



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

BUREAU OF
INVESTIGATION
&
ENFORCEMENT

April 13, 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.
Silk Road Transport, Inc.
Docket No. C-2022-3036995
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'. The signature is written in a cursive, slightly slanted style.

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

AA/jfm
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-2022-3036995
	:	
Silk Road Transport, Inc.,	:	
Respondent	:	

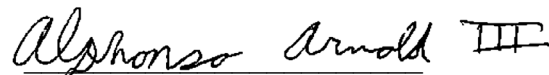
NOTICE TO PLEAD

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

Dated: April 13, 2023

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Pennsylvania Public Utility Commission,	:	
Bureau of Investigation and Enforcement,	:	
Complainant	:	
	:	
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	:	
Silk Road Transport, 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 Silk Road Transport, Inc. (“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 November 30, 2022, 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), by failing to file assessment reports 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), by failing to satisfy its 2020-2021 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 December 1, 2022, the Complaint was served to Respondent at Silk Road Transport, Inc., Attn: Todd S. Haraty, 8781 State Rte 36, Arkport NY 14807, which is the last known address that Respondent provided to the Commission.

5. On December 22, 2022, the Complaint was returned to the Commission marked “return to sender, refused, unable to forward.” The Complaint was re-served on January 24, 2023, to the same address.

6. On February 24, 2023, I&E filed an Amended Complaint.

7. The Amended Complaint amended the initial Complaint to add a second violation of Section 510(b), by alleging that Respondent failed to report its gross intrastate operating revenues for the 2021 calendar year in that it did not file an assessment report for that calendar year.

8. The Amended Complaint also amended the initial Complaint to add a second violation of Section 510(c), by alleging that Respondent failed to satisfy its 2022-2023 Fiscal Year assessment in that it did not pay the amount due within thirty (30) days of receipt of the assessment invoice.

9. On February 24, 2023, the Amended Complaint was served to Respondent at Silk Road Transport, Inc., 8781 State Route 36, Arkport, NY 14807 which is the last known address that Respondent provided to the Commission.

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

11. The Notice also advised Respondent that if it failed to answer the Amended Complaint, I&E would request that the Commission issue an Order imposing the penalty set forth in the Amended Complaint.

12. The twenty (20) days to file an Answer to the Amended Complaint expired on March 16, 2023.

13. Respondent did not file an Answer to the Amended Complaint.

14. 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).

15. 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).

16. Respondent did not pay the outstanding assessment balance of \$655 (\$306 for the 2020-2021 Fiscal Year, \$216 for the 2021-2022 Fiscal Year, or the \$133 for the 2022-2023 Fiscal Year) or the civil penalty of \$150¹ that was sought in the Amended Complaint for Respondent's failure to pay the amounts due within thirty days of receipt of each invoice.

17. Respondent also did not pay its cumulative civil penalty of \$750² that was sought in the Complaint for Respondent's failure to report its gross intrastate operating revenues for the 2019, 2020, and 2021 calendar years in failing to file annual assessment reports for those years.

¹ I&E anticipates that this level of penalty will provide a sufficient deterrent against future violations by Respondent.

² *See supra* note 1.

18. I&E respectfully requests that the Commission sustain the Amended

Complaint and enter an Order against Respondent that:

- a. Directs Respondent to pay a total of \$1,555, which consists of its cumulative outstanding assessment balance of \$655 and a total civil penalty of \$900 for the above-described violations, 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-00120008 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. 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

Date: April 13, 2023

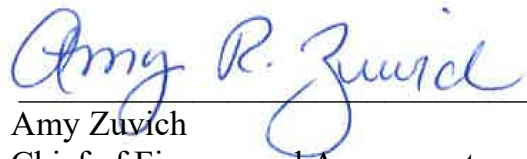
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Pennsylvania Public Utility Commission,	:	
Bureau of Investigation and Enforcement,	:	
Complainant	:	
	:	
v.	:	Docket No. C-2022-3036995
	:	
Silk Road Transport, Inc.,	:	
Respondent	:	

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: April 13, 2023



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

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PENNSYLVANIA PUBLIC UTILITY COMMISSION**

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Complainant	:	
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	:	
Silk Road Transport, 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 First-Class Certified Mail

Silk Road Transport, Inc.
8781 State Rte 36,
Arkport, NY 14807

Unified Logistics Owner/Operator
970 Lake Carillon Dr.
Suite 300
St. Petersburg, FL 33716



Alphonso Arnold III
Prosecutor
PA Attorney ID No. 318487

Pennsylvania Public Utility Commission
Bureau of Investigation and Enforcement
Commonwealth Keystone Building
400 North Street
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Dated: April 13, 2023