

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: WITHERS	:	7. DATE FILED: 12/15/05
8. DOCKET NO: A-00111782C0501	:	9. EFFECTIVE DATE: 00/00/00

PARTY/COMPLAINANT: TRANSPORTATION & SAFETY, BUREAU OF
 RESPONDENT/APPLICANT: KAPP, SHIRL B. & KATHLEEN I.
 COMP/APP COUNTY: UTILITY CODE: 701037

ALLEGATION OR SUBJECT

FAILED TO MAINTAIN EVIDENCE OF CARGO INSURANCE.

DOCKETED
 DEC 21 2005

DOCUMENT
 FOLDER

ORIGINAL

BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION

PENNSYLVANIA PUBLIC UTILITY
COMMISSION, BUREAU OF TRANSPORTATION
AND SAFETY

v.

DOCKET NO. A-00111782C 0501

SHIRL B. KAPP & KATHLEEN I. KAPP

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 Shirl B. Kapp and Kathleen I. Kapp, respondent, maintains a principal place of business at 2694 Pine City Road, Shippenville, PA 16254.
2. That respondent was issued a Certificate of Public Convenience by this Commission on May 24, 1995, at Application Docket No. A-00111782.
3. That respondent has failed to maintain evidence of cargo insurance on file with this Commission.
4. 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 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 Transportation and Safety Prosecutory Staff hereby requests that the Commission issue an Order which (1) cancels the Certificate of Public Convenience held by respondent at Docket No. A-00111782, for failure to maintain evidence of current insurance on file with the Commission, (2) orders such other remedy as the Commission may deem to be appropriate, which may include a fine and the suspension of a vehicle registration and (3) imposes an additional fine on the respondent.

Respectfully submitted,

Wendy J. Keezel

DEC 21 2005

DOCKETED

Wendy J. Keezel, Chief of Enforcement
Motor Carrier Services & Enforcement Division
Bureau of Transportation and Safety
P.O. Box 3265
Harrisburg, PA 17105-3265

**DOCUMENT
FOLDED**

SECRETARY'S BUREAU
P.A.P.U.C.

2005 DEC 15 PM 1:37

RECEIVED

VERIFICATION

I, Wendy J. Keezel, 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: 12-8-05

Wendy J. Keezel
Wendy J. Keezel

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). An Answer is a written explanation of circumstances wished to be considered in determining the outcome. 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 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 of the date of service, the Bureau of Transportation and Safety will request that the Commission issue an Order imposing a penalty, which will include the revocation of your Certificate of Public Convenience.

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 within twenty (20) days of the date of service of this Complaint. The proof of insurance must be filed with the:

Compliance Office, Bureau of Transportation & Safety
Pennsylvania Public Utility Commission
P.O. Box 3265
Harrisburg, PA 17105-3265

Upon receipt of the evidence of insurance from your insurer, the Complaint proceeding shall be closed. ACORD CERTIFICATES OF INSURANCE and FAXED FORM E's and H's **ARE UNACCEPTABLE AS EVIDENCE OF INSURANCE.**

D. If you file an Answer which either admits or fails to deny the allegations of the Complaint, the Bureau of Transportation and Safety will request that the Commission issue an Order imposing a penalty, which may include the cancellation of your Certificate of Public Convenience.

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 above.

F. Alternative formats of this material are available, for persons with disabilities, by contacting the Compliance Office at (717) 787-1168.



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

IN REPLY PLEASE
REFER TO OUR FILE

A-00111782C0501

Date of Service: DECEMBER 22, 2005

SHIRL B. KAPP & KATHLEEN I. KAPP
2694 PINE CITY ROAD
SHIPPENVILLE PA 16254

**PENNSYLVANIA PUBLIC UTILITY COMMISSION, BUREAU OF
TRANSPORTATION AND SAFETY**

v.

SHIRL B. KAPP & KATHLEEN I. KAPP

Dear Sir/Madam:

This is to advise that the attached complaint has been filed against you by the Prosecutory Staff of the Bureau of Transportation and Safety.

Detailed instructions on how to proceed are contained in the **NOTICE TO PLEAD**. You are advised to read them carefully.

If you have any questions, contact the complainant at the telephone number shown on the complaint.

Very truly yours,

James J. McNulty
Secretary

DOCKETED
DEC 21 2005

Attachment

JIH

**DOCUMENT
FOLDER**

I N T E R

O F F I C E

MEMO

December 28, 2005

Subject: Request for Closure of Insurance Complaints

To: Wanda Zeiders, Supervisor
Document Management
Secretary's Bureau

From: James Minder, Compliance Chief
Motor Carrier Services & Enforcement
Bureau of Transportation and Safety

Since the Commission has canceled the rights of the subject carrier(s), it is no longer necessary to prosecute the outstanding insurance complaint(s). Please mark the records "Closed" for the following complaint proceedings:

Complaint Number Name

A-00111782C0501 Shirl B. & Kathleen I. Kapp

DOCUMENT
FOLDER

DOCKETED
JAN 12 2006

SECRETARY'S BUREAU
PA.P.U.C.

2005 DEC 29 AM 8:17

RECEIVED