



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

BUREAU OF
INVESTIGATION
&
ENFORCEMENT

August 3, 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.
Moyer's Moving and More
Formal Complaint

Dear Secretary Chiavetta:

Enclosed for electronic filing please find the Bureau of Investigation and Enforcement's Formal Complaint 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
PA Attorney ID No. 85676
(717) 772-8582
chandreoli@pa.gov

CMA/jfm
Enclosures

cc: Per Certificate of Service

NOTICE

A. You must file an Answer within 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 Letter. *See* 52 Pa. Code §1.56(a). The Answer must raise all factual and legal arguments that you wish to claim in your defense, include the docket number of this Complaint, and be verified. You may file your Answer by mailing an original to:

Rosemary Chiavetta, Secretary
Pennsylvania Public Utility Commission
400 North Street
Harrisburg, PA 17120

Or, you may eFile your Answer using the Commission's website at www.puc.pa.gov. The link to eFiling is located under the Filing & Resources tab on the homepage. If your Answer is 250 pages or less, you are not required to file a paper copy. If your Answer exceeds 250 pages, you must file a paper copy with the Secretary's Bureau.

Additionally, a copy should either be mailed to:

Christopher M. Andreoli, Prosecutor
Pennsylvania Public Utility Commission
Bureau of Investigation and Enforcement
400 North Street
Harrisburg, PA 17210

Or, emailed to Mr. Andreoli at: chandreoli@pa.gov

B. If you fail to answer this Complaint within 20 days, the Bureau of Investigation and Enforcement will request that the Commission issue an Order imposing the requested relief.

C. You may elect not to contest this Complaint by paying the past due assessment and civil penalty within 20 days. Send only a certified check or money order made payable to the "Commonwealth of Pennsylvania," with the docket number indicated, and mail to:

Rosemary Chiavetta, Secretary
Pennsylvania Public Utility Commission
400 North Street
Harrisburg, PA 17120

D. If you file an Answer which either admits or fails to deny the allegations of the Complaint, the Bureau of Investigation and Enforcement will request the Commission to issue an Order imposing the requested relief set forth in this Complaint.

E. 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 penalty set forth in the Complaint and may impose additional and/or alternative penalties as appropriate.

F. If you are a corporation, you must be represented by legal counsel. 52 Pa. Code § 1.21.

G. Alternative formats of this material are available for persons with disabilities by contacting the Commission's ADA Coordinator at 717-787-8714.

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Pennsylvania Public Utility Commission,	:	
Bureau of Investigation and Enforcement,	:	
Complainant	:	
	:	
v.	:	Docket No. C-2020
	:	
Moyer’s Moving and More,	:	
Respondent	:	

FORMAL COMPLAINT

NOW COMES the Bureau of Investigation and Enforcement (“I&E”) of the Pennsylvania Public Utility Commission, by its prosecuting attorneys, pursuant to Section 701 of the Public Utility Code, 66 Pa.C.S. § 701, and files this Formal Complaint (“Complaint”) against Moyer’s Moving & More (“Moyer’s,” “Company” or “Respondent”) alleging violations of the Public Utility Code and attending Regulations. In support of its Complaint, I&E respectfully avers as follows:

Parties and Jurisdiction

1. The Pennsylvania Public Utility Commission (“PUC” or “Commission”), with a mailing address of 400 North Street, Harrisburg, PA, 17120, is a duly constituted agency of the Commonwealth of Pennsylvania empowered to regulate public utilities within the Commonwealth pursuant to the Public Utility Code, 66 Pa.C.S. §§ 101, *et seq.*

2. Complainant is the Commission's Bureau of Investigation and Enforcement and is the entity established to prosecute complaints against public utilities pursuant to 66 Pa.C.S. §308.2(a)(11). Complainant's counsel is as follows:

Christopher M. Andreoli
Prosecutor
chandreoli@pa.gov
(717) 772-8582

Michael L. Swindler
Deputy Chief Prosecutor
mwindler@pa.gov
(717) 783-6369

3. Respondent is Moyer's Moving & More, with its principal place of business located at 122 Chestnut Street, Nescopeck, Pennsylvania 18635.

4. Respondent is not a registered corporation in the Commonwealth of Pennsylvania.

5. Respondent holds itself out to be a household goods carrier, but it lacks Commission authority to provide or furnish transportation of household property for compensation within the Commonwealth as a common carrier by motor vehicle or a contract carrier by motor vehicle, pursuant to Sections 102 and 2501(b)(1) of the Public Utility Code. 66 Pa.C.S. §§ 102 and 2501(b)(1).

6. Section 501(a) of the Public Utility Code, 66 Pa.C.S. § 501(a), authorizes and obligates the Commission to execute and enforce the provisions of the Public Utility Code.

7. Section 701 of the Public Utility Code, 66 Pa.C.S. § 701, authorizes the Commission, *inter alia*, to hear and determine complaints against public utilities or companies holding themselves out to be a public utility for violations of any law or regulation that the Commission has jurisdiction to administer or enforce.

8. Section 3310 of the Public Utility Code, 66 Pa.C.S. § 3310, authorizes the Commission to impose administrative penalties on any person or corporation operating as a common carrier by motor vehicle or as a contract carrier by motor vehicle without a certificate of public convenience, permit, or license authorizing the service performed. Section 3310(c) specifically provides that an administrative penalty of Five Thousand Dollars (\$5,000) be imposed for a first violation of this section while an administrative penalty of Ten Thousand Dollars (\$10,000) shall be imposed for a second or subsequent violation.¹

9. Respondent, by providing or furnishing the transportation of household property between points within the Commonwealth by motor vehicle for compensation is subject to the power and authority of this Commission pursuant to Section 501(c) of the Public Utility Code, 66 Pa.C.S. § 501(c), which requires a public utility to comply with Commission regulations and orders.

Background

10. PUC Enforcement Officers received information on January 29, 2020, from a certificated household goods mover informing them that Respondent was illegally operating as a household goods carrier.

¹ Section 3310 of the Public Utility Code, 66 Pa.C.S. § 3310, which was amended and made effective on February 20, 2018, authorizes the Commission to impose the following penalties on any person or corporation who operates as a common carrier or contract carrier by motor vehicle without a certificate of public convenience, permit, or license: (1) A \$5,000 administrative penalty shall be imposed for a first violation and \$10,000 for a second or subsequent violation; (2) Suspension of the registration of any vehicle whereby a determination has been made that it operated as a common carrier or contract carrier by motor vehicle without the approval of the Commission in accordance with 75 Pa.C.S. § 1375; and (3) Confiscation and impoundment of vehicles which have been used to provide common carrier or contract carrier by motor vehicle without Commission approval, subject to the process for the disposition of impounded vehicles as set forth under 75 Pa.C.S. § 6310.

11. As part of the investigation, PUC Enforcement Officers, Elliott Miller and Robert Maholik, arranged a move of household goods with Respondent. Respondent ultimately agreed to move household goods on March 6, 2020 from a location in Berwick, PA to another location in Berwick, PA. The agreed upon price for this intrastate move was \$285 for three hours and included a truck and trailer.

12. On March 6, 2020, Respondent arrived at the agreed upon meeting location in Berwick, PA in a Ford F-150 pickup truck towing a trailer. The rear window of the pickup truck was marked, "Moyer's Moving and More." *See* I&E Attachment 1.

13. The driver of the pickup truck identified himself to the PUC Enforcement Officers as Eric Moyer and he produced identification. The passenger in the pickup truck was identified as Kenneth Dunlap.

14. Eric Moyer confirmed to the PUC Enforcement Officers that neither he nor Moyer's Moving and More is certificated by the Commission.

15. Respondent does not possess nor has ever been issued a certificate of public convenience, permit, or license by the Commission authorizing such transportation of household property between points within the Commonwealth.

Violation

16. All allegations in paragraphs 1-15 are incorporated as if fully set forth herein.

17. Section 3310(b) of the Public Utility Code states that any person or corporation that operates as a common carrier or contract carrier by motor vehicle (as defined in 66 Pa.C.S. §§ 102 and 2501(b)) without a certificate of public convenience, permit, or license issued by the Commission authorizing such service performed, in violation of Section

3310(a),² “*shall* be ordered to pay an administrative penalty as prescribed in subsection (c).”
66 Pa.C.S. § 3310(b) (emphasis added).

18. Respondent violated Section 3310(a) and (b) of the Public Utility Code, 66 Pa.C.S. §§ 3310(a)-(b), 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 the Resident’s household property between points within the Commonwealth for compensation.

19. Section 3310(c) of the Public Utility Code requires that “[t]he amount of the administrative penalty under subsection (b) *shall* be \$5,000 for a first violation and \$10,000 for a second or subsequent violation.” 66 Pa.C.S. § 3310(c) (emphasis added).³ As such, I&E’s requested administrative penalty is \$5,000 for this violation.

20. In addition to the requested administrative penalty above, a person or corporation under subsection (b) may also be subject to the following:

- (i) Suspension of registration under 75 Pa.C.S. § 1375 (relating to suspension of registration of unapproved carriers).
- (ii) Confiscation and impoundment of vehicle. A sheriff, upon an order issued by the court and having jurisdiction over the property, is empowered to confiscate and impound vehicles which have been used to provide common carrier by motor vehicle service or contract carrier by motor vehicle service in violation of subsection (b) or commission regulations. The process for the disposition of impounded vehicles shall be as set forth under 75 Pa.C.S. § 6310 (relating to disposition of impounded vehicles, combinations and loads).

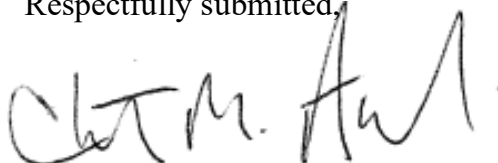
² 66 Pa.C.S. § 3310(a).

³ I&E researched the Respondent’s history and record with the Commission and concluded that this is Respondent’s first violation in Pennsylvania under 66 Pa.C.S. § 3310. However, it should be noted that Respondent does have a prior violation from 2015.

21. I&E is not requesting confiscation and impoundment of the vehicle which was used to provide common carrier or contract carrier by motor vehicle without Commission approval as permitted pursuant to 66 Pa.C.S. § 3310(c)(2)(ii), as I&E has concluded that this is Respondent's first violation under Section 3310 of the Public Utility Code, 66 Pa.C.S. § 3310, which was amended and made effective on February 20, 2018.

WHEREFORE, for all the foregoing reasons, the Bureau of Investigation and Enforcement of the Pennsylvania Public Utility Commission respectfully requests that the Commission find the Respondent in violation of the only count as set forth herein, and that Respondent be assessed the statutorily mandated administrative penalty of Five Thousand Dollars (\$5,000). Should the Respondent fail to pay the statutorily mandated administrative penalty of Five Thousand Dollars (\$5,000) upon Order of the Commission, the Bureau of Investigation and Enforcement requests that this matter be referred to the Pennsylvania Office of Attorney General for appropriate action.

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

Date: July 31, 2020

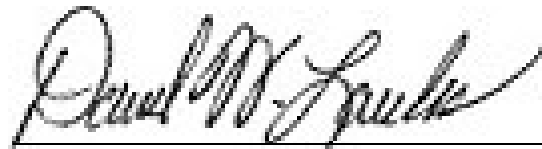
**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Pennsylvania Public Utility Commission,	:	
Bureau of Investigation and Enforcement,	:	
Complainant	:	
	:	
v.	:	Docket No. C-2020
	:	
Moyer's Moving and More,	:	
Respondent	:	

VERIFICATION

I, David Loucks, Chief of Motor Carrier Enforcement, Bureau of Investigation and 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 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: July 31, 2020



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

I&E
ATTACHMENT 1



**MOYERS
MOVING**
370-264-8127
3 Hours

FX4



**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Pennsylvania Public Utility Commission,	:	
Bureau of Investigation and Enforcement,	:	
Complainant	:	
	:	
v.	:	Docket No. C-2020
	:	
Moyer's Moving and More,	:	
Respondent	:	

CERTIFICATE OF SERVICE

I hereby certify that I have this day served a true copy of the foregoing **Formal Complaint** 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 Certified Mail

Moyer's Moving and More
122 Chestnut Street
Nescopeck, PA 18635
Ew72mover@gmail.com



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: August 3, 2020