

1. REPORT DATE: 00/00/00	:	
2. BUREAU: TAS	:	
3. SECTION(S):	:	
5. APPROVED BY:	:	4. PUBLIC MEETING DATE:
DIRECTOR:	:	00/00/00
SUPERVISOR:	:	
6. PERSON IN CHARGE: BEARD	:	7. DATE FILED: 01/30/04
8. DOCKET NO: A-00118127C0401	:	9. EFFECTIVE DATE: 00/00/00

PARTY/COMPLAINANT: TRANSPORTATION & SAFETY, BUREAU OF

RESPONDENT/APPLICANT: WASTE TREATMENT CORPORATION

COMP/APP COUNTY: UTILITY CODE: 705188

ALLEGATION OR SUBJECT

ALLEGATION OR SUBJECT

TAS COMPLAINT VS. WASTE TREATMENT CORPORATION FOR VARIOUS VIOLATIONS.

DOCUMENT
FOLDER

DOCKETED
FEB 03 2004

ORIGINAL

BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION

PENNSYLVANIA PUBLIC UTILITY
COMMISSION, BUREAU OF TRANSPORTATION
AND SAFETY

v.

DOCKET NO. A-00118127C 0401

Waste Treatment Corporation

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 Waste Treatment Corporation, respondent, maintains its principle place of business at PO Box 558, Washington, Pa. 15301.

2. That respondent was issued a certificate of public convenience by this Commission on September 13, 2001, at Application Docket No. A-00118127.

3. That on September 19, 2003, Enforcement Officer Gregory English of the Pittsburgh District Office visited respondent's office to conduct an investigation of the time records of John E. Harkins, an employee of respondent. Based on Mr. Harkins daily driver time sheets and logs, it was found that he worked for respondent on September 16, 2003 through September 17, 2003. Mr. Harkins worked a total of sixteen (16) hours and forty-eight (48) minutes on September 16, 2003. Mr. Harkins worked a total of thirteen (13) hours and eight (8) minutes on September 17, 2003. Mr. Harkins only had seven (7) hours and seven (7) minutes off before beginning work on September 17, 2003. Enforcement Officer English's investigation revealed that Mr. Harkins was in violation of work hours of service regulations.

4. That respondent, by permitting its vehicle to be operated by a driver who drove after being on duty 15 hours following 8 consecutive hours off duty, violated 52 Pa. Code §37.204(6) and 49 CFR §395.3(a)(2). The penalty is \$100.00.

SECRETARY'S BUREAU

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WHEREFORE, the Bureau of Transportation and Safety Prosecutory Staff hereby requests that the Commission fine Waste Treatment Corporation, the sum of one hundred dollars (\$100.00) for the illegal activity described in this complaint and order such other remedy as the Commission may deem to be appropriate.

Respectfully submitted,

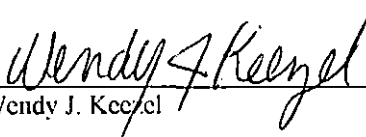


Wendy J. Keezel, Chief of Enforcement
Motor Carrier Services & Enforcement Division
Bureau of Transportation and Safety
P.O. Box 3265
Harrisburg, PA 17105-3265

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: 1-27-04


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 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. The penalty could include a fine, the suspension or revocation of your certificate of public convenience or other remedy.

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.

D. If you file an answer which either 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: FEBRUARY 4, 2004
Docket Number: A-00118127C0401

WASTE TREATMENT CORPORATION
PO BOX 558
WASHINGTON PA 15301

Pennsylvania Public Utility Commission Bureau of Transportation and Safety
v.
WASTE TREATMENT CORPORATION

Dear Sir/Madam:

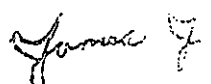
The Pennsylvania Public Utility Commission has delegated its authority to initiate prosecutory proceedings to several bureaus in the Commission with enforcement responsibilities.

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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FEB 03 2004

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PENNSYLVANIA PUBLIC UTILITY COMMISSION

RECEIPT

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

WASTE TREATMENT CORPORATION
PO BOX 558
WASHINGTON, PA 15301

DATE 2/10/2004
RECEIPT # 183064

PUC VS. WASTE TREATMENT CORP

Fine for the violation of Pa Public Utility Law

Docket Number A-00118127C0401..... \$100.00

REVENUE ACCOUNT: 001420-017000-101

CHECK NUMBER: TC 048529

CHECK AMOUNT: \$ 100.00

C. Joseph Meisinger
(for Department of Revenue)

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FEB 26 2004

SECRETARY'S BUREAU
06 FEB 11 AM 10:35

RJP