

CAPTION SHEET

USE MANAGEMENT SYSTEM

- 1. REPORT DATE: 00/00/00 :
- 2. BUREAU: TAS :
- 3. SECTION(S) : :
- 4. PUBLIC MEETING DATE: 00/00/00 :
- 5. APPROVED BY: DIRECTOR: SUPERVISOR: :
- 6. PERSON IN CHARGE: KEYSER :
- 7. DATE FILED: 10/29/04 :
- 8. DOCKET NO: A-00114321C0402 :
- 9. EFFECTIVE DATE: 00/00/00

PARTY/COMPLAINANT: TRANSPORTATION & SAFETY, BUREAU OF

RESPONDENT/APPLICANT: MCCLAIN, STACEY

COMP/APP COUNTY:

UTILITY CODE: 702725

ALLEGATION OR SUBJECT

ASSESSMENT COMPLAINT VS. STACEY MCCLAIN, T/A S., MCCLAIN STONE CO., FOR AN OUTSTANDING ASSESSMENT OF \$339.

DOCUMENT
FOLDER

DOCKETED
NOV 29 2004

ORIGINAL

BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION

PENNSYLVANIA PUBLIC UTILITY
COMMISSION, BUREAU OF
TRANSPORTATION AND SAFETY

v.

DOCKET NO. A-00114321

OCT 29 11:10:10
BUREAU OF TRANSPORTATION AND SAFETY

MCCLAIN, STACEY
T/A MCCLAIN, S., STONE CO.

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 MCCLAIN, STACEY, T/A MCCLAIN, S., STONE CO., respondent, maintains her principal place of business at PO BOX 585, TUNKHANNOCK, PA 18657.

2. That respondent was issued a certificate of public convenience by this Commission on January 06, 1998, at Docket No. A-00114321.

3. That, on August 11, 2004 respondent was sent an initial assessment of \$339.00. Respondent failed to pay this assessment; therefore, a balance was due in the amount of \$339.00.

4. That respondent has an outstanding assessment of \$339.00.

C.S. §510(c).

5. That respondent failed to file objections to the assessment, pursuant to 66 Pa.

6. That respondent, by failing to pay the assessment, violated the Public Utility Code at 66 Pa. C.S. §510(c).

7. That respondent, by failing to maintain evidence of insurance on file with this commission, violated 52 Pa Code §§32.2 and 32.11.

WHEREFORE, unless respondent pays the overdue assessment in full within twenty 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 issued to respondent, (2) directs the Pennsylvania Department of Transportation to revoke the motor vehicle registration(s) issued to respondent, (3) notifies the Pennsylvania Department of Revenue that respondent's Certificate of Public Convenience has been revoked, (4) notifies respondent's insurance carrier that respondent's Certificate of Public Convenience has been revoked.

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

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NOV 29 2004

COMPLAINT
ORDER

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, Chief of Enforcement

NOTICE

A. You must file an answer within twenty 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). 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 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, 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 paying your outstanding assessment within twenty (20) days and by causing your insurer to file proper evidence of current insurance in accordance with the Commission's regulations. The proof of insurance must be filed with the Secretary of the Commission at the address set forth in Paragraph A. Your certified check or money order for the assessment should be payable to the Commonwealth of Pennsylvania and should be forwarded to:

Administrative Services, Attention Steve Reed
Pennsylvania Public Utility Commission
P.O. Box 3265
Harrisburg, PA 17105-3265

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 the Commission to issue an Order imposing a penalty (see Paragraph B).

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 penalty set forth in Paragraph B.

F. Alternative formats of this material are available, for persons with disabilities, by contacting the Bureau of Audits at (717) 783-6190.

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

Date of Service: NOVEMBER 30, 2004
Docket Number: A-00114321C0402

STACEY MCCLAIN
T/A S. MCCLAIN STONE CO.
PO BOX 585
TUNKHANNOCK PA 18657

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

DOCKETED
NOV 29 2004

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

James J. McNulty
Secretary

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FOLDED