

BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION

PENNSYLVANIA PUBLIC UTILITY COMMISSION
BUREAU OF INVESTIGATION AND ENFORCEMENT

V.

HORNER TRUCKING LLC
2624 FRANCIS SCOTT KEY HIGHWAY
TAREYTOWN, MD 21787

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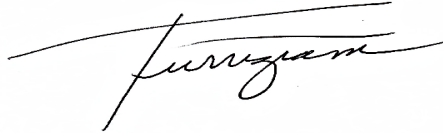
COMPLAINT

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 HORNER TRUCKING LLC, Respondent, maintains a principal place of business at 2624 FRANCIS SCOTT KEY HIGHWAY, TAREYTOWN, MD 21787.
2. On, December 16, 2021, Respondent was issued a certificate of public convenience by this Commission authorizing transportation of property for compensation at PUC utility code no. 8924746 and was advised, *“Certificate holder is advised to become familiar with the requirements of 52 Pa. Code. Failure to comply with all applicable requirements may subject the carrier to penalties, including fines suspension of operating rights or cancellation of authority. Title 52 of the Pennsylvania Code may be accessed on the World Wide Web at www.pacode.com.”*
3. On January 2, 2022, through January 31, 2022, attempts were made to contact Horner Trucking regarding the SFR. PUC Supervisor Timothy Troxell sent a first class and certified letter to the company about the SFR on March 29, 2022. The certified letter was unclaimed and was returned to the district office on May 13, 2022. Respondent has not contacted the district office.
4. That Respondent, by failing to achieve a satisfactory evaluation on a safety fitness review, violated 66 Ph.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 8919717.

WHEREFORE, the Bureau of Investigation and Enforcement hereby requests that the Commission revoke the certificate of public convenience of FI TRANSPORT INC issued at PUC utility code no 8924776.

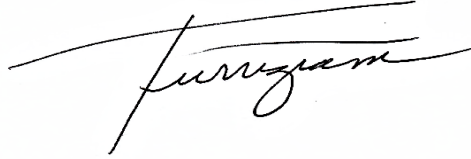
Respectfully submitted,

A handwritten signature in black ink, appearing to read "Turriziani", written in a cursive style.

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 above it.

Date: 24 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 **file 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.