

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

191 NORTH AUTO PARTS, LLC,

~~C-2021-302378~~ C-2021-3023478  
A-8916373

Petitioner

**PETITION FOR RECONSIDERATION**

TO THE COMMONWEALTH OF PENNSYLVANIA PUBLIC UTILITIES COMMISSION,  
the Petition of 191 North Auto Parts, LLC respectfully represents:

1. That the Public Utility Commission alleges in its Cancellation Notice attached as Exhibit A that the Bureau of Investigation and Enforcement instituted a Complaint against your Petitioner for failure to maintain evidence of liability and cargo insurance; and

2. That this allegation is incorrect for two reasons:

(1) Your Petitioner was never served with nor received any Complaint;

and,

(2) Your Petitioner has always maintained proper liability insurance; and,

3. That your Petitioner did receive on February 12, 2021 an “Out of Service/Revocation Warning Letter” (the Letter) dated February 1, 2021, a copy of which is attached hereto as Exhibit “B”; and,

4. That the Letter requested action within ten (10) days or by February 11, 2021, but the letter was not delivered by the USPS until February 12, 2021 thereby making it impossible to respond within the time allotted; and,

5. That the letter suggested a response to Mr. Phillip Jones. On February 13, 2021 Petitioner placed two phone calls to Phillip Jones, of the Office of Enforcement and Compliance at 570-963-4552, but was able only to leave voice mail messages to which there was no response; and,

6. That your Petitioner also attempted email contact with a Mr. Jones, as directed, but was also unsuccessful; and,

7. That your Petitioner followed-up with a letter dated February 16, 2021, to Mr. Jones to which there has been no response. A copy is attached as Exhibit “C”; and,

8. That on February 19, 2021 your Petitioner received an “Order to Revoke” letter to which Petitioner responded on February 19, 2021. A copy of the response is attached as Exhibit “D”; and,

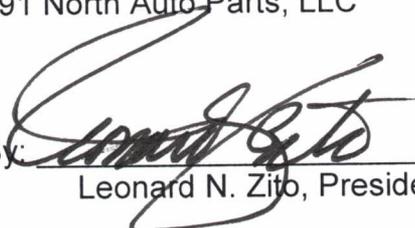
9. That on April 1, 2021 your Petitioner received a Cancellation Notice which is improper and a fine for failure to maintain insurance, an allegation that is patently incorrect; and,

10. That Petitioner no longer engages in any interstate commerce but maintains proper insurance for its premises and vehicles.

WHEREFORE, Petitioner requests a hearing, reconsideration, and revocation of all adverse actions against your Petitioner.

Respectfully submitted,

191 North Auto Parts, LLC

By: 

Leonard N. Zito, President

Date: April 5, 2021

**VERIFICATION**

I, Leonard N. Zito, President of 191 North Auto Parts, LLC, Petitioner, hereby state that the facts above set forth are true and correct (or are true and correct to the best of my knowledge, information and belief) and that I expect to be able to prove the same at a hearing held in this matter. I understand that the statements herein are made subject to the penalties of 18 Pa.C.S.A. § 4904 relating to unsworn falsification to authorities.



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Leonard N. Zito, President  
191 North Auto Parts, LLC, Petitioner

Dated: April 5, 2021

# **EXHIBIT A**



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

IN REPLY PLEASE  
REFER TO OUR FILE

April 1, 2021

C-2021-3023478  
A-8916373

CANCELLATION NOTICE

191 NORTH AUTO PARTS LLC  
641 MARKET STREET  
BANGOR PA 18013

**Re: Pennsylvania Public Utility Commission, Bureau of Investigation & Enforcement v.  
191 NORTH AUTO PARTS, LLC**

Respondent:

On **January 7, 2021**, the Bureau of Investigation and Enforcement instituted a Complaint against **191 North Auto Parts, LLC**, Respondent, for failure to maintain evidence of Liability Insurance and Cargo Insurance on file with this Commission, a violation of 66 Pa. C.S. §512, 52 Pa. Code §32.2(c), 52 Pa. Code §32.12(a) and/or 52 Pa. Code §32.13(a).

In accordance with 52 Pa. Code §5.61, the Bureau of Investigation and Enforcement notified the Respondent that an Answer to the Complaint must be filed within twenty (20) days of the date of service. The Notice further specified that, if Respondent failed to answer the Complaint within twenty (20) days, the Bureau of Investigation and Enforcement would request that the Commission cancel Respondent's Certificate of Public Convenience.

The Complaint was served on Respondent, 191 North Auto Parts, LLC, on January 7, 2021 by email. To date, more than twenty (20) days later, Respondent has failed to file an Answer to the Complaint and has failed to have his insurer file evidence of insurance with this Commission.

Therefore, the allegations in the Complaint are deemed to be admitted. The Complaint is hereby sustained and the **Certificate of Public Convenience**, issued to Respondent at **A-8916373 is hereby CANCELLED**.

Respondent is assessed a fine of \$500 for failure to maintain evidence of insurance on file with this Commission as required at 52 Pa. Code §32. Payment must be made by certified check or money order payable to the Commonwealth of PA, and mailed to Pa. Public Utility Commission, 400 North Street, Harrisburg, PA 17120.

Furthermore, this Commission will request the Pennsylvania Department of Transportation to put an administrative hold on Respondent's vehicle registrations. Respondent will **NOT** be able to register any new vehicles or renew any existing vehicle registrations until all past due assessments are paid, all past due fines are paid, all insurance filings are up to date, and it holds an active Certificate of Public Convenience issued by this Commission.

This Secretarial Cancellation Letter will also be served on:

The Department of Revenue  
Bureau of Audit Programs  
Sales and Use Taxes  
Tenth Floor, Strawberry Square  
Harrisburg, PA 17128-1061

Respondent is hereby notified to cease and desist from further violations of the Public Utility Code, 66 Pa. C.S. §§1.1 et seq., and the regulations of the Commission, 52 Pa. Code §§1.1 et seq. In view of the **cancellation of respondent's Certificate of Public Convenience**, it is specifically prohibited from rendering service as a common carrier by motor vehicle in intrastate commerce in the Commonwealth of Pennsylvania.

## APPEAL RIGHTS

If you disagree with this determination, you may EFile a Petition for Reconsideration from Staff Action (Petition) to the Secretary's Bureau of the PA Public Utility Commission. Such a Petition is a written statement asking the Commission to change its determination.

**Due to the pandemic emergency, the Commission has no access to mail delivery. ALL Parties to proceedings pending before the Commission must open an e-filing account through the Commission's website, use e-filing and accept e-service as required by the Commission's Emergency Order at Docket Number M-2020-3019262. If a filing contains confidential or proprietary material, the filing may be sent to Secretary Chiavetta at [rchiavetta@pa.gov](mailto:rchiavetta@pa.gov).**

The Petition must be filed with the Commission within twenty (20) days of the date of this letter. If no timely request for reconsideration is made, this action will be deemed to be the final action of the Commission.

The Petition MUST include: (1) a written statement (divided into numbered paragraphs) outlining the reasons for the request, (2) the case docket number(s) (they are provided for you at the top right-hand corner of this letter), (3) the name of the person on whose behalf the petition is made, (4) copies of relevant documentation, and (5) a verification with original signature. *See* 52 Pa. Code §§1.31 and 5.44. Below is a sample Verification:

### VERIFICATION

I, (YOUR NAME GOES HERE), hereby state that the facts above set forth are true and correct (or are true and correct to the best of my knowledge, information and belief) and that I expect to be able to prove the same at a 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).

(SIGN AND DATE)

If you believe that you have received this letter in error, please contact the Compliance Office of the Motor Carrier Services Division in the Bureau of Technical Utility Services at 717-787-3834 within ten (10) days of the date of this letter.

Very truly yours,



Rosemary Chiavetta,  
Secretary

CC: PA Department of Transportation  
PA Department of Revenue

# **EXHIBIT B**



U.S. Department of  
Transportation  
1200 New Jersey Ave. S.E.  
Washington, D.C. 20590

Federal Motor Carrier  
Safety Administration

*Received  
2/2/21*

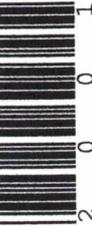
February 1, 2021

In reply refer to:  
USDOT Number: 2830367



1/81

**191 NORTH AUTO PARTS LLC  
1121 VALLEY VIEW DR  
BANGOR PA 18013-5901**



**Action Required: Out of Service/Revocation Warning Letter.**

On February 20, 2020 the Federal Motor Carrier Safety Administration (FMCSA) informed you that your application seeking registration to operate in interstate commerce within the United States was approved. That letter also informed you that the FMCSA would continue to evaluate your safety management practices through a Safety Audit, and that under Part 385 of Title 49 of the Code of Federal Regulations (49 CFR 385.337), failure to permit a Safety Audit to be performed on your operation could result in the revocation of your USDOT New Entrant registration and or the penalty provisions in 49 U.S.C. 521(b)(2) (A).

A safety auditor has tried on three separate occasions to contact you to schedule a safety audit, but was unable to reach you. In light of this, you are considered to have refused to submit to a safety audit under 49 CFR 385.337.

Therefore, in accordance with 49 CFR 385.337(b), you are hereby advised that your USDOT New Entrant registration will be revoked and your operation placed out of service unless you **agree in writing**, within 10 days from the service date of this notice, to permit a safety auditor to conduct the safety audit required under Part 385. Your correspondence should be directed to the contact information listed below. At that time please provide a valid telephone number for your company.

If your USDOT New Entrant registration is revoked, you may reapply no sooner than 30 days after the date of the revocation. Should that occur, you would need to initiate the USDOT New Entrant registration process again by completing an updated Motor Carrier Identification Report (MCS-150).

If you have any questions, please contact your local FMCSA Division office at the address below:

PA PUBLIC UTILITY COMMISSION  
NEW ENTRANT ADMINISTRATOR  
PHILLIP JONES  
SCRANTON STATE OFFICE, RM 320 100 LACKAWANNA AVE  
SCRANTON, PA 18503  
Telephone No.: 570-963-4552

Sincerely,

Joseph P. DeLorenzo  
Director, Office of Enforcement and Compliance

*ph.jones@pa.gov*

*Left voice mail message 2/13/21*

# **EXHIBIT C**

**191 NORTH AUTO PARTS, LLC d/b/a  
191 SELECT SALVAGE  
1121 Valley View Drive  
Bangor, PA 18013  
610-588-4422**

February 16, 2021

PA Public Utility Commission  
New Entrant Administrator  
Phillip Jones  
Scranton State Office, Room 320  
100 Lackawanna Avenue  
Scranton, PA 18503  
Email: [phjones@pa.gov](mailto:phjones@pa.gov)

**Re: 191 North Auto Parts, LLC / USDOT Number 2830367**

Dear Mr. Jones:

I left two messages for you on Saturday February 13, 2021 concerning the form letter I received from Mr. Joseph DeLorenzo dated February 1, 2021 but not delivered by the USPS until February 12, 2021.

Contrary to paragraph three of that letter NO ONE has attempted to contact us.

Also, the letter requests a response within ten (10) days of February 1, 2021. This is impossible due to the delivery of this letter on February 12, 2021.

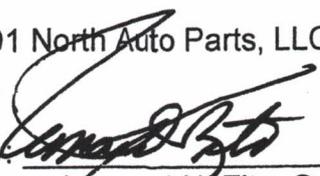
Our hours of operation are presently limited to 4 PM to 6 PM weekdays and 8 AM to 3 PM on Saturdays.

I also attempted to email you but was unsuccessful.

Thank you.

Very truly yours,

191 North Auto Parts, LLC

By: 

Leonard N. Zito, Owner

cc: Joseph P. DeLorenzo, Director  
Office of Enforcement and Compliance

# **EXHIBIT D**

**191 NORTH AUTO PARTS, LLC d/b/a  
191 SELECT SALVAGE  
1121 Valley View Drive  
Bangor, PA 18013  
610-588-4422**

February 19, 2021

PA Public Utility Commission  
New Entrant Administrator  
Phillip Jones  
Scranton State Office, Room 320  
100 Lackawanna Avenue  
Scranton, PA 18503  
Email: [phjones@pa.gov](mailto:phjones@pa.gov)

Joseph P. DeLorenzo, Director  
Office of Enforcement and Compliance  
U.S. Department of Transportation  
1200 New Jersey Ave. S.E.  
Washington, D.C. 20590

**Re: US DOT No. 2830367  
191 North Auto Parts, LLC**

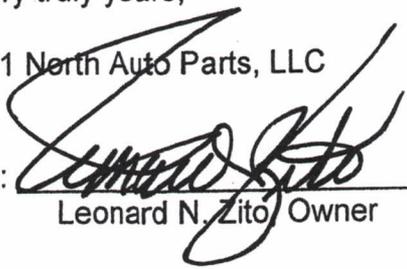
Dear Gentlemen:

Today, February 19, 2021 I received a copy of the "Order to Revoke". Not unexpected, but its content skirts the content of my letter to Mr. Jones of February 16, 2021.

Perhaps a more efficient way to deal with the effect of this bureaucratic exercise is to withdraw our sole transporting vehicle from any interstate motor carrier operation. It is sparingly used at this time, and hardly worth your time and ours.

Very truly yours,

191 North Auto Parts, LLC

By:   
Leonard N. Zito, Owner