



## RES Water – Greene, LLC

Corporate Offices  
1373 Washington Pike, Ste 100  
Bridgeville, PA 15017-2837

412 221-2034 Phone  
412 221-2035 Fax  
www.reswater.com

David W. Loucks, Chief  
Motor Carrier Enforcement  
Bureau of Investigation and Enforcement  
400 North Street  
Harrisburg, PA 17120

RE: Complaint Docket No. C-2019-3010463  
Fine Letter A-8916162

September 9, 2019

Dear Mr Loucks,

Enclosed please find our check in the amount of \$500.00 along with a copy of the complaint and fine letter we received previously from the Commission.

We would like to request a response from you to the previously submitted question as to why the fine was imposed when we complied with the terms found in the original complaint. We filed our proof of insurance within 1 day of receiving the complaint letter – which is one of the options to satisfy the complaint. Even though we satisfied the complaint letter, we received a fine letter. We made a request to you for an explanation on August 20, 2019 by fax but have not heard back from you.

Please review the enclosed information and let us know why the fine is being imposed.

Thank you and we look forward to your answer.

  
Robert C. Happe

RES Water – Hallstead, LLC  
1119 Old US Route 119  
Mt. Pleasant, PA 15666

RECEIVED  
2019 SEP 17 PM 1:05  
PA PUC  
SECRETARY'S BUREAU  
FRONT DESK



**RES Water – Hallstead, LLC**  
**d/b/a RES Water Transfer**

1119 Old US Route 119 South  
Mt. Pleasant, PA 15666  
412-221-2034 Fax: 412-221-2035

FAX to: 717-787-3114

→ David W. Loucks, Chief  
Motor Carrier Enforcement  
Bureau of Investigation and Enforcement  
400 North Street  
Harrisburg, PA 17120

August 20, 2019

Dear Mr Loucks,

We received the attached complaint dated June 12, 2019 because we had failed to submit proof of insurance to the PUC. Our reading of the below paragraph (“or” and “and/or” bolded for emphasis) was that we either could pay the penalty, **OR** file an answer **AND/OR** causes its insurer to file evidence of insurance.... within twenty days (we filed within 1 day as it was a simple oversight).

WHEREFORE, unless respondent pays the penalty of \$500.00 **OR** files an answer in compliance with the attached notice **AND/OR** causes its insurer to file evidence of insurance with this Commission within twenty (20) days of the date of service of this Complaint, the Bureau of Investigation and Enforcement will request that the Commission issue an Order which (1) cancels the Certificate of Public Convenience held by respondent at A-8916162 for failure to maintain evidence of current insurance on file with the Commission, (2) fines Respondent the sum of five hundred dollars (\$500.00) for the illegal activity described in this Complaint, (3) orders such other remedy as the Commission may deem to be appropriate, which may include the suspension of a vehicle registration and (4) imposes an additional fine on the respondent should cancellation occur.

Today we received a “Fine Letter” even though we have complied with the paragraph copied above. Can you please review this and tell me why we are obligated to pay the fine after our insurer provided evidence of insurance within the twenty-day period? I am not an attorney but have read enough legal documents to understand the meaning of “or” and “and/or”. It is our belief that we complied with the Commission’s request.

We do not believe that a \$500 fine is warranted or appropriate.

Thank you and we look forward to your reply.

Robert C. Happe, CFO

RES Water Transfer



COMMONWEALTH OF PENNSYLVANIA  
PENNSYLVANIA PUBLIC UTILITY COMMISSION  
COMMONWEALTH KEYSTONE BUILDING  
400 NORTH STREET, HARRISBURG, PA 17120

IN REPLY PLEASE  
REFER TO OUR FILE

August 20, 2019

RES WATER – HALLSTEAD LLC  
T/A RES WATER TRANSFER  
1119 OLD ROUTE 119  
MT PLEASANT PA 15666

In Re: Pennsylvania Public Utility Commission

v.

RES WATER – HALLSTEAD LLC T/A RES WATER TRANSFER  
Docket No.: C-2019-3010463  
A-8916162

To Whom It May Concern:

On June 11, 2019, the Bureau of Investigation and Enforcement instituted a Complaint against Res Water – Hallstead LLC t/a Res Water Transfer, Respondent, alleging failure to maintain evidence of Liability Insurance on file with this Commission, a violation of the Public Utility Code at 66 Pa C.S. §512, 52 Pa. Code §32.2(c), and 52 Pa. Code §32.11(a), §32.12(a) or §32.13(a).

In accordance with 52 Pa. Code §5.61, the Bureau of Investigation and Enforcement notified the Respondent that, unless its insurer files evidence of insurance with this Commission and Respondent pays the proposed fine, Respondent must file an Answer to the Complaint within twenty (20) days of the date of service. The Notice further specified that, if Respondent failed to answer the Complaint within twenty (20) days, the Bureau of Investigation and Enforcement would request the Commission issue an Order that imposes a penalty, which could include a fine, cancellation, or any other remedy.

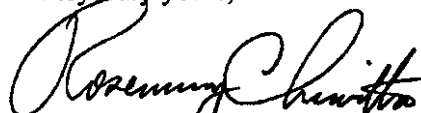
The Complaint was served on the Respondent on June 17, 2019. To date, more than twenty (20) days later, Respondent has failed to file an Answer to the Complaint. On June 18, 2019, the Respondent's insurer filed evidence of insurance effective on June 1, 2019; however, Respondent has failed to pay the fine.

Therefore, the allegations in the Complaint are admitted and the Complaint is sustained.

Respondent shall pay a fine of five hundred dollars (\$500.00) for failure to maintain evidence of insurance on file with this Commission, 52 Pa. Code §32 within twenty (20) days from the date of this letter. Payment must be by certified check or money order, payable to the Commonwealth of Pennsylvania, 400 North Street, Harrisburg, PA 17120, as provided in the Public Utility Code, 66 Pa. C.S. §§3301 and 3315.

Respondent is hereby notified to cease and desist from further violations of the Public Utility Code, 66 Pa. C.S. §§101, et seq. and the regulations of the Commission, 52 Pa. Code §§1.1, et seq.

Very truly yours,

  
Rosemary Chlavetta  
Secretary

BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION

PENNSYLVANIA PUBLIC UTILITY COMMISSION  
BUREAU OF INVESTIGATION AND ENFORCEMENT

V.

RES WATER-HALLSTEAD LLC  
T/A RES Water Transfer  
1119 OLD ROUTE 119  
MT PLEASANT, PA 15666

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DOCKET NO. C-2019-3010463  
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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 hereby represents as follows:

1. That all authority issued to RES WATER-HALLSTEAD LLC T/A RES Water Transfer, (respondent) is under suspension effective June 01, 2019 for failure to maintain evidence of insurance on file with this Commission.
2. That respondent maintains a principal place of business at 1119 OLD ROUTE 119, MT PLEASANT, PA 15666.
3. That respondent was issued a Certificate of Public Convenience by this Commission on December 09, 2013, at A-8916162.
4. That respondent has failed to maintain evidence of Liability insurance on file with this Commission. The Bureau of Investigation and Enforcement's proposed civil penalty for this violation is \$500.00 and cancellation of the Certificate of Public Convenience.
5. That respondent, by failing to maintain evidence of insurance on file with this Commission, violated 66 Pa. C.S. §512, 52 Pa. Code §32.2(c), and 52 Pa. Code §32.11(a), §32.12(a) or §32.13(a).

WHEREFORE, unless respondent pays the penalty of \$500.00 or files an answer in compliance with the attached notice and/or causes its insurer to file evidence of insurance with this Commission within twenty (20) days of the date of service of this Complaint, the Bureau of Investigation and Enforcement will request that the Commission issue an Order which (1) cancels the Certificate of Public Convenience held by respondent at A-8916162 for failure to maintain evidence of current insurance on file with the Commission, (2) fines Respondent the sum of five hundred dollars (\$500.00) for the illegal activity described in this Complaint, (3) orders such other remedy as the Commission may deem to be appropriate, which may include the suspension of a vehicle registration and (4) imposes an additional fine on the respondent should cancellation occur.

Respectfully submitted,



David W. Loucks, Chief  
Motor Carrier Enforcement  
Bureau of Investigation and Enforcement  
400 North Street  
Harrisburg, PA 17120

VERIFICATION

I, David W. Loucks, Chief, Motor Carrier Enforcement, Bureau of Investigation and Enforcement, 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: 6/12/2019

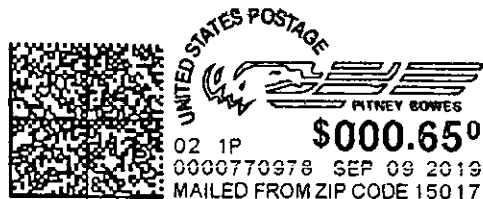
A handwritten signature in black ink, appearing to read "David W. Loucks". The signature is written in a cursive style with a large initial "D".

David W. Loucks, Chief  
Motor Carrier Enforcement  
Bureau of Investigation and Enforcement



RES WATER

1373 Washington Pike, Ste 100  
Bridgeville, PA 15017  
www.reswater.com



DAVID LOUCKS  
MOTOR VEHICLE ENFORCEMENT  
BUREAU OF INVESTIGATION  
400 NORTH STREET  
HARRISBURG, PA 17120

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