

Date	Action	User	TaskNumbr	BureauNan	Reason	Comment
#####	LAW Histor	-	-	-	Migration	Assignment number 2005 0217.00 - Utility Type: CC
#####	LAW Histor	-	-	-	Migration	Assignment number 2005 0217.00 - Description: BTS request for Law Bureau review and appl
#####	LAW Histor	-	-	-	Migration	Assignment number 2005 0217 00 - History Changed Date: Aug 10 2007
#####	Mainframe	-	-	-	Migration	7 - N - Aug 13 2007 12:00AM - SEC LETTER TO PARTIES ADVISING COMMISSION HAS MARKE
#####	Mainframe	-	-	-	Migration	6 - N - Aug 7 2007 12:00AM - LAW BUREAU FILED LETTER WITHDRAWING COMPLAINT - JAC
#####	Mainframe	-	-	-	Migration	5 - N - Aug 1 2007 12:00AM - SEC MEMO TO ALL ASSIGNING PROCEEDING - BESTKAY
#####	Mainframe	-	-	-	Migration	4 - N - Jul 31 2007 12:00AM - LAW BUREAU MEMO REQUEST TO REASSIGN TO ALL - BESTKA
#####	Mainframe	-	-	-	Migration	3 - N - Jul 28 2005 12:00AM - RESPONDENT FILED ANSWER TO COMPLAINT AND REQUEST T
#####	Mainframe	-	-	-	Migration	2 - N - Aug 1 2005 12:00AM - NOTICE OF COMP.A.NT SFNT TO RESPONDENT FOR ANSWER/
#####	Mainframe	-	-	-	Migration	1 - N - Jul 8 2005 12:00AM - TAS COMPLAINT AGAINST MICHAEL RAMSEY - IMES

appropriate action. Complaint alleging transportation of property for compensation w/o a certificate.

D PROCEEDING CLOSED - JACOB DIANE  
ORBDIANE

O DISMISS W/CERT OF SVC - SHUTTLESWORTH  
FINE \$1000.00 IN 20 DAYS - FARNER/ROYCE

CAPTION SHEET

SE MANAGEMENT SYSTEM

- 1. REPORT DATE: 00/00/00
- 2. BUREAU: TAS
- 3. SECTION(S):
- 5. APPROVED BY:  
DIRECTOR:  
SUPERVISOR:
- 6. PERSON IN CHARGE: FACKLER
- 8. DOCKET NO: C-20054729
- 4. PUBLIC MEETING DATE:  
00/00/00
- 7. DATE FILED: 07/08/05
- 9. EFFECTIVE DATE: 00/00/00

PARTY/COMPLAINANT: TRANSPORTATION & SAFETY, BUREAU OF

RESPONDENT/APPLICANT: RAMSEY, MICHAEL

COMP/APP COUNTY:

UTILITY CODE: 999999

ALLEGATION OR SUBJECT

TAS COMPLAINT AGAINST MICHAEL RAMSEY FOR VARIOUS VIOLATIONS.

DOCUMENT  
FOLDER

DOCKETED

JUL 12 2005

BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION

05 JUL - 8 PM 2:50  
PENNSYLVANIA  
SECRETARY'S BUREAU

PENNSYLVANIA PUBLIC UTILITY  
COMMISSION, BUREAU OF  
TRANSPORTATION AND SAFETY

v.

DOCKET NO. C-20054729

MICHAEL L. RAMSEY, D/B/A RAMSEY  
TRUCKING

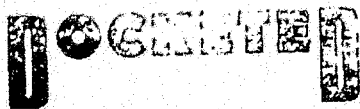
COMPLAINT

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 Michael L. Ramsey, d/b/a Ramsey Trucking, respondent, maintains its principal place of business at 104 Dutch Row Road, Monroeville, New Jersey 08343.

2. That on January 27, 1998, respondent was sent a warning letter to cease operating without holding a certificate of public convenience issued by this Commission. On the date of the violation alleged in this complaint, respondent did not hold a certificate of public convenience issued by this Commission.

3. That respondent, on March 21, 2005, at approximately 11:28 a.m., at Route I-476 (South), MM-112.5, Jenkins Township, Luzerne County, Pennsylvania, permitted a certain 1999 Kenworth truck tractor bearing New Jersey License No. AJ765E, Vehicle Identification No. 1XKDDB9XOXJ830911, to be operated. At that time, Enforcement Officer Andrew J. Turriziani found said vehicle to be transporting meat from Dairy Meats (USA), Inc., c/o Barks Cold Storage, 2550 R. Grant Avenue, Philadelphia, Pennsylvania to AEK Truck Del./Allied Foods, Scranton, Lackawanna County, Pennsylvania, for compensation.



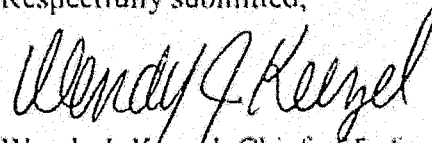
JUL 12 2005

DOCUMENT  
FOLDER

4. That respondent, in performing the act described in Paragraph 3 of this complaint, violated the Public Utility Code, 66 Pa. C.S. §1101, in that respondent transported property for compensation between points in the Commonwealth of Pennsylvania while not then holding a certificate of public convenience issued by this Commission. The penalty is \$1,000.00. Future violations may result in possible criminal prosecution with penalties up to \$10,000.00 and one year in prison.

WHEREFORE, the Bureau of Transportation and Safety Prosecutory Staff hereby requests that the Commission fine Michael L. Ramsey, d/b/a Ramsey Trucking, the sum of one thousand dollars (\$1,000.00) 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

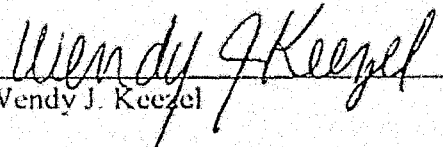
#### VERIFICATION

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: \_\_\_\_\_

7-7-05

\_\_\_\_\_  
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 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 (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.

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 **Commonwealth of Pennsylvania** and should be forwarded to:

James J. McNulty, Secretary  
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. In such case, to prevent the suspension of your vehicle registration(s), you must file an application with the Bureau of Transportation and Safety, P.O. Box 3265, Harrisburg, PA 17105-3265. If no application is received within the twenty (20) day time period, the Bureau of Transportation and Safety will proceed with the request for suspension of your vehicle registration(s). Your response should be directed to the Compliance office, Bureau of Transportation and Safety, P.O. Box 3265, Harrisburg, Pennsylvania 17105-3265.

D. 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.

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 above.

F. 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: JULY 12, 2005  
Docket Number: C-20054729

MICHAEL L RAMSEY  
D/B/A RAMSEY TRUCKING  
104 DUTCH ROW ROAD  
MONROEVILLE NEW JERSEY 08343

Pennsylvania Public Utility Commission Bureau of Transportation and Safety  
v.  
MICHAEL L RAMSEY D/B/A RAMSEY TRUCKING

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

ddi

DOCUMENTED

JUL 12 2005

DOCUMENT  
FOLDER

ORIGINAL

July 28, 2005

VIA HAND DELIVERY

James J. McNulty, Secretary  
Pennsylvania Public Utility Commission  
Commonwealth Keystone Building  
400 North Street  
P.O. Box 3265  
Harrisburg, PA 17105-3265

DOCUMENT  
FOLDER

7/28/05  
7:17 AM  
7/28/05

Re: Pennsylvania Public Utility Commission v. Michael L. Ramsey, d/b/a Ramsey Trucking;  
Docket No. C-20054729; **ANSWER TO COMPLAINT AND REQUEST TO  
DISMISS**

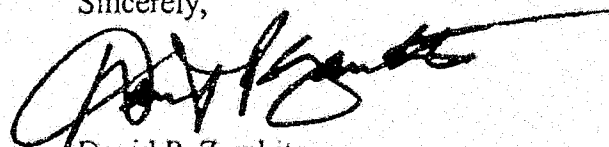
Dear Secretary McNulty:

Enclosed for filing please find the original and three (3) copies of Michael L. Ramsey  
d/b/a Ramsey Trucking's Answer to Complaint and Request to Dismiss. Please be advised that  
an Affidavit will be filed shortly.

Please date-stamp the extra copy and return with our messenger service.

Thank you for your attention to this matter. If you have any questions, please do not  
hesitate to contact me.

Sincerely,



David P. Zambito  
Counsel for Michael L. Ramsey, d/b/a  
Ramsey Trucking

DPZ/clj

c: As Per Certificate of Service

ORIGINAL

Before The

PENNSYLVANIA PUBLIC UTILITY COMMISSION

PENNSYLVANIA PUBLIC UTILITY  
COMMISSION, BUREAU OF  
TRANSPORTATION AND  
SAFETY

DOCKET NO.

C-20054729

v.

MICHAEL L. RAMSEY, D/B/A  
RAMSEY TRUCKING

RECEIVED  
JUL 29 2005

DOCUMENT  
FOLDER

ANSWER TO COMPLAINT  
AND REQUEST TO DISMISS

COMES NOW, Michael L. Ramsey d/b/a Ramsey Trucking ("Ramsey") and, by his attorneys, files this Answer to the Commission's Complaint, above-captioned. Ramsey, responding in accord with the numbered paragraphs of the Complaint, avers as follows:

- 1. Admitted.
- 2. Admitted.
- 3. Admitted.

**DOCKETED**  
JUL 29 2005

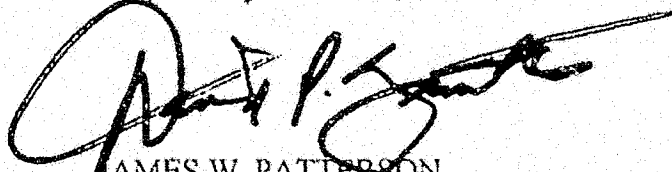
4. Denied. The transportation described in paragraph 3 involved the delivery of frozen veal legs from New Zealand to Allied Foods in Scranton, PA. (See the attached Bill of Lading.) The New Zealand origin shipment was transported by the MV Encounter and offloaded in Philadelphia. The shipment was then taken to B. Barks Cold Storage in northeast Philadelphia for the required U.S. Department of Agriculture imported meat inspection and then to Allied Foods in Scranton. The shipment was pre-consigned to Allied. Respondent's service from B.

Barks Cold Storage in Philadelphia to Scranton was a continuation of transportation in interstate or foreign commerce, not subject to the jurisdiction of this Commission. Respondent requires no operating rights from the Commission to perform the service complained of. See *Baltimore & O S W R R v. Settle*, 260 U.S. 166, 170 (1922); *Armstrong, Inc.-Transportation within Texas*, 2 I.C.C.2d 63 (1986), *aff'd sub nom. Texas v. ICC*, 866 F.2d 1546 (5<sup>th</sup> Cir. 1989); *Middlewest Motor Freight Bureau v. ICC*, 867 F.2d 458 (8<sup>th</sup> Cir. 1989); *Policy Statement-Motor Carrier Interstate Transportation-From Out-of-State Through Warehouses To Points In Same State, Ex Parte No. MC-207*, 8 I.C.C.2d 470 (1992); *Atlantic Independent Union v. Sunoco, Inc.*, No. 03-4389, 2004 U.S. Dist. LEXIS 11223 (E.D. Pa. June 16, 2004).

5. Denied. See 4. above.
6. An affidavit attesting to the facts alleged in this Answer will follow.

WHEREFORE, Respondent Michael L. Ramsey, d/b/a Ramsey Trucking requests the issuance of an Order dismissing the above-captioned Commission Complaint.

Respectfully submitted,



JAMES W. PATTERSON  
DAVID P. ZAMBITO  
Attorneys for  
Michael L. Ramsey, d/b/a Ramsey Trucking

Dated July 28, 2005

Of Counsel:

Saul Ewing, LLP  
Centre Square West  
1500 Market Street, 38<sup>th</sup> Floor  
Philadelphia, PA 19102-2186  
(215) 972-7824

BILL OF LADING - ORIGINAL

Page 1 of 1

Subject to the conditions and terms in effect on the date of issue of this bill of lading, the property described hereon is received by the carrier in apparent good order, except as noted hereon, and condition of contents as per manifest, condition and quantity as indicated hereon which said carrier (the word carrier being understood throughout this contract of carriage) in possession of the property, agrees to carry to its final place of delivery at said destination, and on its scale, showing to deliver to consignee carrier on the route to said destination, if it is actually agreed up to each corner of all or any of said property or any portion of and open to destination, and on its scale, showing to deliver to consignee carrier on the route to said destination, if it is actually agreed up to each corner of all or any of said property, that every service to be performed hereunder shall be subject to all the bill of lading in force in the governing jurisdiction on the date of shipment.

From Dairy Meats (USA) Inc.  
370 B. Barks Cold Storage  
At 2550 R GRANT AVENUE, Philadelphia, PA 191140948

DATE	03/18/2005	NO. OF LADING NO	42339
CARRIER	BY	SHIPPER'S NO.	
SECURE		CARRIER NO.	
CAR OR VEHICLE INITIALS & NO.		DELIVERING CARRIER	

AEK TRUCK DEL 01-21-05  
ALLIED FOODS  
SCRANTON PA

PREVIOUS MOVE BY WATER PC0027813378 ENCOUNTER

NO. OF PACKAGES	HTM	UNIT	DESCRIPTION OF MERCHANDISE, SPECIAL MARKS AND ENDORSEMENTS	WEIGHT (NET OR COMB)	CLASS OR RATE	Remarks
370	CAS	3063	Desc: 16899 BVL 1W H Loc: BC 3 WTY: 370 LUT: 3063 NET: 19560.05 GRS: 19560.05	19560.05		Subject to Section 7 of applicable state/province bill of lading, if the amount is to be delivered to the consignee without recourse to the carrier, the consignee shall sign a bill of lading to the carrier. The carrier shall not make this shipment without proper freight and all other loaded charges.
370	CAS	2622	Desc: 17166 DAIRYMEAT BVL 1W H 28752 Loc: K-WY WTY: 310 LUT: 2622 NET: 18600.00 GRS: 18600.00	18600.00		
680			BILL OF LADING SUMMARY Total Net: 38160.05 FROZEN MEAT/PAK & DEGREES FARENHEIT Pallets in 30 Pallets out 70  JUL 28 2005 14:55	Total GRS: 38160.05		

SHIPPER'S CERTIFICATION: This is to certify that the above-described merchandise was properly packed, loaded, secured, stowed, dunnaged, lashed, and covered in proper condition for transportation according to the applicable regulations of the Department of Transportation.

SIGNATURE LINDA MCNULTY

\* If the shipment is made in two parts by a carrier by water, the law requires that the bill of lading shall state whether it is "owner's or shipper's weight."  
 \* Shipper's liability in case of shortage and as part of Bill of Lading approved by the Interstate Commerce Commission.  
 Note: Where the rate is dependent on value, shippers are required to state specifically in writing the agreed or declared value of the property.  
 The agreed or declared value of the property is hereby specifically stated by the shipper to be not exceeding \_\_\_\_\_

THIS SHIPMENT IS CORRECTLY DESCRIBED \_\_\_\_\_

PERMANENT POST OFFICE ADDRESS OF SHIPPER  
Send Freight Bill To:  
Dairy Meats (USA) Inc.  
SUITE 320  
20 WESTPARK ROAD  
WILTON, CT 06897

SHIPPER'S SIGNATURE \_\_\_\_\_

AGENT'S SIGNATURE \_\_\_\_\_

SHIPPER'S RECEIPT OF SECURED PACKAGES

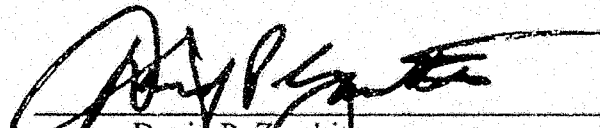
**CERTIFICATE OF SERVICE**

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

**VIA HAND DELIVERY**

Wendy Keezel  
Chief of Enforcement  
Bureau of Transportation and Safety  
Pennsylvania Public Utility Commission  
400 North Street, 3FE  
Harrisburg, PA 17105-3265

July 28, 2005

  
\_\_\_\_\_  
David P. Zambito

RECEIVED  
JUL 29 2005  
BUREAU OF TRANSPORTATION AND SAFETY  
PENN. PUBLIC UTILITY COMMISSION

05 AUG 15 AM 9:10

SECRETARY'S BUREAU

ORIGINAL

August 11, 2005

James J. McNulty, Secretary  
Pennsylvania Public Utility Commission  
P.O. Box 3265  
Harrisburg, PA 17105

DOCUMENT  
FOLDER

RE: Docket No. C-20054729;  
PA PUC v. Michael L. Ramsey, d/b/a Ramsey Trucking

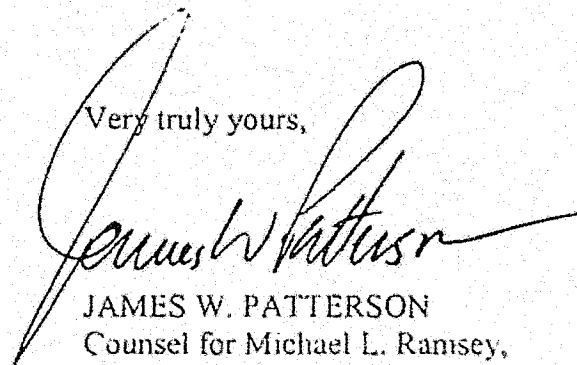
Dear Secretary McNulty:

Enclosed for filing, please find the original and three (3) copies of the Affidavit of Albert E. Kingett, III in connection with the Answer to Complaint and Request to Dismiss filed in this matter on July 28, 2005.

Kindly date-stamp the extra copy of this letter and return it to me in the enclosed self-addressed envelope.

Thank you for attention to this matter.

Very truly yours,



JAMES W. PATTERSON  
Counsel for Michael L. Ramsey,  
d/b/a Ramsey Trucking

JWP/mm  
Enclosures

cc: Wendy Keezel, Chief of Enforcement  
Albert E. Kingett, III  
David Zambito, Esquire

29

**ORIGINAL****DRAFT****AFFIDAVIT OF ALBERT E. KINGETT, III**

I am Albert E. Kingett, III. I am a resident of Sewell, NJ and am in the meat brokerage and distribution business, dealing almost exclusively with meat products from foreign countries, principally Australia and New Zealand. I also own and operate a motor carrier which holds interstate operating rights and hold a brokerage license from the Federal Motor Carrier Safety Administration.

I am aware of the complaint of the Pennsylvania Public Utility Commission against Michael L. Ramsey d/b/a Ramsey Trucking. Mr. Ramsey is one of the truckers I utilize in moving meat products from east coast U.S. ports to customers.

The shipment in question in the Commission's complaint was sold to Allied Foods in Scranton, PA ("Allied") and consigned to Allied by the New Zealand owner of the contents of the shipment (veal legs).

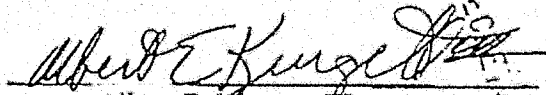
The paperwork accompanying the shipment is consistent with the accepted method of importing food shipments. The shipment was consigned to a U.S. company owned by the New Zealand firm (Dairy Meats (US), Inc.) - in effect, the New Zealand firm shipped the load to itself - care of B. Barks Cold Storage in northeast Philadelphia. After being unloaded from the ship, the container was taken by a drayman to B. Barks.

After passing inspection and being stamped "USDA Inspected" at B. Barks, the shipment was loaded on a trailer and continued to Allied in Scranton - interrupted by the Commission's enforcement agent. This is the oft-repeated method of bringing food products into the U.S. from foreign origins. Essentially the seagoing containers cannot stay on the pier. They have to be moved to a location, licensed ("bonded") to hold uninspected imports, that is relatively accessible to customs and USDA personnel.

All transportation of the shipment in question from New Zealand to Scranton was with the intent that the shipment should end up in Allied's hands. The shipment was handled with a practical continuity of movement from beginning to end.

**VERIFICATION**

I, Albert E. Kingett, III verify that the facts set forth in the foregoing affidavit are true and correct to the best of my personal knowledge, information and belief and that this Verification is made subject to the penalties set forth in 18 U.s. Code Section 1001.

  
Albert E. Kingett, III

OFFICE OF THE  
SECRETARY OF AGRICULTURE  
WASHINGTON, D.C. 20250  
JUL 28 15 11:09:40

COMMONWEALTH OF PENNSYLVANIA  
PUBLIC UTILITY COMMISSION

DATE: July 31, 2007

SUBJECT: BTS v. Michael L. Ramsey d/b/a Ramsey Trucking  
C-20054729  
(Q&A No. 2005.0217.00)

TO: James J. McNulty, Secretary

FROM: David E. Screven, Assistant Counsel *DES*

On July 28, 2005, Michael L. Ramsey, d/b/a Ramsey Trucking, filed his answer to the Bureau of Transportation and Safety's (BTS) complaint docketed at C-20054729. Upon review of the answer, there appears to be contested issues of fact in this record that makes it improbable to make a determination that the defendant's actions are non-jurisdictional without an evidentiary hearing.

Accordingly, BTS is requesting that the Secretary's Bureau assign this matter to the Office of Administrative Law Judge so that a hearing can be scheduled.

cc: Bohdan R. Pankiw, Chief Counsel  
Veronica Smith, Chief Administrative Law Judge  
Wendy J. Keezel, Chief of Enforcement

DOCKETED  
AUG 01 2007

DOCUMENT  
FOLDER

SEARCHED  
SERIALIZED  
INDEXED  
2007 JUL 31 PM 2:42

26

COMMONWEALTH OF PENNSYLVANIA

DATE: August 1, 2007  
SUBJECT: C-20054729  
TO: Office of Administrative Law Judge  
FROM: *KB* James J. McNulty, Secretary

Pennsylvania Public Utility Commission  
Bureau of Transportation  
vs.  
Michael L. Ramsey

---

Per memo dated July 31, 2007, from David E. Screven, Assistant Counsel, the above docketed proceeding is being reassigned to your Office for appropriate action.

ksb

cc: Law-memo only  
TAS

**BTL**

DOCUMENT  
FOLDER

RECEIVED  
AUG 01 2007



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

IN REPLY PLEASE  
REFER TO OUR FILE

August 7, 2007

James J. McNulty, Secretary  
PA Public Utility Commission  
2<sup>nd</sup> Floor, 400 North Street  
P.O. Box 3265  
Harrisburg, PA 17105-3265

Re: Pennsylvania Public Utility Commission  
Bureau of Transportation and Safety v.  
Michael L. Ramsey, d/b/a Ramsey Trucking  
Docket No. C-20054729

**DOCUMENT  
FOLDER**

Dear Secretary McNulty:

On Friday, August 3, 2007, Commission Chief Counsel Bohdan Pankiw assigned me the above captioned complaint case. A thorough review of this case has led me to conclude that the transportation complained of was a continuation of transportation in interstate or foreign commerce, therefore, not subject to the jurisdiction of the Pennsylvania Public Utility Commission. The Law Bureau respectfully withdraws prosecution of the above captioned complaint. Kindly ensure that the Commission's record in this proceeding be marked closed.

Very truly yours,

R. K. Smith, Jr.  
Assistant Counsel

**KJR**

**DOCKETED**  
AUG 13 2007

2007 AUG 13 1:33 PM