



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

August 25, 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. Richard Powell  
Docket No. C-2016-2547758

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 "K. Myers", with a long horizontal flourish extending to the right.

Kourtney L. Myers  
Prosecutor  
PA Attorney ID No. 316494

Prosecutor for the Bureau of  
Investigation and Enforcement

Enclosures

cc: As per Certificate of Service

**BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Pennsylvania Public Utility Commission,  
Bureau of Investigation and Enforcement,  
Complainant

v.

Richard Powell,  
Respondent

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Docket No. C-2016-2547758

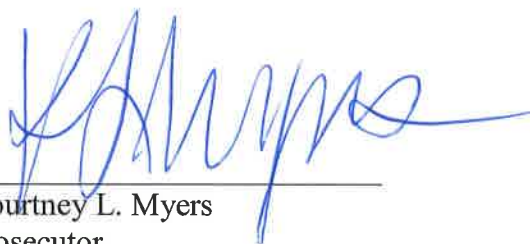
**NOTICE TO PLEAD**

The Bureau of Investigation and Enforcement (I&E) of the Pennsylvania Public Utility Commission (Commission) has filed a Motion for Default Judgment in the above-captioned matter, pursuant to the Commission's regulations at 52 Pa. Code § 5.103. You are hereby notified to file a written response within twenty (20) days of the service of the Motion, consistent with 52 Pa. Code § 5.61.

Your Answer must be verified, pursuant to 52 Pa. Code § 1.36, and the original sent to:

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

Additionally, you must serve a copy on the undersigned prosecutor.



Kourtney L. Myers  
Prosecutor  
PA Attorney ID No. 316494

Bureau of Investigation and Enforcement  
Pennsylvania Public Utility Commission  
P.O. Box 3265  
Harrisburg, PA 17105-3265  
(717) 705-4366  
komyers@pa.gov

Dated: August 25, 2016

**BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Pennsylvania Public Utility Commission, Bureau of Investigation and Enforcement, Complainant	: : : : : : : : : : :	
v.		Docket No. C-2016-2547758
Richard Powell, Respondent		

**MOTION FOR DEFAULT JUDGMENT**

NOW COMES the Pennsylvania Public Utility Commission’s (Commission) Bureau of Investigation and Enforcement (I&E), by its prosecuting attorneys, and files this Motion for Default Judgment against Richard Powell (Respondent) pursuant to Section 5.103 of the Commission’s regulations, 52 Pa. Code § 5.103. In support thereof, I&E respectfully represents as follows:

1. I&E commenced this action on May 27, 2016 by filing a Complaint.
2. On May 31, 2016, the Complaint was served by certified mail to Respondent at 363 Baker Avenue, Clairton, PA 15025.
3. Attached to the Complaint was a Notice advising Respondent that he must file an Answer within twenty (20) days of service of the Complaint.
4. The Notice also advised Respondent that if he failed to answer the Complaint, I&E would request that the Commission issue an Order imposing the penalty set forth in the Complaint.
5. On June 2, 2016, Respondent received the Complaint. A true and correct copy of proof of delivery of the Complaint is attached as Exhibit 1.
6. The twenty (20) days to file an Answer to the Complaint expired on June 20, 2016.

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

8. 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).

9. 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).

10. Respondent did not pay the outstanding assessment balance of \$824 for the July 1, 2015 to June 30, 2016 Fiscal Year (2015-2016 Fiscal Year) or the civil penalty of \$1,124 that was sought in the Complaint for Respondent's failure to timely pay the assessment and file an assessment report demonstrating revenues earned during the 2014 calendar year.

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

- a. Directs Respondent to pay his outstanding assessment of \$824 for the 2015-2016 Fiscal Year and the requested civil penalty of \$1,124 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-00122669 if the outstanding assessment and civil penalty set forth in subparagraph (a), above, for a total of \$1,948, if that total 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 are 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 \$1,948, 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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Kourtney L. Myers  
Prosecutor  
PA Attorney ID No. 316494

Pennsylvania Public Utility Commission  
Bureau of Investigation and Enforcement  
P.O. Box 3265  
Harrisburg, PA 17105-3265  
(717) 705-4366  
[komyers@pa.gov](mailto:komyers@pa.gov)

Date: August 25, 2016

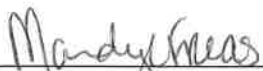
**BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Pennsylvania Public Utility Commission, Bureau of Investigation and Enforcement, Complainant	: : : : : : : : : : :	
v.		Docket No. C-2016-2547758
Richard Powell, Respondent		

**VERIFICATION**

I, Mandy Freas, Accountant, Bureau of Administrative Services, Assessment Section, 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 the Bureau will 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: August 25, 2016

  
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Mandy Freas, Accountant  
Assessment Section  
Bureau of Administrative Services  
Pennsylvania Public Utility Commission  
P.O. Box 3265  
Harrisburg, PA 17105-3265

# **EXHIBIT 1**

English

Customer Service

USPS Mobile

Register / Sign In



# USPS Tracking®



**Customer Service ›**  
Have questions? We're here to help.



**Get Easy Tracking Updates ›**  
Sign up for My USPS.

**Tracking Number:** 9171969009350106938129

**Expected Delivery Day:** Thursday, June 2, 2016

## Product & Tracking Information

**Postal Product:**  
First-Class Mail®

**Features:**  
Certified Mail™

## Available Actions

Return Receipt Electronic

DATE & TIME	STATUS OF ITEM	LOCATION
June 2, 2016 , 3:24 pm	Delivered, Left with Individual	CLAIRTON, PA 15025
Your item was delivered to an individual at the address at 3:24 pm on June 2, 2016 in CLAIRTON, PA 15025.		
June 1, 2016 , 8:43 pm	Departed USPS Facility	PITTSBURGH, PA 15290
June 1, 2016 , 12:10 pm	Arrived at USPS Destination Facility	PITTSBURGH, PA 15290
June 1, 2016 , 4:56 am	Departed USPS Facility	HARRISBURG, PA 17107
May 31, 2016 , 8:25 pm	Arrived at USPS Origin Facility	HARRISBURG, PA 17107
May 31, 2016 , 7:10 pm	Accepted at USPS Origin Facility	HARRISBURG, PA 17120
May 31, 2016	Pre-Shipment Info Sent to USPS	

## Track Another Package

Tracking (or receipt) number

Track It

## Manage Incoming Packages

Track all your packages from a dashboard.  
No tracking numbers necessary.



Sign up for My USPS ›



Pennsylvania Public Utility Commission,  
Bureau of Investigation and Enforcement,  
Complainant

v.

Richard Powell,  
Respondent


Docket No. C-2016-2547758

### CERTIFICATE OF SERVICE

I hereby certify that I have this day served a true copy of the foregoing document upon the parties, listed below, in accordance with the requirements of 52 Pa. Code § 1.54 (relating to service by a party).

Notification by First Class Mail:

Richard Powell  
363 Baker Avenue  
Clairton, PA 15025



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Kourtney L. Myers  
Prosecutor  
PA Attorney ID No. 316494

Pennsylvania Public Utility Commission  
Bureau of Investigation and Enforcement  
P.O. Box 3265  
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Dated: August 25, 2016