

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: DEITRICH : 7. DATE FILED: 12/06/02
 8. DOCKET NO: A-00115638C0201 : 9. EFFECTIVE DATE: 00/00/00

PARTY/COMPLAINANT: TRANSPORTATION & SAFETY, BUREAU OF

RESPONDENT/APPLICANT: AMERICAN FREIGHTWAYS, INC.

COMP/APP COUNTY:

UTILITY CODE: 703596

ALLEGATION OR SUBJECT

FAILED TO MAINTAIN EVIDENCE OF BODILY INJURY AND PROPERTY DAMAGE LIABILITY INSURANCE AND CARGO INSURANCE.

DOCUMENT
FOLDER

DOCKETED
DEC 16 2002

BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION

ORIGINAL

PENNSYLVANIA PUBLIC UTILITY
COMMISSION, BUREAU OF TRANSPORTATION
AND SAFETY

v.

DOCKET NO. A-00115638C02 01

American Freightways, Inc.

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 American Freightways, Inc., respondent, maintains a principal place of business at PO Box 840, Harrison, AR 72602.
2. That respondent was issued a Certificate of Public Convenience by this Commission on February 25, 1999, at Application Docket No. A-00115638.
3. That respondent has failed to maintain evidence of bodily injury and property damage liability insurance and cargo 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 days of the date of service of this Complaint, the Bureau of Transportation and Safety Prosecutory Staff hereby requests that the Commission issue a Secretarial Letter which (1) cancels the Certificate of Public Convenience held by respondent at Docket No. A-00115638, 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,

Michael E. Hoffman

Michael E. Hoffman, Director
Bureau of Transportation and Safety
P.O. Box 3265
Harrisburg, PA 17105-3265

DOCUMENT

SECRETARIAL LETTERS
FOLDER

DOCKETED
2002 DEC 16
DEC 16 2002

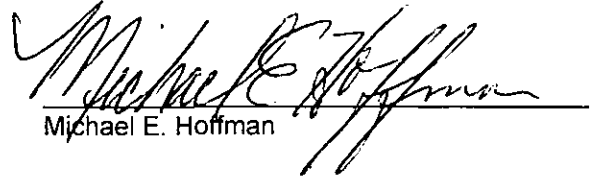
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VERIFICATION

I, Michael E. Hoffman, 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: 12/6/02


Michael E. Hoffman

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 of the date of service, the Bureau of Transportation and Safety will request that the Commission issue a Secretarial Letter 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 days of the date of service of this Complaint. 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 evidence of insurance from your insurer, the complaint proceeding shall be closed. **ACORD CERTIFICATES OF INSURANCE 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 enter an order imposing a penalty (see Paragraph B). 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 Insurance/Filing Unit at (717) 783-5933.

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

IN REPLY PLEASE REFER
TO OUR FILE
A-00115638C0201

Date of Service: DECEMBER 17, 2002

AMERICAN FREIGHTWAYS, INC.
PO BOX 840
HARRISON AR 72602

PENNSYLVANIA PUBLIC UTILITY COMMISSION, BUREAU OF
TRANSPORTATION AND SAFETY
v.
AMERICAN FREIGHTWAYS, INC.

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.

DOCUMENT
FOLDER

Very truly yours,
James J. McNulty

James J. McNulty
Secretary

DOCKETED
DEC 16 2002

Attachment

jih