

CAPTION SHEET

CASE MANAGEMENT SYSTEM

1. REPORT DATE: 00/00/00 :
 2. BUREAU: TAS :
 3. SECTION(S): : 4. PUBLIC MEETING DATE:
 5. APPROVED BY: : 00/00/00
 DIRECTOR: :
 SUPERVISOR: :
 6. PERSON IN CHARGE: HOSHOUR : 7. DATE FILED: 11/28/00
 8. DOCKET NO: A-00114891C0001 : 9. EFFECTIVE DATE: 00/00/00

PARTY/COMPLAINANT: TRANSPORTATION & SAFETY, BUREAU OF

RESPONDENT/APPLICANT: BEICHNER, BENJAMIN E.

COMP/APP COUNTY:

UTILITY CODE: 703088

ALLEGATION OR SUBJECT

FAILED TO MAINTAIN EVIDENCE OF CARGO INSURANCE.

DOCUMENT
FOLDER

DOCKETED

NOV 29 2000

ORIGINAL

BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION

PENNSYLVANIA PUBLIC UTILITY
COMMISSION, BUREAU OF TRANSPORTATION
AND SAFETY

V.

DOCKET NO. A-00114891C00 61

Benjamin E. Beichner, t/d/b/a Beichner Lumber Company:

COMPLAINT

The Pennsylvania Public Utility Commission (Commission) is a duly constituted agency of the Commonwealth of Pennsylvania, empowered to regulate motor carriers and brokers within this 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 Benjamin E. Beichner, t/d/b/a Beichner Lumber Company, respondent, maintains a principal place of business at R.D. #1, Box 100-B, Shippenville, PA 16254.

That all times relevant to this Complaint, respondent held a certificate of public convenience issued by this Commission at Application Docket No. A-00114891.

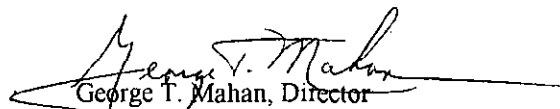
3. That pursuant to Section 512 of the Public Utility Code, 66 Pa. C.S. §512, and 52 Pa. Code Chapter 32; respondent is required to maintain evidence of current insurance on file with this Commission.

4. That respondent has failed to maintain evidence of cargo insurance, in violation of the Public Utility Code and regulations cited in Paragraph 3 of this complaint.

5. That as a result of failure to maintain evidence of current insurance on file with this Commission, the Bureau of Transportation and Safety Prosecutory Staff requests that the Secretary of the Commission revoke respondent's certificate of public convenience.

WHEREFORE, the Bureau of Transportation and Safety Prosecutory Staff hereby requests that the Secretary of the Commission revoke the certificate of public convenience held by Benjamin E. Beichner, t/d/b/a Beichner Lumber Company at Docket No. A-00114891, for failure to maintain current evidence of insurance on file with the Commission.

Respectfully submitted,


George T. Mahan, Director
Bureau of Transportation and Safety
P.O. Box 3265
Harrisburg, PA 17105-3265

NOV 28 PM 2:53
RECEIVED
SECRETARY'S BUREAU

DOCUMENT
FOLDER

DOCKETED

NOV 29 2000

VERIFICATION

I, George T. Mahan, 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 19 Pa. C.S. §4904 relating to un-sworn falsification to authorities.


George T. Mahan

Date: 11-28-00

NOTICE TO PLEAD

A. You must file an answer within twenty (20) days of the date of service of the complaint. The date of service is the mailing date at the top of the Secretarial cover letter for this complaint and notice to plead. 52 PA Code §1.56(a). The answer must raise all factual and legal arguments that you wish to claim in your defense and must include the docket number of this complaint. Your answer must be verified and the original and two (2) copies sent to:

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

Insurance Unit (717) 787-1227

B. If you fail to answer this complaint with twenty (20) days of the date of service as identified in Paragraph A above, the Bureau of Transportation and Safety will request the Secretary to revoke the certificate of public convenience; contract carrier permit; or brokerage license.

C. In lieu of an answer, you may elect not to contest this complaint by causing insurer to file proper evidence of current insurance (Form E for bodily injury and property damage liability or Form H for cargo 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. Upon receipt of the proof of insurance from your insurer, the complaint proceeding shall be closed. ACCORD certificates of insurance are unacceptable as evidence of insurance.

D. If you fail to file an answer which either admits or fails to deny the allegations of the complaint, the Bureau of Transportation and Safety will request the Secretary to sustain the complaint and cancel the certificate of public convenience; contract carrier permit; or brokerage license.

E. If you file an answer which contests the complaint, the matter will be assigned to the Office of Administrative Law Judge for hearing and decision.

F. Alternative formats of this material are available, for persons with disabilities, by contacting the Insurance/Filing Unit at (717) 783-5933.

COPY

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

IN REPLY PLEASE REFER
TO OUR FILE
A-00114891C0001

Date of Service: NOVEMBER 29, 2000

BENJAMIN E BEICHNER T/D/B/A BEICHNER LUMBER CO
R.D. #1 BOX 100-B
SHIPPENVILLE PA 16254

PENNSYLVANIA PUBLIC UTILITY COMMISSION, BUREAU OF
TRANSPORTATION AND SAFETY

v.

BENJAMIN E BEICHNER T/D/B/A BEICHNER LUMBER CO

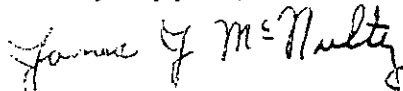
Dear Sir/Madam:

This is to advise that the attached complaint has been filed against you by the Prosecutory Staff of the Bureau of Transportation and Safety.

Detailed instructions on how to proceed are contained in the **NOTICE TO PLEAD**. You are advised to read them carefully.

If you have any questions, contact the complainant at the telephone number shown on the complaint.

Very truly yours,



James J. McNulty
Secretary

Attachment

TCF

DOCUMENT
FOLDER

DOCKETED
NOV 29 2000