



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

June 28, 2019

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. Lea C. Morgan t/a Amor'e Limousines
Docket No. C-2019-_____

Dear Secretary Chiavetta:

Enclosed for electronic filing please find the Complaint in the above referenced case on behalf of the Bureau of Investigation and Enforcement of the Pennsylvania Public Utility Commission. Copies have been served on the parties of record in accordance with the Certificate of Service.

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

NOTICE

A. You must file an Answer within 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 Letter. *See* 52 Pa. Code §1.56(a). The Answer must raise all factual and legal arguments that you wish to claim in your defense, include the docket number of this Complaint, and be verified. You may file your Answer by mailing an original to:

Rosemary Chiavetta, Secretary
Pennsylvania Public Utility Commission
P.O. Box 3265
Harrisburg, PA 17105-3265

Or, you may eFile your Answer using the Commission's website at www.puc.pa.gov. The link to eFiling is located under the Filing & Resources tab on the homepage. If your Answer is 250 pages or less, you are not required to file a paper copy. If your Answer exceeds 250 pages, you must file a paper copy with the Secretary's Bureau.

Additionally, a copy should either be mailed to:

Kourtney L. Myers, Prosecutor
Pennsylvania Public Utility Commission
Bureau of Investigation and Enforcement
P.O. Box 3265
Harrisburg, PA 17105-3265

Or, emailed to Ms. Myers at: komyers@pa.gov

B. If you fail to answer this Complaint within 20 days, the Bureau of Investigation and Enforcement will request that the Commission issue an Order imposing the requested relief.

C. You may elect not to contest this Complaint by paying the past due assessment and civil penalty within 20 days. Send only a certified check or money order made payable to the "Commonwealth of Pennsylvania," with the docket number indicated, and mail to:

Rosemary Chiavetta, Secretary
Pennsylvania Public Utility Commission
P.O. Box 3265
Harrisburg, PA 17105-3265

D. If you file an Answer which either admits or fails to deny the allegations of the Complaint, the Bureau of Investigation and Enforcement will request the Commission to issue an Order imposing the requested relief set forth in this Complaint.

E. 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 penalty set forth in the Complaint and may impose additional and/or alternative penalties as appropriate.

F. If you are a corporation, you must be represented by legal counsel. 52 Pa. Code § 1.21.

G. Alternative formats of this material are available for persons with disabilities by contacting the Commission's ADA Coordinator at 717-787-8714.

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Pennsylvania Public Utility Commission	:	
Bureau of Investigation and Enforcement	:	
	:	
v.	:	Docket No. C-2019-
	:	
Lea C. Morgan t/a Amor'e Limousines	:	

COMPLAINT

NOW COMES the Bureau of Investigation and Enforcement (“I&E”) of the Pennsylvania Public Utility Commission (“Commission”), by its prosecuting attorneys, and files this Complaint against Lea C. Morgan t/a Amor’e Limousines (“Respondent”), pursuant to Section 701 of the Public Utility Code, 66 Pa.C.S. § 701. In support of its Complaint, I&E respectfully represents the following:

Parties and Jurisdiction

1. The Pennsylvania Public Utility Commission, with a mailing address of P.O. Box 3265, Harrisburg, PA 17105-3265, is a duly constituted agency of the Commonwealth of Pennsylvania empowered to regulate public utilities within the Commonwealth pursuant to the Public Utility Code, 66 Pa.C.S. §§ 101, *et seq.*

2. Complainant is the Commission’s Bureau of Investigation and Enforcement and is the entity established by statute to prosecute complaints against public utilities pursuant to 66 Pa.C.S. § 308.2(a)(11). *See also Implementation of Act 129 of 2008; Organization of Bureaus and Offices*, Docket No. M-2008-2071852 (Order entered August 11, 2011) at 5 (transferring authority to prosecute assessment cases to I&E).

3. Complainant is represented by:

Kourtney L. Myers
Prosecutor
Pennsylvania Public Utility Commission
Bureau of Investigation and Enforcement
P.O. Box 3265
Harrisburg, PA 17105-3265
717.705.4366
komyers@pa.gov

Michael L. Swindler
Deputy Chief Prosecutor
Pennsylvania Public Utility Commission
Bureau of Investigation and Enforcement
P.O. Box 3265
Harrisburg, PA 17105-3265

4. Respondent is Lea C. Morgan t/a Amor'e Limousines and maintains her principal place of business at P.O. Box 87, North Versailles, PA 15137, Attention: Lea C. Morgan.

5. Respondent is a "public utility" as that term is defined at 66 Pa.C.S. § 102, as she is engaged in transporting passengers in the Commonwealth of Pennsylvania for compensation.

6. The Commission issued Respondent a Certificate of Public Convenience ("Certificate") on or about August 28, 2001, at A-00118075, for limousine authority and group and party sixteen (16) or greater authority.

7. Section 501(a) of the Public Utility Code, 66 Pa.C.S. § 501(a), authorizes and obligates the Commission to execute and enforce the provisions of the Public Utility Code.

8. Section 701 of the Public Utility Code, 66 Pa.C.S. § 701, authorizes the Commission to, *inter alia*, hear and determine complaints against public utilities for a violation of any law or regulation that the Commission has jurisdiction to administer.

9. Section 3301 of the Public Utility Code, 66 Pa.C.S. § 3301, authorizes the Commission to impose civil penalties on any public utility, or any other person or corporation subject to the Commission's authority, for violation(s) of the Public Utility Code and/or Commission regulations. Section 3301(a)-(b) of the Public Utility Code, 66 Pa.C.S. § 3301(a)-(b), allows for the imposition of a separate civil penalty for each violation and each day's continuance of such violation(s).

10. Respondent, in transporting passengers as a common carrier for compensation, is subject to the power and authority of this Commission pursuant to Section 501(c) of the Public Utility Code, 66 Pa.C.S. § 501(c), which requires a public utility to comply with Commission regulations.

11. Pursuant to the provisions of the applicable Commonwealth statutes and regulations, the Commission has jurisdiction over the subject matter of this complaint and the actions of Respondent related thereto.

Factual Background

PRIOR ASSESSMENT-RELATED COMPLAINT

12. On June 30, 2016, I&E filed a Complaint against Respondent at Docket No. C-2016-2553952, alleging that Respondent violated Sections 510(b)-(c) of the Public Utility Code, 66 Pa.C.S. §§ 510(b)-(c), by failing to file an assessment report for the 2014 calendar year and failing to satisfy her assessment for the July 1, 2015 to June 30, 2016

Fiscal Year (“2015-2016 Fiscal Year”) in the amount of \$3,104. In addition to payment of the outstanding assessment, I&E sought payment of a civil penalty in the amount of \$1,466.

13. On October 5, 2016, I&E filed a Motion for Default Judgment (“Motion”) due to Respondent’s failure to file an Answer to I&E’s Complaint at Docket No. C-2016-2553952. In its Motion, I&E requested that Respondent be ordered to pay her outstanding assessment and the requested civil penalty.

14. The Commission entered an Opinion and Order on April 19, 2018, granting I&E’s Motion and modifying the civil penalty requested in I&E’s Motion from \$1,466 to \$1,766.

15. On May 15, 2018, Respondent paid her outstanding assessment for the 2015-2016 Fiscal Year and the modified civil penalty as directed in the Commission’s Order.

2016-2017 FISCAL YEAR

16. On or about September 9, 2016, the Commission mailed to Respondent, by certified mail, an assessment invoice for the July 1, 2016 to June 30, 2017 Fiscal Year (“2017-2018 Fiscal Year”) that was based, in part, on Respondent’s estimated revenues for the 2015 calendar year. Respondent’s assessment was \$3,566. A copy of the assessment invoice is attached as Exhibit 1.

17. Accompanying the assessment invoice was a notice of assessment that informed Respondent that she was obligated to pay the amount listed on the assessment

invoice within thirty (30) days or file objections within fifteen (15) days. A copy of the notice of assessment is attached as Exhibit 2.

18. On September 28, 2016, Respondent provided an electronic signature to the United States Postal Service for the certified mailing, which indicated that she received the assessment invoice and notice of assessment for the 2016-2017 Fiscal Year. A copy of the electronic signature for the certified mailing is attached as Exhibit 3.

19. The Commission received no objections from Respondent to the assessment amount set forth in the 2016-2017 Fiscal Year Assessment Invoice.

20. On or about January 6, 2017, I&E sent Respondent a letter warning Respondent that if she did not pay her 2016-2017 Fiscal Year Assessment within 30 days of receipt of the letter, then I&E would file a Formal Complaint against Respondent seeking payment of the outstanding assessment and a civil penalty and revocation of Respondent's Certificate and vehicle registration(s) with the Pennsylvania Department of Transportation.

21. Respondent failed to pay her 2016-2017 Fiscal Year Assessment Invoice.

22. The total outstanding assessment balance for Respondent related to the 2016-2017 Fiscal Year is \$3,566.

Violation

23. That Respondent failed to satisfy her 2016-2017 Fiscal Year Assessment in that she did not pay the amount due within thirty (30) days of receipt of the invoice. If proven, this is a violation of Section 510(c) of the Public Utility Code, 66 Pa.C.S.

§ 510(c). The Bureau of Investigation and Enforcement’s proposed civil penalty for this violation is 25% of the outstanding assessment balance or \$892.¹ This civil penalty, consistent with past Commission decisions,² is based on Respondent’s unacceptable history of compliance with the Public Utility Code and Commission’s regulations,³ the amount of Respondent’s outstanding assessment balance related to the 2016-2017 Fiscal Year, and the need to deter future violations of the Public Utility Code and the Commission’s regulations pursuant to 52 Pa. Code § 69.1201.

WHEREFORE, for all the foregoing reasons, the Pennsylvania Public Utility Commission’s Bureau of Investigation and Enforcement respectfully requests that:

(a) Respondent be ordered to pay a total of \$4,458 which consists of her outstanding assessment balance of \$3,566 and a total civil penalty of \$892 for the above described violation. Said payment should be made by certified check or money order, made payable to the “Commonwealth of Pennsylvania” with the docket number of this proceeding listed, and mailed to the Secretary’s Bureau of the Commission;

(b) If payment of the assessment and civil penalty is not made, the Bureau of Investigation and Enforcement requests that:

(1) the Commission issue an Order to cancel the Certificate of Public Convenience issued to Respondent;

¹ I&E anticipates that this level of penalty will provide a sufficient deterrent against future violations by Respondent.

² See *Pa. Pub. Util. Comm'n v. Juan Genet Enter., LLC t/a Safe Destinations*, Docket No. C-2014-2450660 (Order entered August 3, 2017); *Pa. Pub. Util. Comm'n v. Leo Movers & Storage, Inc.*, Docket No. C-2015-2494528 (Order entered August 3, 2017); *Pa. Pub. Util. Comm'n v. Hoffman Landscaping & Trucking, LLP*, Docket No. C-2015-2495061 (Order entered September 21, 2017); *Pa. Pub. Util. Comm'n v. Deer Haven, LLP*, Docket No. C-2015-2498095 (Order entered October 26, 2017); *Pa. Pub. Util. Comm'n v. Reach for the Stars Limousine Serv. Inc.*, Docket No. C-2015-2499276 (Order entered October 26, 2017).

³ A review of the Commission’s records for a period of three (3) years prior to the date of the filing of this Complaint demonstrates that Respondent has an unacceptable compliance history with the Commission as Respondent failed to file her 2014 Assessment Report and timely pay her 2015-2016 Fiscal Year Assessment to the Commission. See *supra* ¶¶ 12-15.

(2) this matter be referred to the Pennsylvania Office of Attorney General for appropriate action; and

(3) the Commission certify automobile registrations to the Pennsylvania Department of Transportation for suspension or revocation.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'K. Myers', written in a cursive style.

Kourtney L. Myers
Prosecutor

Pennsylvania Public Utility Commission
Bureau of Investigation and Enforcement
P.O. Box 3265
Harrisburg, PA 17105-3265
717.705.4366
komyers@pa.gov

Date: June 28, 2019

EXHIBIT 1



Commonwealth of Pennsylvania
Pennsylvania Public Utility Commission
 Harrisburg, PA 17105-3265

INVOICE DATE	INVOICE NUMBER
9/1/2016	16-641024

FISCAL YEAR
July 1, 2016 to June 30, 2017

GENERAL ASSESSMENT INVOICE

LEA C MORGAN
 PO BOX 87
 N VERSAILLES PA 15137

- Read Carefully Notice of Assessment
- Use Return Envelope Provided
- Make Check Payable to:
Commonwealth of Pennsylvania

Pennsylvania Public Utility Commission	\$3,566.00
PAY THIS AMOUNT WITHIN 30 DAYS	\$3,566.00

TO RECEIVE PROPER CREDIT FOR YOUR
 PAYMENT, REMOVE THE BOTTOM PART OF
 THIS INVOICE AT THE PERFORATION AND
 RETURN WITH YOUR REMITTANCE

MAIL PAYMENT TO:
PA PUC PO BOX 61380 HARRISBURG, PA 17106-1380

FOLD AND CUT HERE

RETURN THIS PORTION WITH YOUR REMITTANCE

LEA C MORGAN
 PO BOX 87
 N VERSAILLES PA 15137

INVOICE DATE	INVOICE NUMBER
9/1/2016	16-641024
FISCAL YEAR	
July 1, 2016 to June 30, 2017	

Pennsylvania Public Utility Commission	\$3,566.00
PAY THIS AMOUNT WITHIN 30 DAYS	\$3,566.00

16000064102481 09011610000356600200000000003000000000 000003566005

EXHIBIT 2

PENNSYLVANIA PUBLIC UTILITY COMMISSION
Harrisburg, PA 17105-3265

NOTICE OF ASSESSMENT

EXPLANATION OF BILL FOR GENERAL ASSESSMENT
FOR FISCAL YEAR JULY 1, 2016 TO JUNE 30, 2017

In Section 510 of the Public Utility Code, 66 Pa. C.S. §510, the Pennsylvania General Assembly has authorized the Pennsylvania Public Utility Commission to assess all public utilities a percentage of their gross intrastate operating revenues for the preceding calendar year. Under Section 510, each public utility is required, on or before March 31 of each year to file with the Commission a statement of the utility's gross intrastate operating revenues for the preceding calendar year. After receiving the utilities' statements of gross intrastate operating revenues, the Commission sends general assessment invoices to all public utilities to advise each utility of the amount of assessment that utility owes based upon that utility's activity (gross intrastate operating revenues) in the preceding year. The enclosed assessment is for your proportionate share of the estimated expenses of the Public Utility Commission for the Commission's Fiscal Year July 1, 2016 to June 30, 2017.

YOU ARE REQUIRED TO PAY THIS BILL WITHIN THIRTY DAYS AFTER YOU RECEIVE IT. Objections to the assessment must be made in writing within 15 days and shall set out in detail the grounds upon which you regard the assessment to be excessive, erroneous, unlawful, or invalid. Objections may be filed only by the person, partnership, or corporation assessed. Filing an objection, however, does not eliminate your obligation to pay the assessment while your objection is being considered. **FAILURE TO PAY THE ASSESSMENT WHEN PAYMENT IS DUE WILL SUBJECT YOU TO PENALTIES.**

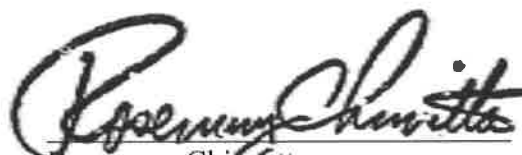
Be sure that your personal check or money order is written out in the same amount as your assessment invoice, and make your remittance payable to, "Commonwealth of PA". DO NOT SEND CASH. If you have reason to correspond with the Commission regarding your assessment invoice, please make reference to your invoice number. A receipt for payment will not be issued. Please mail your payment with the return portion of your invoice in the enclosed self-addressed envelope. Please note that rounding of your assessment to the nearest dollar has occurred. Your assessment for the PUC, including the OCA and the OSBA where applicable, has been combined into one invoice; one payment for all applicable assessments is acceptable. **A TWENTY (\$20.00) FEE WILL BE CHARGED FOR ALL DISHONORED OR BAD CHECKS REMITTED AS PAYMENT OF ASSESSMENTS.**

Your assessment has been computed by multiplying your gross intrastate operating revenues for the calendar year 2015 by the assessment factor for the public utility group of which you are a member. Your gross intrastate operating revenues for 2015 have been taken from the Assessment Reports Form GAO-15, AR-15-RR or AR-15-MC which you have filed with the Commission, or have been estimated by the Commission if you failed to file a timely report. Gross operating revenue reported to the Commission on the Assessment Reports may have been revised by the Commission to accurately reflect assessable revenue. The assessment factors for the various public utility groups are set forth in Schedule B enclosed herewith.

The approved estimate of expenditures of the Commission for the period July 1, 2016 to June 30, 2017 payable as a General Assessment by the public utilities which the Commission regulates has been determined as follows:

Estimate of the expenditures of the Commission for the Fiscal Year July 1, 2016 to June 30, 2017	\$71,947,000
Deduct:	
Pipeline Operators	\$624,260
Prior Years Returned Funds	\$5,517,642
Fee Collections	\$794,358
UCR/NGS/EGS	\$12,261,170
Total Deductions	<u>\$19,197,430</u>
Total Assessment allocated to Public Utility groups furnishing various types Of public service	\$52,749,570

The way in which the total Public Utility Commission assessment of \$52,749,570 has been allocated to the various groups of public utilities is shown on Schedules A and B enclosed herewith.


Rosemary Chiavetta
Secretary
PA Public Utility Commission

MAKE INQUIRIES TO:

Pennsylvania Public Utility Commission
Bureau of Administrative Services/Assess
P.O. Box 3265
Harrisburg, PA 17105-3265

FOR CERTIFIED AND EXPRESS CARRIERS

Pennsylvania Public Utility Commission
Bureau of Administrative Services/Assess
400 North Street
Harrisburg, PA 17120

CONTACT INFORMATION:

Assessment Section Information - Telephone 717-265-7548

Allocation of Expenses based on percent of prior year Public Utility Group workload
Budget Fiscal Year 2016-17

SCHEDULE A

Group	Total Expenditures per Utility Group Calendar Year 2015	Percentage Distribution	Estimated Expenditures Fiscal Year 2016-2017 by Utility Group
Electric	\$21,161,551	46.0922%	\$24,313,438
Gas	\$9,976,477	21.7299%	\$11,462,429
Pipeline	\$139,468	0.3038%	\$160,253
Steam Heat	\$243,441	0.5302%	\$279,678
Tele./Tele.	\$5,760,929	12.5480%	\$6,619,016
Water/Sewer	\$4,302,861	9.3721%	\$4,943,742
Transportation - Passenger	\$2,329,083	5.0730%	\$2,675,986
Transportation - Property	\$618,690	1.3476%	\$710,853
Transportation - Rail	\$1,378,809	3.0032%	\$1,584,175
Total	\$45,911,309	100.00%	\$52,749,570

SCHEDULE B

Group	Estimated Expenditures Fiscal Year 2016-2017 by Utility Group	Gross intrastate revenues by utility group Calendar Year 2015	General Assessment Factor by Utility Group (Col. (a) / by Col. (b))
	(a)	(b)	(c)
Electric	\$24,313,438	\$7,757,320,121	0.003134257401
Gas	\$11,462,429	\$3,419,595,396	0.003351983984
Pipeline	\$160,253	\$51,279,359	0.003125097566
Steam Heat	\$279,678	\$96,935,251	0.002885204269
Tele./Tele.	\$6,619,016	\$2,234,715,615	0.002961905289
Water/Sewer	\$4,943,742	\$1,124,065,085	0.004398092304
Transportation - Passenger	\$2,675,986	\$204,258,071	0.013101004954
Transportation - Property	\$710,853	\$385,233,400	0.001845252774
Transportation - Rail	\$1,584,175	\$120,150,044	0.013184972283
Total	\$52,749,570	\$15,393,552,342	0.003426731454

**SUPPLEMENTAL SCHEDULE
 FEDERAL SHORTFALL RELATED TO GAS SAFETY APPLICABLE TO GAS PUBLIC UTILITIES ONLY**

	Estimated Commission Federal Shortfall for Calendar Year 2015 and 6 Months of Calendar Year 2016	Actual Commission Federal Shortfall for Calendar Year 2015 and 6 Months of Calendar Year 2016	Estimated Commission Federal Shortfall for Calendar Year 2016 and 6 Months of Calendar Year 2017
Gas	(\$685,832)	\$329,532	\$356,300
	Net Estimated Commission Federal Shortfall for Fiscal Year 2016-17 Assessment	Reported Revenue for Gas Utility Group for Calendar Year 2015	Supplemental add-on Factor
Gas	\$0	\$3,419,595,396	0.000000000000

EXHIBIT 3

Systems

Reports

E-Services

Supplies

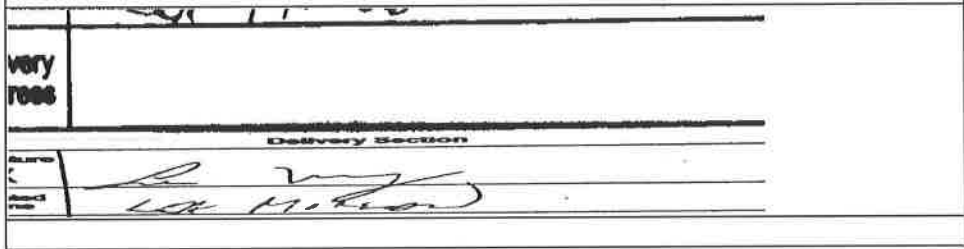
Home > [E-Services](#) > Status History

Status History ?

Tracking Number Information

Meter:	12650040	Mailing Date:	09/09/16 08:31 AM
Tracking Number:	9171969009350134134265	Sender:	
Current Status:	OK : Delivered	Recipient:	
Class of Mail	FC	Zip Code:	15853
Service:	ERR	City:	PORTLAND MLS
Value	\$0.465	State:	PA

[Proof of delivery](#)



The image shows a handwritten signature in black ink over a 'Delivery Section' stamp. The signature appears to be 'L.A. Milton'. To the left of the signature, there is a stamp that says 'very good'.

Status Details

▼ Status Date	Status
Wed, 09/28/16, 10:56:00 AM	OK : Delivered
Mon, 09/12/16, 09:10:00 AM	Arrival at Tracking Pick-up point
Mon, 09/12/16, 08:55:00 AM	Arrival at Tracking Pick-up point
Mon, 09/12/16, 07:45:00 AM	Arrival at Unit
Mon, 09/12/16, 07:28:00 AM	Dispatched from Sort Facility
Sun, 09/11/16, 04:34:00 PM	Processed (processing scan)
Sat, 09/10/16, 07:53:00 PM	Processed (processing scan)
Sat, 09/10/16, 04:30:00 PM	Processed (processing scan)
Sat, 09/10/16, 10:08:00 AM	Processed (processing scan)
Sat, 09/10/16, 04:55:00 AM	Dispatched from Sort Facility
Fri, 09/09/16, 09:27:00 PM	Processed (processing scan)
Fri, 09/09/16, 08:12:00 PM	Origin Acceptance
Fri, 09/09/16, 11:42:00 AM	OK: USPS acknowledges reception of info

Note: Delivery status updates are processed throughout the day and posted upon receipt from the Postal Service.

Pennsylvania Public Utility Commission
Bureau of Investigation and Enforcement

v.

Lea C. Morgan t/a Amor'e Limousines

:
:
:
:
:
:

Docket No. C-2019-

VERIFICATION

I, Amy Zuvich, Chief of Finance and Assessments, Bureau of Administration, 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: June 28, 2019



Amy Zuvich, Chief of Finance and Assessments
Finance and Assessment Section
Bureau of Administration
Pennsylvania Public Utility Commission
P.O. Box 3265
Harrisburg, PA 17105-3265

