

BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION

PENNSYLVANIA PUBLIC UTILITY COMMISSION :
BUREAU OF INVESTIGATION AND ENFORCEMENT :

V.

DOCKET NO. C-2021-3025692

WHC PA LLC
1101 BEAVER AVENUE
PITTSBURGH PA 15233

PETITION FOR RECONSIDERATION

AND NOW, comes WHC PA, LLC, by and through its attorney, Ray F. Middleman, Esquire and Eckert Seamans Cherin & Mellott, LLC, and files the within Petition for Reconsideration from Staff Action, as set forth below.

Inadequate Service of Process

1. Respondent, WHC PA, LLC, petitions this Commission to rescind the five-hundred dollar (\$500.00) fine imposed against it by the Pennsylvania Public Utility Commission Bureau of Investigation & Enforcement because the underlying Complaint was not adequately served on WHC PA, LLC as required under 66 Pa. Code § 702.

2. Section 702 of the Pennsylvania Public Utility Code states that “[u]pon the filing of a complaint, the commission shall cause to be served upon each party named in the complaint a copy of the complaint[.]” WHC PA, LLC, the lone named-defendant, did not receive a copy of the July 2, 2021 Complaint, either by registered or certified mail or by e-mail, through either Chad Stepanik, its Pittsburgh General Manager, or George Delk, its Pittsburgh Operations Manager. As such, Respondent was unable to file an Answer within the allotted twenty (20) days.

3. Respondent only became aware of the Complaint upon notification via letter on September 14, 2021, that the failure to respond had resulted in the imposition of a \$500.00 fine. Had

Respondent been aware of the Complaint and the need to respond, it would have availed itself of that opportunity.

4. Respondent further avers that the address for its principal place of business, as listed in the July 2, 2021 Complaint and in the Commission's September 14, 2021 letter, is incorrect. Respondent's address is 1101 Beaver Avenue, Pittsburgh, PA 15233. Both documents incorrectly list Respondent's address as 1301 Beaver Avenue, Pittsburgh, PA 15233.

Mitigating Circumstances

5. In addition, Respondent requests that this Commission reconsider the imposition of the fine in light of its efforts to ameliorate the situation with the Complainant and the challenges imposed by the COVID-19 pandemic, which gave rise to the underlying incident at issue here.

6. After being contacted by Enforcement Officer Ryan Balestra of the Bureau of Investigation & Enforcement in May 2021, George Delk, Respondent's Pittsburgh Operations Manager, cooperated with the Bureau's investigation and spoke with the complainant on multiple occasions to try to remedy the situation. Mr. Delk apologized and explained that the confusion was the result of severe staffing shortages.

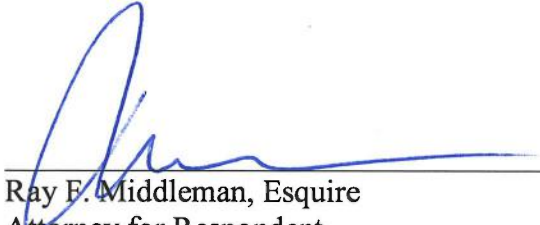
7. The COVID-19 pandemic has caused significant staffing shortages and logistical challenges for Respondent, as well as businesses across the country over the last year-and-a-half. Respondent makes every effort to provide adequate, efficient and safe service to its customers despite the hardship that the pandemic has caused. The underlying incident at issue was the result of these challenges and Respondent assures this Commission that it strives to adhere to the requirements of both the Public Utility Code, 75 Pa. Code §§ 1.1 et seq., and the regulations of the Commission, 52 Pa. Code §§ 1.1 et seq.

WHEREFORE, respondent, WHC PA, LLC hereby petitions this Commission to reconsider and rescind the Bureau of Investigation & Enforcement's imposition of a five hundred dollar (\$500.00) fine.

VERIFICATION

I, Ray Middleman, Esquire, of Eckert Seamans Cherin & Mellott, Counsel to WHC PA, LLC, hereby state that the facts above set forth are true and correct (or are true and correct to the best of 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).

Date: 10/4/2021



Ray F. Middleman, Esquire
Attorney for Respondent

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