

OALJ Hearing Report

Please Check Those Blocks Which Apply

Docket No.:	A-00117548C0601		YES	NO
Case Name:	Pennsylvania Public Utility Commission Bureau of Transportation and Safety v. TR Trucking & Excavating, Inc.	Prehearing Held:	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Location:	Pittsburgh	Hearing Held:	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Date:	February 1, 2008	Testimony Taken:	<input type="checkbox"/>	<input checked="" type="checkbox"/>
ALJ:	Fred R. Nene	Transcript Due:	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Reporting Firm:	Commonwealth Reporting	Hearing Concluded:	<input checked="" type="checkbox"/>	<input type="checkbox"/>
		Further Hearing Needed:	<input type="checkbox"/>	<input checked="" type="checkbox"/>
		Estimated Add'l Days:		
		RECORD CLOSED:	<input type="checkbox"/>	<input checked="" type="checkbox"/>
		DATE:		
		Briefs to be Filed:	<input type="checkbox"/>	<input checked="" type="checkbox"/>
		DATE:		
		Bench Decision:	<input type="checkbox"/>	<input checked="" type="checkbox"/>

**DOCUMENT RECEIVED
FOLDER**

FEB 13 2008

PA PUBLIC UTILITY COMMISSION
SECRETARY'S BUREAU

REMARKS: *Record will close in approx 60 days upon receipt of settlement agreement by the parties. Settlement reached without testimony being taken.*

PLEASE PRINT CLEARLY - Incomplete Information may result in delay of processing.

Name and Telephone Number	Address			Who are you representing?
<i>R. K. Smith Jr</i>	<i>PUC</i>			<i>PUC Law Bureau for Bureau of Transportation & Safety</i>
Telephone: <i>717 787 5262</i>	City: <i>Harrisburg</i>	State: <i>PA</i>	Zip: <i>17105-3265</i>	Fax Number:
	E-mail Address:			
<i>Kriss Brown</i>	<i>PUC</i>			<i>PUC Law Bureau.</i>
Telephone: <i>717 787 4518</i>	City: <i>Harrisburg</i>	State: <i>PA</i>	Zip: <i>17105-3265</i>	Fax Number: <i>717 783-3458</i>
	E-mail Address: <i>Krbrown@state.pa.us</i>			
<i>By: William A. Gray</i>	<i>2310 Grant Bldg</i>			<i>TR Trucking & Excavating</i>
Telephone: <i>412-471-1800</i>	City: <i>Pittsburgh</i>	State: <i>PA</i>	Zip: <i>15219</i>	Fax Number:
	E-mail Address:			

Check this box if additional parties or attendees appear on back of form.

Karen Cross

Reporter's Signature

Note: Completion of this form does not constitute an entry of appearance, see 52 Pa. Code §§1.24 and 1.25.



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

IN REPLY PLEASE
REFER TO OUR FILE

March 17, 2008

Vuono & Gray, LLC
Suite 2310
310 Grant Street
Pittsburgh, PA 15219-2383

RECEIVED
2008 MAR 17 AM 11:15
PA PUC BUREAU
SECRETARY'S BUREAU

**RE: Pennsylvania Public Utility Commission, Bureau of
Transportation and Safety v. TR Trucking &
Excavating, Inc., Settlement Agreement;
Docket No. A-00117548C0601**

**DOCUMENT
FOLDER**

Dear Mr. Gray:

On February 25, 2008, I faxed you a copy of the proposed Settlement Agreement for your review and feedback. As you recall, at the Pre-hearing Conference we assured Administrative Law Judge Nene that the Settlement Agreement would be submitted for his consideration no later than Tuesday, April 1, 2008.

Please advise the Law Bureau of any recommended changes in the Settlement Agreement no later than this Friday, March 21, 2008. After making any recommended revisions, the Settlement Agreement will then be signed by Assistant Counsel Kriss Brown and myself and sent to you for your signature, along with your client's Remediation Plan that has been agreed to by the parties.

After signing the Settlement Agreement on behalf of your client, it would be appreciated if you would forward the executed Settlement Agreement to Judge Nene.

If you have any questions, please contact me at (717) 787-5000.

Very truly yours,

R. K. Smith, Jr.
Assistant Counsel

cc: Honorable Fred Nene
Eric Rohrbaugh, Deputy Chief Counsel
Kriss Brown, Assistant Counsel
Gerald Clark, Safety Coordinator

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

PENNSYLVANIA PUBLIC UTILITY	:	
COMMISSION, BUREAU OF	:	
TRANSPORTATION AND SAFETY	:	
	:	Docket No.
v.	:	A-00117548C0601
	:	
TR TRUCKING & EXCAVATING, INC.	:	

SETTLEMENT AGREEMENT

THIS AGREEMENT is by the Pennsylvania Public Utility Commission's Law Bureau (Law Bureau), representing the Commission's Bureau of Transportation and Safety (BTS), through Assistant Counsel R. K. Smith, Jr., and Assistant Counsel Kriss Brown and TR Trucking & Excavating, Inc., (Respondent), through William A. Gray, Esquire, in the above-captioned proceeding. In pursuance of this Agreement, the Law Bureau, representing BTS, and the Respondent stipulate as follows:

I. Background and Summary of Proceedings

1. The parties to this Settlement Agreement are BTS, represented by the Law Bureau, P.O. Box 3265, Harrisburg, PA. 17105-3265, and Respondent, TR Trucking & Excavating, Inc., which maintains its principal place of business at 420 Burns Lane, Ruffs Dale, PA. 15679.
2. On the date of the violations alleged in this complaint, Respondent held a certificate of public convenience issued by this Commission. Respondent was

issued its certificate of public convenience on June 28, 2001, at Application Docket No. A-00117548.

3. Pursuant to its enforcement responsibilities, the Commission's Bureau of Transportation and Safety (BTS) on November 29, 2006, initiated the above captioned complaint against Respondent. The alleged violations detailed in the complaint are based on the results of a Safety Audit performed at Respondent's facility on September 7, 2005 by BTS District Manager Denise H. Cohen and *Enforcement Officer John Addison*.

4. The BTS complaint was initiated on November 29, 2006. Respondent filed an Answer to the complaint. The BTS Safety Office, after reexamining the complaint on behalf of BTS, requested that the Law Bureau withdraw from further prosecution the allegations set forth at Paragraphs 3(b), 3(c), 3(g), 5, 6, and 10. BTS requested that the Commission fine Respondent the sum of \$38,200 for the violations described in the amended complaint. The Law Bureau filed a formal Motion to Amend Complaint with the Commission's Secretary on January 24, 2008. The Law Bureau's Motion to Amend Complaint was granted by Administrative Law Judge Fred Nene at the Pre-hearing Conference held on January 25, 2008 in Pittsburgh.

5. The following complaint allegations remained after the filing of the Motion to Amend Complaint:

a. BTS alleged at paragraph 3(a) of its Amended Complaint that Respondent permitted one of its drivers to operate a motor vehicle on

thirty-three separate days from July 23, 2004 through September 1, 2004, after testing positive for a controlled substance in violation of 52 Pa. Code §37.204(1) and 49 CFR §382.215. This allegation was admitted by Respondent in its Answer.

b. BTS alleged at paragraph 3(d) that Respondent permitted a person, who did not possess a valid driver's license, including proper class and appropriate endorsement, to operate a motor vehicle in violation of 52 Pa. Code §37.204(3) and 49 CFR §391.11(b)(7). Specifically, BTS alleged that driver Jeffrey A. Kite's license was suspended from July 26, 2005 to September 7, 2005. Respondent denied this allegation in its Answer.

c. BTS alleged at paragraph 3(e) that Respondent failed to require six of its drivers to undergo mandatory pre-employment controlled substance tests prior to the drivers operating motor vehicles in violation of 52 Pa. Code §37.204(1) and 49 CFR §382.301(a). Respondent denied this allegation in its Answer.

d. BTS alleged at paragraph 3(f) that Respondent failed to ensure that its driver, who was involved in a fatal accident on March 16, 2005, underwent post-accident testing for alcohol and/or controlled substances in violation of 52 Pa. Code §37.204(1) and 49 CFR §382.303(a). BTS alleged further that there was no documentation of the test or documentation relating to the testing process. Respondent admitted that one of its drivers

was involved in a fatal accident and that no post-accident drug test was performed. But, Respondent denied that it failed to ensure that a post-accident test was performed or that documentation of the same was possible.

e. BTS alleged at paragraph 3(h) that Respondent permitted a driver, who was not medically examined and certified, to operate a motor vehicle in violation of 52 Pa. code §37.204(3) and 49 CFR 391.45(a). Specifically, BTS alleged that driver Richard Stevey had an expired medical certificate from March 26, 2005 to June 27, 2005. This allegation was denied by Respondent in its Answer.

f. BTS alleged at paragraph 3(i) that Respondent permitted a driver, who was not medically examined and certified, to operate a motor vehicle in violation of 52 Pa. code §37.204(3) and 49 CFR 391.45(a). Specifically, BTS alleged that driver William Kealey had an expired medical certificate from June 20, 2005 to June 27, 2005. This allegation was denied by Respondent in its Answer.

g. BTS alleged at paragraph 3(j) that Respondent failed to maintain records related to the alcohol and controlled substance collection process and training for two years in violation of 52 Pa. Code §37.204(1) and 49 CFR §382.401(b)(2). BTS further alleged that no individual in the carrier's agency had supervisory training for the drug and alcohol program. This allegation was denied by Respondent in its Answer.

h. BTS alleged at paragraph 3(k) that Respondent failed to maintain an accident register for a period of one year after an accident containing the information required by 49 CFR §390.15 in violation of 52 Pa. Code §37.204(2) and 49 CFR §390.15(b)(1). BTS further alleged that Respondent failed to record a fatality involving driver Randall D. Kildow on March 16, 2005 in the county of Westmoreland, Pennsylvania. Respondent admitted that it was unaware of the requirement for an accident register but denied that it failed to have a record of a fatality involving driver Kildow.

i. BTS alleged at paragraph 3(l) that Respondent failed to require six of its different drivers to make a record of duty (dates missing) for each 24 hour period in violation of 52 Pa. Code §37.204(6) and 49 CFR §395.8(a)(1). This allegation was admitted by Respondent in its Answer.

j. Lastly, BTS alleged at paragraph 3(m) that Respondent failed to retain copies of roadside driver/vehicle inspection reports for twelve months. BTS further alleged that Respondent reported 32 MCSAP's for the previous year but that twelve were not available when the Safety Audit was performed in violation of 52 Pa. Code §37.204(7) and 49 CFR §396.9(d)(3)(ii). BTS alleged further that state and report numbers were missing on vehicle maintenance checklists. This allegation was admitted by Respondent in its Answer.

II. Settlement Terms

6. Respondent and BTS, represented by The Law Bureau, intending to be legally bound, desire to conclude this litigation and agree to stipulate as to the following terms:

In recognition of the cost of further litigation, the time and expense of holding a hearing, and the merits of the parties' respective positions, the parties have entered into negotiations and have agreed to settle the complaint according to the terms and conditions set forth herein.

- a. Respondent agrees that it committed the violations detailed in paragraphs 5(a), and 5(e) through 5(j) above.
- b. Respondent agrees to pay the Commission a civil penalty of \$15,800.00 within 20 days after entry of the Commission's order approving this settlement.
- c. While Respondent denies having actual knowledge of the driver's license suspension referenced in paragraph 5(b) above, the Respondent acknowledges that it must take a more proactive approach in determining its employees' licensing status. As such, the Respondent agrees to institute a policy requiring drivers to notify Respondent of license suspensions, as outlined in its Remediation Plan attached as Exhibit A.
- d. Again, while Respondent denies that it violated 52 Pa. Code §37.204(1) and 49 CFR §328.301(a) (relating to pre-employment controlled substance testing) as outlined in paragraph 5(c) above, Respondent

recognizes the need to ensure that a driver has a negative test prior to performing any safety related activity. As such, Respondent agrees to change its prior practice and implement a procedure, as outlined in its Remediation Plan attached as Exhibit A, in which no prospective employee is permitted to work until Respondent receives confirmation of the negative pre-employment controlled substance test.

e. Again, while Respondent denies that it failed to ensure that its driver underwent a post-accident alcohol and controlled substance test pursuant to 52 Pa. Code §37.204(1) and 49 CFR §382.303(a), in that it was unable to obtain said test due to the driver's hospitalization and law enforcement's refusal to provide such information. Nevertheless, Respondent recognizes the importance of obtaining a post-accident alcohol and controlled substances test following an accident involving a fatality, and, as outlined in its Remediation Plan attached as Exhibit A, agrees to take steps to ensure compliance with these regulations in the future.

f. Respondent agrees to comply with the Public Utility Code and the Commission's regulations and orders in the future and take appropriate steps to ensure future compliance with the same. One of the appropriate steps Respondent has taken subsequent to the initiation of the BTS complaint is the implementation of new safety procedures that address and should avoid the various safety violations outlined in the BTS complaint.

Respondent's new safety procedures which have been implemented is attached to this agreement as Exhibit A.

g. Respondent agrees to a Safety Re-Audit by BTS to be performed no earlier than ninety days after entry of the Commission's final Order approving this Settlement Agreement. The parties agree that BTS will only audit Respondent's transportation activities that were carried out subsequent to the date the respondent executes this Settlement Agreement.

7. Respondent and BTS, represented by The Law Bureau, believe that this Agreement is in the public interest, and therefore will request that the Commission approve this Settlement Agreement as in the public interest. This Agreement is expressly conditioned upon the Commission's approval under applicable public interest standards without modification, addition, or deletion of any term or condition herein. If the Commission fails to approve this Agreement, by tentative or final order, or any of the terms or conditions set forth herein, without modification, addition, or deletion, then either Party may elect to withdraw from this Agreement by filing a response to the tentative or final order within fifteen (15) days of the date that the tentative or final order is entered and this Settlement Agreement shall be considered null and void, and shall not be used by either party at any subsequent stage of the proceeding. None of the provisions of this Agreement shall be considered binding upon the Parties if such a response is filed.

III. Statement in Support of Settlement

Pursuant to our Regulations at 52 Pa. Code § 5.231, it is the Commission's policy to promote settlements. However, the Commission must review proposed settlements to determine whether the terms are in the public interest.

Pennsylvania Public Utility Commission v. Philadelphia Gas Works, M-00031768 (Order entered January 7, 2004).

8. In *Joseph A. Rosi v. Bell-Atlantic-Pennsylvania, Inc.*, C-00992409 (March 16, 2000), the Commission adopted standards that are to be applied in determining the amount of civil penalties in slamming cases. The Commission subsequently determined that all violations of the Public Utility Code and Commission regulations shall be subject to review under the standards enunciated in *Rosi*.

Pa. P.U.C. v. NCIC Operator Services, M-00001440 (December 21, 2000).

BTS and Respondent submit that this Settlement Agreement complies with the requirements set forth in *Rosi* and that the terms of this Agreement are in the public interest.

9. The parties further assert that approval of this Settlement is consistent with the Commission's Policy Statement regarding factors and standards for evaluating litigated and settled proceedings at 52 Pa. Code § 69.1201.¹ Under this policy statement, while many of the same factors and standards may still be considered in both litigated and settled cases, the Commission specifically recognized that in

¹ This policy statement became effective upon publication in the Pennsylvania Bulletin on December 22, 2007, at 37 Pa. Bull. 6755.

settled cases the parties “will be afforded flexibility in reaching amicable resolutions to complaints and other matters so long as the settlement is in the public interest.” 52 Pa. Code § 69.1201(b). The ten factors of the Policy Statement, as applied to this case are as follows:

10. The first factor to be considered under the policy statement is whether Respondent’s actions amounted to willful fraud or misrepresentation, or were merely administrative or technical errors. 52 Pa. Code § 69.1201(c)(1). While Respondents actions did not amount to willful fraud or misrepresentation, they did amount to more than mere administrative or technical errors.

11. The second factor to be considered under the policy statement is whether the resulting consequences of Respondent’s actions were of a serious nature. 52 Pa. Code § 69.1201(c)(2). Respondent’s failure to strictly comply with various Federal Safety Standards, codified at 49 CFR, and incorporated by reference by the Commission at 52 Pa. Code §37.204, may have exposed the traveling public to a lesser degree of safety than they are entitled to. The Bureau of Transportation and Safety believes that some of the safety violations contained herein committed by Respondent were deemed critical, while others were deemed serious and minor.

12. The third factor to be considered under the policy statement is whether Respondent’s conduct was intentional or negligent. 52 Pa. Code § 69.1201(c)(3). “This factor may only be considered in evaluating litigated cases.” *Id.* As this matter is being resolved through a settlement, this factor is not applicable.

13. The fourth factor to be considered under the policy statement is whether Respondent made efforts to change its practices and procedures to prevent similar conduct in the future. 52 Pa. Code § 69.1201(c)(4). Respondent's newly implemented safety procedures (Plan) is attached to this Agreement as Exhibit A. The BTS Safety Office has reviewed Respondent's Plan and is of the opinion that implementation of these safety procedures have enhanced the carrier's ability to strictly comply with applicable safety standards. In fact, according to the BTS Safety Office, many of Respondent's newly implemented safety procedures exceed both state and federal safety standards.

14. The fifth factor to be considered under the policy statement relates to the number of customers affected by Respondent's actions and the duration of its violations. 52 Pa. Code § 69.1201(c)(5). The Respondent is a certificated property carrier. The safety of the traveling public was diminished when Respondent permitted one of its drivers, on thirty three separate days, to operate a motor vehicle after he had tested positive for a controlled substance. Furthermore, the safety of the traveling public was also diminished when Respondent permitted six of its drivers to operate motor vehicles without first receiving written confirmation of negative result from their pre-employment controlled substance tests.

15. The sixth factor to be considered under the policy statement relates to Respondent's compliance history. 52 Pa. Code § 69.1201(c)(6). Respondent

has a good compliance history with the Public Utility Code and Commission regulations.

16. The seventh factor to be considered under the policy statement relates to whether Respondent cooperated with the Commission's investigation.

52 Pa. Code § 69.1201(c)(7). Respondent fully cooperated with Commission staff in this proceeding both during the Safety Audit and at the Pre-hearing Conference held before the presiding Administrative Law Judge.

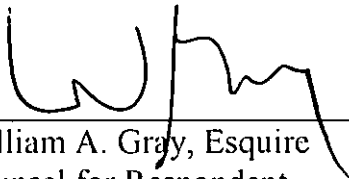
17. The eighth factor to be considered under the policy statement relates to whether the amount of the civil penalty or fine will deter future violations.

52 Pa. Code § 69.1201(c)(8). Consistent civil penalties are a reliable method for bringing utilities into compliance with the Public Utility Code and Commission regulations. The primary purpose of a fine is to secure future compliance. The Law Bureau submits that the Respondent's payment of the agreed upon \$15,800 fine; in addition to consideration of Respondent's recently implemented safety procedures, along with a BTS Safety Re-Audit, to be performed by BTS no earlier than ninety days after entry of the Commission's order, will verify how effective the carrier's newly implemented safety program is, constitutes a reasonable and appropriate resolution of the merits of this proceeding.

18. The ninth factor to be considered under the policy statement relates to past Commission decisions in similar matters. 52 Pa. Code § 69.1201(c)(9). This Agreement is consistent with prior decisions because it is appropriate based upon the circumstances of this case.

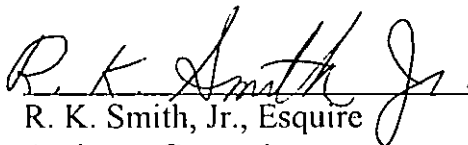
19. The tenth factor to be considered under the policy statement relates to any other relevant factors that militate for the outcome. 52 Pa. Code § 69.1201(c)(10). The parties are not aware of any additional factors to be considered in relation to this settlement.

WHEREFORE, because the Agreement addresses and attempts to remedy all allegations raised in this matter, the Law Bureau, Bureau of Transportation and Safety and Respondent request that the Commission adopt an order approving the terms of this Agreement as being in the public interest.



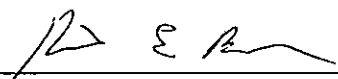
William A. Gray, Esquire
Counsel for Respondent

Date: 4/7/08



R. K. Smith, Jr., Esquire
Assistant Counsel
Law Bureau
Pennsylvania Public Utility Commission

Date: 7/3/08



Kriss E. Brown, Esquire
Assistant Counsel
Law Bureau
Pennsylvania Public Utility Commission

Date: 4/3/08

Steps Taken by TR Trucking Subsequent to Safety Audit in September, 2005

Subsequent to when the PUC did the Safety Fitness Audit, TR Trucking & Excavating (the Respondent) hired Bernard F. Schilling as a transportation consultant. Mr. Schilling was previously employed by the Interstate Commerce Commission (ICC) as a Safety Investigator from 1959 to 1967, and then by the Federal Highway Administration of the United States Department of Transportation (U.S.DOT) as a Special Agent from 1967 to January 2, 1988, when he retired. Subsequent to his retirement, Mr. Schilling became a transportation consultant for motor carriers and has represented approximately 50 motor carriers, including the Respondent, involving safety-related issues. Mr. Schilling has consulted with the attorneys for TR Trucking in connection with the issues set forth in the Complaint and has also consulted with the Respondent itself by telephone and by personal visits to its facility in Ruffs Dale, PA. Mr. Schilling has consulted with the Respondent on various transportation issues, including the issues raised by the Complaint, and has given training to Respondent's employees on drug and alcohol testing, including one two and one-half hour session on reasonable suspicion testing.

The Respondent has taken steps to insure that a driver is not permitted to operate a motor vehicle until he has been tested for drugs and until the company has received the written test results back from the testing agency. The Respondent previously permitted prospective employees to undergo training (without driving) prior to undergoing drug testing and prior to the company receiving written notification of the test results. The

Respondent stopped that procedure after the audit and now has a procedure whereby no prospective employee is permitted to do any work whatsoever until that employee has taken a drug test and the company has received the test results and confirmed that the results are negative.

The Respondent has also reviewed with its consultant and with its attorneys the requirements for an employee who has tested positive being evaluated by a Substance Abuse Professional (SAP) and having taken a return to duty test with a negative result after receipt of the SAP report and evaluation and the Respondent now understands that it may not permit a driver to return to driving after a failed drug test unless and until that driver completes a SAP evaluation and takes a return to duty test with negative results. Respondent has put into effect strict standards for insuring that all drivers who have failed a drug test comply with these requirements before being permitted to drive.

Respondent is also now aware of and complies with the requirement that it insure that no driver is permitted to drive with an expired medical certificate. The Respondent now has a procedure whereby its computer system has a tickler which alerts Respondent 30 days prior to the expiration of each driver's medical certificate. Furthermore, Respondent now manually reviews the files of each driver, including the medical certificate, on at least a six month basis. Furthermore, Respondent has documented on each driver's pay records the expiration date for the medical certificate, which means that the company and the driver are always aware of when the medical certificate will expire.

Respondent has taken additional steps to insure that every driver has a valid driver's license which has not been suspended. Respondent previously required an MVR

on each driver on an annual basis, as required by the regulations. However, now the Respondent has a policy that every driver must sign that provides that the driver must notify the Respondent if his/her driver's license is suspended or revoked and provides that any driver violating this requirement will be immediately terminated.

Respondent has reviewed with its consultant and its attorneys the requirements involving post-accident testing for alcohol and/or controlled substances. Respondent is aware that it must require drivers to undergo post-accident testing in certain situations, including where there is a fatality. Respondent has taken steps to insure that there is never a situation where a driver who is required to undergo post-accident testing does not undergo that testing.

Respondent has discussed with its consultant and with its attorneys the requirements for maintaining an accident register and is aware of when an entry must be made to the accident register. Respondent's consultant provided it with a form accident register which it now uses rather than the "hand made" accident register that it used prior to the Safety Audit. Respondent's employees have been given training concerning under what circumstances entries must be made to the accident register.

Respondent has taken steps to insure that it has all roadside driver/vehicle inspection reports. Previously, Respondent relied strictly on its drivers providing these reports to it. The Respondent now secures these inspection reports from the United States Department of Transportation website and does not simply rely upon its drivers.

In conclusion, Respondent has taken substantial steps since the Safety Audit to insure future compliance. These steps are continuing. Respondent will periodically have Mr. Schilling review its records to make sure that it is in compliance.

/60106

Act 294

Case Identification:

**A-00117548C0601; Pennsylvania Public
Utility Commission, Bureau of
Transportation and Safety v. TR
Trucking & Excavating, Inc.**

Initial Decision By:

ALJ Fred R. Nene

Deadline for Return to OSA:

July 21, 2008

This decision has not been reviewed by OSA.

* * * * *

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2008 JUL 22 PM 2:09
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I want full Commission review of this decision.

Commissioner

Date

I do not want full Commission review of this decision.

James H. Cawley

July 22, 2008

Commissioner

Date

2008 JUL 24 AM 7:57

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Act 294

Case Identification:

A-00117548C0601; Pennsylvania Public
Utility Commission, Bureau of
Transportation and Safety v. TR
Trucking & Excavating, Inc.

Initial Decision By:

ALJ Fred R. Nene

Deadline for Return to OSA:

July 21, 2008

This decision has not been reviewed by OSA.

* * * * *

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2008 JUL 22 AM 11:56
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I want full Commission review of this decision.

Commissioner

Date

I do not want full Commission review of this decision.

Robert F. Panch

Commissioner

7-21-08

Date

Act 294

Case Identification: A-00117548C0601; Pennsylvania Public Utility Commission, Bureau of Transportation and Safety v. TR Trucking & Excavating, Inc.

Initial Decision By: ALJ Fred R. Nene

Deadline for Return to OSA: July 21, 2008

This decision has not been reviewed by OSA.

* * * * *

I want full Commission review of this decision.

Commissioner

Date

I do not want full Commission review of this decision.

X Tyrone J. Christy
Commissioner

7/17/08
Date

RECEIVED
PA PUBLIC UTILITY COMM.
08 JUL -8 PM 12: 11
OFFICE OF
COMMISSIONER TYRONE CHRISTY

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OFFICE OF SPECIAL
ASSISTANTS

Act 294

Case Identification:

A-00117548C0601; Pennsylvania Public
Utility Commission, Bureau of
Transportation and Safety v. TR
Trucking & Excavating, Inc.

Initial Decision By:

ALJ Fred R. Nene

Deadline for Return to OSA:

July 21, 2008

This decision has not been reviewed by OSA.

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ASSISTANTS

* * * * *

I want full Commission review of this decision.

Commissioner

Date

I do not want full Commission review of this decision.

Kim Fitzgerald

Commissioner

7-8-08

Date

DATE: August 14, 2008

SUBJECT: A-00117548C0601

TO: Office of Administrative Law Judge
Susan Hoffner

FROM: James J. McNulty
Secretary
nvl

PA PUC., BUREAU OF TRANSPORTATION AND SAFETY
V.
TR TRUCKING & EXCAVATING INC

The Initial Decision has been served upon all parties of interest.

Neither exceptions nor requests for review from the Commissioners have been received by the Commission. This matter is referred to your office for whatever action you deem necessary.

cc: Office of Special Assistants

P.S. Please note that exceptions or reply exceptions may come in timely with certificates of mailings. A second memo will not be released for these exceptions.

RJP

HOLD DOCUMENT UP TO THE LIGHT TO VIEW TRUE WATERMARK

OFFICIAL CHECK

HOLD DOCUMENT UP TO THE LIGHT TO VIEW TRUE WATERMARK

7 837190625

DECEMBER 02, 2008

23-971020

Pay to the order of PENNSYLVANIA PUBLIC UTILITY COMMISSION ***** \$ 15,800.00

FIFTEEN THOUSAND EIGHT HUNDRED DOLLARS AND 00 CENTS

Dollars

National City

National City Bank

T R TRUCKING & EXCAVATING INC

Remitter

Drawer: National City Bank

AUTHORIZED SIGNATURE

Issued by Integrated Payment Systems Inc., Englewood, Colorado
JPMorgan Chase Bank, N.A., Denver, Colorado

Andrew D. Bayle M



Security Features Details on Back

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A-00117548C0601

RIP