



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.
Mario Coates d/b/a First Class Movers
Docket No. C-2019-3013402
(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.

Mario Coates d/b/a
First Class Movers,
Respondent

Docket No. C-2019-3013402

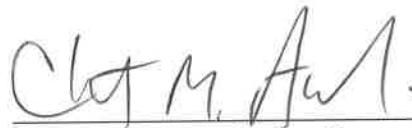
NOTICE TO PLEAD

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: February 5, 2020

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Pennsylvania Public Utility Commission,	:	
Bureau of Investigation and Enforcement,	:	
Complainant	:	
	:	
v.	:	Docket No. C-2019-3013402
	:	
Mario Coates d/b/a	:	
First Class Movers,	:	
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 Mario Coates d/b/a First Class Movers (“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 October 8, 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 October 9, 2019, the Complaint was attempted to be served by certified mail to Respondent at 2578 Pitcairn Road, Apartment A, Monroeville, PA 15146. See Attachment 1.
3. The Complaint was unable to be served upon Respondent at 2578 Pitcairn Road, Apartment A, Monroeville, PA 15146.
4. On November 4, 2019, the Complaint was attempted to be re-served by certified mail to Respondent at 1100 Moss Side Boulevard, Monroeville, PA 15146. See Attachment 2.

5. The Complaint was unable to be served upon Respondent at 1100 Moss Side Boulevard, Monroeville, PA 15146.

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 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. I&E proceeded to publish the Complaint in the *Pennsylvania Bulletin* on December 21, 2019 pursuant to the Commission's regulation at 52 Pa. Code § 1.53(e) (related to alternative service). See 49 Pa. Bull. 7548 (December 21, 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 December 21, 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 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

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

Date: January 31, 2020

Attachment 1



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

Attachment 1
Page 1 of 5

IN REPLY PLEASE
REFER TO OUR FILE

Date of Service: October 9, 2019

Docket Number: C-2019-3013402

MARIO COATES D/B/A FIRST CLASS MOVERS
2578 PITCAIRN ROAD, APARTMENT A
MONROEVILLE, PA 15146

Bureau of Investigation and Enforcement
v.
MARIO COATES D/B/A FIRST CLASS MOVERS

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



Commonwealth of Pennsylvania
P.O. Box 3285
Harrisburg, PA 17105-3285

C&A Return Service Requested

NIXIE 152 SE 1 0210/ZZ/19

RETURN TO SENDER
NOT DELIVERABLE AS ADDRESSED
UNABLE TO FORWARD

BC: 17105326565 2099N295192-00269



UTF

RECEIVED
2019 OCT 30 PM 12:34
PA PUC
SECRETARY'S BUREAU

FIRST CLASS

CERTIFIED MAIL



9171 9690 0935 0215 9436 01

Hasler

10/29/2019
US POSTAGE \$006.10



ZIP 17120
011D12604116

C-2019-3013402

Bureau of Investigation + Enforcement

vs

Mario Coates D/B/A First Class Movers

MARIO COATES D/B/A FIRST CLASS MOVERS
2578 PITCAIRN RD. APT. A
MONROEVILLE PA 15146

USPS Tracking®

[FAQs >](#)

Track Another Package +

Tracking Number: 9171969009350215943601

[Remove X](#)

Your item arrived at the HARRISBURG, PA 17107 post office at 6:48 am on October 30, 2019 and is ready for pickup.

Available for Pickup

October 30, 2019 at 6:48 am
Available for Pickup
HARRISBURG, PA 17107

Feedback

Return Receipt Electronic



Tracking History



October 30, 2019, 6:48 am

Available for Pickup
HARRISBURG, PA 17107

Your item arrived at the HARRISBURG, PA 17107 post office at 6:48 am on October 30, 2019 and is ready for pickup.

October 30, 2019, 3:43 am

Arrived at Unit
HARRISBURG, PA 17107

October 29, 2019, 11:19 am
Arrived at USPS Regional Origin Facility
HARRISBURG PA DISTRIBUTION CENTER

October 26, 2019
In Transit to Next Facility

October 22, 2019, 3:22 pm
Departed USPS Regional Destination Facility
PITTSBURGH PA DISTRIBUTION CENTER

October 10, 2019, 2:56 pm
Arrived at USPS Regional Destination Facility
PITTSBURGH PA DISTRIBUTION CENTER

October 9, 2019, 9:34 pm
Arrived at USPS Regional Origin Facility
HARRISBURG PA DISTRIBUTION CENTER

October 9, 2019, 8:19 pm
Accepted at USPS Origin Facility
HARRISBURG, PA 17120

October 9, 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

Feedback

Attachment 2



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

IN REPLY PLEASE
REFER TO OUR FILE

RE-SERVED: Date of Service: November 4, 2019

Docket Number: C-2019-3013402

MARIO COATES D/B/A FIRST CLASS MOVERS
1100 MOSS SIDE BOULEVARD
MONROEVILLE, PA 15146

Bureau of Investigation and Enforcement
v.
MARIO COATES D/B/A FIRST CLASS MOVERS

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



Commonwealth of PA
P.O. Box 3285
Harrisburg, PA 17105-3285

Return Service Requested

CERTIFIED MAIL



9171 9690 0935 0215 9438 30

Hasler
11/04/2019
US POSTAGE \$006.10
FIRST CLASS MAIL



ZIP 17120
011D12604118

61/22/1128
64700-55115586602 58592550121 :DB
FORWARD
LETTERS ONLY
RENDER ON
184 251 SIXIN

E 2019-3013402

RE: Mario Coates d/b/a
First Class Movers

Handwritten initials/signature

MARIO COATES D/B/A FIRST CLASS MOVERS
1199 MOSS SIDE BLVD.
MONROEVILLE PA 15146

RECEIVED
2019 DEC -2 PM 1:16
PA PUC
SECRETARY'S BUREAU



FAQs >

Track Another Package +

Tracking Number: 9171969009350215943830

Remove X

Your item has been delivered to the original sender at 8:09 am on December 2, 2019 in HARRISBURG, PA 17106.

Delivered

December 2, 2019 at 8:09 am
Delivered, To Original Sender
HARRISBURG, PA 17106

Feedback

Return Receipt Electronic



Tracking History



December 2, 2019, 8:09 am
Delivered, To Original Sender
HARRISBURG, PA 17106

Your item has been delivered to the original sender at 8:09 am on December 2, 2019 in HARRISBURG, PA 17106.

December 2, 2019, 7:32 am
Available for Pickup
HARRISBURG, PA 17106

December 2, 2019, 4:18 am

Arrived at Unit
HARRISBURG, PA 17107

December 1, 2019

In Transit to Next Facility

November 27, 2019, 8:58 am

Departed USPS Regional Destination Facility
PITTSBURGH PA DISTRIBUTION CENTER

November 8, 2019, 8:44 am

No Such Number
MONROEVILLE, PA 15146

November 5, 2019, 10:43 am

Arrived at USPS Regional Destination Facility
PITTSBURGH PA DISTRIBUTION CENTER

November 4, 2019, 10:55 pm

Arrived at USPS Regional Origin Facility
HARRISBURG PA DISTRIBUTION CENTER

November 4, 2019, 9:40 pm

Accepted at USPS Origin Facility
HARRISBURG, PA 17120

November 4, 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

Feedback

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

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

v.


Mario Coates d/b/a
First Class Movers,
Respondent

Docket No. C-2019-3013402

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
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.

Mario Coates d/b/a
First Class Movers,
Respondent

Docket No. C-2019-3013402

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:

Mario Coates d/b/a First Class Movers
2578 Pitcairn Road, Apartment A
Monroeville, PA 15146

Mario Coates d/b/a First Class Movers
1100 Moss Side Boulevard
Monroeville, PA 15146



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: February 5, 2020