



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

BUREAU OF
INVESTIGATION
&
ENFORCEMENT

February 19, 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.
New First Class Trans Inc.
Docket No. C-2019-3013649
(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-2019-3013649
	:	
New First Class Trans Inc.	:	
Respondent	:	

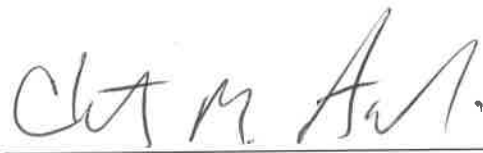
NOTICE TO PLEAD

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

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: February 19, 2020

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

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

v.

New First Class Trans Inc.
Respondent

Docket No. C-2019-3013649

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 New First Class Trans Inc. ("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 18, 2019 by filing a Complaint.
2. On October 21, 2019, the Complaint was served by certified mail to Respondent at 1444 Hamilton Street, Allentown, PA 18102.
3. Attached to the Complaint was a Notice advising Respondent that it must file an Answer within twenty (20) days of service of the Complaint.
4. 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.
5. On October 24, 2019, Respondent received the Complaint. A true and correct copy of proof of delivery of the Complaint is attached as Attachment 1.

6. The twenty (20) days to file an Answer to the Complaint expired on November 12, 2019.
7. Respondent did not file an Answer to the Complaint.
8. 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).
9. 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).
10. Respondent did not pay the outstanding assessment balance of \$389 for the July 1, 2017 to June 30, 2018 Fiscal Year ("2017-2018 Fiscal Year") or the total civil penalty of \$308¹ that was sought in the Complaint for Respondent's failure to timely pay the assessment and file an assessment report demonstrating revenues earned during the 2016 calendar year.
11. I&E respectfully requests that the Commission enter a Default Order against Respondent that:
 - a. Directs Respondent to pay a total of \$697, which consists of its outstanding assessment of \$389 for the 2017-2018 Fiscal Year and

¹ This civil penalty is based on a review of Respondent's history of compliance with the Public Utility Code and Commission regulations and orders for three years prior to the date that I&E filed its Complaint in this matter, the need to deter future violations, and prior Commission decisions in similar situations pursuant to 52 Pa. Code §§ 69.1201(c)(6), (8), and (9). Due to Respondent's acceptable compliance history, I&E requested that Respondent pay a total civil penalty of \$308, which is 15% of Respondent's outstanding assessment related to the 2017-2018 Fiscal Year or \$58 and \$250 regarding Respondent's failure to file an assessment report for the 2016 calendar year.

the requested civil penalty of \$308, within thirty (30) days of the entry date of the Commission's Order;

- b. Directs the Bureau of Technical Utility Services to cancel Respondent's Certificate of Public Convenience at A-2014-2422473 if Respondent fails to pay the total set forth in subparagraph (a), above, within thirty (30) days of the entry date of the Commission's Order;
- c. Notifies Respondent that a copy of this Order will be sent to the Pennsylvania Department of Transportation for the suspension or revocation of vehicle registrations that were used under Respondent's operating authority if Respondent fails to pay the total set forth in subparagraph (a), above, within thirty (30) days of the entry date of the Commission's Order; and
- d. Directs the Bureau of Administrative Services, Assessment Section, to refer 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: February 19, 2020

ATTACHMENT 1



[FAQs >](#)

Track Another Package +

Tracking Number: 9171969009350214392554

[Remove X](#)

Your item was delivered to an individual at the address at 11:46 am on October 24, 2019 in ALLENTOWN, PA 18102.

 **Delivered**

October 24, 2019 at 11:46 am
Delivered, Left with Individual
ALLENTOWN, PA 18102

[Feedback](#)

Return Receipt Electronic



Tracking History



October 24, 2019, 11:46 am

Delivered, Left with Individual
ALLENTOWN, PA 18102

Your item was delivered to an individual at the address at 11:46 am on October 24, 2019 in ALLENTOWN, PA 18102.

October 23, 2019

In Transit to Next Facility

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

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

October 21, 2019
Pre-Shipment Info Sent to USPS, USPS Awaiting Item

Product Information



See Less ^

Feedback

Can't find what you're looking for?

Go to our FAQs section to find answers to your tracking questions.

FAQs

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

v.

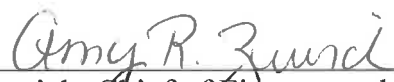
New First Class Trans Inc.
Respondent

Docket No. C-2019-3013649

VERIFICATION

I, Amy Zuvich, Chief of Finance and Assessments, Bureau of Administration, Finance and Assessment Section, 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 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: February 19, 2020



Amy Zuvich, Chief of Finance and Assessments
Finance and Assessment Section
Bureau of Administration
Pennsylvania Public Utility Commission
Commonwealth Keystone Building
400 North Street
Harrisburg, PA 17120

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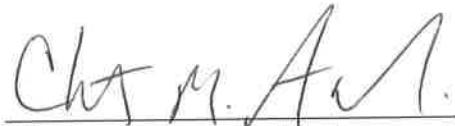
Docket No. C-2019-3013649

CERTIFICATE OF SERVICE

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

Via First Class Mail

Romana Urena, President
New First Class Trans Inc.
1444 Hamilton Street
Allentown, PA 18102



Christopher M. Andreoli
Prosecutor
PA Attorney ID No. 85676

Pennsylvania Public Utility Commission
Bureau of Investigation and Enforcement
Commonwealth Keystone Building
400 North Street
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Dated: February 19, 2020