

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: KEYSER
- 8. DOCKET NO: A-00118151C0401
- 4. PUBLIC MEETING DATE:
00/00/00
- 7. DATE FILED: 09/14/04
- 9. EFFECTIVE DATE: 00/00/00

PARTY/COMPLAINANT: TRANSPORTATION & SAFETY, BUREAU OF

RESPONDENT/APPLICANT: KIRK, NEAL SMITH

COMP/APP COUNTY:

UTILITY CODE: 705202

ALLEGATION OR SUBJECT

COMPLAINT AGAINST NEAL SMITH KIRK FOR REQUEST TO REVOKE ITS CERTIFICATE OF PUBLIC CONVENIENCE AT A-00118151.

DOCUMENT
FOLDER

DOCKETED
OCT 07 2004

revised

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RESPONDENT/APPLICANT: KIRK, NEAL SMITH

COMP/APP COUNTY:

UTILITY CODE: 705202

ALLEGATION OR SUBJECT

COMPLAINT AGAINST NEAL SMITH KIRK FOR NOT REPORTING INTRASTATE REVENUE FOR THE YEARS 2002, 2003 AND 2004 AND FOR REQUEST TO REVOKE ITS CERTIFICATION OF PUBLIC CONVENIENCE AT A-00118151.

DOCUMENT
FOLDER

DOCKETED
JAN 07 2005

ORIGINAL

BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION

DOCUMENT
FOLDER

PENNSYLVANIA PUBLIC UTILITY COMMISSION
BUREAU OF TRANSPORTATION AND SAFETY

V.

DOCKET NO. A-00118151C0401

Neal Smith Kirk

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 Neal Smith Kirk, respondent, maintains his principal place of business at 318 Manchester Road, Camp Hill, PA 17011.
2. That respondent was issued a certificate of public convenience by this Commission on October 19, 2001, at Application Docket No. A-00118151.
3. That respondent abandoned or discontinued service without having first submitted a letter to this Commission containing a statement that the service is no longer being rendered. Respondent has not reported intrastate revenue for the years 2002, 2003 and 2004.
4. That respondent, by failing to submit a letter to this Commission containing a statement that the service is no longer being rendered, violated 52 Pa. Code §3.381(a)(5) and, by failing to maintain adequate, efficient and safe service and facilities, violated 66 Pa. C.S. §1501.

WHEREFORE, the Bureau of Transportation and Safety Prosecutory Staff hereby requests that the Commission revoke respondent's **Certificate of Public Convenience at A-00118151**.

Respectfully submitted,

Wendy J. Keezel

Wendy J. Keezel, Chief of Enforcement
Motor Carrier Services & Enforcement Division
Bureau of Transportation and Safety
P.O. Box 3265
Harrisburg, PA 17105-3265

04 SEP 14 PM 2:40

SECRETARY'S BUREAU

DOCKETED

OCT 07 2004

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: 9-13-04

Wendy J. Keezel
Wendy J. Keezel, Chief of Enforcement

NOTICE

A. You must file an answer within twenty 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 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 days, the Bureau of Transportation and Safety will request that the Commission issue an Order imposing a penalty, which will include the revocation of your Certificate of Public Convenience.

C. 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 an Order imposing a penalty, which may include the revocation of your Certificate of Public Convenience.

D. If you file an answer which contests the Complaint, the matter will be assigned to an Administrative Law Judge for hearing and decision.

E. 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: OCTOBER 8, 2004
Docket Number: A-00118151C0401

DOCUMENT
FOLDER

NEAL SMITH KIRK
318 MANCHESTER ROAD
CAMP HILL PA 17011

DOCKETED
OCT 07 2004

Pennsylvania Public Utility Commission Bureau of Transportation and Safety

v.

NEAL SMITH KIRK

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

dbb