

**PENNSYLVANIA  
PUBLIC UTILITY COMMISSION  
Harrisburg, PA 17105-3265**

Public Meeting held November 10, 2022

Commissioners Present:

Gladys Brown Dutrieuille, Chairman  
Stephen M. DeFrank, Vice Chairman  
Ralph V. Yanora  
Kathryn L. Zerfuss  
John F. Coleman, Jr.

Cancellation of Certificates of Public Convenience  
for Motor Carriers; Failure to Pay Assessment for  
Fiscal Year 2021-2022

M-2022-3036374

**TENTATIVE ORDER**

**BY THE COMMISSION:**

For each fiscal year, the Commission determines the total assessment for regulatory expenses, which is allocated to, and paid by, public utilities pursuant to the methodology set forth in the Public Utility Code. 66 Pa.C.S. §§ 510(a), (b). The Commission provides notice of the amount lawfully assessed against a utility and requires the utility to pay that amount within thirty (30) days of receipt of the notice. 66 Pa.C.S. § 510(c).<sup>1</sup> The Public Utility Code authorizes the Commission to revoke a utility's Certificate of Public Convenience (CPC) for failure to pay the assessment within the time prescribed. *Id.*

The Commission undertook a review of its records to determine whether various motor carriers have complied with the assessment payment requirements of the Public

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<sup>1</sup> In order to properly allocate the assessment, the Public Utility Code requires that by March 31 each year, every public utility must file a report detailing its gross intrastate operating revenue for the preceding calendar year. 66 Pa. C.S. § 510(b).

Utility Code. The Commission's review revealed that a number of carriers failed to pay their 2021-2022 assessments. Specifically, each carrier listed in Appendix A, attached hereto, has an outstanding assessment balance.

The Fiscal Office of the Commission's Bureau of Administration sent a letter to each carrier listed in Appendix A, notifying them of their outstanding assessment balance and requesting that they pay the past due balance within twenty (20) days of receipt of the letter. The letter warned that failure to comply would result in the Commission taking appropriate action to cancel the carrier's CPC. None of the carriers in Appendix A submitted payment in response to the Bureau of Administration's letter.

Additionally, Commission staff made two attempts to contact each carrier listed in Appendix A at the telephone number the carrier provided to the Commission but were unable to make contact.

Under the circumstances, the Commission tentatively concludes that the motor carriers listed in Appendix A are not in compliance with the assessment payment requirements of 66 Pa.C.S. § 510(c), and may no longer continue to operate in Pennsylvania as a motor carrier public utility. As a result, it is appropriate and in the public interest to initiate the process to cancel their CPCs; **THEREFORE,**

**IT IS ORDERED:**

1. That cancellation of the Certificates of Public Convenience of each motor carrier listed in Appendix A is *tentatively* approved as being in the public interest.
2. That the Secretary shall serve a copy of this Tentative Order upon all motor carriers listed in Appendix A.

3. That the Secretary shall file this Tentative Order at each motor carrier's assigned docket number.

4. That the Law Bureau shall publish a copy of this Tentative Order in the *Pennsylvania Bulletin*.

5. That to the extent that any of the motor carriers listed on Appendix A challenge cancellation of their Certificates of Public Convenience, they must file comments within thirty (30) days after publication of this Tentative Order in the *Pennsylvania Bulletin*. Comments shall be sent to the Pennsylvania Public Utility Commission, Attn: Secretary Rosemary Chiavetta, Commonwealth Keystone Building, 400 North Street, 2<sup>nd</sup> Floor, Harrisburg, PA 17120.

6. That alternatively, to avoid cancellation, carriers listed in Appendix A may pay their outstanding assessment balance within thirty (30) days after publication in the *Pennsylvania Bulletin*. Payment shall be sent to the Pennsylvania Public Utility Commission, Attn: Fiscal Office, P.O. Box 3265, Harrisburg, PA 17105. Checks shall be made payable to "Commonwealth of Pennsylvania."

7. That absent the timely filing of comments challenging the cancellation of the Certificate of Public Convenience or the timely payment of a carrier's outstanding assessment balance, the Law Bureau shall prepare a Secretarial Letter, for issuance by the Secretary's Bureau, canceling the Certificate of Public Convenience of each motor carrier that fails to respond. The Secretarial Letter shall direct the Department of Transportation to suspend the carrier's vehicle registration(s) consistent with 75 Pa. C.S. §1375.

8. That upon the Secretary's issuance of the Secretarial Letter per Ordering Paragraph No. 7, the Certificate of Public Convenience of each non-compliant carrier shall be cancelled.

9. That the Secretary serve a copy of the Secretarial Letter upon the Commission's Bureaus of Investigation and Enforcement, Technical Utility Services, and Administration, the Pennsylvania Department of Revenue – Bureau of Corporation Taxes, and the Pennsylvania Department of Transportation.

**BY THE COMMISSION**

A handwritten signature in black ink, appearing to read "Rosemary Chiavetta". The signature is written in a cursive style with a large initial "R".

Rosemary Chiavetta  
Secretary

(SEAL)

ORDER ADOPTED: November 10, 2022

ORDER ENTERED: November 10, 2022

# **APPENDIX A**

**Carriers With Outstanding Assessment Balances**

<u>Utility Code</u>	<u>Carrier Name</u>	<u>Docket No.</u>
630211	JEFFRIES ENTERPRISES, INC.	A-00108879
6310311	ROSEMONT TAXICAB CO INC	A-2008-2053668
632296	EXECUTIVE TRNSPRTN SERVICES, INC	A-00107390 A-00107390F0002
6416128	EXTRA CARE TRANSPORTATION LLC	A-2013-2393823
6419312	JACKIE WLEH & JOHNETTA WLEH	A-2016-2572358
644900	MOTOR TRANSPORTATION CO., INC.	A-00000314
6920148	AMAYA TRANSPORTATION LLC	A-2017-2618571
706032	GUYKER, ROBERT & NEAL, MARK	A-00119474
745061	EVANS, ROBERT L., JR., INC.	A-00101325
890967	DUNBAR ARMORED, INC.	A-00106028
8910173	IVAN'S TRUCKING CORPORATION	A-2008-2043862
8911383	T & C TOWING & RECOVERY LLC	A-2009-2130902
891140	JOHNSON, JOHN A., ET AL.	A-00106826

**Carriers With Outstanding Assessment Balances**

<u>Utility Code</u>	<u>Carrier Name</u>	<u>Docket No.</u>
8911882	RODAN TRANSPORT (USA) LTD	A-2010-2164722
8912922	STEVE BRATTON	A-2010-2208009
8913432	DOBRINSKI BROTHERS INC	A-2011-2236892
8918399	DREAM2REALITY LLC	A-2016-2571662
8918420	RECOVERY PROS INC	A-2016-2524483
8918557	BENB TRANSPORT LLC	A-2016-2530772
8918648	STEVEN L REX & STEVEN N REX	A-2016-2572074
8919246	WHITES AUTO TRANSPORT LLC	A-2016-2569768
8919386	MOOSTER'S HAULING LLC	A-2016-2576315 A-2018-3005740
8919888	LOWELL D HARTZELL CONTRACTOR INC	A-2017-2603559
8920147	KRISIAK ENTERPRISES LLC	A-2017-2618377
8920464	T 'N P TRUCKING INC	A-2017-2635921
8920760	NIMBLE HILL TRANSPORT LLC	A-2018-3000414

**Carriers With Outstanding Assessment Balances**

<b><u>Utility Code</u></b>	<b><u>Carrier Name</u></b>	<b><u>Docket No.</u></b>
8921018	NEPA TRUCKING AND TRANSPORT LLC	A-2020-3019286
8921094	M&K LOGISTICS LLC	A-2018-3002814
8921328	JAO UNLIMITED LLC	A-2018-3004316
8921917	AMERICAN TWIN MOVERS INC	A-2019-3008201
8921993	M.AMDITIS TRUCKING LLC	A-2019-3008679