

DATE OF DEPOSIT

MAY 26 2022

PA Public Utility Commission
Secretary's Bureau

TO: PA PUC

FR: Mark Gall, CEO - Pennsylvania & New Jersey Industries LLC, t/a College Hunks Moving, Lehigh Valley

DT: 5/22/22

RE: Docket No: C-2022-3028500 Response

I apologize for the lateness in my response. The reason is that I just found your email in my Spam folder. I tried to efile, and spoke with Mr. Audley Brown, who suggested I Overnight/FedEx my response to you – as I could not figure out quickly my efile login.

Pls find below my responses to the complaint document.

1. That PENNSYLVANIA & NEW JERSEY INDUSTRIES LLC t/a COLLEGE HUNKS MOVING LEHIGH VALLEY, Respondent, maintains its principal place of business at 6690 Apple Butter Road, Slatington, Pennsylvania, 18080.

Answer: Correct

2. That Respondent was issued a certificate of public convenience authorizing transportation of household goods by this Commission on September 8, 2020, at Pa. PUC utility code no. 8923114.

Answer: Correct

3. That an informal complaint was filed with the Commission alleging violations of the PUC regulations, having occurred during a move performed by the Respondent.

Answer: Correct

4. That on September 17, 2021, PUC Enforcement Officer Enid Scharl made an unscheduled visit to owner Mark Gall at 6690 Apple Butter Road, Slatington, Pennsylvania, 18080 to investigate the complaint regarding a move within Macungie, Lehigh County, Pa. that occurred on April 27, 2021. Officer Scharl requested to see all moving and employee forms. Respondent was unable to provide all completed moving and employee forms so, Officer Scharl scheduled a formal meeting with the Respondent on September 22, 2021.

Answer: Correct.

5. That the information for shippers' form did not comply with Commission regulations to advise the shipper of the option to purchase additional insurance coverage.

Answer: Correct. Our mistake was in discussing the additional insurance option verbally. I'm sorry.

6. That the amount charged was calculated using the weekend tariff rates as opposed to the weekday rates when the move occurred.

Answer: Correct. The customer changed their mind from weekend to during the week. Our dumb mistake was not to immediately change the pricing on the document. We would have caught the mistake during the final payment.

At the end of the move the customer hurled racist remarks, screamed and threatened our workers. In screaming at our workers, spit came from his mouth and hit one of the workers – that's when one of my workers called me stating they were under threat and abuse. The customer screamed at me saying he's not going to pay anything. I replied that I'll drive and be down at his house in 20 minutes with the Police - due to what just happened (racist remarks, spitting at a worker, physical abuse and threats etc.). The customer calmed down and just wanted to pay and end the issue. During the heated exchange, I failed to catch the pricing error. I'm very sorry.

7. That Respondent required full payment prior to unloading the household goods even though the total charges exceeded the estimate by more than ten (10) percent or \$25, whichever is greater. Commission regulations require payment of the estimated amount plus ten (10) percent and allowing fifteen (15) days for payment of the balance.

Answer: Not true. The Move was fully complete when he went ballistic on our workers – yelling at them stating he was not going to pay anything ever. Nothing else was to be moved/done. My workers called me in fear, then I spoke with the customer who continued screaming and threatening all of us. I'm sorry this ugly incident occurred.

2 - 8. That Respondent provided a final charge that was higher than the estimate by more than ten (10) percent or \$25.00, whichever is greater; and requires a quarterly underestimate report to be filed with this Commission within 30 days into the following quarter.

Answer: Not true. The customer added more furniture to be moved. The customer stated he was going to take apart the beds, his work desk, and move items himself, and didn't. Additional furniture was to be sold on Facebook marketplace, but they were not I was told the day of the Move.

The Respondent failed to file the required underestimate report.

Answer: Correct. I'm sorry I made the mistake in believing that if the customer admits to adding more items, not doing the things they said they were going to do (taking apart furniture, taking care of the basement themselves), and the move goes longer than the original estimate, we're not at fault. I understand now that the PA PUC is looking for the time data, and that I have an opportunity to explain why the move went long. This is being corrected going forward. I'm very sorry.

9. That Respondent failed to display the words "Pa. P.U.C. NO." in front of the certificate of public convenience number.

Answer: Officer Scharl re-informed me of the rule – and, for example, PA PUC is required to be on both sides of our truck, not just the driver's side. These were just dumb errors on our part at the time. I'm Very Sorry.

10. That Respondent failed to provide a complete estimated cost of services within 48 hours before the move. The estimate provided to the shipper was not compliant with Commission regulations.

Answer: The customer received an email stating the estimated time and cost prior to scheduling. I failed to realize at the time I had to resend the same estimate again within 48 hours of the Move. I'm very sorry.

11. That Respondent permitted one (1) driver and two (2) laborers to provide moving services without first obtaining and reviewing a criminal history report.

Answer: Correct. I reviewed the employee's criminal history and driver's license, etc. with the documents provided when they were candidates to join our company. I made the mistake of not making a hard copy. I'm sorry.

12. That Respondent permitted one (1) driver to provide moving services without first obtaining and reviewing a driver history report.

Answer: Correct. I mistakenly believed at the time any driver past issues would show up on the State background check.

13. That Respondent, by failing to provide the required information for shippers' form, violated 52 Pa. Code §31.121(a). The penalty for this violation is \$100.00.

Answer: I understand, and I'm sorry.

14. That Respondent, by failing to adhere to the tariff rates, is in violation of 66 Pa. C.S. §1303. The penalty is \$500.00.

Answer: I understand, and I'm sorry.

15. That Respondent, by failing to require payment of the estimated amount plus ten (10) percent above the estimate on the day of delivery and allow fifteen (15) days to pay the balance, violated Public Utility Code, 52 Pa. Code §31.123. The penalty for this violation is \$1,000.00.

Answer: I understand, and I'm sorry. Even though the circumstances were heated, with verbal/racial and physical abuse by the customer, I should have kept my head. I'm very sorry.

16. That Respondent, by failing to file with this Commission a quarterly underestimate report listing moves wherein charges exceed the estimate by more than ten (10) percent or \$25.00, whichever is greater, and providing an explanation of the reasons for the variances, violated 52 Pa. Code §31.124(a). The penalty is \$100.00 for this violation.

Answer: I understand, and I'm sorry.

17. That Respondent by failing to display the words "Pa. P.U.C. NO." in front of the certificate of public convenience number violated 52 Pa. Code §31.33. The penalty for this violation is \$50.00.

Answer: I understand, and I'm sorry.

18. That Respondent, by failing to provide an estimated cost of service within 48 hours before the move, violated 52 Pa. Code §31.122(a). The penalty for this violation is \$250.00.

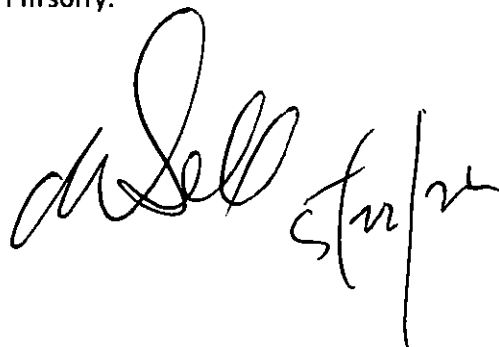
Answer: I understand, and I'm sorry.

19. That Respondent, by permitting persons to provide moving services before obtaining and reviewing a criminal history report, violated 52 Pa. Code §31.134(a). The penalty for this violation is \$250.00 per violation. The total fine is \$750.00.

Answer: I understand, and I'm sorry.

20. That Respondent, by permitting persons to provide moving services before obtaining and reviewing a driver history report, violated 52 Pa. Code §29.504(a)(2). The penalty for this violation is \$100.00 per violation.

Answer: I understand, and I'm sorry.

A handwritten signature in black ink, appearing to read "D. J. [unclear]", followed by the date "5/22/24". The signature is written in a cursive style.

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MAY 26 2022

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Secretary's Bureau

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FR: Mark Gall, CEO - Pennsylvania & New Jersey Industries LLC, t/a College Hunks Moving, Lehigh Valley

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5. That the information for shippers' form did not comply with Commission regulations to advise the shipper of the option to purchase additional insurance coverage.

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8. That Respondent provided a final charge that was higher than the estimate by more than ten (10) percent or \$25.00, whichever is greater; and requires a quarterly underestimate report to be filed with this Commission within 30 days into the following quarter. The Respondent failed to file the required underestimate report.

9. That Respondent failed to display the words "Pa. P.U.C. NO." in front of the certificate of public convenience number.

10. That Respondent failed to provide a complete estimated cost of services within 48 hours before the move. The estimate provided to the shipper was not compliant with Commission regulations.

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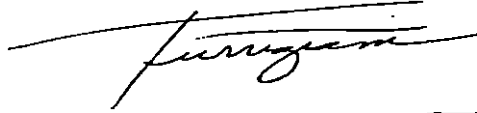
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20. That Respondent, by permitting persons to provide moving services before obtaining and reviewing a driver history report, violated 52 Pa. Code §29.504(a)(2). The penalty for this violation is \$100.00 per violation.

WHEREFORE, the Bureau of Investigation and Enforcement hereby requests that the Commission fine PENNSYLVANIA & NEW JERSEY INDUSTRIES LLC t/a COLLEGE HUNKS MOVING LEHIGH VALLEY the sum of two thousand eight hundred fifty dollars (\$2850.00) for the illegal activity described in this Complaint and order such other remedy as the Commission may deem to be appropriate.

Respectfully submitted,

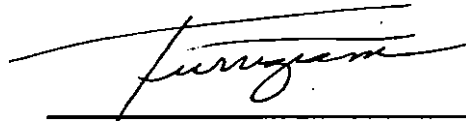


Andrew Turriziani, Chief
Bureau of Investigation and Enforcement
Motor Carrier Enforcement Division
400 North Street
Harrisburg, PA 17120

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.

Date: 28 April 2022



Andrew Turriziani, Chief
Bureau of Investigation and Enforcement
Motor Carrier 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. If your Answer exceeds 250 pages, you must file a paper copy with the Secretary's Bureau.

Additionally, a copy should either be mailed to:

Pennsylvania Public Utility Commission
Bureau of Investigation and Enforcement
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. You may elect not to contest this complaint by paying the fine proposed in this Complaint by certified check or money order. Payment must be made to the **Commonwealth of Pennsylvania** and should be forwarded to:
- Rosemary Chiavetta, Secretary
Pennsylvania Public Utility Commission
400 North Street
Harrisburg, PA 17120
- D. Your payment is an admission that you committed the alleged violation and an agreement to cease and desist from further violations. Upon receipt of your payment, the complaint proceeding shall be closed.
- E. 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.
- F. 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.
- G. Alternative formats of this material are available for persons with disabilities by contacting the Commission's ADA Coordinator at 717-787-8714.

