



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

BUREAU OF
INVESTIGATION
&
ENFORCEMENT

December 4, 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.
Mubers Moving Corp.
Docket No. C-2018-3003688
I&E Motion for Default Judgment

Dear Secretary Chiavetta:

Enclosed for electronic filing please find the Bureau of Investigation and Enforcement's **Motion for Default Judgment** in the above-referenced proceeding. Copies have been served on the parties of record in accordance with the Certificate of Service.

Should you have any questions, please do not hesitate to contact me.

Sincerely,

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

CMA/ac
Enclosures

cc: As per Certificate of Service

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Pennsylvania Public Utility Commission,	:	
Bureau of Investigation and Enforcement,	:	
Complainant	:	
	:	
v.	:	Docket No. C-2018-3003688
	:	
Mubers Moving Corp.,	:	
Respondent	:	

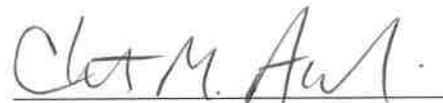
NOTICE TO PLEAD

The Bureau of Investigation and Enforcement (“I&E”) of the Pennsylvania Public Utility Commission (“Commission”) has filed a Motion for Default Judgment in the above-captioned matter, pursuant to the Commission’s regulations at 52 Pa. Code § 5.103. You are hereby notified to file a written response within twenty (20) days of the service of the Motion, consistent with 52 Pa. Code § 5.61.

Your Answer must be verified, pursuant to 52 Pa. Code § 1.36, and the original sent to:

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

Additionally, you must serve a copy on the undersigned prosecutor.



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
(717) 705-4366
chandreoli@pa.gov

Dated: December 4, 2019

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Pennsylvania Public Utility Commission,	:	
Bureau of Investigation and Enforcement,	:	
Complainant	:	
	:	
v.	:	Docket No. C-2018-3003688
	:	
Mubers Moving Corp.,	:	
Respondent	:	

MOTION FOR DEFAULT JUDGMENT

NOW COMES the Pennsylvania Public Utility Commission’s (“Commission”) Bureau of Investigation and Enforcement (“I&E”), by its prosecuting attorneys, and files this Motion for Default Judgment against Mubers Moving Corp. (“Respondent”) pursuant to Section 5.103 of the Commission’s regulations, 52 Pa. Code § 5.103. In support thereof, I&E respectfully represents as follows:

1. I&E commenced this action on November 1, 2018 by filing a Complaint.
2. The Complaint was attempted to be served by certified mail to Respondent at 384 Neptune Avenue, Brooklyn, NY 11235. See Exhibit I&E-1.
3. The Complaint was unable to be served upon Respondent at 384 Neptune Avenue, Brooklyn, NY 11235.
4. I&E filed an Amended Complaint on November 5, 2018.
5. The Amended Complaint was attempted to be served by certified mail to Respondent at 5602 1st Avenue, Brooklyn, NY 11220. See Exhibit I&E-2.
6. The Amended Complaint was unable to be served upon Respondent at 5602 1st Avenue, Brooklyn, NY 11220.

7. I&E attempted to re-serve the Amended Complaint upon Respondent at 5602 1st Avenue, Brooklyn, NY 11220 on March 8, 2019. See Exhibit I&E-3.

8. The Amended Complaint was unable to be served upon Respondent at 5602 1st Avenue, Brooklyn, NY 11220.

9. I&E filed a Second Amended Complaint on September 13, 2019.

10. The Second Amended Complaint was attempted to be served by certified mail to Respondent at 5602 1st Avenue, Brooklyn, NY 11220. See Exhibit I&E-4.

11. The Second Amended Complaint was unable to be served upon Respondent at 5602 1st Avenue, Brooklyn, NY 11220.

12. Attached to the Complaint, Amended Complaint, and Second Amended Complaint was a Notice advising Respondent that it must either pay the requested administrative penalty within twenty (20) days or file an Answer within twenty (20) days. See Exhibit I&E-1.

13. The Notice also advised Respondent that if it failed to answer the Complaint, I&E would request that the Commission issue an Order imposing the penalty set forth in the Complaint.

14. Respondent did not pay the administrative penalty of \$5,000 that was sought in the Complaint, Amended Complaint, and Second Amended Complaint for Respondent's violation of the Public Utility Code 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 a resident's household property between points with the Commonwealth for compensation.

15. Respondent did not file an Answer to the Complaint, Amended Complaint and/or Second Amended Complaint.

16. Since Respondent did not file an Answer to the Complaint, Amended Complaint and/or Second Amended Complaint, out of an abundance of caution, I&E published the Second Amended Complaint in the *Pennsylvania Bulletin* on November 2, 2019 pursuant to the Commission's regulation at 52 Pa. Code § 1.53(e) (related to alternative service). See 49 Pa. Bull. 6654 (November 2, 2019).

17. Attached to the Second Amended Complaint, which was published in the *Pennsylvania Bulletin*, was a Notice advising Respondent that it must file an Answer within twenty (20) days.

18. Respondent did not file an Answer to the Second Amended Complaint, which was published in the *Pennsylvania Bulletin* on November 2, 2019. See Exhibit I&E-5.

19. Pursuant to Section 5.61(c) of the Commission's regulations, a Respondent who fails to file an Answer to a Complaint within the 20-day response period may be deemed in default, and the relevant facts stated in the Complaint may be deemed admitted. 52 Pa. Code § 5.61(c).

20. The Commonwealth Court has upheld the Commission's authority to sustain complaints that are not answered within twenty days. *See Fusaro v. Pa. Pub. Util. Comm'n*, 382 A.2d 794, 797 (Pa. Cmwlth. 1978).

21. I&E respectfully requests that the Commission enter a Default Order against Respondent that:
- a. Directs Respondent to pay the requested administrative penalty of \$5,000, within thirty (30) days of the entry date of the Commission's Order;
 - b. Refers the matter to the Pennsylvania Office of Attorney General for collection of the total set forth in subparagraph (a), above, if Respondent fails to pay that total within thirty (30) days of the entry date of the Commission's Order.

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
(717) 705-4366
chandreoli@pa.gov

Date: December 4, 2019

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

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

v,

Mubers Moving Corp.,
Respondent

Docket No. C-2018-3003688

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: December 4, 2019



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

Exhibit I&E-1



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

IN REPLY PLEASE
REFER TO OUR FILE

Date of Service: November 2, 2018

Docket Number: C-2018-3003688

MUBERS MOVING CORP.
384 NEPTUNE AVENUE
BROOKLYN, NY 11235

Bureau of Investigation and Enforcement
v.
MUBERS MOVING CORP.

Dear Sir/Madam:

The Pennsylvania Public Utility Commission has delegated its authority to initiate prosecutory proceedings to several of its Commission bureaus with enforcement responsibilities. Pursuant to this delegated authority and Section 701 of the Public Utility Code, 66 Pa. C.S. § 701, Bureau of Investigation and Enforcement staff has filed the attached Complaint in the above docketed proceeding.

Very truly yours,

Rosemary Chiavetta
Secretary

RC:AEL

Exhibit I&E-2



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

Exhibit I&E-2
Page 1 of 1

IN REPLY PLEASE
REFER TO OUR FILE

Date of Service: 11/8/2018

Docket Number: C-2018-3003688

MUBERS MOVING CORP.
384 NEPTUNE AVENUE
BROOKLYN, NY 11235

Bureau of Investigation and Enforcement

v.

Mubers Moving Corp

Dear Sir/Madam:

The Pennsylvania Public Utility Commission has delegated its authority to initiate prosecutory proceedings to several of its Commission bureaus with enforcement responsibilities. Pursuant to this delegated authority and Section 701 of the Public Utility Code, 66 Pa. C.S. § 701, Bureau of Investigation and Enforcement staff has filed the attached Amended Complaint in the above docketed proceeding.

Very truly yours,

Rosemary Chiavetta
Secretary

RC: jbs

Exhibit I&E-3



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

IN REPLY PLEASE
REFER TO OUR FILE

Date of Re-Service: March 8, 2019

Docket Number: C-2018-3003688

MUBERS MOVING CORP.
5602 1ST AVE
BROOKLYN NY 11220

Bureau of Investigation and Enforcement
v.
MUBERS MOVING CORP.

Dear Sir/Madam:

The Pennsylvania Public Utility Commission has delegated its authority to initiate prosecutory proceedings to several of its Commission bureaus with enforcement responsibilities. Pursuant to this delegated authority and Section 701 of the Public Utility Code, 66 Pa. C.S. § 701, Bureau of Investigation and Enforcement staff has filed the attached Complaint in the above docketed proceeding.

Very truly yours,

Rosemary Chiavetta
Secretary

RC:jbs

Exhibit I&E-4



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

Exhibit I&E-4
Page 1 of 1

IN REPLY PLEASE
REFER TO OUR FILE

Date of Service: September 18, 2019

Docket Number: C-2018-3003688

MUBERS MOVING CORP.
5602 1ST AVENUE
BROOKLYN, NY 11220

Bureau of Investigation and Enforcement

v.

Mubers Moving Corp.

Dear Sir/Madam:

The Pennsylvania Public Utility Commission has delegated its authority to initiate prosecutory proceedings to several of its Commission bureaus with enforcement responsibilities. Pursuant to this delegated authority and Section 701 of the Public Utility Code, 66 Pa. C.S. § 701, Bureau of Investigation and Enforcement staff has filed the attached Amended Complaint in the above docketed proceeding.

Very truly yours,

Rosemary Chiavetta
Secretary

RC:AEL

Exhibit I&E-5

Close Window

NOTICES

PENNSYLVANIA PUBLIC UTILITY COMMISSION

Service of Notice of Household Goods Carrier Complaints

[49 Pa.B. 6654]
[Saturday, November 2, 2019]

Formal complaints have been issued by the Pennsylvania Public Utility Commission. Answers must be filed in accordance with 52 Pa. Code (relating to public utilities). Answers are due November 18, 2019, and must be made with the Secretary, Pennsylvania Public Utility Commission, 400 North Street, Harrisburg, PA 17120, with a copy to the First Deputy Chief Prosecutor, Pennsylvania Public Utility Commission.

Pennsylvania Public Utility Commission; Bureau of Investigation and Enforcement v. Mubers Moving Corp.; Docket No. C-2018-3003688

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 Second Amended Formal Complaint ("Complaint") against Mubers Moving Corp. ("Mubers," "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
mswindler@pa.gov
717.783.6369

3. Respondent is Mubers, with its most recent principal place of business at 5602 1st Avenue, Brooklyn, NY 11220.

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 civil 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 a civil penalty of Five Thousand Dollars (\$5,000) be imposed for a first violation of this section.

8. More specifically, pursuant to Section 3310(b) of the Public Utility Code, 66 Pa.C.S. § 3310(b), any unauthorized contract common carrier transporting household goods by motor vehicle shall be deemed in violation of this title and shall be ordered to pay an administrative penalty as prescribed in Section 3310(c). Section 3310(c) specifically provides that a civil penalty of Five Thousand Dollars (\$5,000) be imposed for a first violation of this section.

9. 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. Consequently, Respondent is subject to Section 3310(b) of the Public Utility Code, 66 Pa.C.S. § 3310(b), and the corresponding penalty promulgated under Section 3310(c) of the Public Utility Code, 66 Pa.C.S. § 3310(c).

Background

10. On June 7, 2018, a resident of the Commonwealth ("Resident") entered into an agreement with Mubers to move her household property from 219 Mulberry Street, Bath, PA 18014 to 1405 Pittsburgh Street, Cheswick, PA 15024 ("1405 Pittsburgh Street"). The

agreement included that an additional stop would be made along the way at 335 Massinger Street, Bangor, PA 18013. The moving estimate totaled One Thousand and Twenty Dollars (\$1,020). See Exhibit I&E-1.

11. The agreement stated that "Mubers Moving Corp (DOT # 2893157) is a moving carrier authorized by the Federal Government to transport an individual shipper's household goods." *Id.* However, Mubers' interstate authority to transport household goods had been revoked by the Federal Department of Transportation on September 25, 2017 and it remains revoked. See Exhibit I&E-2. Furthermore, Mubers was never issued a certificate of public convenience, permit, or license by the Commission authorizing such transportation of household property between points within the Commonwealth.

12. On June 30, 2018, Mubers picked up the Resident's household property as agreed upon. When the moving truck arrived at 1405 Pittsburgh Street, its employees refused to release the Resident's property unless she paid an additional One Thousand Six Hundred and Forty-Five Dollars (\$1,645). After the Resident refused to pay the additional amount, Mubers' employees left with her household property.

13. On July 8, 2018, the Commission received a complaint from the Resident against Mubers regarding the transportation of her household property between two points within Pennsylvania.

14. After several attempts, delivery was re-scheduled for July 26, 2018. Upon Mubers' arrival at 1405 Pittsburgh Street with the Resident's household property, two (2) of Mubers' employees were met by two (2) of the Commission's motor carrier enforcement officers and a local police officer. The two (2) enforcement officers remained with the Resident until the employees finished delivering her household property.

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), "*shall* be ordered to pay [a civil] penalty as prescribed in subsection (c)." 66 Pa.C.S. § 3310(b) (emphasis added).

17. Mubers 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 transported 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 [civil] 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). As such, I&E's requested civil penalty is \$5,000 for this violation.

Wherefore, for all the foregoing reasons, the Bureau of Investigation and Enforcement of the Pennsylvania Public Utility Commission respectfully requests that, after consideration of the record, the Office of Administrative Law Judge and the Commission find Mubers Moving Corp. in violation of the only count as set forth herein, and Mubers Moving Corp. be assessed the statutorily mandated civil penalty of Five Thousand Dollars (\$5,000). Should Mubers Moving Corp. fail to pay the statutorily mandated civil 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 ID No. 85676

Michael L. Swindler
Deputy Chief Prosecutor
PA Attorney ID No. 43319

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

Date: September 13, 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: 9/9/2019

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

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 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
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.

ROSEMARY CHIAVETTA,
Secretary

[Pa.B. Doc. No. 19-1663. Filed for public inspection November 1, 2019, 9:00 a.m.]

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Bottom

