



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

March 25, 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. Metropolitan Emergency Services LLC  
Docket No. C-2015-2495036

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,

Stephanie M. Wimer  
Prosecutor  
PA Attorney ID No. 207522

Prosecutor for the Bureau of  
Investigation and Enforcement

Enclosures

cc: As per Certificate of Service

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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.	:	Docket No. C-2015-2495036
	:	
Metropolitan Emergency Services LLC,	:	
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 Metropolitan Emergency Services LLC (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 July 28, 2015 by filing a Complaint.
2. On July 28, 2015, the Complaint was served by certified mail to Respondent at 217 Jacks Run Road, Suite 3, Pittsburgh, PA 15237.
3. This is the last known mailing address that Respondent provided to the Commission.
4. The certified mail tracking information indicates that Respondent did not receive the Complaint that was mailed on July 28, 2015.
5. On January 11, 2016, the Complaint was again served to Respondent by certified mail at 217 Jacks Run Road, Suite 3, Pittsburgh, PA 15237.
6. The certified mail tracking information indicates that Respondent did not receive the Complaint that was mailed on January 11, 2016.

7. I&E published the Complaint in the *Pennsylvania Bulletin* on February 27, 2016 pursuant to the Commission's regulation at 52 Pa. Code §1.53(e) (relating to alternative service). *See* 46 Pa. Bull. 1104 (February 27, 2016).

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

9. 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.

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

11. 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).

12. 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).

13. Respondent did not pay the outstanding assessment balance of \$38 for the July 1, 2014 to June 30, 2015 Fiscal Year (2014-2015 Fiscal Year) or the civil penalty of \$50 that was sought in the Complaint for Respondent's failure to timely pay the assessment.

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

- a. Directs Respondent to pay its outstanding assessment of \$38 for the 2014-2015 Fiscal Year and the requested civil penalty of \$50 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-2012-2339762 if the outstanding assessment and civil penalty set forth in subparagraph (a), above, for a total of \$88 is 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 is 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 \$88, if that total is not paid within thirty (30) days of the entry date of the Commission's Order.

Respectfully submitted,



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Stephanie Wimer  
Prosecutor  
PA Attorney ID No. 207522

Pennsylvania Public Utility Commission  
Bureau of Investigation and Enforcement  
P.O. Box 3265  
Harrisburg, PA 17105-3265  
[stwimer@pa.gov](mailto:stwimer@pa.gov)  
(717) 772-8839

Date: March 25, 2016

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**BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Pennsylvania Public Utility Commission,	:	
Bureau of Investigation and Enforcement,	:	
Complainant	:	
	:	
v.	:	Docket No. C-2015-2495036
	:	
Metropolitan Emergency Services LLC,	:	
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: March 25, 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:

Thomas S. Runion  
Metropolitan Emergency Services LLC  
217 Jacks Run Road Suite 3  
Pittsburgh, PA 15237



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Stephanie M. Wimer  
Prosecutor  
PA Attorney ID No. 207522

Pennsylvania Public Utility Commission  
Bureau of Investigation and Enforcement  
P.O. Box 3265  
Harrisburg, PA 17105-3265  
717.772.8839  
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Dated: March 25, 2016

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