

CAPTION SHEET

CASE MANAGEMENT SYSTEM

|                                 |   |                             |
|---------------------------------|---|-----------------------------|
| 1. REPORT DATE: 00/00/00        | : |                             |
| 2. BUREAU: TAS                  | : |                             |
| 3. SECTION(S):                  | : |                             |
| 5. APPROVED BY:                 | : | 4. PUBLIC MEETING DATE:     |
| DIRECTOR:                       | : | 00/00/00                    |
| SUPERVISOR:                     | : |                             |
| 6. PERSON IN CHARGE: WALKINSHAW | : | 7. DATE FILED: 07/07/99     |
| 8. DOCKET NO: C-00992632        | : | 9. EFFECTIVE DATE: 00/00/00 |

PARTY/COMPLAINANT: PUC

RESPONDENT/APPLICANT: HERKS TRUCKING, INC.

COMP/APP COUNTY:

UTILITY CODE: 999999

ALLEGATION OR SUBJECT

COMPLAINT AGAINST HERKS TRUCKING, INC. FOR VARIOUS VIOLATIONS.

**DOCKETED**  
JUL 15 1999

**DOCUMENT  
FOLDER**

BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION

ORIGINAL

PENNSYLVANIA PUBLIC UTILITY COMMISSION, BUREAU OF TRANSPORTATION AND SAFETY

: 99 JUL -7 AM 9:33

: RECEIVED  
: SECRETARY'S BUREAU  
: DOCKET NO. 00992632

v.

Herks Trucking, Inc.

COMPLAINT

The Pennsylvania Public Utility Commission (Commission) is a duly constituted agency of the Commonwealth of Pennsylvania empowered to regulate public utilities within the Commonwealth. The Commission has delegated its authority to initiate proceedings which are prosecutory in nature to the Bureau of Transportation and Safety and other bureaus with enforcement responsibilities. Pursuant to that delegated authority and Section 701 of the Public Utility Code, the Bureau of Transportation and Safety Prosecutory Staff hereby represents as follows:


1. That Herks Trucking, Inc., respondent, maintains its principal place of business at Route 502, Daleville, Lackawanna County, Pennsylvania 18444.
2. That, on the date of the violation alleged in this complaint, respondent did not hold a certificate of public convenience issued by this Commission.
3. That respondent, on June 5, 1999, at approximately 1:00 p.m., at Interstate 81 South, Rice Township, Luzerne County, Pennsylvania, permitted a certain 1994 Kenworth truck bearing Pennsylvania License No. AB77265, Vehicle Identification No. 2XKWDR9X4RM613861, to be operated. At that time, Enforcement Officer Andrew Turriziani found said vehicle to be transporting field and flagstone for \$1,515.30 compensation from Litts & Sons Stone Co., Inc., Moscow, Lackawanna County, Pennsylvania to Walco Landscape, Inc., Drums, Luzerne County, Pennsylvania. (Invoice No. 023771)
4. That respondent, in performing the act described in Paragraph 3 of this complaint, violated the Public Utility Code, 66 Pa. C.S. §1101, in that respondent transported property for compensation between points in the Commonwealth of Pennsylvania while not then holding a certificate of public convenience issued by this Commission.

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WHEREFORE, the Bureau of Transportation and Safety Prosecutory Staff hereby requests that the Commission fine Herks Trucking, Inc. the sum of five hundred dollars (\$500.00) for the illegal activity described in this complaint and order such other remedy as the Commission may deem to be appropriate.

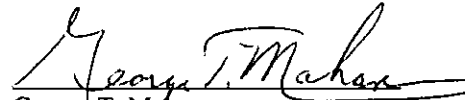
Respectfully submitted,

  
George T. Mahan, Director  
Bureau of Transportation and Safety  
P.O. Box 3265  
Harrisburg, PA 17105-3265

VERIFICATION

I, George T. Mahan, 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 to 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: 7-6-99

  
George T. Mahan

## NOTICE

A. You must file an answer within twenty (20) days of the date of service of this complaint. The date of service is the mailing date as indicated at the top of the Secretarial cover letter for this complaint and notice, 52 Pa. Code §1.56(a). The answer shall raise all factual and legal arguments that you wish to claim in your defense and must include the reference number of this complaint. Your answer must be verified and the original and three (3) copies sent to:

James J. McNulty, Secretary  
Pennsylvania Public Utility Commission  
P.O. Box 3265  
Harrisburg, PA 17105-3265

B. If you fail to answer this complaint within twenty (20) days, the Bureau of Transportation and Safety will request that the Commission issue a Secretarial Letter imposing a penalty. In such case, the Bureau of Transportation and Safety will request that the Commission direct the Department of Transportation, pursuant to the Vehicle Code, 75 Pa. C.S. §1375, to suspend the registration of any vehicle(s) involved in the alleged violations.

C. You may elect not to contest this complaint by paying the fine proposed in this complaint by certified check or money order. Payment must be made to the Pennsylvania Public Utility Commission, P.O. Box 3265, Harrisburg, PA 17105-3265. Your payment is an admission that you committed the alleged violation and an agreement to cease and desist from further violations. Upon receipt of your payment, the complaint proceeding shall be closed. In such case, to prevent the suspension of your vehicle registration(s), you must file an affidavit or notarized letter, within 20 days, stating that you now understand the Public Utility Commission's rules and regulations and that you will not willfully commit any violations in the future. Your response should be directed to the Technical Review Division, Bureau of Transportation and Safety, P.O. Box 3265, Harrisburg, Pennsylvania 17105-3265. If no affidavit or notarized letter is received within the 20 day time period, the Bureau of Transportation and Safety will proceed with the request for suspension of your vehicle registration(s).

D. If you file an answer which admits or fails to deny the allegations of the complaint, the Bureau of Transportation and Safety will request that the Commission issue a Secretarial Letter imposing a penalty (see B).

E. If you file an answer which contests the complaint, the matter will be assigned to an administrative law judge for hearing and decision. The judge is not bound by the optional fine set forth in C, above.

F. Alternative formats of this material are available, for persons with disabilities, by contacting the Technical Unit at (717) 783-5945.

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

Date of Service: JULY 15, 1999

C-00992632

**Pennsylvania Public Utility Commission Bureau of Transportation and Safety**  
**v.**  
**HERKS TRUCKING, INC.**

HERKS TRUCKING INC  
ROUTE 502  
DALEVILLE PA 18444

Dear Sir/Madam:

The Pennsylvania Public Utility Commission has delegated its authority to initiate prosecutory proceedings to several bureaus in the Commission with enforcement responsibilities.

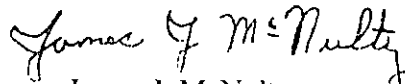
Pursuant to this delegated authority and Section 701 of the Public Utility Code, the Bureau of Transportation and Safety Prosecutory Staff has filed the attached complaint against you.

Please refer to the Notice page at the conclusion of this complaint for detailed instructions on how to proceed.

Alternative formats of this material are available for persons with disabilities.

Any questions may be directed to the Technical Review Section of the Bureau of Transportation and Safety at (717) 783-5945.

Very truly yours,

  
James J. McNulty  
Secretary

JY

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JUL 15 1999

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