

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: RUDY     | : | 7. DATE FILED: 06/06/05     |
| 8. DOCKET NO: A-00113647C0501 | : | 9. EFFECTIVE DATE: 00/00/00 |

PARTY/COMPLAINANT: TRANSPORTATION & SAFETY, BUREAU OF

RESPONDENT/APPLICANT: WEAVER, GEORGE W., & SON, INC.

COMP/APP COUNTY: UTILITY CODE: 702302

ALLEGATION OR SUBJECT

TAS COMPLAINT VS. GEORGE W. WEAVER & SON, INC. FOR VARIOUS VIOLATIONS.

DOCUMENT  
FOLDER

DOCKETED  
JUN 10 2005

ORIGINAL

BEFORE THE PENNSYLVANIA PUBLIC UTILITY COMMISSION

SECRETARY'S BUREAU

05 JUN - 6 AM 9: 21

RECEIVED

PENNSYLVANIA PUBLIC UTILITY COMMISSION, BUREAU OF TRANSPORTATION AND SAFETY

v.

DOCKET NO. A-00113647C0501

GEORGE W WEAVER & SON INC 165 LAMONT STREET NEW CUMBERLAND PA 17070

COMPLAINT

DOCUMENT FOLDER

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 George W. Weaver & Son, Inc., respondent, maintains its principal place of business at 165 Lamont Street, New Cumberland, Pennsylvania 17070.

2. That respondent was issued a certificate of public convenience by this Commission on May 8, 1997, at Application Docket No. A-00113647.

3. That, on November 24, 2004, respondent transported household goods for Tessa & Steve Ebersole from 211 Constitutional Court, Mechanicsburg, Pennsylvania to 1700 Mountain View Road, Harrisburg, Pennsylvania for \$1,032.81. The respondent charged the shippers the rate of \$163.00 per hour for five hours for \$815.00, plus \$163.00 travel charge, \$45.45 for three mirror containers and \$9.36 fuel surcharge, for a total of \$1,032.81. The \$163.00 per hour rate is for two vehicles and two additional men. On the day of the move, the respondent arrived late at the shipper's residence. One of the movers left almost immediately after arriving, which left three men. The second vehicle was never used which would make the actual charge \$104.00 per hour for five hours for a charge of \$624.00, plus \$45.45 for three mirror containers and \$9.36 fuel surcharge for a total of \$678.81, an overcharge of \$354.00. The respondent did not complete the move leaving several items, including the shipper's refrigerator full of food which spoiled. Respondent called the shippers the evening of November 24th to arrange for a crew to finish the job. The shippers refused because it was raining. Respondent advised the shippers to call the office on Friday morning because the next day was Thanksgiving and they were not working. On Friday morning, the shippers called respondent's office and was told by the person who answered the phone that no one was in the office, and she did not know when, or if, anyone was coming in. At this point, the shippers employed another moving company. The earliest availability was Monday, November 29, 2004. The shipper had to pay extra rent and fees for not vacating their townhouse as scheduled. Additionally, the shippers incurred extra expenses of take-out food and eating in restaurants for five days and had to sleep on the mattress on the floor for five nights. This is unreasonable service. The penalty is \$250.00.

4. That respondent, violated 66 Pa. C.S. §1303, by charging a higher rate than that specified in the tariff on file with this Commission. The penalty is \$500.00.

5. That respondent, by failing to maintain safe, adequate, efficient and reasonable service and facilities for the proper safety of its patrons and public, violated 66 Pa. C.S. §1501. Penalty is \$250.00.

DOCKETED JUN 10 2005

WHEREFORE, the Bureau of Transportation and Safety Prosecutory Staff hereby requests that the Commission fine George W. Weaver & Son, Inc., the sum of seven hundred fifty dollars (\$750.00) 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, 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: 6-3-05

  
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 payment of the fine, the record in this proceeding shall be closed.

D. If you file an answer which 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 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-00113647C0501

GEORGE W. WEAVER & SON, INC.  
165 LAMONT STREET  
NEW CUMBERLAND PA 17070

Pennsylvania Public Utility Commission Bureau of Transportation and Safety  
v.  
GEORGE W. WEAVER & SON, INC.

Dear Sir/Madam:

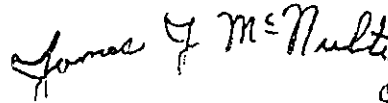
The Pennsylvania Public Utility Commission has delegated its authority to initiate prosecutory proceedings to several bureaus in the Commission with enforcement responsibilities.

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

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JUN 10 2005