



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

April 20, 2018

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. Shea's Trucking Enterprise, Inc.
Docket No. C-2018-2641984

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,

Kourtney L. Myers
Prosecutor
PA Attorney ID No. 316494

Prosecutor for the Bureau of
Investigation and Enforcement

Enclosures

cc: As per Certificate of Service

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

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

v.

Shea's Trucking Enterprise, Inc.,
Respondent

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Docket No. C-2018-2641984

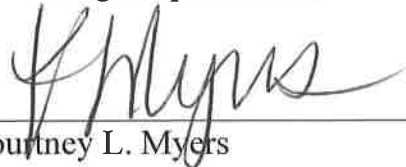
NOTICE TO PLEAD

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.



Kourtney L. Myers
Prosecutor
PA Attorney ID No. 316494

Bureau of Investigation and Enforcement
Pennsylvania Public Utility Commission
P.O. Box 3265
Harrisburg, PA 17105-3265
(717) 705-4366
komyers@pa.gov

Dated: April 20, 2018

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

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

v.

Shea's Trucking Enterprise, Inc.,
Respondent

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Docket No. C-2018-2641984

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 Shea's Trucking Enterprise, Inc. ("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 January 10, 2018 by filing a Complaint.
2. On January 11, 2018, the Complaint was served by certified mail to Respondent at 4260 Allens Hill Road, Honeoye, NY 14471.
3. Attached to the Complaint was a Notice advising Respondent that it must file an Answer within twenty (20) days of service of the Complaint.
4. 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.
5. On January 13, 2018, Respondent received the Complaint. A true and correct copy of proof of delivery of the Complaint is attached as Exhibit 1.

6. The twenty (20) days to file an Answer to the Complaint expired on January 31, 2018.
7. Respondent did not file an Answer to the Complaint.
8. 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).
9. The Commonwealth Court has upheld the Commission's authority to sustain complaints that are not answered within twenty days. *See Fusaro v. Pa. Pub. Util. Comm'n*, 382 A.2d 794, 797 (Pa. Cmwlth. 1978).
10. Respondent did not pay the outstanding assessment balance of \$3,229 for the July 1, 2016 to June 30, 2017 Fiscal Year ("2016-2017 Fiscal Year") or the civil penalty of \$484¹ that was sought in the Complaint for Respondent's failure to timely pay the assessment.
11. I&E respectfully requests that the Commission enter a Default Order against Respondent that:
 - a. Directs Respondent to pay a total of \$3,713, which consists of its outstanding assessment of \$3,229 for the 2016-2017 Fiscal Year and the requested civil penalty of \$484, within thirty (30) days of the entry date of the Commission's Order;

¹ This civil penalty is based on a review of Respondent's history of compliance with the Public Utility Code and Commission regulations and orders for three years prior to the date that I&E filed its Complaint in this matter, the need to deter future violations, and prior Commission decisions in similar situations pursuant to 52 Pa. Code §§ 69.1201(c)(6), (8), and (9). Due to Respondent's acceptable compliance history, I&E requested that Respondent pay a civil penalty of \$484, which is 15% of Respondent's outstanding assessment related to the 2016-2017 Fiscal Year.

- b. Directs the Bureau of Technical Utility Services to cancel Respondent's Certificate of Public Convenience at A-2012-2326697 if Respondent fails to pay the total set forth in subparagraph (a), above, 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 Respondent fails to pay the total set forth in subparagraph (a), above, 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 total set forth in subparagraph (a), above, if Respondent fails to pay that total within thirty (30) days of the entry date of the Commission's Order.

Respectfully submitted,



Kourtney L. Myers

Prosecutor

PA Attorney ID No. 316494

Pennsylvania Public Utility Commission
Bureau of Investigation and Enforcement
P.O. Box 3265
Harrisburg, PA 17105-3265
(717) 705-4366
komyers@pa.gov

Date: April 20, 2018

EXHIBIT 1

ALERT: AS OF APRIL 30, USPS.COM WILL NO LONGER SUPPORT OUTDATED BROW...

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13

JANUARY
2018 ⓘ

by

8:00pm ⓘ

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January 13, 2018 at 1:15 pm
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HONEOYE, NY 14471

Return Receipt Email



Tracking History



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

v.

Shea's Trucking Enterprise, Inc.,
Respondent

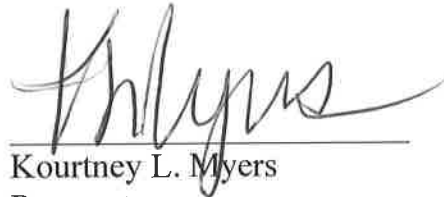
Docket No. C-2018-2641984

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).

Notification by First Class Mail:

Shea Slade, President
Shea's Trucking Enterprise, Inc.
4260 Allens Hill Road
Honeoye, NY 14471



Kourtney L. Myers
Prosecutor
PA Attorney ID No. 316494

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Bureau of Investigation and Enforcement
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Dated: April 20, 2018