

BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION

PENNSYLVANIA PUBLIC UTILITY COMMISSION :
BUREAU OF INVESTIGATION AND ENFORCEMENT :

V. :

GARY C WALK JR. :
306 N 8TH STREET :
ALTOONA, PA 16601 :

DOCKET NO. C-2022-3035957

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 GARY C WALK JR, Respondent, maintains its principal place of business at 306 N 8TH Street, Altoona, PA 16601.
2. That Respondent was issued a certificate of public convenience on February 20, 2014, at A-2013-2375308, to transport household goods.
3. That an informal complaint was filed with the Commission alleging violations of the PUC regulations, having occurred during a household good move performed by the Respondent on August 30, 2022.
4. That on October 17, 2022, PUC Enforcement Supervisor Ernest Snyder and Enforcement Officer Patrick Simmet spoke to the Complainant who stated he did not receive documents including the Information for Shippers, Estimated Cost of Services, Inventory List, and a Bill of Lading. Later that day, Supervisor Snyder and Officer Simmet made a visit to Respondent's address and spoke to the receptionist, requesting documents relating to the move. Supervisor Snyder received via email 3 document that included an unsigned bill of lading.
5. On October 19, 2022, Supervisor Snyder and Officer Simmet reviewed the documents provided, comparing them to the carrier tariff and the fuel charges on file with the Commission. Gary C. Walk Jr charged \$204.00 for travel and \$65 for a fuel surcharge. Referencing Gary C Walk Jr's tariff, the travel charged should have been \$136 and the fuel surcharge should have been \$55.26. Therefore, the Complainant was overcharged \$77.74 for the move.
6. That Respondent, by failing to adhere to the tariff rates and charging an amount higher than the amount computed by the Respondent's tariff, is in violation of 66 Pa. C.S. §1303 and 52 PA Code §31.27. The penalty for this violation is \$500.

7. That the Information for Shippers form was not provided by Respondent 48 hours before the move as set forth in 52 PA Code §31.121(c). The penalty for this violation is \$250.00

8. That Respondent, by failing to provide an estimated cost of services, has violated 52 PA Code §31.122(a). The penalty for this violation is \$250.00.

9. That Respondent, by failing to provide a bill of lading, violated 52 PA Code §31.132(b). The penalty for this violation is \$250.00.

WHEREFORE, the Bureau of Investigation and Enforcement hereby requests that the Commission fine Gary C. Walk Jr., the sum of one thousand two hundred fifty (\$1,250) for the illegal activity described in this Complaint and order such other remedy as the Commission may deem to be appropriate.

Respectfully submitted,

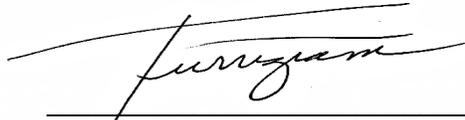


Andrew Turriziani, Chief
Bureau of Investigation and Enforcement
Motor Carrier Enforcement Division
400 North Street
Harrisburg, PA 17120

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: 8 December 2022

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

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.