BEFORE THE

PENNSYLVANIA PUBLIC UTILITY COMMISSION

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BUREAU OF INVESTIGATION AND ENFORCEMENT :

 :

 V. : DOCKET NO. C-2021-3023342

 :

JOHN C DELAUTER T/A DELAUTER’S A-1 SERVICES :

388 NEWCOMER ROAD :

WINDSOR PA 17366 :

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 John C. Delauter t/a Delauter’s A-1 Services, respondent, maintains its principal place of business at 388 Newcomer Road, Windsor, Pennsylvania, 17366.
2. That Respondent was issued two certificates of public convenience authorizing transportation of household goods and property authority by this Commission on August 16, 2007, at Pa. PUC utility code 707138.
3. That an informal complaint was filed at the Commission alleging violations of the PUC regulation have occurred during moves performed by the respondent.
4. That on December 10, 2020 PUC Motor Carrier Enforcement Officers Timothy Troxell and Zachary Taylor met with owner John Delauter at his business office and performed an audit of all records and files. Mr. Delauter provided the documents on hand pertaining to moves the company had performed along with employee records.
5. That the Information for Shippers information was not provided 48 hours before the move in the thirteen moves audited by the PUC officers.
6. That the Estimated Cost of Services was not provided in six of the thirteen moves audited by the PUC officers.
7. That respondent charged an amount in excess of the amount specified by the tariff and charged a fuel surcharge higher than the specified amount for the distance of the move.
8. That two of the three drivers employed by respondent did not have a current medical certificate.
9. That failure to provide the information to shippers 48 hours in advance of a move is a violation of 52 Pa. Code §31.121. The penalty for this violation is $250.00
10. That failure to comply with Commission regulations within the Estimated Cost of Services is a violation of 52 Pa. Code §31.122. The penalty for this violation is $250.00.
11. That failure to adhere to the designated tariff rate and charging a rate other than that specified in such tariff is a violation of the Public Utility Code, 66 Pa. C.S. §1303. The penalty for this violation is $500.00.
12. That Respondent, by permitting a driver to operate without having a current medical certificate, violated 52 Pa. Code §29.508(a)(1) and 52 Pa. Code §37.204(3). The penalty for this violation is $100.00 for each employee for a total fine of $200.00.

 WHEREFORE, the Bureau of Investigation and Enforcement Prosecutory Staff hereby requests that the Commission fine John C. Delauter t/a Delauter’s A-1 Services the sum of one thousand two hundred dollars ($1,200.00) for the illegal activity described in this Complaint and order such other remedy as the Commission may deem to be appropriate.

 Respectfully submitted,

 

 Andrew J. Turriziani, Chief

 Motor Carrier Enforcement

 Bureau of Investigation and Enforcement

 P.O. Box 3265

 Harrisburg, PA  17105‑3265

VERIFICATION

I, Andrew J. 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 J. 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

Or, **you may eFile your Answer** using the Commission’s website at [www.puc.pa.gov](http://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:

 Michael L. Swindler, Deputy Chief Prosecutor

 Pennsylvania Public Utility Commission

 Bureau of Investigation and Enforcement

 400 North Street

 Harrisburg, PA 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.