BEFORE THE

PENNSYLVANIA PUBLIC UTILITY COMMISSION

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BUREAU OF INVESTIGATION AND ENFORCEMENT :

 :

 V. : DOCKET NO. C-2018-3000957

 :

BEKINS A-1 MOVERS INC :

TA ACE MOVNG & STORAGE :

125 STEWART ROAD :

WILKES-BARRE PA 18706 :

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 Investigation and Enforcement and other bureaus with enforcement responsibilities. Pursuant to that delegated authority and Section 701 of the Public Utility Code, the Bureau of Investigation and Enforcement Prosecutory Staff hereby represents as follows:

1. That Bekins A-1 Movers, Inc., t/a Ace Moving & Storage, Respondent, maintains its principal place of business at 125 Stewart Road, Wilkes-Barre, Pennsylvania, 18706.

2. That Respondent was issued a certificate of public convenience authorizing transportation of household goods by this Commission on February 12, 2009 at Application Docket Number A-00108519.

3. That an informal complaint was filed at the Commission regarding a move contracted by the Respondent from that occurred on November 21, 2017.

4. That PUC Motor Carrier Enforcement Officers Thomas Kepping and Elliott Miller met with Rick Herrington, General Manager, on March 26, 2018. Mr. Herrington provided the paperwork on file at Respondent’s office pertaining to the move at that time. An investigation of the Respondent’s required criminal background checks revealed that two of the three required criminal background searches were performed more than two years ago.

 5. That Respondent, by failing to perform a criminal background check on an employee every two years, is in violation of 52 Pa. Code §31.134(b). The penalty is $100.

 WHEREFORE, the Bureau of Investigation and Enforcement Prosecutory Staff hereby requests that the Commission fine Bekins A-1 Movers, Inc., t/a Ace Moving & Storage, the sum of one hundred dollars ($100) for the illegal activity described in this Complaint and order such other remedy as the Commission may deem to be appropriate.

 Respectfully submitted,

 

 David W. Loucks, Chief

 Motor Carrier Enforcement

 Bureau of Investigation and Enforcement

 P.O. Box 3265

 Harrisburg, PA  17105‑3265

VERIFICATION

I, David W. Loucks, 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 that the Bureau will be able to prove 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: 5/22/2018 

 David W. Loucks, Chief

 Motor Carrier Enforcement

 Bureau of Investigation and Enforcement

**NOTICE**

1. 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 **shall be mailed to:**

Rosemary Chiavetta, Secretary

Pennsylvania Public Utility Commission

P.O. Box 3265

Harrisburg, Pennsylvania 17105‑3265

**Or may be sent by overnight delivery to:**

400 North Street, 2nd Floor

Harrisburg, Pennsylvania 17120

 **Additionally, a copy should either be mailed to:**

Michael L. Swindler, Deputy Chief Prosecutor

Bureau of Investigation and Enforcement

Pennsylvania Public Utility Commission

P.O. Box 3265

Harrisburg, Pennsylvania 17105-3265

 Or, e-mailed to Mr. Swindler at: RA-PCCmplntResp@pa.gov

1. If you fail to answer this complaint within twenty (20) days, the Bureau of Investigation and Enforcement will request that the Commission issue a Secretarial Letter imposing a penalty. The penalty could include a fine, the suspension or revocation of your certificate of public convenience or other remedy.
2. 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:

Rosemary Chiavetta, Secretary

Pennsylvania Public Utility Commission

P.O. Box 3265

Harrisburg, PA  17105‑3265

1. 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.
2. If you file an Answer, which admits or fails to deny the allegations of the Complaint, the Bureau of Investigation and Enforcement will request that the Commission issue a Secretarial Letter imposing a penalty.
3. 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.
4. Alternative formats of this material are available for persons with disabilities by contacting the Commission’s ADA Coordinator at 717-787-8714.