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|  | **PENNSYLVANIA****PUBLIC UTILITY COMMISSION****Harrisburg, PA 17105-3265** |  |

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|  | Public Meeting held June 13, 2019 |
| Commissioners Present: |  |

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| --- | --- |
| Gladys Brown Dutrieuille, ChairmanDavid W. Sweet, Vice Chairman |  |
| Norman J. Kennard |  |
| Andrew G. Place  |  |
| John F. Coleman, Jr. |  |
|  |  |
| Cancellation of Certificates of Public Convenience for Common Carriers; Failure to Operate or Report Any Operating Revenue | M-2019-3007610 |

**FINAL ORDER**

**BY THE COMMISSION:**

 On February 28, 2019, the Commission entered a Tentative Order in the above­captioned proceeding to initiate the process for cancelling the Certificates of Public Convenience (CPC) of common carriers that failed to file required annual assessment reports and/or failed to establish that they have operated continuously. The Tentative Order was mailed to each carrier and was published in the *Pennsylvania Bulletin* on March 16, 2019. 49 Pa. B. 1253. Carriers were given 20 days from publication to challenge the cancellation of their CPCs, file a conforming Assessment Report, or, alternatively, request cancellation of their CPCs.

The carriers that were served with the February 28 Tentative Order were those carriers that failed to respond to the Commission’s earlier Secretarial Letter, requesting that they either file an assessment report detailing their intrastate operating revenues, as required by Section 510 of the Public Utility Code, 66 Pa. C.S. § 510, or notify the Commission of their desire to abandon their CPCs. Moreover, the Secretarial Letter warned the carriers that failure to comply would result in the Commission taking appropriate action to cancel their CPCs.

 By way of background, the Public Utility Code requires that by March 31 of each year, every public utility must file a report detailing its gross intrastate operating revenue for the preceding calendar year. 66 Pa. C.S. § 510(b). This report is essential for the Commission to fund its operations and to properly allocate assessment costs among the regulated utility community. *Id*. In addition, common carriers are required to operate continuously and without unreasonable interruptions of service. 66 Pa. C.S. § 1501, 52 Pa. Code §§ 29.61‑62. A carrier with no intrastate operating revenues for several years indicates that it is no longer providing jurisdictional public utility service in Pennsylvania and, therefore, a CPC for that entity is no longer “necessary or proper for the service, accommodation, convenience, or safety of the public.” 66 Pa. C.S. § 1103(a). In addition, Commission regulations authorize the cancellation of a common carrier’s CPC for failure to comply with operating and reporting requirements, as well as other provisions of the Public Utility Code. 52 Pa. Code §§ 29.12 (Motor Carriers of Passengers) and 31.12 (Motor Carriers of Property).

 In response to the February 28 Tentative Order, the common carriers listed in Table 1 filed a conforming Assessment Report with the Commission reporting their gross intrastate operating revenue for 2017; the common carriers listed in Table 2 responded to the tentative order by filing an Assessment Report for 2017 but reported zero gross intrastate operating revenue; the common carriers listed in Table 3 requested cancellation of their CPCs; and the common carriers listed in Table 4 did not respond to the Tentative Order in any way.

 The carriers listed in Table 1 are in compliance with the reporting requirements of 66 Pa. C.S. § 510(b) and the operational requirements of 66 Pa. C.S. § 1501 and 52 Pa. Code §§ 29.61-62. Therefore, this matter is closed with respect to these carriers.

Finally, the carriers listed in Tables 2, 3 and 4 have either responded to the Tentative Order by reporting zero intrastate operating revenue for 2017, requested cancellation of their CPCs, or have failed to respond to the Tentative Order, remaining in non-compliance. Moreover, each of these carriers have failed to report any intrastate operating revenues for several years. A carrier with no intrastate operating revenues for several years indicates that it is no longer providing jurisdictional public utility service in Pennsylvania and, therefore, a CPC for that entity is no longer “necessary or proper for the service, accommodation, convenience, or safety of the public.” 66 Pa. C.S. § 1103(a). Each of these carriers have had ample notice and an opportunity to be heard via the Secretarial Letter and the February 28, 2019 Tentative Order. The carriers in Table 2 responded to the Tentative Order by reporting zero intrastate operating revenue for several years. The carriers listed in Table 3 requested that their CPCs be cancelled. None of the carriers listed in Table 4 responded. The CPCs of these three groups will be cancelled; **THEREFORE,**

**IT IS ORDERED:**

 1. That this matter is closed for motor carriers listed in Table 1.

 2. That the Certificate of Public Convenience for each motor carrier listed in Tables 2, 3, and 4 is cancelled for reasons cited herein. These carriers shall be stricken from all active utility lists maintained by the Commission’s Bureau of Technical Utility Services and the Fiscal & Assessments Section of the Bureau of Administration.

 3. That the Secretary serve a copy of this Final Order upon the Bureau of Investigation & Enforcement, the Bureau of Technical Utility Services, the Bureau of Administration, Department of Revenue – Bureau of Corporation Taxes, Department of Transportation, and all motor carriers listed in Tables 1-4. The Final Order shall be filed at each carrier’s docket number.

 4. That the Secretary shall publish a copy of this Final Order in the *Pennsylvania Bulletin*.

**BY THE COMMISSION,**

Rosemary Chiavetta

Secretary

(SEAL)

ORDER ADOPTED: June 13, 2019

ORDER ENTERED: June 13, 2019

**Table 1 – Carriers That Reported 2017 Revenue**

|  |  |  |
| --- | --- | --- |
| **Utility Code** | **Carrier Name** | **Docket No.** |
| 6310309 | DISCOUNT CAB SERVICE LLC | A-2010-2195541 |
| 631838 | GREENS TAXI INC | A-00115729, A-00115729F0002,A-00115729F0003,A-00115729F0004 |
| 640763 | ST MARYS AREA AMBULANCE SERVICE INC | A-00116119 |
| 707138 | JOHN C DELAUTER | A-00121541 |
| 707250 | R E DAUMER TRUCKING INC | A-00121717 |
| 822140 | PIERCE, PAUL E. | A-00103102 |
| 8910362 | BLACK BEAR TRUCKING, LLC | A-2009-2088174 |
| 8910427 | A J KONOPKA EXCAVATING INC | A-2008-2060597 |
| 8910572 | MOORE TRUCKING, LLC | A-2008-2072429 |
| 8915205 | KEEP IT MOVING LLC | A-2017-2617127 |
| 8915784 | MICHAEL JOHN HUYA III | A-2013-2366214 |
| 8915912 | DAVID M PHILLIPS JR | A-2013-2377572 |

**Table 2 – Carriers That Reported No 2017 Revenue**

|  |  |  |
| --- | --- | --- |
| **Utility Code** | **Carrier Name** | **Docket No.** |
| 701052 | LEGACY LANDSCAPE MATERIALS INC. | A-00111799 |
| 701939 | T. S. TRANSFER, INC. | A-00113058 |

**Table 3 – Carriers: Certificates of Public Convenience Cancelled by Request**

|  |  |  |
| --- | --- | --- |
| **Utility Code** | **Carrier Name** | **Docket No.** |
| 632356 | BLUE & WHITE USA, INC. | A-00119928, A-00119928F0002 |
| 706405 | DIVERSIFIED COMMODITIES INC | A-2019-3006975 |
| 707342 | DCH TRUCKING, LLC | A-00121855 |
| 860010 | VOLPE EXPRESS, INC. | A-00107410 |
| 8912020 | WILLIAM D MERCER JR | A-2010-2169665 |
| 8913831 | BRIAN J PAUL | A-2012-2330014 |
| 8914680 | EDWARD M COX JR | A-2012-2332955 |
| 8915176 | WAYNE HARMAN | A-2012-2327957 |

**Table 4 – Carriers: Certificates of Public Convenience Cancelled for Noncompliance**

|  |  |  |
| --- | --- | --- |
| **Utility Code** | **Carrier Name** | **Docket No.** |
| 630724 | MARTHA A BLACKMON | A-00105474 |
| 631051 | DASHMESH CAB CORP | A-00111733 |
| 631740 | FRANCIS E CRINER | A-00105811 |
| 640787 | DANVILLE AMBULANCE SERVICE INC. | A-00116289 |
| 640981 | MM TRANSPORTATION, LLC | A-00117758 |
| 6410110 | FIRST CLASS LIMOS INC | A-2008-2039976 |
| 6410946 | CITY TOURS INC | A-2009-2097215 |
| 641274 | RONALD C JONES | A-00120191,A-00120191F0002 |
| 6413343 | RIDE AND REBUILD LLC | A-2011-2233406 |
| 6413891 | RPD PLUS EXECUTIVE COACH LLC | A-2011-2262741,A-2011-2263555 |
| 6414204 | ADVANCE CARE INC | A-2012-2285059 |
| 6414291 | ALSTAR MEDICAL TRANSPORTATION INC | A-2012-2290580 |
| 6414761 | ATLANTIS LIMOUSINE SERVICE LLC | A-2012-2309340 |
| 641484 | FJG TRANSPORTATION, INC. | A-00121716 |
| 6416227 | ABC TRANSIT INC | A-2013-2398408 |
| 641643 | BRONNER, CAROL JEAN | A-00122750 |
| 641660 | A-1 QUALITY LIMOUSINE SERV LLC | A-00122888 |
| 641665 | BISHOP, PAUL A. | A-00122946 |
| 641755 | ADVANTAGE MEDICAL TRANSPORT, INC | A-00123352 |
| 641849 | LIMO TODAY, INC. | A-00124027 |
| 641859 | ARNOLD FIRE - EMS OF ARNOLD, PA | A-00124069 |
| 641882 | EQUERE, PETER | A-00124186 |
| 649841 | PREMIER LUXURY RENTALS INC | A-2008-2024530,A-2010-2187490 |
| 700115 | WHIPSTOCK NATURAL GAS SERVICES, LLC | A-00108852 |
| 700140 | FULLER, GENE HOMES, INC. | A-00108928 |
| 700282 | BEN L MAY | A-00109307 |
| 700784 | PAULISICK, ROBERT M. | A-00110981 |
| 701009 | DAVIDSON TRANSFER & STORAGE CO. | A-00111747 |
| 701133 | OHIO TRANSPORT CORPORATION | A-00111896 |
| 701358 | BG & BG, INC. | A-00112172 |
| 701370 | A.J.G. TRUCKING, INC. | A-00107214 |
| 701410 | SWEIGART, GARY LEE | A-00112233 |
| 701544 | ARROW TRUCKING CO. | A-00112411 |
| 701789 | STANISLAW, ROGER A. | A-00112805 |
| 701847 | LARRY L FULTZ | A-00112905 |
| 702166 | GAZZELLA CORPORATE COURIER EXPR | A-00113434 |
| 702197 | ALLENTOWN NEWS AGENCY | A-00106107 |
| 702369 | HARDROCK TRUCKING & EXCAVATING LLC | A-00113733 |
| 702470 | GLEESON, TIMOTHY F. | A-00113868 |
| 702498 | WALKER, BRANDON P. | A-00113920 |
| 702538 | PRINCETON ARMORED SERVICE, INC. | A-00113981 |
| 702748 | QSC EQUIPMENT, INC. | A-00114356 |
| 702775 | DILLON, KENNETH G. | A-00114401 |
| 702867 | KOPPES, M.H., CLAY PRODUCTS COM | A-00114570 |
| 702935 | BRIGHT TRANSPORTATION, LP. | A-00114676 |
| 702956 | G L ADAMS EXCAVATING INC | A-00114707 |
| 703041 | G.W. ROWE & SON DEVELOPMENT CO. INC. | A-00114828 |
| 703195 | STOVER'S GRADING & EXCAVATING, | A-00115022 |
| 703280 | APPALACHIAN TRANSPORT, INC. | A-00115121 |
| 703330 | MICHEL DISTRIBUTION SERVS, INC | A-00115200 |
| 703497 | CALFO RED LINE TRANSFER, INC. | A-00115472 |
| 703816 | BEAVEX INCORPORATED | A-00115967 |
| 703883 | CTX, INC. | A-00116082 |
| 704058 | KOVATCH, LAWRENCE FRANCIS | A-00116360 |
| 704132 | CARLIN MESSENGER SERVICE, LLC | A-00116462 |
| 704138 | RT CAREY TRUCKING LLC | A-00116471 |
| 704378 | ANTIQUE TRANSPORT CO. | A-00116837 |
| 704401 | JOHNSTON, MICHELE, INC. | A-00116875 |
| 705005 | STANLEY S KARP, SR. | A-00117814 |
| 705294 | BUTLER, GEORGE H. | A-00118296 |
| 705337 | SPIRIT DELIVERY & DIST SERV INC | A-00118372 |
| 705431 | MCGANN & CHESTER, LLC | A-00118499 |
| 706201 | NETWORK EXPRESS, INC. | A-00119803 |
| 706279 | QUIGLEY, LARRY DON | A-00119930 |
| 706399 | ERNEST D ROSS JR | A-00120172 |
| 706567 | WHITE, THOMAS | A-00120464 |
| 706707 | MILDRED A KISSEL | A-00120714 |
| 707019 | LWENYA, BEN AMUGUNE | A-00121283 |
| 707360 | BESTWAY SYSTEMS, INC. | A-00121879 |
| 707449 | TOTAL TRANSPORTATION TRUCKING, INC | A-00121990 |
| 707541 | MECHANICS PLUS TOWING&TRANS, INC | A-00122140 |
| 707595 | SHIMSHOCK, INC. | A-00122226 |
| 707608 | STORAGE MOBILITY OF EASTERN PA | A-00122252 |
| 707609 | STORAGE MOBILITY OF SCRANTON | A-00122253 |
| 707904 | DMP TRUCKING, INC. | A-00122696 |
| 708135 | DART TRANSPORT, INC. | A-00123003 |
| 708327 | BERNHARDT TRUCKING, INC. | A-00123302 |
| 708443 | COMPLETE MILLWORK SOLUTIONS INC | A-00123475 |
| 708518 | IRVIN C GALLAHER JR | A-00123587 |
| 708537 | ROBERT HIGGINS | A-00123611 |
| 708587 | BELL, DAVID C. | A-00123690 |
| 708809 | HANNAHS TRANSPORT LLC | A-00124026 |
| 708851 | BUCKLEY, MARK J. | A-00124092 |
| 708943 | MAPLE GROVE TOWING INC | A-00124224 |
| 712405 | BETTERS COMPANY, INC. | A-00107118 |
| 725965 | CTR DEL. SER. OF WASHINGTON, INC | A-00105659 |
| 743161 | E. F. CORPORATION | A-00108347 |
| 745000 | EVANS DELIVERY COMPANY, INC. | A-00095172 |
| 752200 | FRANK DELIVERY SERVICE, INC. | A-00095640 |
| 760300 | GRAEBEL/EASTERN MOVERS, INC. | A-00099425 |
| 760305 | GRAEBEL/PITTSBURGH MOVERS, INC. | A-00104969 |
| 778390 | KARNER, CURT A. | A-00107646 |
| 835420 | RYAN MOVING & STORAGE INC OF ERIE | A-00025550 |
| 841135 | SHAMROCK MINERALS CORPORATION | A-00106000 |
| 841240 | SHANAHAN TRANSFER & STORAGE CO. | A-00025407 |
| 846050 | GENE'S MOVING SERVICE, INC. | A-00106856 |
| 862990 | DUKE MOVING AND STORAGE, INC. | A-00101712 |
| 866650 | HARRY WILLIAMS T/A EAGLE TAXI | A-00102568, A-00102568F0002 |
| 890445 | USA CARTAGE, INC. | A-00110418 |
| 890669 | FINLEYS' CUSTOM SERVICES, INC. | A-00111267 |
| 890754 | GARDA CL ATLANTIC INC | A-00099633 |
| 890938 | EDMIL FUELS, INC. | A-00105031 |
| 890995 | FRITO-LAY, INC. | A-00106742 |
| 8910020 | DEAMER TRUCKING LTD | A-2008-2036389 |
| 8910205 | PRETTY MELL'S TRUCKING LLC | A-2008-2046388 |
| 8910358 | LOI TU LUU | A-2008-2056977 |
| 8910508 | VOLPE DEDICATED INC | A-2008-2065514 |
| 891060 | HANLY, DAVE INC. | A-00107714 |
| 8910739 | HODGES TRUCKING COMPANY LLC | A-2009-2088091 |
| 891085 | HIATAL, INC. | A-00107735 |
| 8910962 | PIKE COUNTY PAVING LLC | A-2009-2098379 |
| 8911172 | MJM TRUCKING INC | A-2009-2111737 |
| 8911290 | MINUTEMAN SPILL RESPONSE INC | A-2009-2123954 |
| 8911556 | THOMAS PATRICK COTTER | A-2009-2141821 |
| 8911722 | JOEL VOUGHT | A-2010-2152632 |
| 8911920 | LOREN BAHR T/A WINDFALL TRANSPORT | A-2010-2166427 |
| 8912021 | JOSEPH ORISCHAK | A-2010-2169686 |
| 8912210 | JEREMYS ROUSTABOUTS & BACKHOE INCORPORATED | A-2010-2177765 |
| 8912223 | RANDY E MYERS | A-2010-2178410 |
| 8912353 | ENDLESS MOUNTAIN EXPRESS INC | A-2010-2183927 |
| 8912591 | TEXAS TRANSCO INC | A-2010-2193558 |
| 8912620 | S & E TRUCKING COMPANY | A-2010-2195476 |
| 8912629 | MICHAEL BICKINGS | A-2010-2195792 |
| 8912933 | QUE TRUCKING LLC | A-2010-2208173 |
| 8912938 | KEN FRANKS TRUCKING LLC | A-2010-2208210 |
| 8912988 | MCGHEE MOVING AND LOGISTICS INC | A-2010-2214113,A-2011-2219035 |
| 8913251 | DKM TRANSPORTATION AND WELDING ENTERPRISES LIMITED | A-2011-2222425 |
| 8913259 | ROPING THE WIND RANCH & TRUCKING LLC | A-2011-2206855 |
| 8913349 | MELO PROPERTY SERVICES LLC | A-2011-2233612 |
| 8913369 | TEN MILE PAVING LLC | A-2011-2234640 |
| 8913405 | CMP TRUCKING LLC | A-2011-2235769 |
| 8913664 | PAUL MORRISROE | A-2011-2273495 |
| 8913774 | TXD TRANSPORT LP | A-2011-2256133 |
| 8913808 | H D HAULING LLC | A-2011-2257441 |
| 8913830 | ALL ABOUT FREIGHT LLC | A-2011-2258498 |
| 8914175 | MINUTEMAN ENVIRONMENTAL SERVICES INC | A-2012-2282845 |
| 8914230 | CHARLES E SCHRECENGOST | A-2012-2286478 |
| 8914427 | DR WELL SITE SERVICES LLC | A-2012-2294207 |
| 891453 | RANKER, DANIEL L. | A-00107859 |
| 8914665 | AARON C HERSHBERGER | A-2012-2304445 |
| 8915074 | AMWARE FULFILLMENT OF PENNSYLVANIA LLC | A-2012-2309954 |
| 8915081 | TICK-TOCK TRANSPORTATION LLC | A-2012-2321805 |
| 8915084 | CDB TRUCKING LLC | A-2012-2321936 |
| 8915136 | KAUFFMAN LLC | A-2012-2325831 |
| 8915151 | KIRBY OFFSHORE MARINE INC | A-2012-2326291 |
| 8915548 | SHEESLEY SUPPLY COMPANY INC | A-2013-2352766 |
| 8915702 | GRAND SLAM EXPEDITED INC | A-2013-2360633 |
| 8916130 | COOP TRANSPORT EXPRESS LLC | A-2013-2392099 |
| 8916191 | GUNNER TRUCKING LLC | A-2018-2644211 |
| 8916284 | LEHIGH VALLEY LINES INC | A-2014-2401291 |
| 8916342 | GP PONCE TRANSPORT LLC | A-2014-2406045 |
| 8916498 | ANDREW W SCHMIDT | A-2014-2418004 |
| 8916641 | LIBERATOR PERFORMANCE SALES & SERVICE INC | A-2014-2427024 |
| 899733 | COURIER EXPRESS US, INC. | A-2008-2022421 |
| 899791 | PHILIP S RISSLER T/A PHILIP RISSLER TRUCKING | A-2008-2023882 |
| 899858 | COLLINCE TANTSING | A-2008-2024737 |