



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.
Vaughan, Sullivan & Co., Inc.
Docket No. C-2019-3012558
(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,

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. :

Vaughan, Sullivan & Co., Inc., :
Respondent :

Docket No. C-2019-3012558

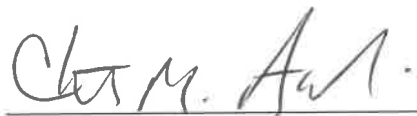
NOTICE TO PLEAD

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 19, 2020

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Pennsylvania Public Utility Commission,	:	
Bureau of Investigation and Enforcement,	:	
Complainant	:	
	:	
v.	:	Docket No. C-2019-3012558
	:	
Vaughan, Sullivan & Co., Inc.,	:	
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 Vaughan, Sullivan & Co., 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 August 29, 2019 by filing a Complaint.
2. On August 30, 2019, the Complaint was served by certified mail to Respondent at 221 Beade Street, Plymouth, PA 18651.
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 September 11, 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 September 19, 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. Subsequent to the filing of I&E's Complaint in this matter, the Commission cancelled Respondent's Certificate of Public Convenience by Secretarial Letter dated September 16, 2019 at Docket Nos. C-2019-3009036 and A-00116474.¹

11. Respondent did not pay its outstanding assessment of \$2,173 for the July 1, 2017 to June 30, 2018 Fiscal Year ("2017-2018 Fiscal Year") or the civil penalty of \$326² that was sought in the Complaint for Respondent's failure to timely pay the assessment.

¹ I&E notes that its requested relief regarding revocation of Respondent's operating authority, which is set forth in I&E's Complaint, has already been addressed.

² 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 \$326, which is 15% of Respondent's outstanding assessment related to the 2017-2018 Fiscal Year.

12. I&E respectfully requests that the Commission enter a Default Order against Respondent that:
- a. Directs Respondent to pay a total of \$2,499, which consists of its outstanding assessment of \$2,173 for the 2017-2018 Fiscal Year and the requested civil penalty of \$326, within thirty (30) days of the entry date of the Commission's Order;
 - b. 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
 - c. 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

ALERT: USPS WILL BE TEMPORARILY SUSPENDING THE GUARANTEE ON PRIORIT...



[FAQs >](#)

Track Another Package +

Tracking Number: 9171969009350214392677

[Remove X](#)

Your item was delivered at 1:33 pm on September 11, 2019 in PLYMOUTH, PA 18651.

Delivered

September 11, 2019 at 1:33 pm
Delivered
PLYMOUTH, PA 18651

[Feedback](#)

Return Receipt Electronic



Tracking History



September 11, 2019, 1:33 pm

Delivered

PLYMOUTH, PA 18651

Your item was delivered at 1:33 pm on September 11, 2019 in PLYMOUTH, PA 18651.

September 6, 2019, 1:48 pm

Delivery Attempted - No Access to Delivery Location

PLYMOUTH, PA 18651

September 6, 2019, 8:51 am

Out for Delivery
PLYMOUTH, PA 18651

September 6, 2019, 7:44 am

Arrived at Unit
PLYMOUTH, PA 18651

September 5, 2019, 7:18 am

Departed USPS Regional Facility
SCRANTON PA DISTRIBUTION CENTER

September 5, 2019, 2:08 am

Arrived at USPS Regional Facility
SCRANTON PA DISTRIBUTION CENTER

September 4, 2019, 1:19 pm

Arrived at USPS Regional Facility
LEHIGH VALLEY PA DISTRIBUTION CENTER

September 4, 2019

In Transit to Next Facility

September 3, 2019, 7:50 pm

Arrived at USPS Regional Facility
HARRISBURG PA DISTRIBUTION CENTER

September 3, 2019, 6:35 pm

Accepted at USPS Origin Facility
HARRISBURG, PA 17120

September 3, 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

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Pennsylvania Public Utility Commission, :
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v. :


Docket No. C-2019-3012558

Vaughan, Sullivan & Co., Inc., :
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VERIFICATION

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



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

**BEFORE THE
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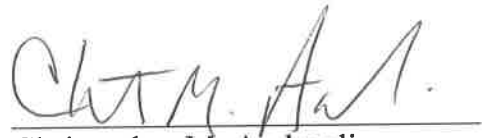
Docket No. C-2019-3012558

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).

Notification by First Class Mail:

DEBORAH HOUSENICK
VAUGHAN, SULLIVAN & CO., INC.
221 BEADE STREET
PLYMOUTH, PA 18651



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