



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

BUREAU OF  
INVESTIGATION  
&  
ENFORCEMENT

February 5, 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.  
Phlat Rate Moving  
Docket No. C-2019-3013741  
**(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](mailto: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.

Phlat Rate Moving,  
Respondent

Docket No. C-2019-3013741

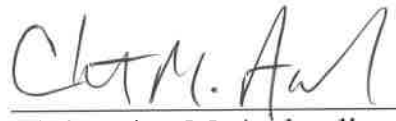
**NOTICE TO PLEAD**

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

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

Dated: February 5, 2020



5. On December 12, 2019, the Complaint was received by Respondent at 1309 N. Water Avenue, Hermitage, PA 16148. See Attachment 2.

6. Attached to the Complaint was a Notice advising Respondent that it must either pay the statutorily mandated 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 statutorily mandated administrative penalty set forth in the Complaint.

8. Respondent did not pay the statutorily mandated 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 with the Commonwealth for compensation.

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

10. 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).

11. 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).

12. I&E respectfully requests that the Commission enter a Default Order against Respondent that:

- a. Directs Respondent to pay the requested statutorily mandated 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](mailto:chandreoli@pa.gov)

Date: January 31, 2020

# Attachment 1



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

IN REPLY PLEASE  
REFER TO OUR FILE

Date of Service: October 24, 2019

Docket Number: C-2019-3013741

PHLAT RATE MOVING,  
1309 N. WATER AVENUE,  
HERMITAGE, PA 16148

**Bureau of Investigation and Enforcement**  
v.  
**Phlat Rate Moving**

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

# Attachment 2



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

IN REPLY PLEASE  
REFER TO OUR FILE

Date of Re-Service: December 11, 2019

Docket Number: C-2019-3013741

PHLAT RATE MOVING  
C/O DUSTIN GOULD  
1309 N. WATER AVENUE  
HERMITAGE, PA 16148

**Bureau of Investigation and Enforcement**  
v.  
**Phlat Rate Moving**

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

# USPS Tracking®

[FAQs >](#)

[Track Another Package +](#)

**Tracking Number:** 9171969009350218350680

[Remove X](#)

Your item was delivered to an individual at the address at 4:43 pm on December 12, 2019 in HERMITAGE, PA 16148.

 **Delivered**

December 12, 2019 at 4:43 pm  
Delivered, Left with Individual  
HERMITAGE, PA 16148

[Get Updates](#) 

[Feedback](#)

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**Text & Email Updates** 

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**Return Receipt Electronic** 

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**Tracking History** 

**December 12, 2019, 4:43 pm**

Delivered, Left with Individual  
HERMITAGE, PA 16148

Your item was delivered to an individual at the address at 4:43 pm on December 12, 2019 in HERMITAGE, PA 16148.

**December 12, 2019**

In Transit to Next Facility

**December 11, 2019, 8:15 pm**

Departed USPS Regional Facility  
PITTSBURGH PA DISTRIBUTION CENTER

**December 11, 2019, 1:59 pm**

Arrived at USPS Regional Destination Facility  
PITTSBURGH PA DISTRIBUTION CENTER

**December 10, 2019, 8:47 pm**

Arrived at USPS Regional Origin Facility  
HARRISBURG PA DISTRIBUTION CENTER

**December 10, 2019, 7:32 pm**

Accepted at USPS Origin Facility  
HARRISBURG, PA 17120

**December 10, 2019**

Pre-Shipment Info Sent to USPS, USPS Awaiting Item

Feedback

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**Product Information**



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**FAQs**

Feedback

**BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

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

v.


Phlat Rate Moving,  
Respondent

Docket No. C-2019-3013741

**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 31, 2020

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

**BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

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

v.

Phlat Rate Moving,  
Respondent

Docket No. C-2019-3013741

**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:**

Phlat Rate Moving  
C/O Dustin Gould  
1309 N. Water Avenue  
Hermitage, PA 16148



\_\_\_\_\_  
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](mailto:chandreoli@pa.gov)

Dated: February 5, 2020