



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

BUREAU OF
INVESTIGATION
&
ENFORCEMENT

January 13, 2020

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.
D&A Movers, LLC
Docket No. C-2019-3012697
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,

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

Christopher M. Andreoli
Prosecutor
Bureau of Investigation and Enforcement
PA Attorney ID No. 85676
(717) 772-8582
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-2019-3012697
	:	
D&A Movers, LLC,	:	
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 ID No. 85676

Bureau of Investigation and Enforcement
Pennsylvania Public Utility Commission
Commonwealth Keystone Building
400 North Street
Harrisburg, PA 17120
(717) 772-8582
chandreoli@pa.gov

Dated: January 13, 2020

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

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

v.

D&A Movers, LLC,
Respondent

Docket No. C-2019-3012697

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 D&A Movers, LLC ("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 September 6, 2019 by filing a Complaint alleging that Respondent violated the Public Utility Code when it transported household property between points within the Commonwealth for compensation without a certificate of public convenience, permit, or license issued by the Commission.
2. On September 6, 2019, the Complaint was attempted to be served by certified mail to Respondent at 566 Westminster Circle, Akron, OH 44319. See Attachment I&E-1.
3. The Complaint was unable to be served upon Respondent at 566 Westminister Circle, Akron, OH 44319.
4. On October 21, 2019, the Complaint was attempted to be re-served by certified mail to Respondent at 566 Westminister Circle, Akron, OH 44319. See Attachment I&E-2.
5. The Complaint was unable to be served upon Respondent at 566 Westminister Circle, Akron, OH 44319.

6. Attached to the 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.

7. 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.

8. Respondent did not pay the administrative penalty of \$5,000 that was sought in the 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 within the Commonwealth for compensation.

9. Respondent did not file an Answer to the Complaint.

10. Since Respondent did not file an Answer to the Complaint, out of an abundance of caution, I&E published the Complaint in the *Pennsylvania Bulletin* on November 30, 2019 pursuant to the Commission's regulation at 52 Pa. Code § 1.53(e) (related to alternative service). See 49 Pa. Bulletin 7149 (November 30, 2019).

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

12. Respondent did not file an Answer to the Complaint, which was published in the *Pennsylvania Bulletin* on November 30, 2019.

13. 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

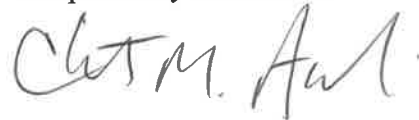
in default, and the relevant facts stated in the Complaint may be deemed admitted. 52 Pa. Code § 5.61(c).

14. 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).

15. 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; and
- 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 ID No. 85676

Pennsylvania Public Utility Commission
Bureau of Investigation and Enforcement
Commonwealth Keystone Building
400 North Street
Harrisburg, PA 17120
(717) 772-8582
chandreoli@pa.gov

Date: January 7, 2020

Attachment I&E-1



Commonwealth of PA
P.O. Box 3265
Harrisburg, PA 17105-3265

Return Service Requested

C&A

Attachment I&E-1
Page 1 of 4

CERTIFIED MAIL



9171 9690 0935 0202 8252 55

Hasler FIRST-CLASS MAIL
09/06/2019
US POSTAGE \$006.10



ZIP 17120
011D1260411

BIE
V
D&A MOVERS LLC
C-2019-3012697
L/N a/a F

4 NC

D&A MOVERS, LLC
566 WESTMINSTER CIRCLE
AKRON OH 44319

9/17
9/24

RECEIVED

2019 OCT 16 PM 1:12

PA PUC
SECRETARY'S BUREAU

FIRST CLASS

NIXIE 482 SE 1 2210/04/19

RETURN TO SENDER
UNCLAIMED
UNABLE TO FORWARD

BC: 17105326565 0080N277124-02922





[FAQs >](#)

Track Another Package +

Tracking Number: 9171969009350202825255

[Remove X](#)

Your item has been delivered to the original sender at 8:10 am on October 16, 2019 in HARRISBURG, PA 17105.

Delivered

October 16, 2019 at 8:10 am
Delivered, To Original Sender
HARRISBURG, PA 17105

Feedback

Return Receipt Electronic



Tracking History



October 16, 2019, 8:10 am
Delivered, To Original Sender
HARRISBURG, PA 17105

Your item has been delivered to the original sender at 8:10 am on October 16, 2019 in HARRISBURG, PA 17105.

October 15, 2019, 10:02 am
Available for Pickup
HARRISBURG, PA 17106

October 15, 2019, 4:15 am

Arrived at Unit
HARRISBURG, PA 17107

October 14, 2019

In Transit to Next Facility

October 11, 2019, 9:13 am

Arrived at USPS Regional Facility
HARRISBURG PA DISTRIBUTION CENTER

October 4, 2019, 8:49 am

Arrived at USPS Regional Facility
DETROIT MI DISTRIBUTION CENTER

September 26, 2019, 9:52 am

Unclaimed/Being Returned to Sender
AKRON, OH 44319

September 9, 2019, 4:07 pm

Notice Left (No Authorized Recipient Available)
AKRON, OH 44319

September 9, 2019, 8:10 am

Out for Delivery
AKRON, OH 44319

September 9, 2019, 7:42 am

Arrived at Unit
AKRON, OH 44319

September 8, 2019, 5:43 am

Departed USPS Regional Facility
AKRON OH DISTRIBUTION CENTER

Feedback

September 7, 2019, 10:09 pm
Arrived at USPS Regional Facility
AKRON OH DISTRIBUTION CENTER

September 7, 2019, 4:11 pm
Arrived at USPS Regional Facility
CLEVELAND OH DISTRIBUTION CENTER

September 6, 2019, 9:22 pm
Arrived at USPS Regional Facility
HARRISBURG PA DISTRIBUTION CENTER

September 6, 2019, 8:07 pm
Accepted at USPS Origin Facility
HARRISBURG, PA 17120

September 6, 2019
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

Attachment I&E-2

CERTIFIED MAIL

Hasler

10/21/2019

US POSTAGE

\$006.10

ZIP 17120



0935 0214 1500 62

Metropex MI 480 ZIP
SAT 30 NOV 2019PM

BC: 17105226565 0080N30164-00499
RETURN TO SENDER
ATTEMPTED - NOT KNOWN
UNABLE TO FORWARD
NIXIE 482 SE 1 2211/26/19



Attachment I&E-2
Page 1 of 4

C-2019-3012697

BIE v.

D&A Movers
LLC

D&A MOVERS LLC
566 WESTMINSTER CIRCLE
AKRON, OH 44319

RECEIVED

2019 DEC -3 PM 1:11

PA PUC
SECRETARY'S BUREAU

FIRST CLASS



[FAQs >](#)

Track Another Package +

Tracking Number: 9171969009350214150062

[Remove X](#)

Your package is moving within the USPS network and is on track to be delivered to its final destination. It is currently in transit to the next facility.

In-Transit

November 30, 2019
In Transit to Next Facility

Feedback

Return Receipt Electronic



Tracking History



November 30, 2019

In Transit to Next Facility

Your package is moving within the USPS network and is on track to be delivered to its final destination. It is currently in transit to the next facility.

November 26, 2019, 11:43 am

Departed USPS Regional Facility
DETROIT MI DISTRIBUTION CENTER

November 23, 2019, 12:39 pm
Arrived at USPS Regional Facility
DETROIT MI DISTRIBUTION CENTER

October 25, 2019, 10:35 am
Addressee Unknown
AKRON, OH 44319

October 24, 2019, 3:28 pm
Addressee Unknown
AKRON, OH 44319

October 24, 2019, 8:51 am
Arrived at Unit
AKRON, OH 44319

October 24, 2019, 2:53 am
Departed USPS Regional Destination Facility
AKRON OH DISTRIBUTION CENTER

October 23, 2019, 10:56 pm
Arrived at USPS Regional Destination Facility
AKRON OH DISTRIBUTION CENTER

October 23, 2019, 1:33 pm
Arrived at USPS Regional Destination Facility
CLEVELAND OH DISTRIBUTION CENTER

October 21, 2019, 7:40 pm
Arrived at USPS Regional Origin Facility
HARRISBURG PA DISTRIBUTION CENTER

October 21, 2019, 6:25 pm
Accepted at USPS Origin Facility
HARRISBURG, PA 17120

Feedback

October 21, 2019

Pre-Shipment Info Sent to USPS, USPS Awaiting Item

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

Feedback

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

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

v, :

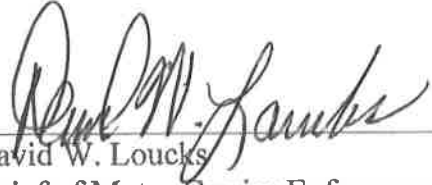
D&A Movers, LLC, :
Respondent :

Docket No. C-2019-3012697

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: January 7, 2020



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

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

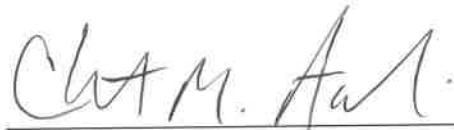
Pennsylvania Public Utility Commission,	:	
Bureau of Investigation and Enforcement,	:	
Complainant	:	
	:	
v.	:	Docket No. C-2019-3012697
	:	
D&A Movers, LLC,	:	
Respondent	:	

CERTIFICATE OF SERVICE

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

Served via First Class Mail:

D&A Movers, LLC
566 Westminster Circle
Akron, OH 44319



Christopher M. Andreoli
Prosecutor
PA Attorney ID No. 85676

Pennsylvania Public Utility Commission
Bureau of Investigation and Enforcement
Commonwealth Keystone Building
400 North Street
Harrisburg, PA 17120
(717) 772-8582
chandreoli@pa.gov

Dated: January 13, 2020