

**PENNSYLVANIA  
PUBLIC UTILITY COMMISSION  
Harrisburg, PA 17105-3265**

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

**Public Meeting March 10, 2016  
2445807-OSA  
Docket No. C-2014-2445807**

v.

**Raymond P. Sutherland**

**JOINT MOTION OF VICE CHAIRMAN ANDREW G. PLACE AND  
COMMISSIONER PAMELA A. WITMER**

Before the Pennsylvania Public Utility Commission (Commission) is the Bureau of Investigation and Enforcement's (I&E) Petition for Reconsideration of our August 20, 2015 Opinion and Order in this matter (August 2015 Order). In that order, the Commission, acting on I&E's Motion for a Default Judgment on its Complaint, fined Raymond P. Sutherland (Respondent), a household goods carrier, \$150 for failure to file an assessment report demonstrating its gross revenue for the 2011 calendar year. However, the Commission found that the Respondent was not responsible for any assessments applicable to the 2012-2013 fiscal year.

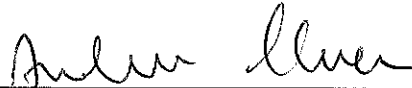
I&E seeks reconsideration of both of those findings, urging that the fine for the failure to file the assessment report on intrastate revenues be raised to \$1000. I&E also argues that the Commission should order the Respondent to pay a \$120 assessment for the 2012-2013 fiscal year and an \$18 penalty for failing to pay that assessment. While we agree that the Public Utility Code requires the Respondent to pay the assessment and penalty for failure to pay the assessment, we do not agree that the \$150 penalty for failure to file its intrastate revenue report should be increased to \$1000.

Under the Duick standard, the Commission has the discretion to grant a Petition for Reconsideration where there are new or novel arguments not previously heard or other considerations which have been overlooked. Duick v. Pennsylvania Gas and Water Company, 56 Pa. P.U.C. 553 (1982). I&E argues that our August 2015 Order did not adequately consider past Commission decisions in similar situations pursuant to the Commission's Policy Statement on factors and standards to be considered by the Commission regarding penalties for violations of the Public Utility Code. 52 Pa Code 69.1201 (c).

To the contrary, the Commission, in establishing the \$150 fine, made specific findings in its consideration of those factors. August 2015 Order at 7-9. Thus the Petition for Reconsideration relating to the fine for the failure to report on intrastate revenues should be denied because the Petition fails to provide new or novel arguments or other considerations overlooked by the Commission. Duick, 56 Pa. P.U.C. at 559.

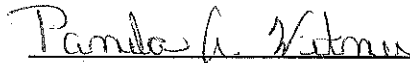
**THEREFORE, We move that:**

1. The Petition for Reconsideration of the Bureau of Investigation and Enforcement is granted, in part, and denied, in part, consistent with this Motion.
2. The August 2015 Order is modified, consistent with this Motion.
3. The Office of Special Assistants prepare an Opinion and Order consistent with this Motion.



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Andrew G. Place  
Vice Chairman



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Pamela A. Witmer  
Commissioner

Dated: March 10, 2016