



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

October 25, 2019

VIA ELECTRONIC FILING

Rosemary Chiavetta, Secretary
Pennsylvania Public Utility Commission
400 North Street
Harrisburg, PA 17120

Re: Pennsylvania Public Utility Commission, Bureau of Investigation
and Enforcement v. Umbriac Trucking LLC
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,

A handwritten signature in black ink, appearing to read "K. Myers", is written over a light blue horizontal line.

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
400 North Street
Harrisburg, PA 17120

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
400 North Street
Harrisburg, PA 17120

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 mailed to:

Rosemary Chiavetta, Secretary
Pennsylvania Public Utility Commission
400 North Street
Harrisburg, PA 17120

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-
	:	
Umbriac Trucking LLC	:	

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 Umbriac Trucking LLC (“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 400 North Street, Harrisburg, PA 17120, 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
400 North Street
Harrisburg, PA 17120
717.705.4366
komyers@pa.gov

Christopher M. Andreoli
Prosecutor
Pennsylvania Public Utility Commission
Bureau of Investigation and Enforcement
400 North Street
Harrisburg, PA 17120
717.783.3458
chandreoli@pa.gov

Michael L. Swindler
Deputy Chief Prosecutor
Pennsylvania Public Utility Commission
Bureau of Investigation and Enforcement
400 North Street
Harrisburg, PA 17120

4. Respondent is Umbriac Trucking LLC and maintains its principal place of business at 9 West 15th Street, Hazelton, PA 18201, Attention: Joseph Umbriac.

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

6. The Commission issued Respondent a Certificate of Public Convenience (“Certificate”) on or about July 25, 2013, at A-2013-2357062, for truck 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 property 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

12. On or about February 21, 2017, the Commission mailed to Respondent an assessment report for Respondent to report its gross intrastate operating revenues for the 2016 calendar year.

13. The assessment report was accompanied by instructions, which notified Respondent that the report was to be completed and returned to the Commission on or before March 31, 2017. A copy of the assessment report and instructions is attached as Exhibit 1.

14. Respondent failed to file an assessment report stating its 2016 calendar year revenues.

15. On or about September 5, 2017, the Commission mailed to Respondent, by first class mail, an assessment invoice for the July 1, 2017 to June 30, 2018 Fiscal Year ("2017-2018 Fiscal Year") that was based, in part, on Respondent's estimated revenues for the 2016 calendar year. Respondent's assessment was \$12. A copy of the assessment invoice is attached as Exhibit 2.

16. Accompanying the assessment invoice was a notice of assessment that informed Respondent that it 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 3.

17. The assessment invoice and notice of assessment were mailed to Respondent at 9 West 15th Street, Hazelton, PA 18201, which is the address that Respondent provided to the Commission for assessment purposes.

18. The Commission received no objections from Respondent to the assessment amount set forth in the 2017-2018 Fiscal Year Assessment Invoice.

19. While there is no record that the assessment invoice and notice of assessment were returned in the mail to the Commission as being undeliverable, on or about October 30, 2017, the Commission re-mailed to Respondent, by certified mail, the assessment invoice and notice of assessment since Respondent did not pay the amount listed on the assessment invoice within thirty (30) days or file objections within fifteen (15) days.

20. The assessment invoice and notice of assessment were mailed to Respondent at 9 West 15th Street, Hazelton, PA 18201.

21. On November 27, 2017, the assessment invoice and notice of assessment were returned to the Commission by the United States Postal Service (“USPS”) as “Unclaimed.” A copy of the USPS tracking history for the unclaimed, certified mailing is attached as Exhibit 4.

22. The Commission received no objections from Respondent to the assessment amount set forth in the 2017-2018 Fiscal Year Assessment Invoice.

23. On January 19, 2018, the Commission’s Bureau of Administration (“ADM”) sent Respondent a letter warning Respondent that if it did not pay its 2017-2018 Fiscal Year Assessment within 30 days of receipt of the letter, then ADM would refer the matter to I&E for prosecution.

24. Respondent did not pay its outstanding assessment.

25. On or about January 19, 2018, I&E sent Respondent a letter warning Respondent that if it did not pay its 2017-2018 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.

26. Respondent failed to pay the amount of the 2017-2018 Fiscal Year Assessment Invoice.

27. The total outstanding assessment balance for Respondent related to the 2017-2018 Fiscal Year is \$12.

Violations

COUNT 1

28. That Respondent failed to report its gross intrastate operating revenues for the 2016 calendar year in that it did not file an assessment report for that year. If proven, this is a violation of Section 510(b) of the Public Utility Code, 66 Pa.C.S. § 510(b). The Bureau of Investigation and Enforcement's proposed civil penalty for this violation is \$250.¹ This civil penalty, consistent with past Commission decisions,² is based on Respondent's acceptable history of compliance with the Public

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.*

Utility Code and Commission's regulations,³ the amount of Respondent's outstanding assessment balance related to the 2017-2018 Fiscal Year, and the need to deter future violations of the Public Utility Code and the Commission's regulations pursuant to 52 Pa. Code § 69.1201.⁴

COUNT 2

29. That Respondent failed to satisfy its 2017-2018 Fiscal Year Assessment in that it 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 15% of the outstanding assessment balance or a minimum of \$50, whichever is greater. Therefore, I&E's proposed civil penalty for this violation is \$50.⁵ This civil penalty, consistent with past Commission decisions,⁶ is based on Respondent's acceptable history of compliance with the Public Utility Code and Commission's regulations,⁷ the amount of Respondent's outstanding assessment balance related to the

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 acceptable compliance history with the Commission.

⁴ The Commission promulgated a Policy Statement at 52 Pa. Code § 69.1201 as a guideline that sets forth ten factors that are to be considered when evaluating whether and to what extent a civil penalty for violating a Commission order, regulation, or statute is warranted. Among these factors are the compliance history of the regulated entity that committed the violation, the amount of the civil penalty necessary to deter future violations, and past Commission decisions in similar situations. 52 Pa. Code §§ 69.1201(c)(6), (8), and (9).

⁵ I&E anticipates that this level of penalty will provide a sufficient deterrent against future violations by Respondent.

⁶ See *supra* note 2.

⁷ See *supra* note 3.

2017-2018 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 \$312, which consists of its outstanding assessment balance of \$12 and a total civil penalty of \$300 for the above described violations. 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) Respondent be directed to file assessment reports on a going-forward basis; and
- (c) 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;
 - (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
400 North Street
Harrisburg, PA 17120
717.705.4366
komyers@pa.gov

Date: October 25, 2019

Pennsylvania Public Utility Commission
Bureau of Investigation and Enforcement

v.

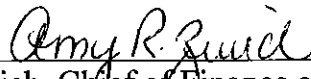
Umbriac Trucking LLC

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: Docket No. C-2019-
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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: October 25, 2019



Amy Zuvich, Chief of Finance and Assessments
Finance and Assessment Section
Bureau of Administration
Pennsylvania Public Utility Commission
400 North Street
Harrisburg, PA 17120

EXHIBIT 1

PENNSYLVANIA PUBLIC UTILITY COMMISSION

INSTRUCTIONS FOR PREPARING 2016 ASSESSMENT REPORT FOR MOTOR CARRIERS

You must report your gross intrastate operating revenue for calendar year 2016 on the 2016 Assessment Report, which is enclosed. You are required to sign, notarize, and file the 2016 Assessment Report with the Commission on or before March 31, 2017. Please use the self-addressed return envelope enclosed. THE PUC WILL NOT GRANT AN EXTENSION OF TIME TO FILE THIS REPORT.

WHO MUST FILE: All common carriers certificated by the Commission. Common Carriers include property carriers, passenger carriers, and household goods carriers. Carriers subject to the UCR Act must file this Report, even though qualified UCR operations of carriers registered under the UCR Act will not be assessed.

WHAT YOU MUST FILE: Assessment Report (Form AR-16-MC) must be completed in its entirety in order to be accepted as final. This includes signatures and notarization along with receipt in the Commission's Assessment Section on or before March 31, 2017. **This report form may not be modified.** Please be sure to include a valid telephone number for the contact person to answer questions, if necessary. The following are addresses for the Assessment Section of the PUC.

Mailing Address:

Regular Mail: Pa. Public Utility Commission
P.O. Box 3265
Harrisburg, PA, 17105-3265

Express Mail: Pa. Public Utility Commission
400 North Street
Harrisburg, PA, 17120

NAME AND ADDRESS: Verify that the preprinted name and address are correct. If this is not correct, cross out and print the correct information. Please provide an email address and the current telephone number.

LINE-BY-LINE INSTRUCTIONS

Line 1. *Pennsylvania Gross Intrastate Operating Revenue.*

Report Pennsylvania gross intrastate operating revenue here. This is earned revenue from your public utility operations gross within the boundaries of the Commonwealth of Pennsylvania, without deduction of expenses of any kind. Fuel surcharges must be included as revenue. Revenue must be reported in the appropriate column. For example, if all of your revenue was from the transportation of property, you must report all revenue in the 'property' column. If your revenue was from 2 or more types of common carriage, you must report the amount of revenue received from each type, in the appropriate column.

Revenue earned from service under the jurisdiction of the Philadelphia Parking Authority must be reported as exempt revenue.

Line 2. *Pennsylvania Exempt Intrastate Revenue Total.*

Report Exempt Intrastate Revenue here. You must itemize any exemptions on the "Exempt Intrastate Revenue" lines on the Report. Attach additional sheets of paper as needed for explanation of exemptions. The PUC may disallow your exemptions if you fail to itemize. Total all exempt revenue on Line 2.

Line 3. *Pennsylvania Net Intrastate Operating Revenue.*

Subtract Line 2 from Line 1.

UCR REGISTRATION INFORMATION

You must check the appropriate box. If you are an interstate carrier and required to register under the UCR Program, you must check 'yes' and provide your U.S. DOT number. For the purposes of this report, INTERSTATE operating revenue refers to revenue earned from the transportation of property or persons between points of origin and destination, either or both of which are outside Pennsylvania.

Further information on the UCR Program may be found at www.ucr.in.gov

ASSESSMENT INQUIRIES: Assessment Section-(717) 265-7548
UCR INQUIRIES: B. I. E.-(717) 783-3846

EXEMPT REVENUE

The following is a description of Exempt Revenue you may deduct on Line 2, as provided by 66 Pa.C.S. §102:

1. **LEASE REVENUE** – You may deduct lease revenue. Lease revenue is revenue a certificated carrier (lessor) receives when it leases its equipment to another certificated carrier (lessee). The lessor carrier cannot retain any responsibility for the maintenance, supervision or control of the vehicle. The leasing arrangement must be in compliance with the Commission's leasing regulations, which are found at 52 Pa. Code sections 29.101 (passenger carrier leasing) and 31.32 (property and household carrier leasing). The lessor must include in its assessment report the name(s) of the carrier(s) and the certificate of public convenience number to which it leases its equipment and the amount of revenue received from the carrier. Lessees cannot use rental/lease fees paid to the lessor to offset operating revenue and must report, for assessment purposes, all revenues earned under their certificate of public convenience.
2. **TRANSPORTATION OF K-12 SCHOOL CHILDREN** – You may deduct revenue you received from a kindergarten through 12th grade public, private or parochial school for the transportation of schoolchildren for school purposes or school sponsored extra-curricular activities, under a bona fide transportation contract with a public, private or parochial school.
3. **TRANSPORTATION OF AGRICULTURE PRODUCTS** – Farm owners and operators may deduct revenue from transporting their own agricultural products from, or farm supplies to, their farm. In addition, independent contractors or cooperative agricultural associations, transporting agricultural products or farm supplies exclusively for one or more farm owner(s) or operator(s), may deduct that revenue.
4. **WASTE, EXCAVATED AND ROAD CONSTRUCTION MATERIALS** – You may deduct revenue you received from transporting ashes (including anti-skid, flue dust and fly ash), rubbish and waste for disposal. The PUC also allows the exemption/deduction of any revenue you received for transporting excavated materials in dump trucks. The purpose of the excavation is to create a hole or cavity. Removing material of value for use elsewhere is NOT exempt. The PUC also allows the exemption/deduction of any revenue you received for transporting road construction materials if a dump truck is used, and the materials hauled are used solely in a private or public road project including driveways (but NOT parking lots), and the materials are hauled directly to road construction sites or stockpiles. Carriers may **not** claim a revenue exemption for waste, excavated and road construction material when those materials were transported in five-axle tractor-trailers.
5. **TRANSPORTATION OF YOUR OWN PROPERTY** - You may deduct revenue you received from transporting your own property to yourself or to those that buy directly from you.
6. **VOTING MACHINES** – You may deduct revenue you received from transporting voting machines to and from polling places on behalf of any political subdivision of the Commonwealth for use in any primary, general or special election.
7. **TRANSPORTATION OF WOOD PRODUCTS FROM WOODLOTS** - You may deduct revenue you received from transporting pulpwood, chemical wood, saw logs, wood chips, or veneer logs solely from woodlots. A woodlot is an area devoted to growing forest trees. Any revenue received from transportation performed from sources other than the woodlots is subject to assessment and may not be deducted.
8. **TRANSPORTATION OF WRECKED OR DISABLED VEHICLES** – You may deduct revenue you received from the transportation of wrecked or disabled motor vehicles from an accident, breakdown, or a place the vehicle was transported after the accident or breakdown, if it is subsequently transported for repair. Revenue from transportation of wrecked or disabled vehicles to or from auctions is NOT exempt.
9. **TRANSPORTATION OF STOLEN OR REPOSSESSED VEHICLES** - You may deduct revenue you received from the transportation of stolen or repossessed vehicles. Revenue from transportation of stolen or repossessed vehicles to or from auctions is NOT exempt.
10. **TRANSPORTATION OF INJURED, ILL OR DECEASED PERSONS** – You may deduct revenue you received from transporting an injured or ill person to a health care facility, when that transportation is performed in an ambulance or a medically equipped vehicle containing portable oxygen. A medical attendant must be in the vehicle in addition to the driver. A health care facility includes a hospital, clinic, dialysis center, nursing care institution, home health agency, infirmary, or behavioral service provider. A doctor's office is NOT a health care facility. In addition, you may deduct revenue you received from transporting deceased persons.
11. **TRANSPORTATION UNDER CONTRACT WITH MUNICIPAL CORPORATIONS** - You may deduct revenue you received from passenger transportation performed under contract with a municipal corporation, provided that: (1) the municipal corporation actively regulates your rates, routes and services; and (2) the transportation is limited to municipal residents. This deduction does not apply to contracts with state agencies.



COMMONWEALTH OF PENNSYLVANIA
PUBLIC UTILITY COMMISSION
PO BOX 3265
HARRISBURG, PA 17105-3265

2016 ASSESSMENT REPORT-MOTOR CARRIERS

This Report **MUST BE FILED** not later than **MARCH 31, 2017**. Failure to file may result in fines up to \$1,000 for each day a violation continues (66 Pa. C.S. § 3301).

TRADE OR CORPORATE NAME OF UTILITY:	UTILITY CODE
CONTACT NAME:	EMAIL (Optional):
ADDRESS 1:	ADDRESS 2 (Floor, Suite, etc.):
CITY, STATE, ZIP:	PHONE NO.

OPERATING REVENUE FOR CALENDAR YEAR 2016 (January 1, 2016-December 31, 2016)
(Enter **WHOLE** dollars only)

	PROPERTY	HOUSEHOLD GOODS	PASSENGER	
			Group and Party 16 or more	Passenger 15 and Under
1. PA INTRASTATE OPERATING REVENUE				
PA EXEMPT INTRASTATE REVENUE				
A. #				
B. #				
C. #				
D. #				
2. TOTAL Exempt Revenue				
3. PA NET INTRASTATE OPERATING REVENUE (Subtract Line 2 from Line 1)				

UCR REGISTRATION INFORMATION

2017 UCR Registered YES NO US DOT #: _____

Internal Use Only

A-1 C-1

«AddressType»

AUTHORIZATION FOR RELEASE OF STATE TAX RECORDS

In accordance with Sections 505 and 506 of the Public Utility Code, as a means to verify the accuracy of financial information supplied to the Public Utility Commission, I hereby authorize the Pennsylvania Department of Revenue to release to the Public Utility Commission, any tax records filed or compiled with regard to the below-listed utility and/or individual.

Utility Name

Signature

Date _____

Name (Printed)

Title

AFFIDAVIT

I affirm that the information reported herein is complete, true and correct.

(Signature of Individual or Officer)

(Date)

READABLE (PRINT OR TYPE) NAME OF INDIVIDUAL or OFFICER ABOVE:

TELEPHONE NO.:

Office () _____

Other () _____

Other () _____

NOTARIZATION

(Required)

Subscribed and sworn to before me this

_____ day of _____ 2017

NOTARY SIGNATURE

OFFICIAL TITLE

OFFICIAL SEAL

(Date My Commission Expires)

EXHIBIT 2



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

GENERAL ASSESSMENT INVOICE

INVOICE DATE	INVOICE NUMBER
9/5/2017	17-8915646

FISCAL YEAR
July 1, 2017 to June 30, 2018

UMBRIAC TRUCKING LLC
 JOSEPH UMBRIAC
 9 WEST 15TH STREET
 HAZLETON PA 18201

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

Pennsylvania Public Utility Commission	\$12.00
PAY THIS AMOUNT WITHIN 30 DAYS	\$12.00

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 DOR PO BOX 61380 HARRISBURG, PA 17106-1380

FOLD AND CUT HERE

RETURN THIS PORTION WITH YOUR REMITTANCE

UMBRIAC TRUCKING LLC
 JOSEPH UMBRIAC
 9 WEST 15TH STREET
 HAZLETON PA 18201

INVOICE DATE	INVOICE NUMBER
9/5/2017	17-8915646
FISCAL YEAR	
July 1, 2017 to June 30, 2018	

Pennsylvania Public Utility Commission	\$12.00
PAY THIS AMOUNT WITHIN 30 DAYS	\$12.00

17000891564691 0905171000000120020000000003000000000 000000012000

EXHIBIT 3

PENNSYLVANIA PUBLIC UTILITY COMMISSION
Harrisburg, PA 17105-3265

NOTICE OF ASSESSMENT

EXPLANATION OF BILL FOR GENERAL ASSESSMENT
FOR FISCAL YEAR JULY 1, 2017 TO JUNE 30, 2018

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, 2017 to June 30, 2018.

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 2016 by the assessment factor for the public utility group of which you are a member. Your gross intrastate operating revenues for 2016 have been taken from the Assessment Reports Form GAO-16, AR-16-RR or AR-16-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, 2017 to June 30, 2018 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, 2017 to June 30, 2018 \$73,499,000

Deduct:

Budget Reserve Pending Legislation (PWA) \$733,000
Pipeline Operators per Act 127 of 2011 \$646,553
UGWF Administration Act 13 of 2012 \$1,408,000
Prior Years Returned Funds \$5,400,000
Fee Collections \$289,703
UCR/NGS/EGS \$12,114,652

Total Deductions \$20,591,908

Total Assessment allocated to Public
Utility groups furnishing various types
of public service \$52,907,092

The way in which the total Public Utility Commission assessment of \$52,907,092 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 2017-18

SCHEDULE A

Group	Total Expenditures per Utility Group Calendar Year 2016	Percentage Distribution	Estimated Expenditures Fiscal Year 2017-2018 by Utility Group
Electric	\$24,240,765	45.7222%	\$24,190,287
Gas	\$11,406,599	21.5148%	\$11,382,855
Pipeline	\$162,386	0.3063%	\$162,054
Steam Heat	\$282,440	0.5327%	\$281,836
Tele./Tele.	\$5,973,562	11.2671%	\$5,961,095
Water/Sewer	\$4,931,756	9.3021%	\$4,921,471
Transportation - Passenger	\$4,187,783	7.8989%	\$4,179,078
Transportation - Property	\$705,309	1.3303%	\$703,823
Transportation - Rail	\$1,126,948	2.1256%	\$1,124,593
Total	\$53,017,548	100.00%	\$52,907,092

SCHEDULE B

Group	Estimated Expenditures Fiscal Year 2017-2018 by Utility Group	Gross intrastate revenues by utility group Calendar Year 2016	General Assessment Factor by Utility Group (Col. (a) / by Col. (b))
	(a)	(b)	(c)
Electric	\$24,190,287	\$7,789,115,585	0.003105652591
Gas	\$11,382,855	\$3,089,182,967	0.003684746136
Pipeline	\$162,054	\$44,186,061	0.003667536692
Steam Heat	\$281,836	\$81,423,347	0.003461365940
Tele./Tele.	\$5,961,095	\$2,095,709,247	0.002844428448
Water/Sewer	\$4,921,471	\$1,161,310,517	0.004237859666
Transportation - Passenger	\$4,179,078	\$276,978,774	0.015088080360
Transportation - Property	\$703,823	\$412,397,692	0.001706660861
Transportation - Rail	\$1,124,593	\$106,882,231	0.010521795714
Total	\$52,907,092	\$15,057,186,421	0.003513743572

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

	Estimated Commission Federal Shortfall for Calendar Year 2016 and 6 Months of Calendar Year 2017	Actual Commission Federal Shortfall for Calendar Year 2016 and 6 Months of Calendar Year 2017	Estimated Commission Federal Shortfall for Calendar Year 2017 and 6 Months of Calendar Year 2018
Gas	(\$685,832)	\$329,532	\$356,300
	Net Estimated Commission Federal Shortfall for Fiscal Year 2017-18 Assessment	Reported Revenue for Gas Utility Group for Calendar Year 2016	Supplemental add-on Factor
Gas		\$0	\$3,419,595,396
			0.000000000000

EXHIBIT 4

USPS Tracking® FAQs > (<https://www.usps.com/faqs/uspstracking-faqs.htm>)

Track Another Package +

Tracking Number: 9171969009350170776450

Remove X

Your item has been delivered to the original sender at 8:30 am on November 27, 2017 in HARRISBURG, PA 17105.

Delivered

November 27, 2017 at 8:30 am
Delivered, To Original Sender
HARRISBURG, PA 17105

Feedback

Return Receipt Electronic



Tracking History



November 27, 2017, 8:30 am

Delivered, To Original Sender
HARRISBURG, PA 17105

Your item has been delivered to the original sender at 8:30 am on November 27, 2017 in HARRISBURG, PA 17105.

November 24, 2017, 7:22 am

Available for Pickup
HARRISBURG, PA 17105

November 24, 2017, 5:04 am

Arrived at Unit
HARRISBURG, PA 17107

November 23, 2017, 2:21 am

Departed USPS Regional Facility
HARRISBURG PA DISTRIBUTION CENTER

November 22, 2017, 7:43 am

Arrived at USPS Regional Facility
HARRISBURG PA DISTRIBUTION CENTER

November 21, 2017, 9:01 am

Arrived at USPS Regional Facility
LANCASTER PA DISTRIBUTION CENTER

November 16, 2017, 4:03 pm

Unclaimed/Being Returned to Sender
HAZLETON, PA 18201

Feedback

Reminder to Schedule Redelivery of your item

November 1, 2017, 10:26 am

Notice Left (No Authorized Recipient Available)
HAZLETON, PA 18201

November 1, 2017

In Transit to Next Facility

October 31, 2017, 2:29 pm

Departed USPS Regional Facility
LEHIGH VALLEY PA DISTRIBUTION CENTER

October 31, 2017, 9:23 am
Arrived at USPS Regional Facility
LEHIGH VALLEY PA DISTRIBUTION CENTER

October 31, 2017, 5:10 am
Departed USPS Regional Facility
HARRISBURG PA DISTRIBUTION CENTER

October 30, 2017, 9:07 pm
Arrived at USPS Regional Facility
HARRISBURG PA DISTRIBUTION CENTER

October 30, 2017, 7:52 pm
Accepted at USPS Origin Facility
HARRISBURG, PA 17120

October 30, 2017
Pre-Shipment Info Sent to USPS, USPS Awaiting Item

Feedback

Product Information



See Less ^

Can't find what you're looking for?

Go to our FAQs section to find answers to your tracking questions.

FAQs (<https://www.usps.com/faqs/uspstracking-faqs.htm>)

Pennsylvania Public Utility Commission
Bureau of Investigation and Enforcement

v.

Umbriac Trucking LLC

:
:
:
: Docket No. C-2019-
:
:

CERTIFICATE OF SERVICE

I hereby certify that I have this day served a true copy of the foregoing Complaint upon the parties, listed below, in accordance with the requirements of 52 Pa. Code § 1.54 (relating to service by a party).

Notification by Certified Mail:

Joseph Umbriac
Umbriac Trucking LLC
9 West 15th Street
Hazelton, PA 18201

Notification by First Class Mail:

Joseph Umbriac
Umbriac Trucking LLC
P.O. Box 359
Harleigh, PA 18225



Kourtney L. Myers
Prosecutor
PA Attorney ID No. 316494

Pennsylvania Public Utility Commission
Bureau of Investigation and Enforcement
400 North Street
Harrisburg, PA 17120
717.705.4366
komyers@pa.gov

Dated: October 25, 2019