



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

August 12, 2016

**VIA ELECTRONIC FILING**

Rosemary Chiavetta, Secretary  
Pennsylvania Public Utility Commission  
P.O. Box 3265  
Harrisburg, PA 17105-3265

Re: Pennsylvania Public Utility Commission, Bureau of Investigation  
and Enforcement v. Shawn Cab, Inc. t/a Delaware County Cab  
Company  
Docket No. C-2016-2543426

Dear Secretary Chiavetta:

Enclosed for electronic filing please find the Bureau of Investigation and Enforcement's Motion for Default Judgment in the above-referenced proceeding. Copies have been served on the parties of record in accordance with the Certificate of Service.

Should you have any questions, please do not hesitate to contact me.

Sincerely,

A handwritten signature in blue ink, appearing to read "S.M. Wimer".

Stephanie M. Wimer  
Prosecutor  
PA Attorney ID No. 207522

Prosecutor for the Bureau of  
Investigation and Enforcement

Enclosures

cc: As per Certificate of Service





6. On May 25, 2016, the Complaint served by first class mail was returned to the Commission.

7. I&E published the Complaint in the *Pennsylvania Bulletin* on July 16, 2016 pursuant to the Commission's regulation at 52 Pa. Code § 1.53(e) (relating to alternative service). *See* 46 Pa. Bull. 3903 (July 16, 2016).

8. Included with the Complaint was a Notice advising Respondent that it must file an Answer within twenty (20) days.

9. The Notice also advised Respondent that if it failed to answer the Complaint, I&E would request that the Commission issue an Order imposing the penalty set forth in the Complaint.

10. Respondent did not file an Answer to the Complaint.

11. Pursuant to Section 5.61(c) of the Commission's regulations, a Respondent who fails to file an Answer to a Complaint within the 20-day response period may be deemed in default, and the relevant facts stated in the Complaint may be deemed admitted. 52 Pa. Code § 5.61(c).

12. The Commonwealth Court has upheld the Commission's authority to sustain complaints that are not answered within twenty days. *See Fusaro v. Pa. PUC*, 382 A.2d 794, 797 (Pa. Cmwlth. 1978).

13. Respondent did not pay the outstanding assessment balance of \$233 for the July 1, 2015 to June 30, 2016 Fiscal Year (2015-2016 Fiscal Year) or the civil penalty of \$35 that was sought in the Complaint for Respondent's failure to timely pay the assessment.

14. I&E respectfully requests that the Commission enter a Default Order against Respondent that:

- a. Directs Respondent to pay its outstanding assessment of \$233 for the 2015-2016 Fiscal Year and the requested civil penalty of \$35 within thirty (30) days of the entry date of the Commission's Order;
- b. Directs the Bureau of Technical Utility Services to cancel Respondent's Certificate of Public Convenience at A-00116498 if the outstanding assessment and civil penalty set forth in subparagraph (a), above, for a total of \$268 is not paid within thirty (30) days of the entry date of the Commission's Order;

- c. Notifies Respondent that a copy of this Order will be sent to the Pennsylvania Department of Transportation for the suspension or revocation of vehicle registrations that were used under Respondent's operating authority if the outstanding assessment and civil penalty is not paid within thirty (30) days of the entry date of the Commission's Order; and
- d. Directs the Bureau of Administrative Services, Assessment Section, to refer the matter to the Pennsylvania Office of Attorney General for collection of the outstanding assessment and civil penalty set forth in subparagraph (a), above, for a total of \$268, if that total is not paid within thirty (30) days of the entry date of the Commission's Order.

Respectfully submitted,



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Stephanie Wimer  
Prosecutor  
PA Attorney ID No. 207522

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Date: August 12, 2016



