



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

January 28, 2016

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. Nu Exodus, Inc. t/a J & W Airport  
Transportation  
Docket No. C-2015-2499309

Dear Secretary Chiavetta:

Enclosed for filing please find an original of 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,

Kourtney L. Myers  
Prosecutor  
PA Attorney ID No. 316494

Prosecutor for the Bureau of  
Investigation and Enforcement

Enclosures

cc: As per Certificate of Service

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SECRETARY'S BUREAU

**BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

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

v.

Nu Exodus, Inc.  
t/a J & W Airport Transportation,  
Respondent

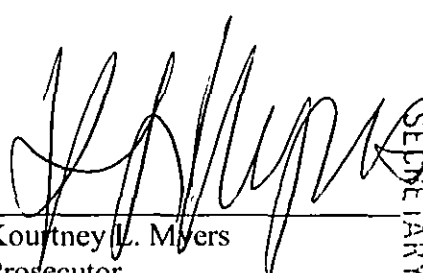
Docket No. C-2015-2499309

**NOTICE TO PLEAD**

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, pursuant to the Commission's regulations at 52 Pa. Code § 5.103. You are hereby notified to file a written response within twenty (20) days of the service of the Motion, consistent with 52 Pa. Code § 5.61.

Your Answer must be verified, pursuant to 52 Pa. Code § 1.36, 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: January 28, 2016

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**BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

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

v.

Nu Exodus, Inc.  
t/a J & W Airport Transportation,  
Respondent

Docket No. C-2015-2499309

**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 Nu Exodus, Inc. t/a J & W Airport Transportation (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 August 19, 2015 by filing a Complaint.
2. On August 20, 2015, the Complaint was served by certified mail to Respondent at 1425 Iroquois Drive, Pittsburgh, PA 15205.
3. Attached to the Complaint was a Notice advising Respondent that it must file an Answer within twenty (20) days of service of the Complaint.
4. 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.
5. On August 22, 2015, Respondent signed a receipt confirming that it received the Complaint. A true and correct copy of proof of delivery of the Complaint is attached as Exhibit 1.

6. The twenty (20) days to file an Answer to the Complaint expired on September 9, 2015.

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

8. 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).

9. 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. Cmwith. 1978).

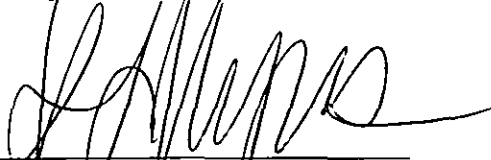
10. Respondent did not pay the outstanding assessment balance of \$1,332 for the July 1, 2014 to June 30, 2015 Fiscal Year (2014-2015 Fiscal Year) or the civil penalty of \$333 that was sought in the Complaint for Respondent's failure to timely pay the assessment.

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

- a. Directs Respondent to pay its outstanding assessment of \$1,332 for the 2014-2015 Fiscal Year and the requested civil penalty of \$333 within thirty (30) days of the entry date of the Commission's Order;
- b. Directs the Bureau of Technical Utility Services to cancel Respondent's Certificate of Public Convenience at A-00119033 if the outstanding assessment and civil penalty set forth in subparagraph (a), above, for a total of \$1,665, are not paid within thirty (30) days of the entry date of the Commission's Order;
- 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; 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 if the outstanding assessment and civil penalty set forth in subparagraph (a), above, for a total of \$1,665, 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

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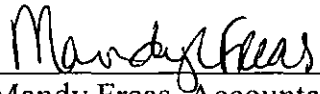
**BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Pennsylvania Public Utility Commission,	:	
Bureau of Investigation and Enforcement,	:	
Complainant	:	
	:	
v.	:	Docket No. C-2015-2499309
	:	
Nu Exodus, Inc.	:	
t/a J & W Airport Transportation,	:	
Respondent	:	

**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: January 28, 2016

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

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# EXHIBIT 1

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Profile Print Guide Export

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Home > E-Services > Status History

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**Tracking Number Information**

<b>Meter:</b>	12650040	<b>Mailing Date:</b>	08/20/15 02:10 PM
<b>Tracking Number:</b>	9171969009350092564500	<b>Sender:</b>	
<b>Current Status:</b>	OK : Delivered	<b>Recipient:</b>	
<b>Class of Mail</b>	FC	<b>Zip Code:</b>	15205
<b>Service:</b>	ERR	<b>City:</b>	PITT
<b>Value</b>	\$0.925	<b>State:</b>	PA

[Proof of delivery](#)

1425 TROQUOIS  
PA  
*[Signature]*

**Status Details**

▼ Status Date	Status
Sat, 08/22/15, 02:55:00 PM	OK : Delivered
Fri, 08/21/15, 08:36:00 PM	Dispatched from Sort Facility
Fri, 08/21/15, 05:18:00 PM	Processed (processing scan)
Fri, 08/21/15, 11:55:00 AM	Processed (processing scan)
Fri, 08/21/15, 04:11:00 AM	Dispatched from Sort Facility
Thu, 08/20/15, 07:25:00 PM	Processed (processing scan)
Thu, 08/20/15, 06:10:00 PM	Origin Acceptance
Thu, 08/20/15, 05:40:00 PM	OK: USPS acknowledges reception of info

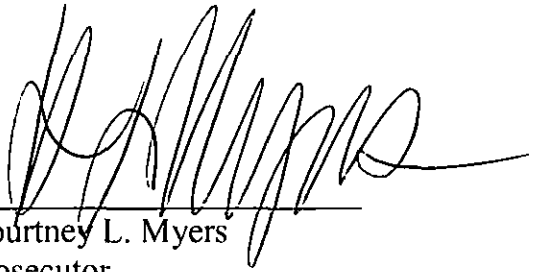
Note: Delivery status updates are processed throughout the day and posted upon receipt from the Postal Service.

## 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:

James Williams, President  
Nu Exodus, Inc. t/a J & W Airport Transportation  
1425 Iroquois Drive  
Pittsburgh, PA 15205



Kourtney L. Myers  
Prosecutor  
PA Attorney ID No. 316494

Pennsylvania Public Utility Commission  
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