BEFORE THE

PENNSYLVANIA PUBLIC UTILITY COMMISSION

PENNSYLVANIA PUBLIC UTILITY COMMISSION :

BUREAU OF INVESTIGATION AND ENFORCEMENT :

 :

 V. : DOCKET NO. C-2020-3020215

 :

KNISELY, DEWAYNE T/A KNISELY TRANSFER :

56 HIGHWAY BARN ROAD :

PUNXSUTAWNEY PA 15767 :

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 Knisely, Dewayne, t/a Knisely Transfer, Respondent, maintains its principal place of business at 56 Highway Barn Road, Punxsutawney, Pennsylvania, 15767
2. That Respondent was issued certificates of public convenience for household goods and property authority by this Commission on July 26, 1978 at PUC utility code no. 783340.
3. That on June 1, 2020, the Commission received a complaint alleging violations of the PUC regulations against the respondent.
4. That on July 13, 2020, PUC Motor Carrier Enforcement Supervisor Brian Mehus travelled to the respondent’s business and spoke with the owner’s wife, Rita Knisely, and requested the criminal background checks for the employees along with the required forms for moves performed by the company. Officer Mehus contacted the respondent again several times requesting the information until a fax was received from respondent on November 3, 2020.
5. That respondent had failed to obtain and review a driver’s criminal history for the four employees working in the company.
6. That Supervisor Mehus ran a criminal history for the four individuals employed by the respondent. Two were found to have committed felonies which would disqualify them for employment.
7. By permitting an employee to provide moving services before obtaining and reviewing a detailed driver’s criminal history, respondent is in violation of 52 Pa. Code § 31.134(a). The penalty for each violation is $250. The total for this violation fine is $1,000.00.
8. By permitting a driver to provide moving services in a shipper’s dwelling when the person was convicted of a felony or a misdemeanor under the laws of the Commonwealth or under the laws of another jurisdiction, to the extent the conviction relates adversely to that person’s suitability to provide service safely and legally, respondent is in violation of 52 Pa. Code § 31.134(c). The penalty for each violation is $1,000. The total fine for this violation is $2,000.00.

 WHEREFORE, the Bureau of Investigation and Enforcement Prosecutory Staff hereby requests that the Commission fine Knisely, Dewayne t/a Knisely Transfer the sum of three thousand dollars ($3,000.00) for the illegal activity described in this Complaint and order such other remedy as the Commission may deem to be appropriate.

 Respectfully submitted,

 

 Andrew Turriziani, Chief

 Motor Carrier Enforcement

 Bureau of Investigation and Enforcement

 P.O. Box 3265

 Harrisburg, PA  17105‑3265

VERIFICATION

I, Andrew Turriziani, 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: 03/04/2021 

 Andrew Turriziani, 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

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

400 North Street, 3rd Floor

Harrisburg, Pennsylvania 17120

 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

400 North Street

Harrisburg, PA 17120

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.