



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

March 3, 2017

**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. Sawink, Inc. t/a County Cab Co.  
Docket No. C-2016-2558449

Dear Secretary Chiavetta:

Enclosed for electronic filing please find the Bureau of Investigation and Enforcement's Motion for Default Judgment in the above-referenced proceeding. 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 blue ink, appearing to read "Stephanie M. Wimer", is written over a light blue horizontal line.

Stephanie M. Wimer  
Prosecutor  
PA Attorney ID No. 207522

Prosecutor for the Bureau of  
Investigation and Enforcement

Enclosures

cc: As per Certificate of Service  
Kourtney Myers, I&E

**BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION**


Pennsylvania Public Utility Commission,	:	
Bureau of Investigation and Enforcement,	:	
Complainant	:	
	:	
v.	:	Docket No. C-2016-2558449
	:	
Sawink, Inc. t/a County Cab Company,	:	
Respondent	:	

**NOTICE TO PLEAD**

The Bureau of Investigation and Enforcement (“I&E”) of the Pennsylvania Public Utility Commission (“Commission”) has filed a Motion for Default Judgment in the above-captioned matter, pursuant to the Commission’s regulations at 52 Pa. Code § 5.103. You are hereby notified to file a written response within twenty (20) days of the service of the Motion, consistent with 52 Pa. Code § 5.61.

Your Answer must be verified, pursuant to 52 Pa. Code § 1.36, and the original sent to:  
Rosemary Chiavetta, Secretary  
Pennsylvania Public Utility Commission  
P.O. Box 3265  
Harrisburg, PA 17105-3265

Additionally, you must serve a copy on the undersigned prosecutor.

  
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Stephanie M. Wimer  
Prosecutor  
PA Attorney ID No. 207522

Bureau of Investigation and Enforcement  
Pennsylvania Public Utility Commission  
P.O. Box 3265  
Harrisburg, PA 17105-3265  
(717) 772-8839  
stwimer@pa.gov

Dated: March 3, 2017

**BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Pennsylvania Public Utility Commission,	:	
Bureau of Investigation and Enforcement,	:	
Complainant	:	
	:	
v.	:	Docket No. C-2016-2558449
	:	
Sawink, Inc. t/a County Cab Company,	:	
Respondent	:	

**MOTION FOR DEFAULT JUDGMENT**

NOW COMES the Pennsylvania Public Utility Commission’s (“Commission”) Bureau of Investigation and Enforcement (“I&E”), by its prosecuting attorneys, and files this Motion for Default Judgment against Sawink, Inc. t/a County Cab Company (“Respondent”) pursuant to Section 5.103 of the Commission’s regulations, 52 Pa. Code § 5.103. In support thereof, I&E respectfully represents as follows:

1. I&E commenced this action on July 26, 2016 by filing a Complaint.
2. On July 27, 2016, the Complaint was served by certified mail to Respondent at 702 McDade Boulevard, Collingdale, PA 19023.
3. This was the last known mailing address that Respondent provided to the Commission.
4. On August 3, 2016, the Complaint was returned to the Commission by the United States Post Office and was marked as “Return to Sender; Not Deliverable as Addressed; Unable to Forward.”
5. On August 4, 2016, the Complaint was again served to Respondent by First Class Mail at 308 East Baltimore Pike, Suite A, Media, PA 19063.

6. On August 15, 2016, the Complaint was returned to the Commission by the United States Post Office and was marked as “Return to Sender; Not Deliverable as Addressed; Unable to Forward.”

7. I&E published the Complaint in the *Pennsylvania Bulletin* on January 21, 2017 pursuant to the Commission’s regulation at 52 Pa. Code § 1.53(e) (related to “Alternative service”). See 47 Pa. Bull. 398 (January 21, 2017).

8. Included with the Complaint was a Notice advising Respondent that it must file an Answer within twenty (20) days.

9. The Notice also advised Respondent that if it failed to answer the Complaint, I&E would request that the Commission issue an Order imposing the penalty set forth in the Complaint.

10. Respondent did not file an Answer to the Complaint.

11. Pursuant to Section 5.61(c) of the Commission’s regulations, a Respondent who fails to file an Answer to a Complaint within the 20-day response period may be deemed in default, and the relevant facts stated in the Complaint may be deemed admitted. 52 Pa. Code § 5.61(c).

12. The Commonwealth Court has upheld the Commission’s authority to sustain complaints that are not answered within twenty days. See *Fusaro v. Pa. PUC*, 382 A.2d 794, 797 (Pa. Cmwlth. 1978).

13. Respondent did not pay the outstanding assessment balance of \$4,894 for the July 1, 2015 to June 30, 2016 Fiscal Year (“2015-2016 Fiscal Year”) or the civil penalty of \$734 that was sought in the Complaint for Respondent’s failure to timely pay the assessment.

14. I&E respectfully requests that the Commission enter a Default Order against Respondent that:

- a. Directs Respondent to pay its outstanding assessment of \$4,894 for the 2015-2016 Fiscal Year and the requested civil penalty of \$734 within thirty (30) days of the entry date of the Commission’s Order;
- b. Directs the Bureau of Technical Utility Services to cancel Respondent’s Certificate of Public Convenience at A-00122187 if the outstanding assessment and civil penalty set forth in subparagraph (a), above, for a total of \$5,628 is not paid within thirty (30) days of the entry date of the Commission’s Order;

- c. Notifies Respondent that a copy of this Order will be sent to the Pennsylvania Department of Transportation for the suspension or revocation of vehicle registrations that were used under Respondent's operating authority if the outstanding assessment and civil penalty is not paid within thirty (30) days of the entry date of the Commission's Order; and
- d. Directs the Bureau of Administrative Services, Assessment Section, to refer the matter to the Pennsylvania Office of Attorney General for collection of the outstanding assessment and civil penalty set forth in subparagraph (a), above, for a total of \$5,628, if that total is not paid within thirty (30) days of the entry date of the Commission's Order.

Respectfully submitted,



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Stephanie M. Wimer  
Prosecutor  
PA Attorney ID No. 207522

Pennsylvania Public Utility Commission  
Bureau of Investigation and Enforcement  
P.O. Box 3265  
Harrisburg, PA 17105-3265  
[stwimer@pa.gov](mailto:stwimer@pa.gov)  
(717) 772-8839

Date: March 3, 2017

**BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

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

v.

Sawink, Inc. t/a County Cab Company,  
Respondent

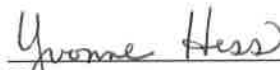
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Docket No. C-2016-2558449

**VERIFICATION**

I, Yvonne Hess, Chief of Finance and Assessments, Bureau of Administrative Services, Finance and Assessment Section, 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 the Bureau will 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: March 3, 2017



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Yvonne Hess  
Chief of Finance and Assessments  
Finance and Assessment Section  
Bureau of Administrative Services  
Pennsylvania Public Utility Commission  
P.O. Box 3265  
Harrisburg, PA 17105-3265

