

CAPTION SHEET

CASE MANAGEMENT SYSTEM

- 1. REPORT DATE: 00/00/00
- 2. BUREAU: TAS
- 3. SECTION(S):
- 5. APPROVED BY: DIRECTOR: SUPERVISOR:
- 6. PERSON IN CHARGE: KEMBEL
- 8. DOCKET NO: A-00114321C0401
- 4. PUBLIC MEETING DATE: 00/00/00
- 7. DATE FILED: 11/01/04
- 9. EFFECTIVE DATE: 00/00/00

PARTY/COMPLAINANT: BUREAU OF TRANSPORTATION & SAFETY

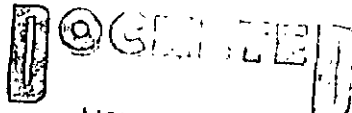
RESPONDENT/APPLICANT: MCCLAIN, STACEY

COMP/APP COUNTY:

UTILITY CODE: 702725

ALLEGATION OR SUBJECT

FAILED TO MAINTAIN EVIDENCE OF BODILY INJURY & PROPERTY DAMAGE LIABILITY INS.

  
 NOV 10 2004

FOLDER

BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION

PENNSYLVANIA PUBLIC UTILITY  
COMMISSION, BUREAU OF TRANSPORTATION  
AND SAFETY

V.

STACEY MCCLAIN T/A  
S. MCCLAIN STONE CO.

DOCKET NO. A-00114321C0401

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 Stacy McClain T/A S. McClain Stone Co., respondent, maintains a principal place of business at P. O. Box 585, Tunkhannock, PA 18657.
2. That respondent was issued a Certificate of Public Convenience by this Commission on January 6, 1998, at Application Docket No. A-00114321.
3. That respondent has failed to maintain evidence of **bodily injury and property damage liability insurance** on file with this Commission.
4. That respondent, by failing to maintain evidence of insurance on file with this Commission, violated 66 Pa. C.S. §512, 52 Pa. Code §32.2(c), and 52 Pa. Code §32.11(a), §32.12(a) or §32.13(a).

WHEREFORE, unless respondent causes its insurer to file evidence of insurance with this Commission within twenty (20) days of the date of service of this Complaint, the Bureau of Transportation and Safety Prosecutory Staff hereby requests that the Commission issue an Order which (1) cancels the Certificate of Public Convenience held by respondent at Docket No. A-00114321, for failure to maintain evidence of current insurance on file with the Commission, (2) orders such other remedy as the Commission may deem to be appropriate, which may include a fine and the suspension of a vehicle registration and (3) imposes an additional fine on the respondent.

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

RECORDED  
MOTOR CARRIER SERVICES BUREAU  
JAN 10 1998  
11:10 AM

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: 10-28-04

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 outcome. 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 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 an Order imposing a penalty. Pursuant to 66 Pa. C.S. §3301(a), the penalty could include a fine of up to \$1,000 for each violation, the revocation of your Certificate of Public Convenience, Contract Carrier Permit, or Brokerage license, or any other remedy as may be appropriate. Each day you continue to violate any regulation, direction, requirement, determination or order of the Commission is a separate and distinct offense, subject to additional penalties.

C. You may elect not to contest this Complaint by causing your insurer to file proper evidence of current insurance in accordance with the Commission's regulations *within twenty (20) days* of the date of service of this Complaint. The proof of insurance must be filed with the:

Compliance Office, Bureau of Transportation and Safety  
Pennsylvania Public Utility Commission  
P.O. Box 3265  
Harrisburg, PA 17105-3265

Upon receipt of the evidence of insurance from your insurer, the complaint shall be closed. **ACORD CERTIFICATES OF INSURANCE and FAXED FORM Es and Hs ARE UNACCEPTABLE AS EVIDENCE OF INSURANCE.**

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 an Order imposing a penalty, which may include the cancellation of your Certificate of Public Convenience. Should the Commission cancel your Certificate of Public Convenience, it may also impose an additional fine of up to \$1,000.

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 penalty set forth in Paragraph B.

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: November 10, 2004  
Docket Number: A-00114321C0401

STACEY MCCLAIN  
T/A S MCCLAIN STONE CO  
P O BOX 585  
TUNKHANNOCK PA 18657

**Pennsylvania Public Utility Commission Bureau of Transportation and Safety**  
v.  
**STACEY MCCLAIN, T/A S MCCLAIN STONE CO**

Dear Sir/Madam:

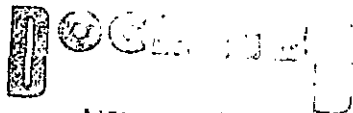
The Pennsylvania Public Utility Commission has delegated its authority to initiate prosecutory proceedings to several bureaus in the Commission with enforcement responsibilities.

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,



NOV 10 2004

James J. McNulty  
Secretary

DDI

I N T E R  
O F F I C E

# MEMO

December 20, 2004

**Subject:** Request for Closure of Insurance Complaints.

**To:** Wanda Zeiders, Supervisor  
Document Management  
Secretary's Bureau

**From:** James Minder, Compliance Chief  
Motor Carrier Services & Enforcement  
Bureau of Transportation and Safety

**DOCUMENT  
FOLDER**

Since the respondent(s) listed has/have satisfied the complaint by filing acceptable evidence of insurance, please mark the record "Closed" in the following complaint proceeding(s):

Complaint Number                      Name

A-00114321C0401                      Stacey McClain, t/a S. McClain Stone Co.

**DOCKETED**  
JAN 12 2005

RECEIVED  
2004 DEC 21 AM 8:57  
SECRETARY'S BUREAU