

**PENNSYLVANIA PUBLIC UTILITY COMMISSION
HARRISBURG, PENNSYLVANIA 17105**

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

**Public Meeting: December 19, 2019
3006401-OSA
Docket No. C-2018-3006401**

**v.
Joseph Leventan**

MOTION OF COMMISSIONER ANDREW G. PLACE

Before us today for consideration and disposition is staff's recommendation regarding an Answer filed untimely by Joseph Leventan on June 27, 2019 concerning a Commission Secretarial Letter issued May 8, 2019.¹ Initially, the Bureau of Investigation and Enforcement (BI&E) filed a Complaint at this docket alleging that Mr. Leventan has failed to maintain evidence of insurance on file with the Commission. In its Complaint, BI&E suspended Mr. Leventan's Certificate of Public Convenience issued on May 14, 2018 and proposed a civil penalty of \$500.

BI&E's Complaint informed the Respondent that he was to file an Answer within twenty days of the date of service of the Complaint and that if he did not file said pleading, BI&E would request that the Commission issue an Order cancelling his certificate, imposing the penalty, and ordering such other remedy as the Commission may deem to be appropriate including suspension of vehicle registrations and additional fines. On June 27, 2019, Mr. Leventan filed a pleading that he captioned as "Answer to Complaint With New Matter," in which he indicated that he had provided the Commission with evidence of commercial automobile policy declaration insurance coverage through AIC (Agency Insurance Company of Maryland, Inc.) which he indicated was operational for the term of the policy.²

Although Mr. Leventan filed his Answer out of time and after the issuance of the Commission's Secretarial Letter, he indicates that it is his Answer and that, through numbered paragraphs, he is contesting the allegations in BI&E's Complaint. Because of these facts, I believe that the matter should be referred to the Office of Administrative Law Judge for further proceedings including any

¹ Because of the untimely filing of the response to the Complaint, staff treated the pleading as a Petition for Rescission or Amendment, which may be filed at any time, pursuant to 52 Pa. Code §5.572.

² Answer at 1. This pleading was filed on June 27, 2019 which is well beyond the twenty days required by the Commission's regulations. 52 Pa. Code §5.61(a).

necessary hearings as prescribed by the Commission's Procedures.³ This will provide Mr. Leventan due process regarding this Complaint proceeding. Also, I would encourage the Respondent to promptly file evidence of proper insurance with this Commission.

THEREFORE, I Move That:

1. The Commission's May 8, 2019 Secretarial Letter is rescinded, consistent with this Motion.
2. The Complaint and Answer filed at this Docket, be assigned to the Commission's Office of Administrative Law Judge for a hearing as may be deemed appropriate.
3. The Respondent's Certificate of Public Convenience is reinstated while this proceeding is pending, consistent with this Motion.
4. The Office of Special Assistants prepare an Opinion and Order consistent with this Motion.

DATED: December 19, 2019



Andrew G. Place, Commissioner

³ See *Pennsylvania Public Utility Commission, Bureau of Investigation & Enforcement v. Herbert L. Joseph, II, t/a J.N. Limousine*, Docket No. C-2019-3011258 (Order entered November 14, 2019).