

BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION

PENNSYLVANIA PUBLIC UTILITY COMMISSION
BUREAU OF INVESTIGATION AND ENFORCEMENT

V.

D&M TRANSPORTING AND MANUFACTURED HOMES LLC
195 EMERSON LANE
UNIONTOWN, PA 15401

DOCKET NO. C-2022-3028387

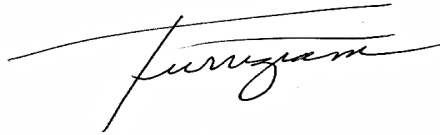
COMPLAINT

The Pennsylvania Public Utility Commission (Commission) is a duly constituted agency of the Commonwealth of Pennsylvania empowered to regulate public utilities within the Commonwealth. The Commission has delegated its authority to initiate proceedings which are prosecutory in nature to the Bureau of Investigation and Enforcement and other bureaus with enforcement responsibilities. Pursuant to that delegated authority and Section 701 of the Public Utility Code, the Bureau of Investigation and Enforcement hereby represents as follows:

1. That, D&M TRANSPORTING AND MANUFACTURED HOMES LLC, Respondent, maintains a principal place of business at 195 Emerson Lane, Uniontown, Pennsylvania, 15401.
2. On, September 2, 2021, by Commission Secretarial letter, Respondent was advised, *"If you have not previously submitted a copy of a current satisfactory safety rating from the U.S. Department of Transportation or another state with safety regulations comparable to Pennsylvania, you must demonstrate safety fitness by completing a Safety Fitness Review which will be scheduled by a PUC enforcement officer.... Failure to submit to the Safety Fitness Review will result in the cancellation of your certificate."*
3. On September 8, 2021, Respondent was issued a certificate of public convenience by this Commission authorizing transportation of property for compensation at PUC utility code no. 8923913.
4. On November 17, 2021, your company failed the SFR required for operation of the business. A second SFR was scheduled for December 22, 2021, which was then rescheduled due to COVID to January 21, 2022. Supervisor Murray called Mark Pitts repeatedly, receiving a return call from Mr. Pitts to inform Supervisor Murray that everyone was sick. A certified letter was sent March 22, 2022, to schedule the safety fitness review within ten days. The certified letter was returned to the district office on April 14, 2022, as undeliverable. Respondent has not contacted the district office.
5. That Respondent, by failing to achieve a satisfactory evaluation on a safety fitness review, violated 66 Pa.C.S. §501(c) and, for failure to maintain adequate, efficient, and safe service and facilities, violated 66 Pa C.S. §1501. The penalty for this violation is cancellation of the certificate held by Respondent with this Commission at utility code 8923913.

WHEREFORE, the Bureau of Investigation and Enforcement hereby requests that the Commission revoke the certificate of public convenience issued D&M TRANSPORTING AND MANUFACTURED HOMES LLC at PUC utility code no.8923913.

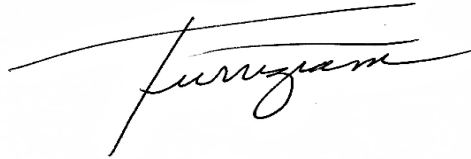
Respectfully submitted,

A handwritten signature in black ink, appearing to read "Turriziani", written over a horizontal line.

Andrew Turriziani, Chief
Motor Carrier Enforcement
Bureau of Investigation and Enforcement
400 North Street
Harrisburg, PA 17120

VERIFICATION

I, Andrew Turriziani, hereby state that the facts above set forth are true and correct to the best of my knowledge, information, and belief and that I expect that the Bureau will be able to prove same at any 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.

A handwritten signature in black ink, appearing to read "Turriziani", with a long horizontal stroke extending to the left.

Date: 3 May 2022

Andrew Turriziani, Chief
Motor Carrier Enforcement
Bureau of Investigation and Enforcement

NOTICE

- A. You must file an Answer within twenty (20) days of the date of service of this Complaint. The date of service is the mailing date as indicated at the top of the Secretarial Cover Letter for this Complaint and Notice, 52 Pa. Code §1.56(a). An Answer is a written explanation of circumstances wished to be considered in determining the outcome. The Answer shall raise all factual and legal arguments that you wish to claim in your defense and must include the reference number of this Complaint. Your Answer must be verified, and the original shall be mailed to:

Rosemary Chiavetta, Secretary
Pennsylvania Public Utility Commission
400 North Street, 2nd Floor
Harrisburg, PA 17120

Or you may **eFile your Answer** using the Commission's website at www.puc.pa.gov. The link to eFiling is located under the Filing & Resources tab on the homepage. If your Answer is 250 pages or less, you are not required to file a paper copy.

Additionally, a copy should either be mailed to:

Bureau of Investigation and Enforcement
Pennsylvania Public Utility Commission
400 North Street, 2nd Floor
Harrisburg, PA 17120

Or, **e-mailed to:** RA-PCCmplntResp@pa.gov

- B. If you fail to answer this complaint within twenty (20) days, the Bureau of Investigation and Enforcement will request that the Commission issue a Secretarial Letter imposing a penalty. The penalty could include a fine, the suspension or revocation of your certificate of public convenience or other remedy.
- C. If you file an Answer, which admits or fails to deny the allegations of the Complaint, the Bureau of Investigation and Enforcement will request that the Commission issue a Secretarial Letter imposing a penalty.
- D. If you file an Answer which contests the Complaint, the matter will be assigned to an Administrative Law Judge for hearing and decision. The judge is not bound by the optional fine set forth above.
- E. Alternative formats of this material are available for persons with disabilities by contacting the Commission's ADA Coordinator at 717-787-8714.