

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: BROWN	:	7. DATE FILED: 05/31/05
8. DOCKET NO: A-00113363C0501	:	9. EFFECTIVE DATE: 00/00/00

PARTY/COMPLAINANT: TRANSPORTATION & SAFETY, BUREAU OF

RESPONDENT/APPLICANT: METRO MOVING AND STORAGE, INC.

COMP/APP COUNTY: UTILITY CODE: 702126

ALLEGATION OR SUBJECT

TAS COMPLAINT VS. METRO MOVING AND STORAGE, INC. FOR VARIOUS VIOLATIONS.

DOCKETED
JUN 10 2005

DOCUMENT
FOLDER

ORIGINAL

DOCUMENT
FOLDER

BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION

RECEIVED

US MAIL 31 AM 11:20

PENNSYLVANIA PUBLIC UTILITY
COMMISSION, BUREAU OF
TRANSPORTATION
AND SAFETY

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

DOCKETED
JUN 10 2005

V.

DOCKET NO. A-00113363C0501

METRO MOVING AND STORAGE INC

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 Metro Moving and Storage, Inc., respondent, maintains its principal place of business at 700 Grant Avenue, Duquesne, PA 15110.
2. That respondent was issued a certificate of public convenience by this Commission on February 14, 1997, at Application Docket No. A-00113363.
3. That, on September 8, 2004, a Household Mover Audit was performed on respondent by Enforcement Officers John Addison and Andrew Rosenberger, duly authorized enforcement officers of this Commission. The information contained in this complaint was obtained during the review.
4. That respondent, on January 26, 2004, transported household goods for Kathy Shepherd from 241 Brighton Road, Pittsburgh, Allegheny County, Pennsylvania to 440 McKee, Pittsburgh, Allegheny County, Pennsylvania for \$495.00 compensation. At that time, the following violation was disclosed:
 - (a) Failed to furnish the shipper with a proper "Estimated Cost of Services" form.

5. That respondent, on January 29, 2004, transported household goods for Raju from 2323 Chestnut Ridge, Pittsburgh, Allegheny County, Pennsylvania to 203 Pine Valley, Pittsburgh, Allegheny County, Pennsylvania for \$196.00 compensation. At that time, the following violation was disclosed:

- (a) Failed to furnish the shipper with a proper "Estimated Cost of Shippers" form.

6. That respondent, on March 13, 2004, transported household goods for Mr. Lee from 707 Forward Ave., Pittsburgh, Allegheny County, Pennsylvania to 265, 46th Street, Pittsburgh, Allegheny County, Pennsylvania for \$396.00 compensation. At that time, the following violation was disclosed:

- (a) Failed to furnish the shipper with a proper "Estimated Cost of Shippers" form.

7. That respondent, on April 16, 2004, transported household goods for Michelle Farina from 6301, 5th Ave., Pittsburgh, Allegheny County, Pennsylvania to 233-C, West 9th Street, Homestead, Allegheny County, Pennsylvania for \$363.00 compensation. At that time, the following violation was disclosed:

- (a) Failed to furnish the shipper with a proper "Estimated Cost of Shippers" form.

8. That respondent, on April 22, 2004, transported household goods for Mr. & Mrs. Patil from 864 Carriage Road, Pittsburgh, Allegheny County, Pennsylvania to 1613 Settlers Drive, Sewickley, Allegheny County, Pennsylvania for \$586.50 compensation. At that time, the following violation was disclosed:

- (a) Failed to furnish the shipper with a proper "Estimated Cost of Shippers" form.

9. That respondent, on April 23, 2004, transported household goods for Sirini from 400 Carriage Road, Pittsburgh, Allegheny County, Pennsylvania to 181 Bluegrass, Monroeville, Allegheny County, Pennsylvania for \$363.00 compensation. At that time, the following violation was disclosed:

- (a) Failed to furnish the shipper with a proper "Estimated Cost of Shippers" form.

10. That respondent, on April 28, 2004, transported household goods for Jack O'Toole from 729 South Negley, Pittsburgh, Allegheny County, Pennsylvania to 4400 Center Ave., Pittsburgh, Allegheny County, Pennsylvania for \$528.00 compensation. At that time, the following violation was disclosed:

- (a) Failed to furnish the shipper with a proper "Estimated Cost of Shippers" form.

11. That respondent, on May 28, 2004, transported household goods for Gina Margione from 51 Courtland West, McKees Rocks, Allegheny County, Pennsylvania to 587 Sautter, Moon Township, Allegheny County, Pennsylvania for \$429.00 compensation. At that time, the following violation was disclosed:

- (a) Failed to furnish the shipper with a proper "Estimated Cost of Shippers" form.

12. That respondent, on May 30, 2004, transported household goods for Dale Ray from 2313 Surrey Lane, McKeesport, Allegheny County, Pennsylvania to 1115 Somerset, McKeesport, Allegheny County, Pennsylvania for \$330.00 compensation. At that time, the following violation was disclosed:

- (a) Failed to furnish the shipper with a proper "Estimated Cost of Shippers" form.
- (b) Undercharged for move. The correct charge for the moved should have been \$588.00. Respondent failed to charge in accordance with its tariff on file with this Commission.

13. That respondent, on June 19, 2004, transported household goods for Rebecca Stiffey from 5556 Covode Street, Pittsburgh, Allegheny County, Pennsylvania to 2606 Tillbury Ave., Pittsburgh, Allegheny County, Pennsylvania for \$264.00 compensation. At that time, the following violation was disclosed:

- (a) Failed to furnish the shipper with a proper "Estimated Cost of Shippers" form.

14. That respondent, on August 25, 2004, transported household goods for Mr. Feng from 8000 Christopher Wren Drive, Pittsburgh, Allegheny County, Pennsylvania to 1212 Country Oak, Wexford, Allegheny County, Pennsylvania for \$462.00 compensation. At that time, the following violation was disclosed:

- (a) Failed to furnish the shipper with a proper "Estimated Cost of Shippers" form.

15. That respondent, on August 26, 2004, transported household goods for Donna Gaul from 1134 Greentree Road, Pittsburgh, Allegheny County, Pennsylvania to 996 Glencoe Ave., Pittsburgh, Allegheny County, Pennsylvania for \$318.59 compensation. At that time, the following violation was disclosed:

- (a) Failed to furnish the shipper with a proper "Estimated Cost of Shippers" form.

16. That respondent, on August 29, 2004, transported household goods for Michelle McMullen from Pittsburgh, Allegheny County, Pennsylvania to 512 Main Street, Pittsburgh, Allegheny County, Pennsylvania for \$196.00 compensation. At that time, the following violation was disclosed:

- (a) Failed to furnish the shipper with a proper "Estimated Cost of Shippers" form.

17. That respondent, on August 30, 2004, transported household goods for John Burkhardt from 2305 Brownsville Road, Pittsburgh, Allegheny County, Pennsylvania to 1514 Brownsville Road, Pittsburgh, Allegheny County, Pennsylvania for \$196.00 compensation. At that time, the following violation was disclosed:

- (a) Failed to furnish the shipper with a proper "Estimated Cost of Shippers" form.

18. That respondent, on September 4, 2004, transported household goods for Helen Smith from 1601 Penn Ave., Pittsburgh, Allegheny County, Pennsylvania to 1405 Severn Street, Pittsburgh, Allegheny County, Pennsylvania for \$196.00 compensation. At that time, the following violation was disclosed:

- (a) Failed to furnish the shipper with a proper "Estimated Cost of Shippers" form

19. That respondent, by failing to use and complete the proper form for estimates of charges titled "Estimated Cost of Services", violated 52 Pa. Code §31.122(2). The penalty is \$250.00 per violation for a total penalty of \$3,750.00.

20. That respondent, by charging a lesser rate other than that specified in its the tariff on file with this Commission, violated 66 Pa. C.S. §1303. The fine is \$250.00.

COMPLIANCE PROTOCOL

You must immediately comply with all rules and regulations of this Commission, specifically,

66 Pa. C.S. §1303, charge in accordance with an officially filed tariff

66 Pa. C.S. §1102, provide transportation only in authorized geographical areas

66 Pa. C.S. §1501, furnish and maintain adequate, efficient, safe, and reasonable service and facilities for the accommodation, convenience, and safety of the public

52 Pa. Code §31.121, provide, an "Information for Shippers" statement to shippers before the order for service is prepared

52 Pa. Code §31.16, act promptly upon communications from a shipper of a damage claim and do not deny claims without reasonable explanations or investigations

You will be contacted and revisited for a follow-up Audit by a Commission Enforcement Officer. Failure to adhere to Commission violations will result in a severe monetary penalty and the possible cancellation of your Certificate of Public Convenience.

WHEREFORE, the Bureau of Transportation and Safety Prosecutory Staff hereby requests that the Commission fine Metro Moving and Storage, Inc. the sum of four thousand dollars (\$4,000.00) for the illegal activity described in this complaint and order such other remedy as the Commission may deem to be appropriate.

Respectfully submitted,

Wendy J. Keezel

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

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: 5-26-05

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 out come. 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 (3) 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, the Bureau of Transportation and Safety will request that the Commission issue a Secretarial Letter imposing a penalty.

C. You may elect not to contest this complaint by paying the fine proposed in this complaint by certified check or money order. Payment must be made to the **Commonwealth of Pennsylvania** and should be forwarded to:

James J. McNulty, Secretary
Pennsylvania Public Utility Commission
P. O. Box 3265
Harrisburg, PA 17105-3265

Your payment is an admission that you committed the alleged violation and an agreement to cease and desist from further violations. 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 Transportation and Safety will request that the Commission issue a Secretarial Letter imposing a penalty .

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

Date of Service: JUNE 13, 2005
Docket Number: A-00113363C0501

METRO MOVING AND STORAGE, INC.
700 GRANT AVENUE
DUQUESNE PA 15110

DOCKETED
JUN 10 2005

Pennsylvania Public Utility Commission Bureau of Transportation and Safety
v.
METRO MOVING AND STORAGE, INC.

Dear Sir/Madam:

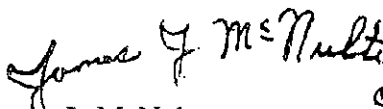
The Pennsylvania Public Utility Commission has delegated its authority to initiate prosecutory proceedings to several bureaus in the Commission with enforcement responsibilities.

Pursuant to this delegated authority and Section 701 of the Public Utility Code, the Bureau of Transportation and Safety Prosecutory Staff has filed the attached complaint against you.

Please refer to the Notice page at the conclusion of this complaint for detailed instructions on how to proceed. Alternative formats of this material are available for persons with disabilities.

Any questions may be directed to the Technical Review Section of the Bureau of Transportation and Safety at (717) 787-1168.

Very truly yours,


James J. McNulty
Secretary

DOCUMENT
FOLDER

jih