



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

BUREAU OF
INVESTIGATION
&
ENFORCEMENT

January 11, 2021

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.
Deer Haven, LLP
Docket No. C-2020-3021419
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
PA Attorney ID No. 85676
Bureau of Investigation and Enforcement
(717) 772-8582
chandreoli@pa.gov

CMA/ac
Enclosures

cc: Per Certificate of Service

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Pennsylvania Public Utility Commission,	:	
Bureau of Investigation and Enforcement,	:	
Complainant	:	
	:	
v.	:	Docket No. C-2020-3021419
	:	
Deer Haven, LLP,	:	
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: January 11, 2021

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

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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 Deer Haven, LLP (“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 19, 2020 by filing a Complaint.
2. On August 20, 2020, the Complaint was served by electronic mail to Respondent at samshahar@yahoo.com, which is the last known email address that Respondent provided to the Commission.
3. Service of the Complaint was performed by electronic mail due to COVID-19 restrictions impacting Commission mailing operations. *See Suspension of Regulatory and Statutory Deadlines; Modification to Filing and Service Requirements*, Docket No. M-2020-3019262 (Emergency Order ratified on March 26, 2020).
4. Attached to the Complaint was a Notice advising Respondent that it must file an Answer within twenty (20) days of service of the Complaint.

5. 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.

6. The twenty (20) days to file an Answer to the Complaint expired on September 9, 2020.

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).

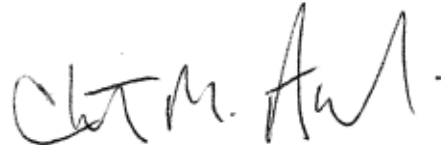
9. The Commonwealth Court has upheld the Commission's authority to sustain complaints that are not answered within twenty days. *See Fusaro v. Pa. Pub. Util. Comm'n*, 382 A.2d 794, 797 (Pa. Cmwlth. 1978).

10. Respondent did not pay the outstanding assessment balance of \$216 for the July 1, 2018 to June 30, 2019 Fiscal Year ("2018-2019 Fiscal Year") or the total civil penalty of \$600¹ 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 2017 calendar year.

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 unacceptable compliance history, I&E requested that Respondent pay a total civil penalty of \$600, which is 25% of Respondent's outstanding assessment related to the 2018-2019 Fiscal Year or \$100, whichever is greater, and \$500 regarding Respondent's failure to file an assessment report for the 2017 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 \$816, which consists of its outstanding assessment of \$216 for the 2018-2019 Fiscal Year and the requested civil penalty of \$600, 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-230106 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 Administration, 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

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Commonwealth Keystone Building
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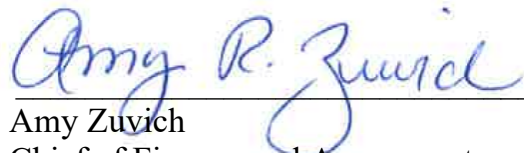
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VERIFICATION

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: January 11, 2021



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

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Respondent	:	

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 Electronic Mail:

Deer Haven, LLP
Attn: Sam Shahar
865 Route 507
Greentown, PA 18426
Email: samshahar@yahoo.com



Christopher M. Andreoli
Prosecutor
PA Attorney ID No. 85676

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