

CAPTION SHEET

CASE MANAGEMENT SYSTEM

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: 02/25/03
 8. DOCKET NO: A-00118217C0301 : 9. EFFECTIVE DATE: 00/00/00

PARTY/COMPLAINANT: TRANSPORTATION & SAFETY, BUREAU OF

RESPONDENT/APPLICANT: NELU, IVAN

COMP/APP COUNTY:

UTILITY CODE: 705245

ALLEGATION OR SUBJECT

TAS COMPLAINT VS. IVAN NELU, T/A IVAN TRANSPORTATION REQUESTING THE COMMISSION REVOKE ITS CERTIFICATE OF PUBLIC CONVENIENCE AT A-00118217.

DOCUMENT
FOLDER

DOCKETED
FEB 27 2003

BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION

ORIGINAL

PENNSYLVANIA PUBLIC UTILITY
COMMISSION, BUREAU OF TRANSPORTATION
AND SAFETY

v.

DOCKET NO. A-00118217C03
A-00118217

Ivan Nelu, t/a Ivan Transportation

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 Ivan Nelu, t/a Ivan Transportation, respondent, maintain his principal place of business at 336 S. Second Street, Sunbury, PA 17801.
2. That respondent was issued a certificate of public convenience by this Commission on March 7, 2002, at Application Docket No. A-00118217.
3. That respondent, by Commission Secretarial Letter dated August 9, 2002, was informed to submit a copy of a current satisfactory safety rating from the U.S. Department of Transportation or an other state, within 180 days, or complete a safety fitness review by a Commission enforcement officer. A satisfactory safety rating must be achieved by respondents in order to maintain a certificate of public convenience to operate as a common carrier of property between points in the Commonwealth of Pennsylvania. Respondent failed to respond to the Secretarial Letter. On August 26, 2002, a second Commission Secretarial Letter was mailed to respondent. Again, respondent failed to respond to the Secretarial Letter. The Harrisburg District Office made several attempts to do a Safety Fitness Review on respondent, but respondent failed to respond.
4. That respondent, by failing to submit himself to a safety fitness review from this Commission, violated 66 Pa. C.S. §501(c) and §1501, respectively, for failure to obey a Commission Secretarial Letter and for failure to maintain adequate, efficient and safe service and facilities.

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SECRETARY BUREAU
2003 FEB 25 AM 11:19

RECEIVED

DOCKETED
FEB 27 2003

WHEREFORE, the Bureau of Transportation and Safety Prosecutory Staff hereby requests that the Commission revoke Ivan Nelu, t/a Ivan Transpotation certificate of public convenience at A-00118217.

Respectfully submitted,

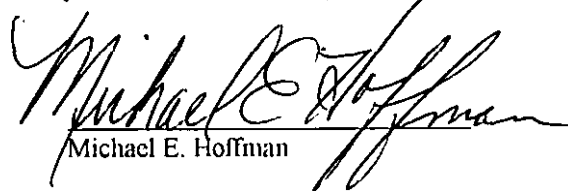


Michael E. Hoffman, Director
Bureau of Transportation and Safety
P.O. Box 3265
Harrisburg, PA 17105-3265

VERIFICATION

I, Michael E. Hoffman, 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: 2/24/03



Michael E. Hoffman

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). 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 the revocation of your certificate of public convenience or other remedy.

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 a Secretarial Letter imposing a penalty (see B).

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 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 27, 2003
Docket Number: A-00118217C0301

IVAN NELU, T/A IVAN TRANSPORTATION
336 SOUTH SECOND STREET
SUNBURY PA 17801

Pennsylvania Public Utility Commission Bureau of Transportation and Safety
v.
IVAN NELU, T/A IVAN TRANSPORTATION

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.

DOCKETED
FEB 27 2003

Very truly yours,

James J. McNulty
James J. McNulty
Secretary

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COMMONWEALTH OF PENNSYLVANIA

DATE: APRIL 23, 2003

SUBJECT: A-00118217C0301

DOCKETED
APR 23 2003

TO: Bureau of Transportation and Safety
Attention: Wendy Keezel

FROM:  James J. McNulty, Secretary

PA P.U.C. vs IVAN NELU, T/A IVAN TRANSPORTATION

Will you please have an enforcement officer deliver the attached returned certified mail.

Attachment

pc: Office of Administrative Law Judge

.jih