

CAPTION SHEET

CASE MANAGEMENT SYSTEM

- 1. REPORT DATE: 00/00/00
- 2. BUREAU: TAS
- 3. SECTION(S):
- 5. APPROVED BY: DIRECTOR: SUPERVISOR:
- 6. PERSON IN CHARGE: FACKLER
- 8. DOCKET NO: A-00117540C0501
- 4. PUBLIC MEETING DATE: 00/00/00
- 7. DATE FILED: 05/26/05
- 9. EFFECTIVE DATE: 00/00/00

PARTY/COMPLAINANT: TRANSPORTATION & SAFETY, BUREAU OF

RESPONDENT/APPLICANT: DAVCON PACKING SERVICES, LTD.

COMP/APP COUNTY: UTILITY CODE: 704828

ALLEGATION OR SUBJECT

TAS COMPLAINT VS. DAVCON PACKING SERVICES, LTD. FOR VARIOUS VIOLATIONS.

**DOCKETED**  
MAY 26 2005

DOCUMENT  
FOLDER

ORIGINAL

DOCKETED

MAY 26 2005

RECEIVED

MAY 26 AM 9:28

PA.P.U.C. SECRETARY'S BUREAU

BEFORE THE PENNSYLVANIA PUBLIC UTILITY COMMISSION

PENNSYLVANIA PUBLIC UTILITY COMMISSION, BUREAU OF TRANSPORTATION AND SAFETY

v.

DOCKET NO. A-00117540C 0501

DAVCON PACKING SERVICES, LTD.

COMPLAINT

DOCUMENT FOR FILING

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 Davcon Packing Services, Ltd., respondent, maintains its principal place of business at 400 West Main Street, Suite 2, Ephrata, Pennsylvania 17522.

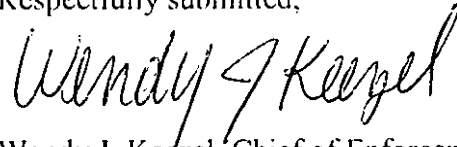
2. That, on March 29, 2001, respondent was issued a certificate of public convenience to transport property between points in Pennsylvania at A-00117540. On December 11, 2001, respondent filed an application for household goods authority with this Commission. On September 6, 2002, the application was withdrawn by the applicant. On the date of the violation alleged in this complaint, respondent did not hold authority to transport household goods in use.

3. That, on November 30, 2004, respondent transported household goods from 1747 Betz Farm Drive, Lancaster, Pennsylvania to 2590 Saddle Drive, Lancaster, Pennsylvania. On December 6, 2004, Enforcement Officer Donald L. Sheetz spoke to the company manager, David Burkholder, regarding this move. Mr. Burkholder admitted to Enforcement Officer Sheetz that this move should not have been completed because it was not within the scope of its authority.

4. That respondent, in performing the act described in Paragraph 3 of this complaint, violated the Public Utility Code, 66 Pa. C.S. §1102, in that respondent rendered service of a different nature than authorized by this Commission. The penalty is \$250.00.

WHEREFORE, the Bureau of Transportation and Safety Prosecutory Staff hereby requests that the Commission fine Davcon Packing Services, Ltd., the sum of two hundred and fifty dollars (\$250.00) 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: 5-25-05

  
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 outcome. 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.

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 **Commonwealth of Pennsylvania** and should be forwarded to:

James J. McNulty, Secretary  
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.

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 above.

F. Alternative formats of this material are available, for persons with disabilities, by contacting the Compliance Office at (717) 787-1168.

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

Date of Service: MAY 27, 2005  
Docket Number: A-00117540C0501

DAVCON PACKING SERVICES, LTD.  
400 WEST MAIN STREET, SUITE 2  
EPHRATA PA 17522

Pennsylvania Public Utility Commission Bureau of Transportation and Safety  
v.  
DAVCON PACKING SERVICES, LTD.

Dear Sir/Madam:

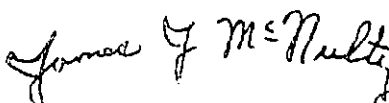
The Pennsylvania Public Utility Commission has delegated its authority to initiate prosecutory proceedings to several bureaus in the Commission with enforcement responsibilities.

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

**DOCKETED**  
MAY 26 2005  
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**PENNSYLVANIA PUBLIC UTILITY COMMISSION**

**RECEIPT**

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

DATE: 6/17/2005  
RECEIPT NO: 183368

DAVCON RELOCATION SERVICES  
400 WEST MAIN STREET SUITE 2  
EPHRATA PA 17522

PUC VS. DAVCON RELOCATION SERVICES

Fine for the violation of Pa Public Utility Law

Docket Number A-00117540C0501..... \$250.00

REVENUE ACCOUNT: 001420-017000-101

CHECK NUMBER: 3136  
CHECK AMOUNT: \$250.00

Stephen Reed  
(for Department of Revenue)

**DOCUMENT  
FOLDER**

**DOCKETED**  
JUN 22 2005

R.D.