



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

BUREAU OF  
INVESTIGATION  
&  
ENFORCEMENT

July 29, 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.  
N & W Transportation LLC  
Docket No. C-2022-3032701  
**I&E Motion for Default Judgment**

Dear Secretary Chiavetta:

Enclosed for electronic filing please find the Bureau of Investigation and Enforcement's Motion for Default Judgment in the above-referenced proceeding. Copies have been served on the parties of record in accordance with the Certificate of Service.

Should you have any questions, please do not hesitate to contact me.

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: Per Certificate of Service

**BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Pennsylvania Public Utility Commission,	:	
Bureau of Investigation and Enforcement,	:	
Complainant	:	
	:	
v.	:	Docket No. C-2022-3032701
	:	
N & W Transportation LLC,	:	
Respondent	:	

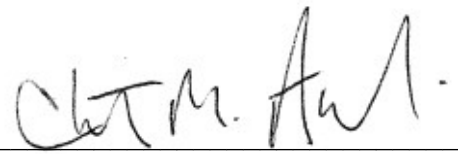
**NOTICE TO PLEAD**

The Bureau of Investigation and Enforcement (“I&E”) of the Pennsylvania Public Utility Commission (“Commission”) has filed a Motion for Default Judgment in the above-captioned matter, pursuant to the Commission’s regulations at 52 Pa. Code § 5.103. You are hereby notified to file a written response within twenty (20) days of the service of the Motion, consistent with 52 Pa. Code § 5.61.

Your Answer must be verified, pursuant to 52 Pa. Code § 1.36, and the original sent to:

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

Additionally, you must serve a copy on the undersigned prosecutor.



---

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)

Dated: July 29, 2022

**BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Pennsylvania Public Utility Commission,	:	
Bureau of Investigation and Enforcement,	:	
Complainant	:	
	:	
v.	:	Docket No. C-2022-3032701
	:	
N & W Transportation LLC,	:	
Respondent	:	

**MOTION FOR DEFAULT JUDGMENT**

NOW COMES the Pennsylvania Public Utility Commission’s (“Commission”) Bureau of Investigation and Enforcement (“I&E”), by its prosecuting attorneys, and files this Motion for Default Judgment against N & W Transportation LLC (“Respondent”) pursuant to Section 5.103 of the Commission’s regulations, 52 Pa. Code § 5.103. In support thereof, I&E respectfully represents as follows:

1. I&E commenced this action on May 31, 2022, by filing a Complaint.
2. On June 1, 2022, the Complaint was served by certified mail to Respondent at 222 Allen Street, West Hazleton, PA 18202.
3. Attached to the Complaint was a Notice advising Respondent that it must file an Answer within twenty (20) days of service of the Complaint.
4. The Notice also advised Respondent that if it failed to answer the Complaint, I&E would request that the Commission issue an Order imposing the penalty set forth in the Complaint.
5. On June 4, 2022, Respondent received the Complaint. A true and correct copy of proof of delivery of the Complaint is attached as I&E Attachment 1.
6. The twenty (20) days to file an Answer to the Complaint expired on June 21, 2022.

7. Respondent did not file an Answer to the Complaint.

8. Pursuant to Section 5.61(c) of the Commission's regulations, a Respondent who fails to file an Answer to a Complaint within the 20-day response period may be deemed in default, and the relevant facts stated in the Complaint may be deemed admitted. 52 Pa. Code § 5.61(c).

9. The Commonwealth Court has upheld the Commission's authority to sustain complaints that are not answered within twenty days. *See Fusaro v. Pa. Pub. Util. Comm'n*, 382 A.2d 794, 797 (Pa. Cmwlth. 1978).

10. Respondent did not pay its outstanding assessment balance of \$114 for the July 1, 2020 to June 30, 2021 Fiscal Year ("2020-2021 Fiscal Year") or the civil penalty of \$300<sup>1</sup> that was sought in the Complaint for Respondent's failure to timely pay the assessment and file an assessment report demonstrating revenues earned during the 2019 calendar year.

11. Respondent did not pay its outstanding assessment balance of \$182 for the July 1, 2021 to June 30, 2022 Fiscal Year ("2021-2022 Fiscal Year") or the civil penalty of \$300<sup>2</sup> that was sought in the Complaint for Respondent's failure to timely pay the assessment and file an assessment report demonstrating revenues earned during the 2020 calendar year.

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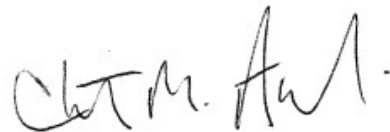
<sup>1</sup> This civil penalty is based on a review of Respondent's history of compliance with the Public Utility Code and Commission regulations and orders for three years prior to the date that I&E filed its Complaint in this matter, the need to deter future violations, and prior Commission decisions in similar situations pursuant to 52 Pa. Code §§ 69.1201(c)(6), (8), and (9). Due to Respondent's acceptable compliance history, I&E requested that Respondent pay a total civil penalty of \$300, which is \$50 for Respondent's failure to pay the outstanding assessment related to the 2020-2021 Fiscal Year, and \$250 regarding Respondent's failure to file an assessment report for the 2019 calendar year.

<sup>2</sup> This civil penalty is based on a review of Respondent's history of compliance with the Public Utility Code and Commission regulations and orders for three years prior to the date that I&E filed its Complaint in this matter, the need to deter future violations, and prior Commission decisions in similar situations pursuant to 52 Pa. Code §§ 69.1201(c)(6), (8), and (9). Due to Respondent's acceptable compliance history, I&E requested that Respondent pay a total civil penalty of \$300, which is \$50 for Respondent's failure to pay the outstanding assessment related to the 2021-2022 Fiscal Year, and \$250 regarding Respondent's failure to file an assessment report for the 2020 calendar year.

12. I&E respectfully requests that the Commission enter a Default Order against Respondent that:

- a. Directs Respondent to pay a total of \$896, which consists of its outstanding assessment balance of \$296 related to the 2020-2021 and 2021-2022 Fiscal Years and the total requested civil penalty of \$600, within thirty (30) days of the entry date of the Commission's Order;
- b. Directs the Bureau of Technical Utility Services to cancel Respondent's Certificate of Public Convenience at A-2016-2572347 if Respondent fails to pay the total set forth in subparagraph (a), above, within thirty (30) days of the entry date of the Commission's Order;
- c. Notifies Respondent that a copy of this Order will be sent to the Pennsylvania Department of Transportation for the suspension or revocation of vehicle registrations that were used under Respondent's operating authority if Respondent fails to pay the total set forth in subparagraph (a), above, within thirty (30) days of the entry date of the Commission's Order; and
- d. Directs the Bureau of Administration, Assessment Section, to refer the matter to the Pennsylvania Office of Attorney General for collection of the total set forth in subparagraph (a), above, if Respondent fails to pay that total within thirty (30) days of the entry date of the Commission's Order.

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: July 29, 2022


**BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Pennsylvania Public Utility Commission,	:	
Bureau of Investigation and Enforcement,	:	
Complainant	:	
	:	
v.	:	Docket No. C-2022-3032701
	:	
N & W Transportation LLC,	:	
Respondent	:	

**VERIFICATION**

I, Amy Zuvich, Chief of Finance and Assessments, Bureau of Administration, 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 the Bureau of Investigation and Enforcement will be able to prove the 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: July 29, 2022

  
\_\_\_\_\_  
Amy Zuvich  
Chief of Finance and Assessments  
Bureau of Administration  
Pennsylvania Public Utility Commission  
Commonwealth Keystone Building  
400 North Street  
Harrisburg, PA 17120

**I&E**

**Attachment 1**



[FAQs >](#)

### Track Another Package +

**Tracking Number:** 9171969009350214150161

[Remove X](#)

Your item was delivered to an individual at the address at 11:33 am on June 4, 2022 in HAZLETON, PA 18202.

**USPS Tracking Plus® Available**

## **Delivered, Left with Individual**

June 4, 2022 at 11:33 am  
HAZLETON, PA 18202

Feedback

**Get Updates**

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**Text & Email Updates**

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**Return Receipt Electronic**

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**Tracking History**

**June 4, 2022, 11:33 am**

Delivered, Left with Individual  
HAZLETON, PA 18202

Your item was delivered to an individual at the address at 11:33 am on June 4, 2022 in HAZLETON, PA 18202.

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**June 3, 2022, 2:57 pm**

Departed USPS Regional Facility

LEHIGH VALLEY PA DISTRIBUTION CENTER

**June 3, 2022, 11:32 am**

Arrived at USPS Regional Facility  
LEHIGH VALLEY PA DISTRIBUTION CENTER

**June 2, 2022, 8:42 pm**

Arrived at USPS Regional Facility  
HARRISBURG PA DISTRIBUTION CENTER

**June 2, 2022, 7:27 pm**

Accepted at USPS Origin Facility  
HARRISBURG, PA 17120

**June 1, 2022**

Pre-Shipment Info Sent to USPS, USPS Awaiting Item

**USPS Tracking Plus®**



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**FAQs**

**BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Pennsylvania Public Utility Commission,	:	
Bureau of Investigation and Enforcement,	:	
Complainant	:	
	:	
v.	:	Docket No. C-2022-3032701
	:	
N & W Transportation LLC,	:	
Respondent	:	

**CERTIFICATE OF SERVICE**

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

**Served via First Class Mail:**

N & W Transportation LLC  
Attn: Welfran Terrero  
222 Allen Street  
West Hazleton, PA 18202



\_\_\_\_\_  
Christopher M. Andreoli  
Prosecutor  
PA Attorney ID No. 85676

Pennsylvania Public Utility Commission  
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