



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

BUREAU OF  
INVESTIGATION  
&  
ENFORCEMENT

March 15, 2023

***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.  
Service Emporium Inc.  
Docket No. C-2023-3037624  
**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 'Alphonso Arnold III'.

Alphonso Arnold III  
Prosecutor  
Bureau of Investigation and Enforcement  
PA Attorney ID No. 318487  
(717) 787-3836  
[alphonarno@pa.gov](mailto:alphonarno@pa.gov)

AA/ac  
Enclosures

cc: ALJ Arlene Ashton, via Pamela McNeal, Legal Assistant (*email - [pmcneal@pa.gov](mailto:pmcneal@pa.gov)*)  
Per Certificate of Service

**BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Pennsylvania Public Utility Commission,	:	
Bureau of Investigation and Enforcement,	:	
Complainant	:	
	:	
v.	:	Docket No. C-2023-3037624
	:	
Service Emporium Inc.,	:	
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.

  
Alphonso Arnold III  
Prosecutor  
PA Attorney ID No. 318487

Pennsylvania Public Utility Commission  
Bureau of Investigation and Enforcement  
Commonwealth Keystone Building  
400 North Street  
Harrisburg, PA 17120  
(717) 787-3836  
[alphonarno@pa.gov](mailto:alphonarno@pa.gov)

Dated: March 15, 2023

**BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Pennsylvania Public Utility Commission,	:	
Bureau of Investigation and Enforcement,	:	
Complainant	:	
	:	
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	:	
Service Emporium Inc.,	:	
Respondent	:	

**MOTION FOR DEFAULT JUDGMENT**

NOW COMES the Pennsylvania Public Utility Commission’s (“Commission”) Bureau of Investigation and Enforcement (“I&E”), by its prosecuting attorney, and files this Motion for Default Judgment against Service Emporium Inc. (“Respondent”)<sup>1</sup> 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 January 12, 2023, by filing an assessment-related Complaint.
2. The Complaint alleged that Respondent violated Section 510(b) of the Public Utility Code, 66 Pa.C.S. § 510(b) (2 counts), by failing to file an assessment report for the 2019 and 2020 calendar years.
3. The Complaint also alleged that Respondent violated Section 510(c) of the Public Utility Code, 66 Pa.C.S. § 510(c) (2 counts), by failing to satisfy its 2020-2021

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<sup>1</sup> Respondent’s operating authority, certified at A-2015-2472602, was suspended effective May 16, 2022, due to Respondent’s failure to maintain an acceptable tariff on file with the Commission. The cancellation of Respondent’s certificate was *tentatively* approved on February 9, 2023, for failure of Respondent to maintain acceptable evidence of insurance on file with the Commission.

and 2021-2022 Fiscal Year assessments in that it did not pay the amounts due within thirty (30) days of receipt of each assessment invoice.

4. On January 13, 2023, the Complaint was served by electronic mail to Respondent at [finance@manwithavan.com](mailto:finance@manwithavan.com), which is the last known email address that Respondent provided to the Commission. *See Waiver of Regulations Regarding Service Requirements*, Docket No. M-2021-3028321 (Order entered September 15, 2022) (service by the Commission on parties will be exclusively electronic).

5. Attached to the Complaint was a Notice advising Respondent that it must file an Answer within twenty (20) days of service of the Complaint.

6. 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.

7. The twenty (20) days to file an Answer to the Complaint expired on February 2, 2023.

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

9. 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).

10. 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).

11. Respondent did not pay its outstanding assessment balance of \$1,810 for the 2020-2021 and 2021-2022 Fiscal Years or the civil penalty of \$1,272<sup>2</sup> that was sought in the Complaint for Respondent's failure to pay its 2020-2021 and 2021-2022 Fiscal Year assessments and to report its gross intrastate operating revenues for the 2019 and 2020 calendar years.

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

- a. Directs Respondent to pay a total of \$3,082, which consists of its outstanding 2020-2021 and 2021-2022 Fiscal Year assessment balance of \$1,810 and the requested civil penalty of \$1,272, within thirty (30) days of the entry date of the Commission's Order;
- b. Directs Respondent to file assessment reports on a going-forward basis;
- c. Directs the Bureau of Technical Utility Services to cancel Respondent's Certificate of Public Convenience at A-2015-2472602 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;
- d. 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

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<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, the amount of Respondent's outstanding assessment balance for the 2020-2021 and 2021-2022 Fiscal Years, and prior Commission decisions in similar situations pursuant to 52 Pa. Code §§ 69.1201(c)(6), (8), and (9).

- e. 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,



Alphonso Arnold III  
Prosecutor  
PA Attorney ID No. 318487

Pennsylvania Public Utility Commission  
Bureau of Investigation and Enforcement  
Commonwealth Keystone Building  
400 North Street  
Harrisburg, PA 17120  
(717) 787-3836  
[alphonarno@pa.gov](mailto:alphonarno@pa.gov)

Date: March 15, 2023

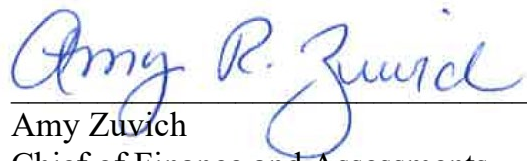
**BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Pennsylvania Public Utility Commission,	:	
Bureau of Investigation and Enforcement,	:	
Complainant	:	
	:	
v.	:	Docket No. C-2023-3037624
	:	
Service Emporium Inc.,	:	
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: March 15, 2023

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

**BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

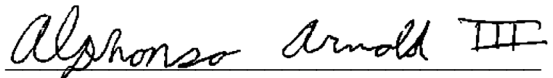
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	:	
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	:	
Service Emporium Inc.,	:	
Respondent	:	

**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 Electronic Mail**

Service Emporium Inc.  
Attn: John Hollier  
2700 South 7th Street  
Philadelphia PA, 19148  
[finance@manwithavan.com](mailto:finance@manwithavan.com)

  
Alphonso Arnold III  
Prosecutor  
PA Attorney ID No. 318487

Pennsylvania Public Utility Commission  
Bureau of Investigation and Enforcement  
Commonwealth Keystone Building  
400 North Street  
Harrisburg, PA 17120  
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Dated: March 15, 2023