



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

July 17, 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. Joyce Joyner Puckett  
Docket No. C-2018-2643836

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.	:	Docket No. C-2018-2643836
	:	
Joyce Joyner Puckett,	:	
Respondent	:	

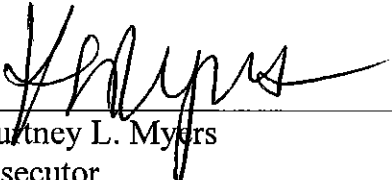
**NOTICE TO PLEAD**

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.

  
\_\_\_\_\_  
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](mailto:komyers@pa.gov)

Dated: July 17, 2018

**BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Pennsylvania Public Utility Commission,	:	
Bureau of Investigation and Enforcement,	:	
Complainant	:	
	:	
v.	:	Docket No. C-2018-2643836
	:	
Joyce Joyner Puckett,	:	
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 Joyce Joyner Puckett (“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 22, 2018 by filing a Complaint.
2. On January 22, 2018, the Complaint was served by certified mail to Respondent at 35 Blackburn Road, Quarryville, PA 17566.
3. This is the last known mailing address that Respondent provided to the Commission.
4. On January 30, 2018, the Complaint was returned to the Commission by the United States Postal Service and was marked as “Return to Sender; Puckett Joyce; Temporarily Away.”

5. On February 2, 2018, the Complaint was re-served to Respondent by certified mail at 35 Blackburn Road, Quarryville, PA 17566.
6. On February 9, 2018, the Complaint was returned to the Commission by the United States Postal Service and was marked as “Return to Sender; Puckett Joyce; Temporarily Away.”
7. On February 20, 2018, the Complaint was re-served to Respondent by certified mail at 35 Blackburn Road, Quarryville, PA 17566.
8. On February 27, 2018, the Complaint was returned to the Commission by the United States Postal Service and was marked as “Return to Sender; Puckett Joyce; Temporarily Away.”
9. Since the Commission was unable to serve Respondent at her last known mailing address, I&E published the Complaint in the *Pennsylvania Bulletin* on May 26, 2018 pursuant to the Commission’s regulation at 52 Pa. Code § 1.53(e) (related to alternative service). *See* 48 Pa. Bull. 3188 (May 26, 2018).
10. Attached to the Complaint was a Notice advising Respondent that she must file an Answer within twenty (20) days.
11. The Notice also advised Respondent that if she failed to answer the Complaint, I&E would request that the Commission issue an Order imposing the penalty set forth in the Complaint.
12. Respondent did not file an Answer to the Complaint.
13. 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).

14. 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).

15. Respondent did not pay her outstanding assessment balance of \$199 for the July 1, 2016 to June 30, 2017 Fiscal Year ("2016-2017 Fiscal Year") or the total civil penalty of \$300<sup>1</sup> that was sought in the Complaint for Respondent's failure to timely pay the assessment and file an assessment report demonstrating revenues earned during the 2015 calendar year.

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

- a. Directs Respondent to pay a total of \$499, which consists of her outstanding assessment of \$199 for the 2016-2017 Fiscal Year and the requested civil penalty of \$300, 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-00119401 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

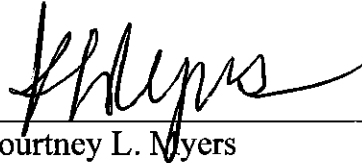
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<sup>1</sup> This civil penalty is based on a review of Respondent's history of compliance with the Public Utility Code and Commission regulations and orders for three years prior to the date that I&E filed its Complaint in this matter, the need to 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 total civil penalty of \$300, which is 15% of Respondent's outstanding assessment related to the 2016-2017 Fiscal Year or \$50, whichever is greater, and \$250 regarding Respondent's failure to file an assessment report for the 2015 calendar year.

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,



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Kourtney L. Myers  
Prosecutor  
PA Attorney ID No. 316494

Pennsylvania Public Utility Commission  
Bureau of Investigation and Enforcement  
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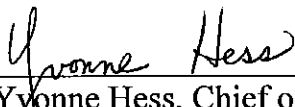
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Bureau of Investigation and Enforcement,	:	
Complainant	:	
	:	
v.	:	Docket No. C-2018-2643836
	:	
Joyce Joyner Puckett,	:	
Respondent	:	

**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: July 17, 2018

  
\_\_\_\_\_  
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

