



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

BUREAU OF
INVESTIGATION
&
ENFORCEMENT

March 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 April 14, 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, appearing to read 'Chris M. Andreoli', written in a cursive style.

Christopher M. Andreoli
Prosecutor
Bureau of Investigation and Enforcement
PA Attorney ID No. 85676
(717) 772-8582
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	:	

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

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 for hearing.

7. Upon receipt of the initial Hearing Notice, I&E-Enforcement requested and was granted a continuance of the hearing.

8. On February 4, 2022, the hearing date was continued to April 14, 2022.

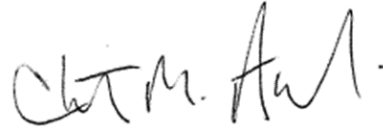
9. I&E-Enforcement was recently informed that its witness is unavailable on April 14, 2022, due to a prior commitment to attend a PUC Enforcement Officer Conference that day.

10. I&E-Enforcement respectfully requests that the Hearing currently scheduled for April 14, 2022, be rescheduled due to the unavailability of I&E's witness.

11. In the meantime, I&E-Enforcement will continue efforts to achieve an amicable resolution of this matter.

WHEREFORE, for the foregoing reasons, I&E submits that there is good cause for a continuance of the Call-In Telephone Hearing in this matter within the meaning of 52 Pa. Code § 1.15, and moves that the hearing scheduled for April 14, 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
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Date: March 4, 2022

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

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

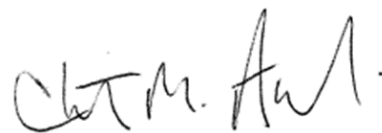
CERTIFICATE OF SERVICE

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:

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Dated: March 4, 2022