



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

ORIGINAL

IN REPLY PLEASE
REFER TO OUR FILE

July 22, 2003

BTL

James J. McNulty, Jr., Secretary
Pennsylvania Public Utility Commission
P.O. Box 3265
Harrisburg, PA 17105-3265

Re: D.A. Landis Trucking, Inc. v. Pennsylvania Public Utility
Commission Bureau of Transportation and Safety
No. A-00117433C0201

Dear Mr. McNulty:

Enclosed for filing is the Entry of Appearance for the Bureau of Transportation and Safety of the Pennsylvania Public Utility Commission in the above-referenced case. Copies have been served on the parties of record in accordance with the Certificate of Service.

Sincerely,

W. Blair Hopkin
Assistant Counsel
Attorney ID No. 88457

DOCUMENT
FOLDER

WBH/rgb

Enclosure

cc: As per Certificate of Service
Robert J. Longwell, DCC
Tim Zeigler
Michael E. Hoffman

SECRETARY'S BUREAU

13 Jul 03 PM 1:23

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ORIGINAL

BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION

D.A. Landis Trucking, Inc. :
 :
 :
 v. : No. A-00117433C0201
 :
 Pennsylvania Public Utility Commission :
 Bureau of Transportation and Safety :
 :
 :

ENTRY OF APPEARANCE

Please enter my appearance as counsel for the Bureau of Transportation and Safety of the Pennsylvania Public Utility Commission.


All service on and communications to the Bureau of Transportation and Safety in this proceeding should be addressed to:

W. Blair Hopkin
Assistant Counsel
Pennsylvania Public Utility Commission
PO Box 3265
Harrisburg, PA 17105-3265
Phone: 717-787-5000

DOCKETED

JUL 25 2003

DOCUMENT
FOLDER


W. Blair Hopkin
Assistant Counsel
Attorney ID #88457

P.O. Box 3265
Harrisburg, PA 17105-3265
Phone: 717-787-5000

Dated: July 22, 2003

SECRETARY'S BUREAU

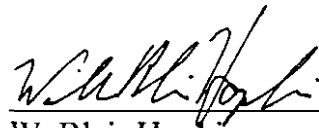
JUL 29 11:23

CERTIFICATE OF SERVICE

I hereby certify that I am this day serving the foregoing document, Entry of Appearance for the Bureau of Transportation and Safety of the Pennsylvania Public Utility Commission, upon the persons listed and in the manner indicated below:

Service by First Class Mail:

D.A. Landis Trucking, Inc.
202 Greenfield Road
Lancaster, PA 17601



W. Blair Hopkin
Assistant Counsel
Attorney ID No. 88457
Pennsylvania Public Utility Commission

P.O. Box 3265
Harrisburg, PA 17105-3265
(717) 787-5000

Dated: July 22, 2003

03 JUL 22 P1 1:23
SECRETARY'S BUREAU



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

ORIGINAL
IN REPLY PLEASE REFER TO OUR FILE

2003.0188.00

September 16, 2003

RECEIVED

SEP 16 2003

PA PUBLIC UTILITY COMMISSION
SECRETARY'S BUREAU

Mr. James J. McNulty, Secretary
Pennsylvania Public Utility Commission
2nd Floor, 400 North Street
P.O. Box 3265
Harrisburg, Pennsylvania 17105-3265

Re: Pennsylvania Pub. Util. Comm'n v. D.A. Landis Trucking, Inc.,
Docket No. A-00117433C0201

Dear Secretary McNulty:

Enclosed for filing please find an original and three copies of the Prosecution's Preliminary Motion in the above referenced case. I am sending copies of the enclosed filing to those persons listed on the attached Certificate of Service, as well as the Office of Administrative Law Judge.

Please contact me at (717) 787-5000, or at the address listed above, if you have any questions. Thank you for your attention to this matter.

Sincerely,

W. Blair Hopkin
Prosecutory Staff

Enclosure

cc: Robert Longwell, Deputy Chief Counsel
Timothy Ziegler, Transportation & Safety

DOCUMENT
FOLDER

RJP

/6

[Landis], within twenty (20) days from the date of the service of this letter, shall pay a fine of five hundred dollars (\$500.00) by certified check or money order payable to the Pennsylvania Public Utility Commission, at P.O. Box 3265, Harrisburg, PA 17105-3265, [and] as provided in the Public Utility Code, 66 Pa. C.S. §§3301, 3315, shall cease and desist from further violations of the Public Utility Code, 66 Pa. C.S. §§101, *et. seq.*, and the Regulations of this Commission, 52 Pa. Code §§1.1, *et. seq.*

Landis did not pay the \$500.00 as required by clear terms of the letter and the law.

4. Over a month after Landis received the default order, the Commission received what purported to be an answer on June 13, 2003.

5. Because a valid answer was required to be filed on or about January 6, 2003, and Landis filed an invalid answer approximately 6 months out of time on June 13, 2003, the answer should be stricken.

II. Landis is a corporation, and the purported answer was not submitted by an attorney.

6. The proceeding *sub judice* is an adversarial proceeding.

7. Landis is a corporation.

8. Pursuant to 52 Pa. Code §1.21, corporations must be represented by attorneys. *See Application of A.V.W., Inc.*, Docket No. A-210005F0002, 1995 Pa. PUC LEXIS 78 (September 21, 1995); *Lloyd-Silber Orthopedics v. The United Tel. Co. of Pa.*, Docket No. C-913487, 1991 Pa. PUC LEXIS 191 (November 12, 1991).

9. The purported answer dated June 11, 2003, was not submitted by an attorney, as required. *Id.*

10. Therefore, the letter dated June 11, 2003, is not a valid answer and should be stricken.

III. The answer is insufficient as to form.

11. Pursuant to 52 Pa. Code §5.61(b), the answer shall include, *inter alia*, paragraphs numbered to correspond to the complaint, and admissions or specific denials of all material allegations of the complaint.


12. Pursuant to 52 Pa. Code §1.36, an answer must contain a verification when it contains an averment of fact not appearing of record or containing a denial of fact.

13. Landis' answer does not include the elements referenced above, therefore the answer should be stricken.

For the foregoing reasons, the Prosecution respectfully requests that your Honor strike the answer from the record.

Dated: 9/16/03

Respectfully submitted,


W. Blair Hopkin, Prosecutor

Robert Longwell, Deputy Chief Counsel

Law Bureau Prosecutory Staff
Pennsylvania Public Utility Commission
P.O. Box 3265
Harrisburg, PA 17105-3265
Phone: (717) 787-5000

RECEIVED

SEP 16 2003


PA PUBLIC UTILITY COMMISSION
SECRETARY'S BUREAU

CERTIFICATE OF SERVICE

I hereby certify that I am this day serving the foregoing document, Prosecution's Preliminary Motion, upon the persons listed and in the manner indicated below:

Service by First Class Mail:

D.A. Landis Trucking, Inc.
202 Greenfield Road
Lancaster, PA 17601



W. Blair Hopkin
Assistant Counsel
Attorney ID No. 88457
Pennsylvania Public Utility Commission

P.O. Box 3265
Harrisburg, PA 17105-3265
(717) 787-5000

Dated: September 16, 2003

RECEIVED

SEP 16 2003

PA PUBLIC UTILITY COMMISSION
SECRETARY'S BUREAU

DATE: October 23, 2003

ORIGINAL

SUBJECT: Complaint on Commission Motion
Docket No. A-00117433C0201

TO: Wilma Stabley, Secretary's Bureau, New Filing

DOCKETED

FROM: W. Blair Hopkin, Assistant Counsel, Law Bureau

OCT 29 2003

I am the attorney prosecuting the above referenced case on behalf of the Bureau of Transportation and Safety. The Respondent, D.A. Landis Trucking, Inc., filed an answer which raises material issues of law and/or fact, and the Prosecution filed a motion to strike respondent's answer. Therefore, this case should be reassigned immediately to the Office of Administrative Law Judge in order to allow an Administrative Law Judge to rule on the Prosecution's motion. The full name of the case in which this motion must be decided is:

Pennsylvania Public Utility Commission, Bureau of Transportation and Safety v. D.A. Landis Trucking, Inc.
Docket No. A-00117433C0201

Additionally, please note that the unopposed motion to strike respondent's answer was filed on September 16, 2003.

Please feel free to contact me if you have any questions or need additional information. Thank you for your attention to this matter.

cc: Robert Longwell, Deputy Chief Counsel
Robert J. Christianson, Chief Administrative Law Judge

DOCUMENT

RJP

RECEIVED
03 OCT 22 AM 9:05
P.A. P.U.C.
SECRETARY'S BUREAU

COMMONWEALTH OF PENNSYLVANIA

DATE: October 29, 2003
SUBJECT: A-00117433C0201
TO: Office of Administrative Law Judge
FROM: James J. McNulty, Secretary *J.J.*

DOCKETED
OCT 29 2003

Pennsylvania Public Utility Commission
Bureau of Transportation and Safety

v.

D. A. Landis Trucking, Inc.

DOCUMENT

Per memo dated October 23, 2003, from
W. Blair Hopkin, Assistant Counsel, Law Bureau,
the above docketed proceeding is being reassigned
to your Office for appropriate action.

was

pc: LAW

RJP

ORIGINAL

D.A. Landis Trucking, Inc
2 Greenfield Rd.
Lancaster, PA 17601

Phone: (717) 509-5584
Fax: (717) 509-4796

Purchase Order

P.O. Number	Date	Page
29495	Oct 29, 2003	1 of 1

Vendor:

Pennsylvania Public Utility Comm
P.O. Box 3265
Harrisburg, PA 17105

Phone:

Ship To

D.A. Landis Trucking, Inc
202 Greenfield Rd.
Lancaster, PA 17601

Account Number		Purchasing Agent		Ship Via	
		ADMINISTRATOR			
Vendor ID	Terms	Description			
PUC	Net 30 days	A-00117433C0201			
Quantity	Vendor Part No.	Description	Inventory ID	Unit Price	Extended
				750.00 500.00	
<i>fine is paid</i>					
DOCKETED FEB 12 2004 DOCUMENT				SECRETARY'S BUREAU	09 DEC -5 AM 10:53
Thank You!				Subtotal	0.00
				Freight	
				Sales Tax	
				TOTAL	0.00

A-00117433C0201 Pennsylvania Public Utility Commission,
Bureau of Transportation & Safety

v.

D. A. Landis Trucking, Inc.

W BLAIR HOPKIN ESQUIRE
PA PUBLIC UTILITY COMMISSION
LAW BUREAU
PO BOX 3265
HARRISBURG PA 17105-3265

CINDY LANDIS
D A LANDIS TRUCKING INC
202 GRENFIELD ROAD
LANCASTER PA 17601

PENNSYLVANIA PUBLIC UTILITY COMMISSION

RECEIPT

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

D.A. LANDIS TRUCKING, INC.
11 BUDVIEW DRIVE
WILLOW STREET, PA 17584

DATE 10/31/20
RECEIPT # 182963

PUC VS. D.A. LANDIS TRUCKING, INC

Fine for the violation of Pa Public Utility Law

In re: TOTAL AMOUNT OF CHECK IS \$1250.00 AND INCLUDES A FINE AT C0301 ON A SEPARATE RECEIPT

Docket Number A-00117433C0201..... \$500.00

REVENUE ACCOUNT: 001420-017000-101

CHECK NUMBER: 29500
CHECK AMOUNT: \$ 500.00

C. Joseph Meisinger
(for Department of Revenue)

DOCUMENT
FOLDER

DOCKETED
NOV 10 2003



**COMMONWEALTH OF PENNSYLVANIA
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Office Of Administrative Law Judge
P.O. Box 3265, Harrisburg, PA 17105-3265

IN REPLY PLEASE
REFER TO OUR FILE

November 5, 2003

In Re: **A-00117433C0201**

(See attached list)

**Pennsylvania Public Utility Commission,
Bureau of Transportation & Safety**

v.

D. A. Landis Trucking, Inc.

Various violations.

Hearing Notice

This is to inform you that a hearing on the above-captioned case will be held as follows:

Type: Prehearing Conference into an Initial Hearing

Date: Wednesday, February 4, 2004

Time: 10:00 a.m.

Location: Hearing Room 2
Plaza Level
Commonwealth Keystone Building
400 North Street
Harrisburg, Pennsylvania

Presiding: Administrative Law Judge Susan D. Colwell
P.O. Box 3265
Harrisburg, PA 17105-3265
Telephone: (717) 783-5452
Fax: (717) 787-0481

DOCKETED
NOV 20 2003

Attention: You may lose the case if you do not come to this hearing and present facts on the issues raised.

If you intend to file exhibits, 2 copies of all hearing exhibits to be presented into evidence must be submitted to the reporter. An additional copy must be furnished to the Presiding Officer. A copy must also be provided to each party of record.

Individuals representing themselves do not need to be represented by an attorney. All others (corporation, partnership, association, trust or governmental agency or subdivision) must be represented by an attorney. An attorney representing you should file a Notice of Appearance before the scheduled hearing date.

If you are a person with a disability, and you wish to attend the hearing, we may be able to make arrangements for your special needs. Please call the scheduling office at the Public Utility Commission:

- Scheduling Office: 717-787-1399.
- AT&T Relay Service number for persons who are deaf or hearing-impaired: 1-800-654-5988.

pc: Judge Colwell
Steve Springer, Scheduling Officer
Beth Plantz
Docket Section
Calendar File



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

IN REPLY PLEASE
REFER TO OUR FILE

November 17, 2003

A-00117433C0201

JAMES J. McNULTY SECRETARY
PENNSYLVANIA PUBLIC UTILITY COMMISSION
PO BOX 3265
HARRISBURG PA 171053265

Re: Pennsylvania Public Utility Commission
v.
Landis, D.A., Trucking, Inc.

DOCUMENT
FOLDER

Dear Secretary McNulty:

Please be advised that the Bureau of Transportation and Safety Prosecutory Staff is requesting that the complaint in the above captioned matter be closed. Respondent has answered the complaint and paid the outstanding fine.

Accordingly, the Bureau of Transportation and Safety Prosecutory Staff determines that it would not be in the public interest to continue prosecution of this matter. Therefore, we hereby request the complaint and record be closed.

It is also requested that a copy of the Secretarial letter closing the complaint and record be sent to me so that we may close our records.

Sincerely,

Sheryl A. Keyscr, Clerical Supervisor
Bureau of Transportation and Safety

03 NOV 17 PM 2:11
SECRETARY'S BUREAU

DOCKETED
DEC 17 2003



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

IN REPLY PLEASE
REFER TO OUR FILE

2003.0188.00

November 18, 2003

VIA CERTIFIED MAIL
RETURN RECEIPT REQUESTED
D.A. Landis Trucking, Inc.
202 Greenfield Road
Lancaster, Pennsylvania 17601

Re: Pennsylvania Pub. Util. Comm'n v. D.A. Landis Trucking, Inc.
Docket No. A-00117433C0201

DOCUMENT
FOLDER

Dear Sir or Madam:

Enclosed please find the Prosecution's First Set of Interrogatories served upon the respondent, D.A. Landis Trucking, Inc. Additionally, I am sending the Secretary's Bureau a copy of this cover letter to memorialize the discovery request.

Please contact me at (717) 787-5000, or at the address listed above, if you have any questions.

Thank you for your attention to this matter.

Sincerely,

W. Blair Hopkin
Prosecutory Staff

WBH/jls

Enclosure

cc: Robert Longwell, Deputy Chief Counsel
Timothy Zeigler, Transportation & Safety



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

IN REPLY PLEASE
REFER TO OUR FILE

2003.0186.00

December 3, 2003

Mr. James J. McNulty, Secretary
Pennsylvania Public Utility Commission
2nd Floor, 400 North Street
P.O. Box 3265
Harrisburg, Pennsylvania 17105-3265

DOCUMENT

Re: Pennsylvania Pub. Util. Comm'n v. D.A. Landis Trucking, Inc.
Docket No. A-00117433C0201

Dear Secretary McNulty:

Enclosed please find an original and three copies of the Prosecution's statement of satisfaction pursuant to 52 Pa. Code § 5.24 with regard to the above referenced proceeding. I am also sending additional copies to those parties listed on the certificate of service and Administrative Law Judge Susan D. Colwell.

Please contact me at (717) 787-5000, or at the address listed above, if you have any questions. Thank you for your attention to this matter.

Sincerely,

W. Blair Hopkin
Prosecutory Staff

WBH/jls

Enclosure

cc: Robert Longwell, Deputy Chief Counsel
Timothy Zeigler, Transportation & Safety

SECRETARY'S BUREAU

2003 DEC -3 PM 1:19

RECEIVED

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4. For the foregoing reasons, the Prosecution hereby declares that its complaint has been satisfied and that therefore this matter should be marked closed.

Dated: 12/3/03

Respectfully submitted,

W. Blair Hopkin
W. Blair Hopkin, Prosecutor

Robert Longwell, Deputy Chief Counsel

Law Bureau Prosecutory Staff
Pennsylvania Public Utility Commission
P.O. Box 3265
Harrisburg, PA 17105-3265
Phone: (717) 787-5000

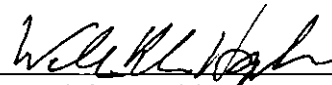
RECEIVED
2003 DEC -3 PM 1:19
SECRETARY'S BUREAU

CERTIFICATE OF SERVICE

I hereby certify that I am this day serving the foregoing document, Prosecution's Statement of Satisfaction, upon the persons listed and in the manner indicated below:

Service by First Class Mail:

D.A. Landis Trucking, Inc.
202 Greenfield Road
Lancaster, PA 17601



W. Blair Hopkin
Assistant Counsel
Attorney ID No. 88457
Pennsylvania Public Utility Commission

P.O. Box 3265
Harrisburg, PA 17105-3265
(717) 787-5000

Dated: December 3, 2003

RECEIVED
2003 DEC -3 PM 1:19
SECRETARY'S BUREAU



**COMMONWEALTH OF PENNSYLVANIA
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Office Of Administrative Law Judge
P.O. Box 3265, Harrisburg, PA 17105-3265

IN REPLY PLEASE
REFER TO OUR FILE

January 12, 2004

In Re: **A-00117433C0201**

(See letter dated 11/05/2003)

**Pennsylvania Public Utility Commission,
Bureau of Transportation & Safety**

v.

D. A. Landis Trucking, Inc.

Various violations.

Hearing Cancellation Notice

DOCUMENT

DOCKETED
FEB 04 2004

This is to inform you that the Prehearing Conference into an Initial Hearing on the above-captioned case now scheduled to be held on Wednesday, February 4, 2004 at 10:00 a.m. has been canceled.

Presiding: **Administrative Law Judge Susan D. Colwell**
P.O. Box 3265
Harrisburg, PA 17105-3265
Telephone: (717) 783-5452
Fax: (717) 787-0481

Please mark your records accordingly.

pc: Judge Colwell
Steve Springer, Scheduling Officer
Beth Plantz
Docket Section
Calendar File

RJP