



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

BUREAU OF
INVESTIGATION
&
ENFORCEMENT

November 6, 2019

Via Electronic Filing

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

Re: Pennsylvania Public Utility Commission,
Bureau of Investigation and Enforcement, v.
Elite Moving Company, 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. Should you have any questions or concerns, please contact the undersigned.

Sincerely,

A handwritten signature in black ink that reads "Chris M. Andreoli".

Christopher M. Andreoli
Prosecutor
Bureau of Investigation & Enforcement
PA Attorney I.D. No. 85676
(717) 705-4366
chandreoli@pa.gov

CMA/jfm
Enclosure

cc: Per Certificate of Service

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Pennsylvania Public Utility Commission,	:	
Bureau of Investigation and Enforcement,	:	
Complainant	:	
	:	
v.	:	Docket No. C-2019-
	:	
Elite Moving Company, LLC,	:	
Respondent	:	

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
Commonwealth Keystone Building
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:

Christopher M. Andreoli, Prosecutor
Pennsylvania Public Utility Commission
Bureau of Investigation and Enforcement
Commonwealth Keystone Building
400 North Street
Harrisburg, PA 17120

Or, emailed to Mr. Andreoli at: chandreoli@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 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
Commonwealth Keystone Building
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 Commissioner's ADA Coordinator at (717) 787-8714.

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Pennsylvania Public Utility Commission,	:	
Bureau of Investigation and Enforcement,	:	
Complainant	:	
	:	
v.	:	Docket No. C-2019-
	:	
Elite Moving Company, LLC,	:	
Respondent	:	

FORMAL COMPLAINT

NOW COMES the Bureau of Investigation and Enforcement (“I&E”) of the Pennsylvania Public Utility Commission, by its prosecuting attorneys, pursuant to Section 701 of the Public Utility Code, 66 Pa.C.S. § 701, and files this Formal Complaint (“Complaint”) against Elite Moving Company, LLC (“Elite Moving,” “Company” or “Respondent”) alleging violations of the Public Utility Code and attending Regulations. In support of its Complaint, I&E respectfully avers as follows:

Parties and Jurisdiction

1. The Pennsylvania Public Utility Commission (“PUC” or “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 to prosecute complaints against public utilities pursuant to 66 Pa.C.S. §308.2(a)(11). Complainant's counsel is as follows:

Christopher M. Andreoli
Prosecutor
chandreoli@pa.gov
(717) 772-8582

Michael L. Swindler
Deputy Chief Prosecutor
mwindler@pa.gov
(717) 783-6369

3. Respondent is Elite Moving Company, LLC, with its principal place of business located at 219 Bonita Drive, Greensburg, PA 15601.

4. Respondent holds itself out to be a household goods carrier, but it lacks Commission authority to provide or furnish transportation of household property for compensation within the Commonwealth as a common carrier by motor vehicle or a contract carrier by motor vehicle, pursuant to Sections 102 and 2501(b)(1) of the Public Utility Code. 66 Pa.C.S. §§ 102 and 2501(b)(1).

5. 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.

6. Section 701 of the Public Utility Code, 66 Pa.C.S. § 701, authorizes the Commission, *inter alia*, to hear and determine complaints against public utilities or companies holding themselves out to be a public utility for violations of any law or regulation that the Commission has jurisdiction to administer or enforce.

7. Section 3310 of the Public Utility Code, 66 Pa.C.S. § 3310, authorizes the Commission to impose administrative penalties on any person or corporation operating as a common carrier by motor vehicle or as a contract carrier by motor vehicle without a certificate of public convenience, permit, or license authorizing the service performed. Section 3310(c) specifically provides that an administrative penalty of Five Thousand Dollars (\$5,000) be imposed for a first violation of this section while an administrative penalty of Ten Thousand Dollars (\$10,000) shall be imposed for a second or subsequent violation.¹

8. Respondent, by providing or furnishing the transportation of household property between points within the Commonwealth by motor vehicle 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 and orders.

¹ Section 3310 of the Public Utility Code, 66 Pa.C.S. § 3310, which was amended and made effective on February 20, 2018, authorizes the Commission to impose the following penalties on any person or corporation who operates as a common carrier or contract carrier by motor vehicle without a certificate of public convenience, permit, or license: (1) A \$5,000 administrative penalty shall be imposed for a first violation and \$10,000 for a second or subsequent violation; (2) Suspension of the registration of any vehicle whereby a determination has been made that it operated as a common carrier or contract carrier by motor vehicle without the approval of the Commission in accordance with 75 Pa.C.S. § 1375; and (3) Confiscation and impoundment of vehicles which have been used to provide common carrier or contract carrier by motor vehicle without Commission approval, subject to the process for the disposition of impounded vehicles as set forth under 75 Pa.C.S. § 6310.

Background

9. Respondent was contacted by the Commission's Motor Carrier Investigation and Enforcement Division in December 2018 and advised that it was violating the Public Utility Code by conducting household goods moves between points within the Commonwealth of Pennsylvania for compensation without a certificate of public convenience. Respondent was then issued a cease and desist letter dated December 28, 2018 by the Commission's Motor Carrier Investigation and Enforcement Division. The letter advised Respondent that it was operating without a certificate of public convenience and, therefore, in violation of the Public Utility Code. See Exhibit I&E-1.

10. However, Respondent failed to apply for a Certificate of Public Convenience with the Commission.

11. On January 18, 2019, the Commission's Motor Carrier Investigation and Enforcement Division received an email from a certificated household goods mover stating that Respondent was continuing to illegally operate as a household goods carrier within the Commonwealth.

12. As part of the investigation, PUC Motor Carrier Enforcement Officer, Cynthia Hawthorne, arranged a move of household goods with Respondent through a web app called "Thumbtack." Respondent ultimately agreed to move household goods from Cheswick, PA to Wexford, PA. The agreed upon price for this intrastate move was a flat rate of \$600 for two men and a truck.

13. On August 24, 2019, Respondent arrived at the agreed upon meeting location in Cheswick, PA in a vehicle with markings that identified it as a “U-Haul” truck. The two men in the truck identified themselves to PUC Enforcement Officer, Cynthia Hawthorne, as Timothy Burkart and Jude Allen Sirnic and they provided their driver’s licenses. The two men stated that they were employees of Elite Moving Company. The two men in the truck were cooperative and provided a copy of the U-Haul equipment contract, which showed that the truck was rented by Timothy Burkart from a U-Haul facility located in Lower Burrell, PA. See Exhibit I&E-2.

14. Respondent does not possess nor has ever been issued a certificate of public convenience, permit, or license by the Commission authorizing such transportation of household property between points within the Commonwealth.

Violation

15. All allegations in paragraphs 1-14 are incorporated as if fully set forth herein.

16. Section 3310(b) of the Public Utility Code states that any person or corporation that operates as a common carrier or contract carrier by motor vehicle (as defined in 66 Pa.C.S. §§ 102 and 2501(b)) without a certificate of public convenience, permit, or license issued by the Commission authorizing such service performed, in violation of Section 3310(a),² “*shall* be ordered to pay an administrative penalty as prescribed in subsection (c).” 66 Pa.C.S. § 3310(b) (emphasis added).

² 66 Pa.C.S. § 3310(a).

17. Respondent violated Section 3310(a) and (b) of the Public Utility Code, 66 Pa.C.S. §§ 3310(a)-(b), by operating as a common carrier and/or contract carrier by motor vehicle without a certificate of public convenience, permit, or license issued by the Commission when it agreed to transport the Resident's household property between points within the Commonwealth for compensation.

18. Section 3310(c) of the Public Utility Code requires that "[t]he amount of the administrative penalty under subsection (b) *shall* be \$5,000 for a first violation and \$10,000 for a second or subsequent violation." 66 Pa.C.S. § 3310(c) (emphasis added).³ As such, I&E's requested administrative penalty is \$5,000 for this violation.

19. In addition to the requested administrative penalty above, a person or corporation under subsection (b) may also be subject to the following:

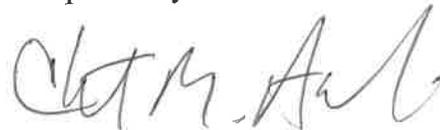
- (i) Suspension of registration under 75 Pa.C.S. § 1375 (relating to suspension of registration of unapproved carriers).
- (ii) Confiscation and impoundment of vehicle. A sheriff, upon an order issued by the court and having jurisdiction over the property, is empowered to confiscate and impound vehicles which have been used to provide common carrier by motor vehicle service or contract carrier by motor vehicle service in violation of subsection (b) or commission regulations. The process for the disposition of impounded vehicles shall be as set forth under 75 Pa.C.S. § 6310 (relating to disposition of impounded vehicles, combinations and loads).

³ I&E researched the Respondent's history and record with the Commission and concluded that this is Respondent's first violation in Pennsylvania. However, as noted above, Respondent was previously made aware that it was operating in violation of the Public Utility Code. See Exhibit I&E-1.

20. I&E is not requesting confiscation and impoundment of the vehicle which was used to provide common carrier or contract carrier by motor vehicle without Commission approval as permitted pursuant to 66 Pa.C.S. § 3310(c)(2)(ii), as the vehicle used in the provision of service that is the subject of this Complaint was a rented "U-Haul" truck. See I&E Exhibit-2.

WHEREFORE, for all the foregoing reasons, the Bureau of Investigation and Enforcement of the Pennsylvania Public Utility Commission respectfully requests that the Commission find the Respondent in violation of the count as set forth herein, and that Respondent be assessed the statutorily mandated administrative penalty of Five Thousand Dollars (\$5,000). Should the Respondent fail to pay the statutorily mandated administrative penalty of Five Thousand Dollars (\$5,000) upon Order of the Commission, the Bureau of Investigation and Enforcement requests that this matter be referred to the Pennsylvania Office of Attorney General for appropriate action.

Respectfully submitted,



Christopher M. Andreoli
Prosecutor
PA Attorney I.D. No. 85676

Pennsylvania Public Utility Commission
Bureau of Investigation and Enforcement
Commonwealth Keystone Building
400 North Street
Harrisburg, PA 17120

Date: November 5, 2019

I&E
Exhibit 1



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

I&E Exhibit 1
Page 1 of 1

IN REPLY PLEASE
REFER TO OUR FILE

BP8 3006718

December 28, 2018

ELITE MOVING LLC
229 BONITA DRIVE
GREENSBURG PA 15601

Information received by this Commission indicates your company is conducting household goods moves between points within the Commonwealth of Pennsylvania for compensation. Since you do not hold a certificate of public convenience issued by this Commission authorizing you to provide such service, you have violated the provisions of the Public Utility Code at 66 Pa. C.S. §1101.

On December 27, 2018, you spoke with PUC Motor Carrier Enforcement Supervisor Cynthia Hawthorne on the phone. At that time, she advised you how to apply for PUC operating authority and to not perform any other moves until such time as you obtain a certificate of authority.

You are hereby directed to cease and desist from further violations of the Public Utility Code at 66 Pa. C.S. §§101, et. seq. and the regulations of this Commission, 52 Pa. Code §§1.1, et. seq. Continued operations, as described above, will subject you to a \$1,000 penalty per violation. Future violations can result in possible criminal prosecution with penalties up to \$10,000 and one year in prison.

All advertisements and websites, including Facebook, Craigslist, and Yelp, promoting the transportation of household goods, must be removed.

Feel free to contact me at the number below if you have any questions.

Sincerely,

Cathy E. Royer, Compliance Specialist
Motor Carrier Investigation & Enforcement
717-783-3847

cc: PUC Motor Carrier Enforcement Supervisor Cynthia Hawthorne

I&E
Exhibit 2

U-HAUL® Equipment Contract



Contract No: 27435055
Saturday, August 24, 2019 12:22 PM

Equipment:
TT 3268E

(724) 516-8404
DL xxx3646, PA 1122
snoopyluv.wk@gmail.com

Roadside Assistance:
Visit uhaul.com/help

Dispatched From: 861076
Safe-Protection: (YES)

Customer Name:
Timothy Burkart
303 Mountain View Drive
RUFFS DALE, PA 15679

Renting Location:
U-HAUL MOVING & STORAGE OF LOWER BURRELL - (861076)
100 BURRELL PLAZA
LOWER BURRELL, PA 15068
(724) 472-4567

Rental Out Date/Time: 8/24/2019 12:22 PM

Rental Due Date/Time: 8/24/2019 9:00 PM

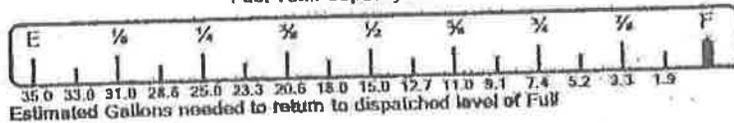
If you return after store hours please verify your equipment return on your mobile device by going to uhaul.com/share. Or you can choose to have a U-Haul Representative verify it for you the next business day. There is a \$20.00 convenience fee for this option.

Failure to return the equipment by the Rental Due time may result in additional charges.

Equipment	MI Out	MI Rate	MI Charge	Coverage	Rental Rate	Rental Charge	Estimated Charges
TT3268E AE47598-AZ	83007.6	\$0.99 x 50.00	\$49.50	Safe Move: \$14.00	\$39.95	\$39.95	\$103.45

Part Code	Description	Item Cost	Quantity	Line Cost
49024	15" Mover's Stretch Plastic Wr	\$16.95	1.00	\$16.95

REGULAR CHECK-IN - EMAIL ON FILE
Fuel Tank Capacity: 40 Gallons



Sales Subtotal: \$16.95
Tax: \$1.02
Total Sales: \$17.97

Estimated Environmental Fee: \$1.00
Estimated Rental Subtotal: \$104.45
Estimated Rental Tax: \$8.36
PA Motor Vehicle Surcharge: \$2.00
Estimated Rental Charges: \$114.81

Card Type: Account: Type: Ref No.: Approved:
Visa XXXX-XXXX-XXXX-7452 PREAMPT 923614575638 253854
Visa XXXX-XXXX-XXXX-7452 PAYMENT 923614575685 254333

The bank has placed a HOLD for \$114.81 on your account. This hold may appear on your statement. U-Haul will not charge/credit your card until you return the equipment and your rental charges are calculated. If the actual rental charges exceed the held amount, or if your rental is extended, U-Haul may charge the original amount and authorize a second amount for the estimated balance.

Estimated Rental Charges: \$132.78
Credit Card Authorization Amount: \$114.81
Credit Card Payment: \$17.97
Net Paid Today: \$17.97

Entry Method: Manual/Manual Application Label: Merchant ID:
Visa 4445013134437
Visa 4445013134437

If returned after hours: \$20.00

- I agree to verify my truck's fuel level is Full before leaving the premises. I will return the vehicle with the same amount of fuel as when dispatched and/or agree to pay a \$4.25 per gallon convenience fee for the estimated fuel I do not replace. If returned with less than 1/4 tank, I agree to also pay a \$30.00 service fee. U-Haul does not reimburse. If this truck is returned with more fuel than what is printed on the receipt gauge, U-Haul pays for oil (save receipts).
- U-Haul provides the Customer with minimum limits of protection required by that state or province where arises any claim, suit or cause of action. This provided protection is in excess or secondary to any insurance coverage(s) of the Customer. Customer assumes Sole Responsibility for any and all liability that exceeds the applicable minimum limits of protection for that state or province.
- An automobile liability insurance policy or a qualified self-insurance arrangement provides the authorized driver with the minimum limits required by the automobile financial responsibility or compulsory insurance law of the jurisdiction in which the accident occurs.
- I understand that this equipment must be returned to the same U-Haul location where it was rented. I understand that the minimum rental charge for equipment returned to a different location is twice the amount of the current One Way rate from this U-Haul location to the actual drop-off location.
- I understand that the equipment rented is water resistant and not water proof.
- I acknowledge that I have received the appropriate User Instructions and acknowledge my responsibility to fully read and understand these User Instructions before operating the equipment.
- I understand that I will receive an email link to review the rental process and the U-Haul Store employees to feedback to U-Haul any compliments, concerns, or requests that I have about my rental.
- I understand that I can also contact U-Haul Customer Service at uhaul.com/contact/email.aspx
- Watch for overhead objects and lock-up the cargo box. I understand that a collision with an overhead object and theft of my cargo are just two specific exclusions not covered by Collision Damage Waiver (CDW), Safemove, or Safetow protection.
- I agree that distracted driving is dangerous and that driving while distracted is likely to lead to an accident/crash causing serious injury or death. I agree not to use a hand held mobile phone (other than for an emergency call) and not to text while driving any U-Haul truck or towing any U-Haul Trailer, Tow Dolly or Auto Transport. My agreement not to do so is material to U-Haul's decision to enter into this Agreement. My failure to comply is material breach of this Agreement.
- The following shall be admissible as evidence of negligence and breach of contract in any lawsuit or arbitration: 1) that the driver of the U-Haul truck, or vehicle towing any U-Haul Trailer, Tow Dolly or Auto Transport was texting while driving; 2) that the driver of the U-Haul truck, or vehicle towing any U-Haul Trailer, Tow Dolly or Auto Transport was using any mobile phone (other than hands free or for an emergency call) while driving.
- I agree to submit all legal claims in accordance with the U-Haul Arbitration Agreement, incorporated by reference, and available at uhaul.com/arbitration or from my local U-Haul representative.
- I acknowledge that I have received and agree to the terms and conditions of this Rental Contract and the Rental Contract Addendum.
- I acknowledge that I was sent a text/email to the phone number or email address provided at the time of the rental, which provides me the opportunity to acknowledge equipment condition, cleanliness, mileage and fuel at the time of the rental. I understand that if I do not provide a response, I am accepting the condition as represented in the text/email. I further acknowledge that I may be responsible for any and all damage, cleaning, mileage and fuel charges as determined by U-Haul upon return of the equipment.

Michelle Lockard

X _____
Timothy Burkart

U-Haul Signature - (Michelle Lockard)

Questions or need help? Call me.

(724) 472-4567

**U-HAUL® TRUCK
USER INSTRUCTIONS
ROADSIDE ASSISTANCE**
Get Help at uhaul.com/help
or call 1-800-GO-U-HAUL
24 HOURS - 7 DAYS A WEEK

SAFETY ALERT SYMBOL

This safety alert symbol precedes all the safety messages in these instructions. Safety messages alert you to possible hazards and instruct you on how to avoid or reduce the risk of injury.

WARNING

READ and FOLLOW all of these instructions and safety messages before operating the truck. **DEATH, DISMEMBERMENT or SERIOUS INJURY** to you, your passengers, and others on the road may result if you do not follow these instructions. Make sure all drivers read and understand all these instructions.

PARKING, BACKING AND LOADING

ALWAYS SET THE PARKING BRAKE when parking. Firmly set the parking brake and then move the shift selector firmly into park. **ALWAYS TURN ENGINE OFF** before exiting cab. When facing downhill, turn the wheels toward the curb. When facing uphill, turn the wheels away from curb.

GET HELP BEFORE YOU BACK UP There are blind spots behind any vehicle. **DO NOT** rely on mirrors alone. Have the helper stand where he can be seen directly, or in your mirror, while he guides you. He should not be in the path of the truck. If no help can be found, walk around the rear of the truck and **MAKE SURE** there are no children, pedestrians or obstructions behind you.

DO NOT HOLD THE RAMP or have the comp extended while the truck is **BACKING UP** or in motion.

NEVER overload the truck. Do not exceed the gross vehicle weight rating (GVWR) and the gross axle weight ratings (GAWR), which are posted on a label inside the driver's door opening.

NEVER load cargo on the outside of the truck.

DO NOT transport hazardous materials, explosives, or flammables.

NEVER leave **CHILDREN** or **KEYS** unattended in the truck.

DISTURBANCES AND EMERGENCY SITUATIONS

A "disturbance" is improper handling, over-steering or other deviation of the truck from its intended path, due to one or more causes (improper loading, steering inputs, excessive speed, crosswinds, passing vehicles, rough roads, the blowout, trailer sway or whipping, etc.).

If a **DISTURBANCE OCCURS**, **DO NOT** steer or brake. Let off the gas pedal to slow down. Steering or braking during a disturbance can cause a loss of control or crash.

If a **WHEEL GOES OFF THE PAVED ROADWAY**, **DO NOT** steer sharply and **DO NOT** brake. Let off the gas pedal and slow down below 25 mph. Then steer gradually back onto the roadway. Proceed with caution entering traffic.

BLOW DOWN

AVOID CRASHES by slowing down. Reduce your speed from what you would normally drive your car under similar road conditions.

DRIVE DEFENSIVELY - anticipate stops, brake early, and never follow closely.

BEFORE going downhill, slow down and shift the transmission into a lower gear, let off the gas pedal and allow the engine to help you control your speed. **DO NOT RIDE BRAKE** on downgrades.

Slow down for curves, adverse weather, hazardous road conditions, road construction and crossway exits.

WHILE ON THE ROAD

Use the checklist at the end of these instructions before towing and while on the road.

ALWAYS wear your seat belt. Be sure children are properly restrained.

Rear-facing infant seats should never be placed in the front seat of a truck equipped with a passenger-side air bag. A child may be seriously injured if an activated air bag strikes the child restraint.

DO NOT drive when you are fatigued, sleepy or distracted. Avoid driving at night.

NEVER use a cell phone when driving. If you need to use a cell phone, find a safe place to exit the roadway.

NEVER drive under the influence of alcohol or any substance that might impair your vision, judgment or ability to control the vehicle.

NEVER allow passengers to ride in the cargo area or on the truck exterior. Passengers risk injury due to shifting cargo, reptile/rodent and lack of collision protection.

EXHAUST FUMES ARE LETHAL. **DO NOT** operate the engine in a confined area where exhaust fumes could enter through doors or windows. **DO NOT** sleep in the truck with the engine running.

OVERHEAD CLEARANCE

U-HAUL TRUCKS ARE TALLER THAN PASSENGER CARS. If you don't know the overhead clearance, get out of the truck and make certain that you are clear of any obstruction. **DO NOT GUESS**.

Watch out for drive-through restaurants and motel overhangs, service-station canopies, bridges, balconies, roof eaves, porch awnings, electrical wires and tree limbs. Many overhead obstructions are not posted for clearance.

LOADING

LOAD HEAVY ITEMS FIRST

Load the heaviest items first, in front and on the floor. Load lightest items last, on the top and to the rear. Pack all items closely and firmly. Secure partial loads with rope, as close to the front of the cargo area as possible. **NEVER** load cargo on the outside of the truck. Be sure the cargo door is closed and latched securely.

DO NOT OVERLOAD

Every U-Haul truck has a maximum (fully loaded) gross weight label on the driver's side door post. **NEVER** load the truck so that it exceeds the listed GVWR and GAWR. If in doubt, check the weight on a commercial or state scale. (See the Yellow Pages under "Scales, Public"). To check GVWR and GAWR weigh the truck with: full fuel tank, all occupants, all cargo and trailer tongue weight if towing.

TRAILERS

Most U-Haul trucks are fully equipped to tow a trailer. If you plan to tow a U-Haul trailer, you will be provided with the appropriate equipment and instructions. Read the *U-Haul Trailer User Instructions* thoroughly. Follow the instructions on how to properly load and operate your trailer/trailer combination.

If you plan to tow your own trailer, check with a U-Haul representative to determine the maximum trailer weight you can tow. Make sure your trailer is properly loaded, that the coupler and safety chains are attached and that the trailer lights are working properly. See your trailer owner's manual for more information.

HAZARDOUS MATERIALS

DO NOT transport hazardous materials, explosives, or flammables such as gasoline or paint thinner. A container that is almost empty is just as dangerous as a full one. Flammables may explode or ignite through spontaneous combustion from vehicle movement.

Empty and air out the tanks on lawn mowers, camping stoves and lanterns before loading.

Propane tanks must be secured standing upright, with the fuel hose disconnected, valve closed and checked for leaks before transporting.

NEVER sit a portable fuel container **IN** or **ON** the truck. Set tanks on the ground to (a) avoid static electricity and prevent sparks.

Securely close and properly package household cleaning products.

LOADING RAMP

U-Haul designed the loading ramp to help you load and unload the truck. **MAKE SURE** the loading ramp is completely stowed and latched before you put the truck in motion. Follow ramp operating instructions on the decal in the cargo area of the truck.

FOOTWEAR

When loading or driving a U-Haul truck wear fully enclosed shoes with slip-resistant soles, such as tennis shoes or work shoes. Flip-flops and sandals do not provide protection from falling objects or sharp edges of your cargo. You are also more likely to slip and fall when wearing flip-flops or sandals.

WET FLOORS

If the floor of the cargo box, the loading ramp, or any slip surface becomes contaminated (with oil, other), remove all contaminants from that surface. You may slip and fall when walking on a contaminated surface.

DRIVING

GET FAMILIAR WITH CONTROLS FIRST

Before driving, familiarize yourself with the driver controls and accessories. Be sure you understand how to operate the transmission shift and parking brake controls before starting engine. Locate the switches for lights, wipers, climate controls, etc. Adjust mirrors as needed.

STOPPING AND FOLLOWING DISTANCE

U-Haul trucks are heavier than passenger cars, especially when loaded. This means it will take you longer to stop.

▲ Allow at least 4 seconds between you and the vehicle in front of you. Start counting when the back of the vehicle in front of you passes a fixed object, such as a line or crack on the road. If the front of your vehicle reaches the object before the end of the 4 seconds, increase your distance.

▲ If you are driving in adverse weather, such as rain, snow, or fog, use at least a 6 second gap.

IF A DISTURBANCE OCCURS:

▲ Let off the gas pedal. NEVER speed up to try to control a disturbance.

▲ DO NOT apply your brakes.

▲ HOLD THE STEERING WHEEL in a straight-ahead position. DO NOT try to control the disturbance by turning the steering wheel.

AFTER A DISTURBANCE HAS STOPPED:

▲ Pull a safe distance off the roadway and stop. Get all occupants out of the vehicle and away from the roadway.

▲ Check the cargo to make sure the load has not shifted. Make sure the truck is loaded heavier in front and not overloaded.

▲ Check that all the tires are properly inflated and that all lug nuts are tight.

▲ If tows a trailer, make sure it is properly loaded. Trailer must be loaded heavier in the front half to prevent trailer sway or WHIPPING. See the U-Haul Trailer User Instructions for more information.

If the disturbance persists, contact the nearest U-Haul representative and have them inspect or exchange the truck.

PASSING

▲ Your truck is heavier and longer than a passenger vehicle and will require more time and distance to pass. DO NOT pass on hills or curves.

HILLS

Shift into lower gears to prevent the truck from jerking due to engine lugging when traveling up hills. This will improve gas mileage and reduce engine overheating.

▲ DO NOT ride the brake pedal while going downhill. Prolonged use of your brakes results in overheating and possible loss of braking. When you need to slow down, apply the brake pedal and slow down below the indicated speed. Then let completely off the brake pedal. Repeat this braking cycle as needed.

ROAD SHOULDERS

If a wheel goes off the paved roadway:

▲ DO NOT turn the steering wheel sharply.

▲ DO NOT apply your brakes.

▲ Let off the gas pedal and slow down below 25 mph. Then steer gradually back on the roadway. Proceed with caution entering traffic.

SHARP CORNERS

Avoid turning too sharp on corners. In gas stations or parking lots, because the truck is longer the truck rear end will track inside the turn and may sideswipe a vehicle or object. Drive slightly past the corner before turning or turn wider than you would with a car to avoid this. Or simply plan ahead and avoid sharp turns where you can.

STEEP DRIVEWAYS

When driving on steep driveways or angled incline transitions, the rear bumper may drag or get stuck, particularly after loading. The parking brake also may not hold on excessively steep inclines. Avoid driving or parking on steep inclines; park in an alternate location.

IF TRUCK GETS STUCK

If truck becomes stuck in snow, mud, sand, other; do not attempt to get it out by spinning wheels or revving engine -- this may damage the truck and you will be held responsible. Get help at

uhaul.com/help or call the Roadside Assistance number under BREAKDOWNS below, and U-Haul will assist you.

SERVICING-TRUCK

REFUELING

▲ Shut off engine before refueling. Extinguish all smoking materials and open flames. Remove fuel-tank cap slowly to vent any pressure inside the tank.

▲ Avoid spilling fuel. Hot engine exhaust can ignite flammable vapors, causing a fire or explosion.

▲ Be sure to use correct fuel, refer to labeling on truck.

TIRE PRESSURE

Set all tires to the proper pressure. Find the recommended GOLD pressure on the decals located on the truck. Tire pressures go up during driving. DO NOT let off this extra pressure.

ENGINE OIL

You should check engine oil at each fuel stop. Use only the grade of oil that is listed on the decal in the engine compartment. Keep the engine oil level between the ADD and FULL marks. Save receipts for reimbursement when you return your truck.

If your truck is equipped with a lift engine hood, pull it open only from the front handle.

COOLANT

▲ NEVER loosen the radiator cap when engine is HOT. Doing so can cause HOT coolant to spray out under pressure. Check radiator level only when engine is COLD.

BREAKDOWNS

Immediately park your truck in a safe place, completely off the roadway. Turn on your emergency flashes. Get all occupants out of the vehicle and away from the roadway.

Assemble and place the emergency warning triangles on the roadway, as traffic permits. Assembly and placement instructions are shown behind passenger's seat, or on the back of the passenger-side visor.

If you must continue on the roadway to reach a safe place off the road, turn on your emergency flashes and proceed with caution.

If necessary, drive on a flat tire to reach a safe place completely off the roadway. Drive slowly.

If the truck's mechanical problem is minor and it can be safely driven, proceed to the nearest U-Haul location, get help at uhaul.com/help or call Roadside Assistance at 1-800-GO-U-HAUL.

If the mechanical problem is major or if the truck is inoperable or cannot be driven safely, get help at uhaul.com/help or call Roadside Assistance at 1-800-GO-U-HAUL. Be prepared to give your exact location and a callback telephone number. Have your contact with you when you call. They will have a U-Haul representative contact you and do whatever is necessary.

ACCIDENTS

In case of an accident, get everyone out of the vehicle and completely off the roadway. Call an ambulance if anyone is injured. Notify the police as soon as possible and then report the accident at uhaul.com/help or call Roadside Assistance at 1-800-GO-U-HAUL.

DRIVING CHECKLIST (USE AT EACH STOP)

BEFORE DRIVING

- Fasten safety restraints.
- Properly adjust mirrors.
- Get familiar with controls.

BACKING AND LOADING

- Before backing, check behind the truck for pedestrians and obstructions.
- Secure load in cargo area.
- Cargo door closed and latched securely.

ON THE ROAD

- Slow down to avoid crashes.
- Anticipate stops. Brake early.
- Be alert and drive defensively.
- Stop for rest when you get tired.

AT STOPS

- Firmly set parking brake.
- Shift transmission firmly into park and turn engine off.
- Check connections if tows a trailer.
- Check tire condition.
- Check that all lights are working.
- Remove keys and lock the truck.

REMEMBER - CRASHES ARE CAUSED BY

- Driver error or inattention.
- Excessive speed.
- Following too closely.

YOU SHOULD ALWAYS

- LOAD THE TRUCK HEAVIER IN FRONT.
- REDUCE YOUR NORMAL DRIVING SPEED.
- WEAR YOUR SEAT BELT.

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Pennsylvania Public Utility Commission,
Bureau of Investigation and Enforcement,
Complainant

v.

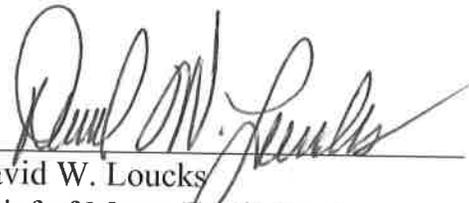
Elite Moving Company, LLC,
Respondent

Docket No. C-2019-

VERIFICATION

I, David W. Loucks, Chief of Enforcement, Bureau of Investigation and Enforcement, Motor Carrier 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 the Bureau of Investigation and Enforcement 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: November 5, 2019



David W. Loucks
Chief of Motor Carrier Enforcement
Pennsylvania Public Utility Commission
Commonwealth Keystone Building
400 North Street
Harrisburg, PA 17120

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Pennsylvania Public Utility Commission, :
Bureau of Investigation and Enforcement, :
Complainant :

v. :

Elite Moving Company, LLC, :
Respondent :

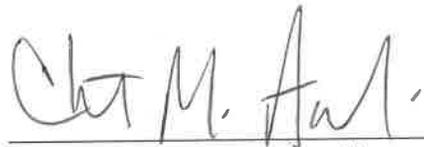
Docket No. C-2019-

CERTIFICATE OF SERVICE

I hereby certify that I am serving the foregoing **Formal Complaint** on November 6, 2019, in the manner and upon the persons listed below, in accordance with the requirements of 52 Pa. Code § 1.54 (relating to service by party):

Served via Certified Mail

Elite Moving Company, LLC
219 Bonita Drive
Greensburg, PA 15601



Christopher M. Andreoli
Prosecutor
Bureau of Investigation & Enforcement
PA Attorney I.D. No. 85676