



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

BUREAU OF  
INVESTIGATION  
&  
ENFORCEMENT

February 4, 2022

**Via Electronic Filing**

Rosemary Chiavetta, Secretary  
Pennsylvania Public Utility Commission  
Commonwealth Keystone Building  
400 North Street  
Harrisburg, PA 17120

Re: Pennsylvania Public Utility Commission,  
Bureau of Investigation and Enforcement v.  
La Mexicana Express Service, LLC  
Docket No. C-2021-3025505  
**Motion for Continuance**

Dear Secretary Chiavetta:

On behalf of the Bureau of Investigation and Enforcement (“I&E”) of the Pennsylvania Public Utility Commission, enclosed for electronic filing please find the **Motion for Continuance of the Initial Call-In Telephone Hearing** scheduled for February 10, 2022, in the above-referenced matter.

Copies have been served on the parties of record in accordance with the Certificate of Service.

Sincerely,

A handwritten signature in black ink that reads 'Chris M. Andreoli'.

Christopher M. Andreoli  
Prosecutor  
Bureau of Investigation and Enforcement  
PA Attorney ID No. 85676  
(717) 772-8582  
[chandreoli@pa.gov](mailto:chandreoli@pa.gov)

CMA/ac  
Enclosures

cc: Hon. Gail M. Chiodo, OALJ (*via e-mail only*)  
As per Certificate of Service

**BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Pennsylvania Public Utility Commission,	:	
Bureau of Investigation and Enforcement	:	
	:	
v.	:	Docket No.: C-2021-3025505
	:	
La Mexicana Express Service, LLC	:	

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**MOTION FOR CONTINUANCE OF THE  
BUREAU OF INVESTIGATION AND ENFORCEMENT**

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Pursuant to 52 Pa. Code § 1.15(b), the Bureau of Investigation and Enforcement (“I&E”) of the Pennsylvania Public Utility Commission (“Commission”) hereby moves for a continuance of the Initial Call-In Telephone Hearing in the above-captioned matter scheduled for February 10, 2022, and in support thereof states as follows:

1. On April 27, 2021, I&E filed a Formal Complaint (Complaint) at Docket No. C-2021-3025505 against La Mexicana Express Service, LLC (La Mexicana). Although I&E instituted the Complaint on April 27, 2021, the Complaint was not served on the Respondent until June 11, 2021. The Complaint alleged that La Mexicana had permitted thirteen drivers to operate before obtaining proper criminal background checks in violation of 52 Pa. Code § 29.505(b)(1); permitted four vehicles to be operated without an operable meter in violation of 52 Pa. Code § 29.314(b)(1); permitted four vehicles to be operated without a dome light in violation of 52 Pa. Code § 29.314(d); and permitted six vehicles to be operated without displaying a complaint decal in violation of 52 Pa. Code §§ 29.318 and 29.336.

2. In the Complaint, I&E notified the Respondent that it must file an Answer to the Complaint within 20 days of the date of service in accordance with 52 Pa. Code § 5.61. The Notice further stated that if the Respondent failed to answer within the twenty (20) days, I&E would request the Commission to issue a letter fining the Respondent the sum of \$8,300 for the various violations outlined in the Complaint.

3. Respondent failed to file an Answer to the Complaint within 20 days of the date of service.

4. Subsequently, the Secretarial Letter, dated September 14, 2021, was served upon Respondent, which imposed civil penalties totaling \$8,300 on the Respondent as requested by I&E in its Complaint. The Secretarial Letter also notified the Respondent that it may file an appeal within 20 days if it disagrees with the determination in the letter.

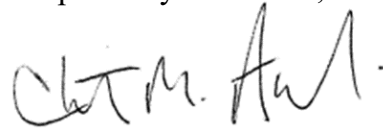
5. On October 1, 2021, La Mexicana filed a Petition and Answer in response to the Secretarial Letter. In its Petition, La Mexicana stated that the Company did not receive timely notice of the filing of the Complaint because the e-mail was sent to an unattended e-mail address and that the Complaint referenced an incorrect physical address for the Company as well. La Mexicana also filed its Answer to the Complaint as part of its Petition. No response to La Mexicana's Petition was filed.

6. In the Decision and Order dated December 16, 2021, the Commission granted Respondent's Petition for Reconsideration and the Secretarial Letter issued on September 14, 2021, was rescinded. The Commission also referred this matter to the Office of Administrative Law Judge and ordered that the Commission's Decision and Order be served on I&E.

7. However, I&E-Enforcement had no knowledge of this matter.
8. Respondent's Petition for Reconsideration and Answer to the Complaint were not served on I&E-Enforcement.
9. The subsequent Hearing Notice was also not served on I&E-Enforcement.
10. It is noted that Cathy Royer, the I&E employee who received the Hearing Notice, has retired from the Commission with temporary annuitant status.
11. I&E-Enforcement respectfully requests a continuance of the February 10, 2022, Telephonic Hearing to allow time for I&E-Enforcement to contact potential witnesses, review the Respondent's Answer and Exhibits, prepare and submit I&E's Exhibits, and to possibly conduct settlement discussions.

WHEREFORE, for the foregoing reasons, I&E submits that there is good cause for a continuance of the Initial Call-In Telephone Hearing in this matter within the meaning of 52 Pa. Code § 1.15, and moves that the hearing scheduled for February 10, 2022, be rescheduled.

Respectfully submitted,



Christopher M. Andreoli  
Prosecutor  
PA Attorney ID No. 85676

Pennsylvania Public Utility Commission  
Bureau of Investigation and Enforcement  
Commonwealth Keystone Building  
400 North Street  
Harrisburg, PA 17120  
(717) 772-8582  
[chandreoli@pa.gov](mailto:chandreoli@pa.gov)

Date: February 4, 2022

**BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Pennsylvania Public Utility Commission, Bureau of Investigation and Enforcement	:	
	:	
v.	:	Docket No.: C-2021-3025505
	:	
La Mexicana Express Service, LLC	:	

**CERTIFICATE OF SERVICE**

I hereby certify that I have this day served a true copy of the foregoing document upon the parties, listed below, in accordance with the requirements of 52 Pa. Code § 1.54 (relating to service by a party).

**Notification by Electronic Mail as indicated:**

Kenneth A. Olsen  
Attorney at Law  
33 Philhower Road  
Lebanon, New Jersey 08833  
[kolsen53@earthlink.net](mailto:kolsen53@earthlink.net)  
*Attorney for La Mexicana  
Express Service, LLC*

Jose Narciso Mizquiri  
Owner/Operator  
La Mexicana Express Service, LLC  
534 Minor Street  
Reading, PA 19602  
[erendiracaisaguano@gmail.com](mailto:erendiracaisaguano@gmail.com)



Christopher M. Andreoli  
Prosecutor  
PA Attorney ID No. 85676

Pennsylvania Public Utility Commission  
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Dated: February 4, 2022