

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: RUDY : 7. DATE FILED: 11/01/02
 8. DOCKET NO: A-00117433C0201 : 9. EFFECTIVE DATE: 00/00/00

PARTY/COMPLAINANT: BUREAU OF TRANSPORTATION & SAFETY

RESPONDENT/APPLICANT: LANDIS, D.A., TRUCKING, INC.

COMP/APP COUNTY:

UTILITY CODE: 704759

ALLEGATION OR SUBJECT

TAS COMPLAINT AGAINST D A LANDIS TRUCKING INC FOR VARIOUS VIOLATIONS.

DOCKETED
DEC 16 2002

DOCUMENT
FOLDER

RECEIVED

BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION

2002 NOV -1 PM 3: 30

PENNSYLVANIA PUBLIC UTILITY
COMMISSION, BUREAU OF TRANSPORTATION
AND SAFETY

SECRETARY'S BUREAU

v.

DOCKET NO. A-00117433C0201

D A LANDIS TRUCKING INC
202 GREENFIELD ROAD
LANCASTER PA 17601

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 D. A. Landis Trucking, Inc., respondent, maintains its principal place of business at 202 Greenfield Road, Lancaster, Pennsylvania 17601.

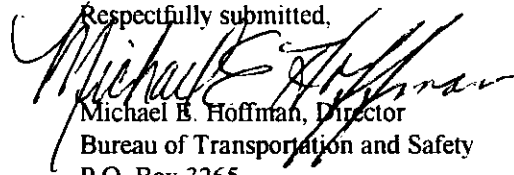
2. That, on December 4, 2000, respondent filed an application for property authority with the Commission. The application was dismissed for non-compliance on April 30, 2001. That, on the date of the violation alleged in this complaint, respondent did not hold a certificate of public convenience issued by this Commission.

3. That respondent, on August 17, 2002, at approximately 9:11 a.m., at Route 422, Wernersville, Berks County, Pennsylvania, permitted a certain 1996 Mack truck-trailer bearing Pennsylvania License No. AE79525, Vehicle Identification No. 1M1AD62Y3T1000358, to be operated. At that time, Enforcement Officer Donald L. Sheetz found said vehicle to be transporting lumber from Seven D Wholesale of PA, LP, Wernersville, Berks County, Pennsylvania to DMI Home Supply, 2540 Haverford Road, Ardmore, Delaware County, Pennsylvania, for compensation.

4. That respondent, in performing the act described in Paragraph 3 of this complaint, violated the Public Utility Code, 66 Pa. C.S. §1101, in that respondent transported property for compensation between points in the Commonwealth of Pennsylvania while not then holding a certificate of public convenience issued by this Commission. The penalty is \$500.00.

WHEREFORE, the Bureau of Transportation and Safety Prosecutory Staff hereby requests that the Commission fine D. A. Landis Trucking, Inc., the sum of five hundred dollars (\$500.00) for the illegal activity described in this complaint and order such other remedy as the Commission may deem to be appropriate.

Respectfully submitted,



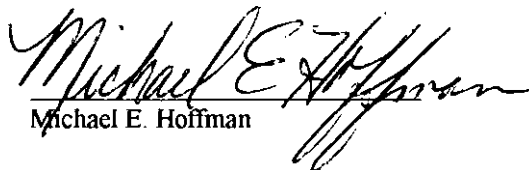
Michael B. Hoffman, Director
Bureau of Transportation and Safety
P.O. Box 3265
Harrisburg, PA 17105-3265

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:

10/31/02


Michael E. Hoffman

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. In such case, the Bureau of Transportation and Safety will request that the Commission direct the Department of Transportation, pursuant to the Vehicle Code, 75 Pa. C.S. §1375, to suspend the registration of any vehicle(s) involved in the alleged violations.

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. In such case, to prevent the suspension of your vehicle registration(s), you must file an affidavit or notarized letter, within twenty (20) days, stating that you now understand the Public Utility Commission's rules and regulations and that you will not willfully commit any violations in the future. Your response should be directed to the Technical Review Division, Bureau of Transportation and Safety, P.O. Box 3265, Harrisburg, PA 17105-3265. If no affidavit or notarized letter is received within the twenty (20) day time period, the Bureau of Transportation will proceed with the request for suspension of your vehicle registration(s).

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: DECEMBER 16, 2002
Docket Number: A-00117433C0201

D A LANDIS TRUCKING INC
202 GREENFIELD ROAD
LANCASTER PA 17601

**Pennsylvania Public Utility Commission Bureau of Transportation and Safety
v.
D A LANDIS TRUCKING INC**

Dear Sir/Madam:

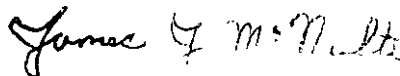
The Pennsylvania Public Utility Commission has delegated its authority to initiate prosecutory proceedings to several bureaus in the Commission with enforcement responsibilities.

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.

Very truly yours,



James J. McNulty
Secretary

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