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|  | **PENNSYLVANIA**  **PUBLIC UTILITY COMMISSION**  **Harrisburg, PA 17105-3265** |  |

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|  | Public Meeting held September 15, 2021 |
| Commissioners Present: |  |

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| Gladys Brown Dutrieuille, Chairman | | |
| David W. Sweet, Vice Chairman | | |
| John F. Coleman, Jr. | |
| Ralph V. Yanora | |
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| Cancellation of Certificates of Public Convenience for Motor Carriers; Failure to Pay Assessment for Fiscal Year 2020-2021 | M-2021-3027784 |

**TENTATIVE ORDER**

**BY THE COMMISSION:**

For each fiscal year, the Commission determines the total assessment for regulatory expenses, which is allocated to, and paid by, public utilities pursuant to the methodology set forth in the Public Utility Code. 66 Pa.C.S. §§ 510(a), (b). The Commission provides notice of the amount lawfully assessed against a utility and requires the utility to pay that amount within thirty (30) days of receipt of the notice. 66 Pa.C.S. § 510(c).[[1]](#footnote-1) The Public Utility Code authorizes the Commission to revoke a utility’s Certificate of Public Convenience (CPC) for failure to pay the assessment within the time prescribed. *Id.*

The Commission undertook a review of its records to determine whether various motor carriers have complied with the assessment payment requirements of the Public Utility Code. The Commission’s review revealed that a number of carriers failed to pay their 2020-2021 assessments. Specifically, each carrier listed in Appendix A, attached hereto, has an outstanding assessment balance.

The Fiscal Office of the Commission’s Bureau of Administration sent a letter to each carrier listed in Appendix A, notifying them of their outstanding assessment balance and requesting that they pay the past due balance within twenty (20) days of receipt of the letter. The letter warned that failure to comply would result in the Commission taking appropriate action to cancel the carrier’s CPC. None of the carriers in Appendix A submitted payment in response to the Commission’s Bureau of Administration letter.

Additionally, Commission staff made two attempts to contact each carrier listed in Appendix A at the telephone number the carrier provided to the Commission but were unable to make contact.

Given these carriers’ failure to respond to the aforementioned notices, the Commission tentatively concludes that the motor carriers listed in Appendix A are not in compliance with the assessment payment requirements of 66 Pa.C.S. § 510(c), and may no longer continue to operate in Pennsylvania as a motor carrier public utility. As a result, it is appropriate and in the public interest to initiate the process to cancel their CPCs; **THEREFORE,**

**IT IS ORDERED:**

1. That cancellation of the Certificates of Public Convenience of each motor carrier listed in Appendix A is *tentatively* approved as being in the public interest.

2. That the Secretary shall serve a copy of this Tentative Order upon all motor carriers listed in Appendix A.

3. That the Secretary shall file this Tentative Order at each motor carrier’s assigned docket number.

4. That the Law Bureau shall publish a copy of this Tentative Order in the *Pennsylvania Bulletin*.

5. That to the extent that any of the motor carriers listed on Appendix A challenge cancellation of their Certificates of Public Convenience, they must file comments within thirty (30) days after publication of this Tentative Order in the *Pennsylvania Bulletin*. Comments shall be sent to the Pennsylvania Public Utility Commission, Attn: Secretary Rosemary Chiavetta, Commonwealth Keystone Building, 400 North Street, 2nd Floor, Harrisburg, PA 17120.

6. That alternatively, to avoid cancellation, carriers listed in Appendix A may pay their outstanding assessment balance within thirty (30) days after publication in the *Pennsylvania Bulletin*. Payment shall be sent to the Pennsylvania Public Utility Commission, Attn: Fiscal Office, P.O. Box 3265, Harrisburg, PA 17105. Checks shall be made payable to “Commonwealth of Pennsylvania.”

7. That absent the timely filing of comments challenging the cancellation of the Certificate of Public Convenience or the timely payment of a carrier’s outstanding assessment balance, the Law Bureau shall prepare a Secretarial Letter, for issuance by the Secretary’s Bureau, canceling the Certificate of Public Convenience of each motor carrier that fails to respond. The Secretarial Letter shall direct the Department of Transportation to suspend the carrier’s vehicle registration(s) consistent with 75 Pa. C.S. §1375.

8. That upon the Secretary’s issuance of the Secretarial Letter per Ordering Paragraph No. 7, the Certificate of Public Convenience of each non-compliant carrier shall be cancelled.

9. That the Secretary serve a copy of the Secretarial Letter upon the Commission’s Bureau of Investigation and Enforcement, Bureau of Technical Utility Services, and Bureau of Administration, the Pennsylvania Department of Revenue – Bureau of Corporation Taxes, and the Pennsylvania Department of Transportation.

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**BY THE COMMISSION**

Rosemary Chiavetta

Secretary

(SEAL)

ORDER ADOPTED: September 15, 2021

ORDER ENTERED: September 15, 2021

**Appendix A**

| **Carriers With Outstanding Assessment Balances** | | |
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| **Utility Code** | **Carrier Name** | **Docket No.** |
| 632296 | EXECUTIVE TRANSPORTATION SERVICES, INC | A-00107390  A-00107390F0002 |
| 632822 | UNITED TAXI COMPANY LLC | A-00123614 |
| 640389 | CLASSIC LIMOUSINE TRANSPORTATION LLC | A-00112166  A-2012-2334929 |
| 640912 | GRIFFITH TRANSPORTATION, INC. | A-00117265  A-2012-2321696 |
| 6411698 | JOE & JANS INC | A-2010-2151587 |
| 641181 | MID-ATLANTIC TRANSPORTATION SERVICES, INC | A-00119364  A-2009-2123038 |
| 6417260 | FIRST CLASS LIMOUSINE LLC | A-2015-2464420  A-2016-2571647 |
| 6417344 | POWER EXPRESS LLC | A-2015-2467873 |
| 6418799 | SAMUEL GROFF | A-2016-2548547 |
| 6419020 | RC JONES TRANSPORTATION LLC | A-2016-2558324 |
| 6420268 | EXECUTIVE TRANS INC | A-2018-3002171 |
| 6420596 | MEDICAL TRANSPORTATION PROVIDERS LLC | A-2019-3009430 |
| 6422167 | THULE TRANSPORTATION LLC | A-2019-3009677 |
| 701687 | FALCON TRANSPORT CO. | A-00112635 |
| 704704 | S.A. JUZBASIC, INC. | A-00117334 |
| 706595 | G. E. VARNER TRUCKING INC | A-00120513 |
| 707488 | HORST, NATHAN S. | A-00122045 |
| 731140 | COOK, ROBERT | A-00093134 |
| 8910297 | J & E SANITATION INC | A-2008-2052775 |
| 8910664 | JENNINGS ENTERPRISE, LLC | A-2008-2079836 |
| 8910696 | KENNETH W SCHODT | A-2009-2083365 |
| 8912935 | APOLO V EXPRESS LLC | A-2010-2208194 |
| 8913104 | I-HAUL LLC | A-2011-2220987 |
| 891331 | MILLER, RICK LEE | A-00103622 |
| 8914967 | CARL R SNOOK | A-2012-2314015 |
| 8915162 | TROY M KELLER | A-2012-2326726 |
| 8915596 | GRYGO TRUCKING INC | A-2013-2354957 |
| 8915818 | RAPID TRANSIT INC | A-2013-2369268 |
| 8915862 | SCOTT WILCOX | A-2013-2372958 |
| 8917227 | PATRIOT ONE INC | A-2015-2461362 |
| 8917295 | WOLVERINE ENTERPRISE LLC | A-2015-2465864 |
| 8918952 | TIER ONE LLC | A-2016-2553662 |
| 8919069 | A & S CARRIERS LLC | A-2017-2635902 |
| 8919255 | PENNSYLVANIA CONTRACTING INCORPORATED | A-2016-2567948 |
| 8919536 | F & R SPERRY LOGGING LLC | A-2017-2586201 |
| 8919744 | BEECH WOODS EQUIPMENT LEASING COMPANY | A-2017-2597155 |
| 8920060 | MICHAEL J COMPTON | A-2017-2614197 |
| 8920472 | JOSEPH LANGUERAND | A-2017-2636256 |
| 8920559 | MOVING U & JUNK U, LLC | A-2018-3000016 |
| 8920933 | BRENDEN C FINCK | A-2018-3001423 |
| 8921067 | CP MAULE LLC | A-2018-3002549 |
| 8921457 | STREET KING TRANSPORT LLC | A-2018-3005201 |
| 8922269 | TAMRON TRUCKING INC | A-2019-3010351 |

1. In order to properly allocate the assessment, the Public Utility Code requires that by March 31 each year, every public utility must file a report detailing its gross intrastate operating revenue for the preceding calendar year. 66 Pa. C.S. § 510(b). [↑](#footnote-ref-1)