



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

IN REPLY PLEASE  
REFER TO OUR FILE

November 9, 2016

**Via Electronic Filing**

Rosemary Chiavetta, Secretary  
Pennsylvania Public Utility Commission  
P.O. Box 3265  
Harrisburg, PA 17105-3265

Re: Pennsylvania Public Utility Commission, Bureau of Investigation  
and Enforcement v. JoJo Oil Company, t/a Airline Petroleum  
Company  
Docket No. C-2016-2569609

Dear Secretary Chiavetta:

Enclosed for electronic filing is the Reply of the Bureau of Investigation and Enforcement of the Pennsylvania Public Utility Commission to the New Matter of JoJo Oil Company, t/a Airline Petroleum Company in the above referenced case. Copies have been served on the parties of record in accordance with the Certificate of Service.

Should you have any questions, please do not hesitate to contact me.

Sincerely,

A handwritten signature in black ink, appearing to read "M. Swindler", written in a cursive style.

Michael L. Swindler  
Deputy Chief Prosecutor  
Bureau of Investigation and  
Enforcement  
PA Attorney ID No. 43319

Enclosures

cc: As per Certificate of Service

**BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Pennsylvania Public Utility Commission,	:	
Bureau of Investigation and Enforcement	:	
	:	
v.	:	Docket No. C-2016-2569609
	:	
JoJo Oil Company,	:	
t/a Airline Petroleum Company	:	

**REPLY TO NEW MATTER**

TO THE HONORABLE PENNSYLVANIA PUBLIC UTILITY COMMISSION:

NOW COMES, the Bureau of Investigation and Enforcement (I&E) of the Pennsylvania Public Utility Commission (Commission), Complainant in the above-docketed matter, by and through counsel, and replies to the Answer and New Matter of JoJo Oil Company t/a Airline Petroleum Company (JoJo Oil or Respondent), Respondent herein, pursuant to 52 Pa. Code § 5.63(a) as follows:

**BACKGROUND**

On or about October 12, 2016, the Commission served a complaint filed against JoJo Oil at the above-referenced docket, alleging that JoJo Oil failed to maintain evidence of liability and cargo insurance with the Commission, suspending JoJo Oil's certificate of public convenience as of September 19, 2016, and assessing a penalty of \$500. JoJo Oil was advised to file an Answer and/or pay the penalty within twenty (20) days of the date of service of the complaint.

Commission and the insurance company was informed in the rejection process that the Commission has no certificated carrier by that name. As to the remainder of Respondent's New Matter, I&E, is without knowledge sufficient to form a belief as to the truth of the matters asserted and same are therefore denied and proof thereof demanded.

8. Admitted in part. Denied in part. As to the New Matter presented in Paragraph 8 of Respondent's Answer and New Matter, it is admitted that a "From [sic] H" is attached as Exhibit "C." By way of further reply, I&E avers that Exhibit C is not relevant to the claim set forth in I&E's complaint, i.e. that Respondent has failed to maintain evidence of insurance with the Commission. While the carrier's Form H was accepted by the Commission, it is important to note that the Form H was not filed until after the above-docketed complaint was served on JoJo Oil. The Commission's records indicate that HDI-Gerling America Ins.Co. cancelled JoJo Oil's prior insurance policy on September 19, 2016. The Form H from Excelsior Insurance (carrier's Exhibit C) bears an effective date of October 18, 2016. Therefore, it is assumed that JoJo Oil was, in fact, without insurance coverage for the interim 29-day period. At this time, I&E's complaint has not been amended to seek additional civil penalties for carrier's failure to have insurance in addition to the carrier's failure to maintain evidence of insurance with the Commission. As to the remainder of Respondent's New Matter, I&E, is without knowledge sufficient to form a belief as to the truth of the matters asserted and same are therefore denied and proof thereof demanded.

WHEREFORE, The Pennsylvania Public Utility Commission, Bureau of Investigation and Enforcement, for the reasons set forth herein, respectfully requests that the Answer to Complaint and New Matter of JoJo Oil Company t/a Airline Petroleum Company be dismissed.

Respectfully submitted,



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Michael L. Swindler  
Deputy Chief Prosecutor  
PA Attorney ID No. 43319

Counsel for Complainant,  
Pennsylvania Public Utility Commission  
Bureau of Investigation & Enforcement

P. O. Box 3265  
Harrisburg, PA 17105-3265  
(717) 783-6369

Dated: November 9, 2016

Pennsylvania Public Utility  
Commission, Bureau of Investigation  
and Enforcement,  
Complainant

v.

JoJo Oil Company, t/a Airline Petroleum  
Company,  
Respondent

Docket No. C-2016-2569609

### CERTIFICATE OF SERVICE

I hereby certify that I have this day served a true copy of the foregoing document upon the parties, listed below, in accordance with the requirements of 52 Pa. Code § 1.54 (relating to service by a party).

Service by First Class Mail:

JoJo Oil Company,  
t/a Airline Petroleum Company  
1031 B Reeves Street  
Dunmore, PA 18512

Michael E. Brier, Esquire  
Brier & Brier, P.C.  
3738 Birney Avenue  
Moosic, PA 18507



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Michael L. Swindler  
Deputy Chief Prosecutor  
PA Attorney ID No. 43319

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Bureau of Investigation and Enforcement  
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[mwindler@pa.gov](mailto:mwindler@pa.gov)

Dated: November 9, 2016