BEFORE THE

PENNSYLVANIA PUBLIC UTILITY COMMISSION

PENNSYLVANIA PUBLIC UTILITY COMMISSION :

BUREAU OF INVESTIGATION AND ENFORCEMENT :

:

V. : DOCKET NO. C-2020-3019164

:

GLOSE MOVING INC :

T/A O’BRIEN’S MOVING & STORAGE :

7066 SNOWDRIFT ROAD :

ALLENTOWN PA 18106 :

COMPLAINT

The Pennsylvania Public Utility Commission (Commission) is a duly constituted agency of the Commonwealth of Pennsylvania empowered to regulate public utilities within the Commonwealth. The Commission has delegated its authority to initiate proceedings which are prosecutory in nature to the Bureau of Investigation and Enforcement and other bureaus with enforcement responsibilities. Pursuant to that delegated authority and Section 701 of the Public Utility Code, the Bureau of Investigation and Enforcement Prosecutory Staff hereby represents as follows:

1. That Glose Moving, Inc. t/a O’Brien’s Moving & Storage, Respondent, maintains its principal place of business at 7066 Snowdrift Road, Allentown, Pennsylvania, 18106.
2. That Respondent was issued a certificate of public convenience for household goods authority by this Commission on December 27, 1967, at PUC no. 759100.
3. That on February 10, 2020, a complaint was received at the Commission by phone and later by hard copy on February 17, 2020, alleging violations of the PUC code occurred during a move from Temple, Berks County, Pa. to Orefield, Lehigh County, Pa.
4. That PUC Motor Carrier Enforcement Manager Andrew Turriziani contacted Glose Moving, Inc. February 18, 2020 and spoke with Sam Bruce, claims manager, about the complaint. Manager Turriziani requested all documents associated with the move referenced in paragraph three. An examination of the documents revealed the following violations:
5. The Respondent failed to provide the information to shippers document to the shipper at least 48 hours before the move.
6. The Respondent overcharged the amount of the fuel surcharge. The local fuel surcharge should have been $62.84 and Respondent charged $72.04.
7. That Respondent, by failing to provide the information to shippers document to the shipper at least 48 hours before the move, violated 52 Pa. Code §31.121. The penalty for this violation is $250.00.
8. That Respondent, by charging an amount for the fuel surcharge that is higher than allowed for the dates of the move, violated 52 Pa. Code §31.27. The penalty for this violation is $500.00.

WHEREFORE, the Bureau of Investigation and Enforcement Prosecutory Staff hereby requests that the Commission fine Glose Moving Inc., t/a O’Briens Moving & Storage the sum of seven hundred and fifty dollars ($750.00) for the illegal activity described in this Complaint and order such other remedy as the Commission may deem to be appropriate.

Respectfully submitted,

C:\Users\jerelliott\Desktop\Dave Loucks Signature Small.jpg

David W. Loucks, Chief

Motor Carrier Enforcement

Bureau of Investigation and Enforcement

P.O. Box 3265

Harrisburg, PA  17105‑3265

VERIFICATION

I, David W. Loucks, 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 that the Bureau will be able to prove 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: 06/25/2020 C:\Users\jerelliott\Desktop\Dave Loucks Signature Small.jpg

David W. Loucks, Chief

Motor Carrier Enforcement

Bureau of Investigation and Enforcement

**NOTICE**

1. You must file an Answer within twenty (20) days of the date of service of this Complaint. The date of service is the mailing date as indicated at the top of the Secretarial Cover Letter for this Complaint and Notice, 52 Pa. Code §1.56(a). An Answer is a written explanation of circumstances wished to be considered in determining the outcome. The Answer shall raise all factual and legal arguments that you wish to claim in your defense and must include the reference number of this Complaint. Your Answer must be verified and the original **shall be mailed to:**

Rosemary Chiavetta, Secretary

Pennsylvania Public Utility Commission

P.O. Box 3265

Harrisburg, Pennsylvania 17105‑3265

**Or may be sent by overnight delivery to:**

400 North Street, 2nd Floor

Harrisburg, Pennsylvania 17120

**Additionally, a copy should either be mailed to:**

Michael L. Swindler, Deputy Chief Prosecutor

Bureau of Investigation and Enforcement

Pennsylvania Public Utility Commission

P.O. Box 3265

Harrisburg, Pennsylvania 17105-3265

Or, e-mailed to Mr. Swindler at: RA-PCCmplntResp@pa.gov

1. If you fail to answer this complaint within twenty (20) days, the Bureau of Investigation and Enforcement will request that the Commission issue a Secretarial Letter imposing a penalty. The penalty could include a fine, the suspension or revocation of your certificate of public convenience or other remedy.
2. You may elect not to contest this complaint by paying the fine proposed in this Complaint by certified check or money order. Payment must be made to the **Commonwealth of Pennsylvania** and should be forwarded to:

Rosemary Chiavetta, Secretary

Pennsylvania Public Utility Commission

P.O. Box 3265

Harrisburg, PA  17105‑3265

1. Your payment is an admission that you committed the alleged violation and an agreement to cease and desist from further violations. Upon receipt of your payment, the complaint proceeding shall be closed.
2. If you file an Answer, which admits or fails to deny the allegations of the Complaint, the Bureau of Investigation and Enforcement will request that the Commission issue a Secretarial Letter imposing a penalty.
3. If you file an Answer which contests the Complaint, the matter will be assigned to an Administrative Law Judge for hearing and decision. The judge is not bound by the optional fine set forth above.
4. Alternative formats of this material are available for persons with disabilities by contacting the Commission’s ADA Coordinator at 717-787-8714.