



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

February 19, 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. Yannuzzi Overland Unlimited, Inc.  
Docket No. C-2015-2499473

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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2016 FEB 19 AM 11:00  
PA PUC  
SECRETARY'S BUREAU

**BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Pennsylvania Public Utility Commission,	:	
Bureau of Investigation and Enforcement,	:	
Complainant	:	
	:	
v.	:	Docket No. C-2015-2499473
	:	
Yannuzzi Overland Unlimited, Inc.,	:	
Respondent	:	

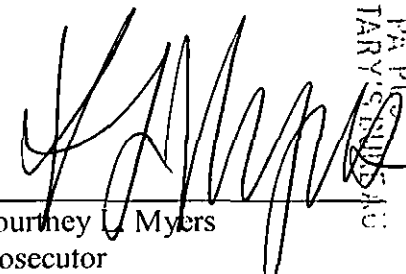
**NOTICE TO PLEAD**

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.

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\_\_\_\_\_  
Kourtney 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: February 19, 2016

BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION

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FEB 19 2016

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

PA PUBLIC UTILITY COMMISSION  
SECRETARY'S BUREAU

v.

Docket No. C-2015-2499473

Yannuzzi Overland Unlimited, Inc.,  
Respondent

**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 Yannuzzi Overland Unlimited, Inc. (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 20, 2015 by filing a Complaint.
2. On August 21, 2015, the Complaint was served by certified mail to Respondent at 527 South Church Street, Hazleton, PA 18201.
3. This is the last known mailing address that Respondent provided to the Commission.
4. On September 16, 2015, the Complaint was returned to the Commission by the United States Post Office and was marked as "Return to Sender; Unclaimed; Unable to Forward."
5. On September 21, 2015, the Complaint was again served to Respondent by first class mail at 527 South Church Street, Hazleton, PA 18201.
6. There is no record that the Complaint served by first class mail was returned to the Commission.

7. Depositing a properly addressed, prepaid letter in the mail raises a presumption that it reached its destination and mailing a letter in such a way is *prima facie* evidence that it was received by the person to whom it was addressed. *See Cameron Estate*, 130 A.2d 173 (Pa. 1957); *Meierdierck v. Miller*, 147 A.2d 406 (Pa. 1959); and *Samaras v. Hartwick*, 698 A.2d 71 (Pa. Super. 1997).

8. Even though the Complaint is presumed to have been delivered, out of an abundance of caution, I&E published the Complaint in the Pennsylvania Bulletin on December 19, 2015 pursuant to the Commission's regulation at 52 Pa. Code §1.53(e). *See* 45 Pa. Bull. 7260 (December 19, 2015).

9. Included with the Complaint was a Notice advising Respondent that it must file an Answer within twenty (20) days.

10. 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.

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

12. 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).

13. 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. Cmwlth. 1978).

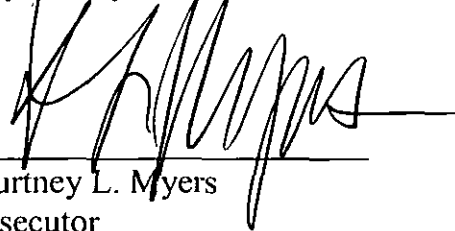
14. Respondent did not pay the outstanding assessment balance of \$13 for the July 1, 2014 to June 30, 2015 Fiscal Year (2014-2015 Fiscal Year) or the civil penalty of \$2,050 that was sought in the Complaint for Respondent's failure to timely pay the assessment and file assessment reports demonstrating revenues earned during the 2012 and 2013 calendar years.

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

- a. Directs Respondent to pay its outstanding assessment of \$13 for the 2014-2015 Fiscal Year and the requested civil penalty of \$2,050 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-00108828 if the outstanding assessment and civil penalty set forth in subparagraph (a), above, for a total of \$2,063, 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 outstanding assessment and civil penalty set forth in subparagraph (a), above, for a total of \$2,063, if that total is 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

Date: February 19, 2016

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PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Pennsylvania Public Utility Commission,	:	
Bureau of Investigation and Enforcement,	:	
Complainant	:	
	:	
v.	:	Docket No. C-2015-2499473
	:	
Yannuzzi Overland Unlimited, Inc.,	:	
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: February 19, 2016

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

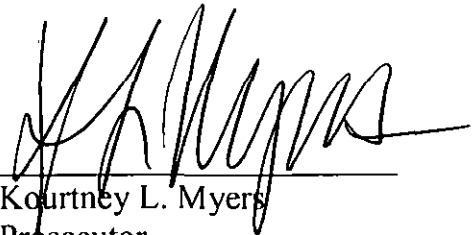
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## CERTIFICATE OF SERVICE

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:

Cheri Yannuzzi, President  
Yannuzzi Overland Unlimited, Inc.  
527 South Church Street  
Hazleton, PA 18201



Kourtney L. Myers  
Prosecutor  
PA Attorney ID No. 316494

Pennsylvania Public Utility Commission  
Bureau of Investigation and Enforcement  
P.O. Box 3265  
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[komyers@pa.gov](mailto:komyers@pa.gov)

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