

BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION

PENNSYLVANIA PUBLIC UTILITY)
COMMISSION BUREAU OF)
INVESTIGATION AND ENFORCEMENT)
) Docket # C-2015-2484493
)

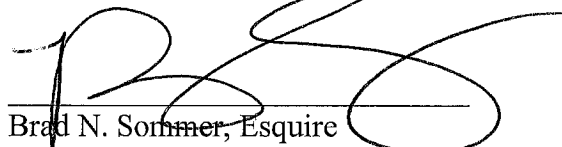
v.

THREE RIVERS PROPERTY MANAGEMENT, LLC

AND NOW COMES, Respondent, by and through its attorney, and files a Petition for Reconsideration as follows:

- 1) Pursuant to a phone conversation with the Pennsylvania Public Utility Commission on December 14, 2015, the undersigned first learned of the filing of a Complaint against Three Rivers Property Management, LLC for failure to file a Form E. This Complaint was never received by the undersigned or Three Rivers Property Management, LLC, which shares the same offices.
- 2) Following a call with Enforcement on the same date, it was learned that the time to respond has lapsed, and a fine in the amount of \$500.00 was imposed.
- 3) Three Rivers Property Management, LLC received a copy of the Form E which was filed with the PUC from its agent which reflects that coverage was in place effective April 8, 2015, and as such, no lapse of coverage occurred (A copy of the same is attached hereto).
- 4) While it is admitted that the date the Form E was signed is June 12, 2015, it is denied that the delay filing the same with the PUC should result in the imposition of a fine, where the policy at issue never lapsed and coverage remained on all fleet vehicles at all times.

Wherefore, Three Rivers Property Management, LLC respectfully request that the Order imposing a fine of \$500.00 be vacated, and the docket closed without sanctions or penalties.

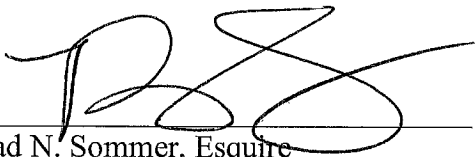


Brad N. Sommer, Esquire
Counsel for Three Rivers Property Management, LLC

VERIFICATION

I, Brad N. Sommer, hereby avers that the facts set forth in the foregoing Petition for Reconsideration, hereby state that the facts above set forth are true and correct to the best of my knowledge, information and believe and that I expect that 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. C.S. § 4904 relating to unsworn falsification to authorities.

12/21/15
Date


Brad N. Sommer, Esquire
Counsel for Three Rivers Property Management

BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION

PENNSYLVANIA PUBLIC UTILITY COMMISSION :
BUREAU OF INVESTIGATION AND ENFORCEMENT :

V. :

DOCKET NO. C-2015-2484493

THREE RIVERS PROPERTY MANAGEMENT LLC :
6 MARKET SQUARE :
PITTSBURGH PA 15222 :

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 Investigation and Enforcement and other bureaus with enforcement responsibilities. Pursuant to that delegated authority and Section 701 of the Public Utility Code, the Bureau of Investigation and Enforcement hereby represents as follows:

1. That all authority issued to THREE RIVERS PROPERTY MANAGEMENT, LLC, (respondent) is under suspension effective May 09, 2015 for failure to maintain evidence of insurance on file with this Commission.

2. That respondent maintains a principal place of business at 6 MARKET SQUARE, PITTSBURGH, PA 15222.

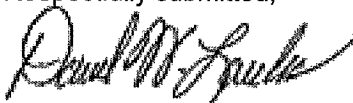
3. That respondent was issued a Certificate of Public Convenience by this Commission on March 9, 2011, at A-8912741.

4. That respondent has failed to maintain evidence of Liability insurance on file with this Commission. The Bureau of Investigation and Enforcement's proposed civil penalty for this violation is \$500 and cancellation of the Certificate of Public Convenience.

5. That respondent, by failing to maintain evidence of insurance on file with this Commission, violated 66 Pa. C.S. §512, 52 Pa. Code §32.2(c), and 52 Pa. Code §32.11(a), §32.12(a) or §32.13(a).

WHEREFORE, unless respondent pays the penalty of \$500 or files an answer in compliance with the attached notice and/or causes its insurer to file evidence of insurance with this Commission within twenty (20) days of the date of service of this Complaint, the Bureau of Investigation and Enforcement will request that the Commission issue an Order which (1) cancels the Certificate of Public Convenience held by respondent at A8912741 for failure to maintain evidence of current insurance on file with the Commission, (2) fines Respondent the sum of five hundred dollars (\$500.00) for the illegal activity described in this Complaint, (3) orders such other remedy as the Commission may deem to be appropriate, which may include the suspension of a vehicle registration and (4) imposes an additional fine on the respondent should cancellation occur.

Respectfully submitted,



David W. Loucks, Chief
Motor Carrier Enforcement
Bureau of Investigation and Enforcement
P.O. Box 3265
Harrisburg, PA 171053265

VERIFICATION

I, David W. Loucks, Chief, Motor Carrier Enforcement, Bureau of Investigation and Enforcement, 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 that the Bureau will be able to prove 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: 5/27/2015

A handwritten signature in black ink, appearing to read "David W. Loucks". The signature is cursive and somewhat stylized.

David W. Loucks, Chief
Motor Carrier Enforcement
Bureau of Investigation and Enforcement

NOTICE

- A. **You must file an Answer within 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 Letter. See 52 Pa. Code §1.56(a). The Answer must raise all factual and legal arguments that you wish to claim in your defense, include the docket number of this Complaint, and be verified. You may file your Answer by mailing an original to:

Rosemary Chiavetta, Secretary
Pennsylvania Public Utility Commission
P.O. Box 3265
Harrisburg, PA 17105-3265

Or, you may eFile your Answer using the Commission's website at www.puc.pa.gov. The link to eFiling is located under the Filing & Resources tab on the homepage. If your Answer is 250 pages or less, you are not required to file a paper copy. If your Answer exceeds 250 pages, you must file a paper copy with the Secretary's Bureau.

Additionally, a copy should either be mailed to:

Wayne T. Scott, First Deputy Chief Prosecutor
Pennsylvania Public Utility Commission
Bureau of Investigation and Enforcement
P.O. Box 3265
Harrisburg, PA 17105-3265

Or, emailed to Mr. Scott at: RA-PCCmplntResp@pa.gov

- B. If you fail to answer this Complaint within 20 days, the Bureau of Investigation and Enforcement will request that the Commission issue an Order imposing the penalty.
- C. You may elect not to contest this Complaint by causing your insurer to file proper evidence of current insurance in accordance with the Commission's regulations and by paying the fine proposed in this Complaint by certified check or money order within twenty (20) days of the date of service of this Complaint. **ACORD CERTIFICATES OF INSURANCE and FAXED FORM Es and Hs ARE UNACCEPTABLE AS EVIDENCE OF INSURANCE.**

The proof of insurance must be filed with the:

Compliance Office, Bureau of Technical Utility Services
Pennsylvania Public Utility Commission
P.O. Box 3265
Harrisburg, PA 171053265

Payment of the fine must be made to the **Commonwealth of Pennsylvania** and should be forwarded to:

Rosemary Chiavetta, Secretary
Pennsylvania Public Utility Commission
P.O. Box 3265
Harrisburg, PA 171053265

Your payment is an admission that you committed the alleged violation and an agreement to cease and desist from further violations. Upon receipt of the evidence of insurance from your insurer, and upon receipt of your payment, the Complaint proceeding shall be closed.

- D. If you file an Answer which either admits or fails to deny the allegations of the Complaint, the Bureau of Investigation and Enforcement will request the Commission to issue an Order imposing the penalty set forth in this Complaint.
- 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 penalty set forth in the Complaint, and may impose additional and/or alternative penalties as appropriate.
- F. If you are a corporation, you must be represented by legal counsel. 52 Pa. Code §1.21.

Alternative formats of this material are available for persons with disabilities by contacting the Commission's ADA Coordinator at 717-787-8714.

Form E
UNIFORM MOTOR CARRIER BODILY INJURY AND PROPERTY
DAMAGE LIABILITY CERTIFICATE OF INSURANCE

Filed with: Pennsylvania Public Utility Commission PA (hereinafter called Agency)
(Name of Agency)

This is to certify, that the: Integon General Insurance Corporation
(Name of Company)
(hereinafter call Company) of: PO Box 3199, Winston Salem, NC 27102-3199
(Address)

Has issued to: THREE RIVERS PROPERTY MANAGEMENT
(Name of Motor Carrier)
of: 6 MARKET SQ, PITTSBURGH PA 15222
(Address of Motor Carrier)

A policy or policies of insurance effective from: 4/8/2015 12:01 A.M. Standard time at the address of the insured as stated in said policy or policies and continuing until canceled as provided herein, which, by attachment of the Uniform Motor Carrier Bodily Injury and Property Damage Liability Insurance Endorsement, has or have been amended to provide automobile bodily injury and property damage liability insurance covering the obligations imposed upon such motor carrier by the provisions of the motor carrier law of the State in which the agency has jurisdiction or regulations promulgated in accordance therewith.

Whenever requested, the Company agrees to furnish the commission a duplicate original of said policy or policies and all the endorsements thereon. This certificate and the endorsement described herein may not be canceled without cancellation of the policy to which it is attached. Such cancellation may be effected by the Company or the insured giving thirty (30) days' notice in writing to the State agency, such thirty (30) days' notice to commence to run from the date notice is actually in the office of the Commission.


Countersigned at 5630 University Pkwy, Winston Salem, NC 27102-3199
(Street Address) (City) (State) (Zip)

This 12 day of June, 2015

Insurance Company File No:

2003098076
(Policy Number)

A8912741
(Docket Number)



Brenda Castellano

Authorized Company Representative

Liability Coverage: Combined single limits Liability Limit: \$300,000
42121 (11012014)

National General 
Insurance

PO Box 3199 •Winston Salem, NC 27102-3199