

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: 06/17/04
8. DOCKET NO: A-00116497C0401	:	9. EFFECTIVE DATE: 00/00/00

PARTY/COMPLAINANT: TRANSPORTATION & SAFETY, BUREAU OF

RESPONDENT/APPLICANT: WALK, GARY C., JR.

COMP/APP COUNTY:

UTILITY CODE: 704152

ALLEGATION OR SUBJECT

TAS COMPLAINT VS. GARY C. WALK, JR. T/A WALKS MOVING FOR VARIOUS VIOLATIONS.

DOCUMENT
FOLDER

DOCKETED
JUN 18 2004

ORIGINAL

BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION JUN 17 AM 9:20

PENNSYLVANIA PUBLIC UTILITY
COMMISSION, BUREAU OF TRANSPORTATION
AND SAFETY

SECRETARY'S BUREAU

v.

DOCKET NO. A-00116497C 0401

GARY C WALK JR T/A WALKS MOVING
5812 AVONDALE AVENUE
ALTOONA PA 16601

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 Gary C. Walk, Jr., t/a Walk's Moving, respondent, maintains its principal place of business at 5812 Avondale Avenue, Altoona, Pennsylvania 16601.

2. That respondent was issued a certificate of public convenience by this Commission for property authority on April 5, 2000, at Application Docket No. A-00116497, F. 2. Respondent applied for household goods authority at Application Docket No. A-00116497, F. 1 on January 18, 2000, however said application was withdrawn on April 24, 2000. On the dates of the violations alleged in this complaint, respondent did not hold household goods authority.

3. That respondent advertised in the 2002-2003 Blair County Directory for the transportation of household goods without holding a certificate of public convenience authorizing such service. Penalty is \$250.00.

4. That respondent, on November 19, 2003, transported household goods for C. Robert Kauffman from 1605 Timberline Drive, Altoona, Pennsylvania to 559 52nd Street, Altoona, Pennsylvania, for \$350.00 compensation.

5. That respondent, on December 5, 2003, transported household goods for Paula J. Lafferty from 901 Bryant Avenue, Altoona, Pennsylvania to 1605 Timberline Drive, Altoona, Pennsylvania, for \$300.00 compensation.

6. That respondent, on February 23, 2004, at approximately 1:00 p.m., at 5812 Avondale Avenue, Altoona, Blair County, Pennsylvania, permitted a certain 1999 GMC truck, bearing Pennsylvania License No. YLC2909, Vehicle Identification No. JBDB4B150X7014466, to be operated.

7. That the vehicle described in Paragraph 6 of this complaint was inspected by Enforcement Officer Patrick Wilkinson, a duly authorized officer of this Commission, on the date and at the place specified in Paragraph 6 and the following violation was disclosed:

- (a) No PUC markings right or left side.

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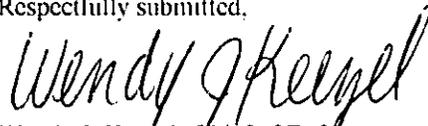
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JUN 18 2004

8. That respondent, by performing the acts described in Paragraphs 3, 4 and 5 of this complaint, violated 66 Pa. C.S. §1102(a)(1)(i), in that respondent advertised and held itself out to transport, and in fact, did provide transportation of household goods for compensation between points in this Commonwealth of Pennsylvania of a different nature than authorized by this Commission. The penalty is \$250.00 for each violation for a total of \$750.00.

9. That respondent, by failing to have the proper name or registered insignia and the proper number of the certificate of public convenience identification markings on each side of the vehicle, violated 52 Pa. Code §31.33(b). The penalty is \$50.00.

WHEREFORE, the Bureau of Transportation and Safety Prosecutory Staff hereby requests that the Commission fine Gary C. Walk, Jr., t/a Walk's Moving, the sum of eight hundred dollars (\$800.00) 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: 6-16-04


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. The penalty could include a fine, the suspension or revocation of your certificate of public convenience or other remedy.

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 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 receipt of your payment, the complaint 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 (see 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 optional fine set forth in C, above.

F. Alternative formats of this material are available, for persons with disabilities, by contacting the Technical Unit at (717) 783-5945.

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

Date of Service: JUNE 21, 2004
Docket Number: A-00116497C0401

GARY C. WALK, JR. T/A WALKS MOVING
5812 AVONDALE AVENUE
ALTOONA PA 16601

Pennsylvania Public Utility Commission Bureau of Transportation and Safety
v.
GARY C. WALK, JR. T/A WALKS MOVING

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.

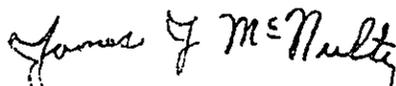
Pursuant to this delegated authority and Section 701 of the Public Utility Code, the Bureau of Transportation and Safety Prosecutory Staff has filed the attached complaint against you.

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.

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Very truly yours,



James J. McNulty
Secretary

DOCKETED
JUN 18 2004

PENNSYLVANIA PUBLIC UTILITY COMMISSION

RECEIPT

The addressee named here has paid the PA P.U.C. for the following bill:

GARY C. WALK, JR.
WALKS MOVING
5812 AVONDALE AVENUE
ALTOONA, PA 16601

DATE 7/22/2004
RECEIPT # 183166

PUC VS. GARY C. WALK, JR.

Fine for the violation of Pa Public Utility Law

Docket Number A-00116497C0401..... \$800.00

REVENUE ACCOUNT: 001420-017000-101

CHECK NUMBER: FCB MO 357416

CHECK AMOUNT: \$ 800.00

Stephen Reed
(for Department of Revenue)

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FOLDER

DOCKETED
JUL 26 2004

RJP