours,


Rosemary Chiavetta
Secretary

Contact: Insurance (717-787-1227)
Safety (717-772-2254)

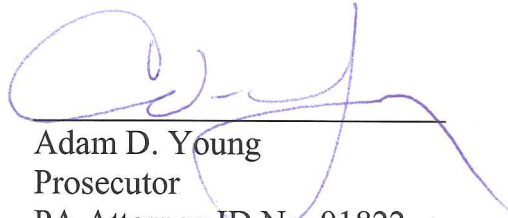
MYERS TRUCK LINES INC
2001 BALL PARK ROAD
EXPORT PA 15632

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).

Service by First Class:

William A. Gray, Esq
Vuono & Gray, LLC
310 Grant Street, Suite 2310
Pittsburgh, PA 15219-2383



Adam D. Young
Prosecutor
PA Attorney ID No. 91822

Pennsylvania Public Utility Commission
Bureau of Investigation and Enforcement
P.O. Box 3265
Harrisburg, PA 17105-3265
(717) 772-8582

Date: October 9, 2015