

BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION

PENNSYLVANIA PUBLIC UTILITY COMMISSION :
BUREAU OF INVESTIGATION AND ENFORCEMENT :

V. :

DOCKET NO. C-2023-3040223

HESHAM E. AHMED :
T/A: SAM'S DELIVERIES, INC :
1741 PINEWIND DR :
ALBURTIS, PA 18011 :

COMPLAINT

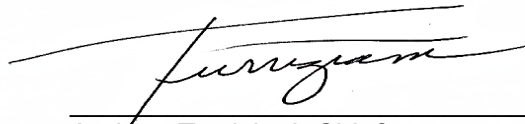
The Pennsylvania Public Utility Commission (Commission) is a duly constituted agency of the Commonwealth of Pennsylvania empowered to regulate public utilities within the Commonwealth. The Commission has delegated its authority to initiate proceedings which are prosecutory in nature to the Bureau of 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 Prosecutory Staff hereby represents as follows:

1. That Hesham E. Ahmed, t/a Sam's Deliveries Inc, Respondent, maintains a principal place of business at 1741 Pinewind Drive, Alburtis, PA 18011.
2. On November 10, 2015, Respondent was issued a certificate of public convenience, authorizing Respondent to transport, as a motor common carrier, property, excluding household goods in use, between points in Pennsylvania for compensation, at PUC No. 8918228.
3. On April 18, 2018, Respondent's certificate of public convenience was CANCELLED due to Respondent's failure to maintain evidence of cargo and liability insurance on file with the Commission.
4. On October 17, 2018, Respondent reapplied for authority/certificate and by Secretarial letter dated November 21, 2018, was advised that a certificate of public convenience would be issued only UPON THE FILING OF PERMANENT PROOF ON INSURANCE and compliance with any other provisions of the letter. Respondent's application was docketed at Docket No. A-2018-3005472.
5. On October 18, 2018, PA PUC Enforcement Supervisor Thomas Kepping completed a Driver/Vehicle Compliance Report on the Respondent's vehicle, a 2018 Freightliner Truck, PA registration number 2461535, at which Officer Kepping issued Respondent a non-traffic citation for operating without PA PUC authority/certificate.
6. On February 26, 2019, by Secretarial letter, the Respondent was notified that the application at Docket No. A-2018-3005472 was dismissed due to Respondent's failure to comply with the provisions of the November 21, 2018, Secretarial letter.
7. On March 31, 2023, a Driver/Vehicle Compliance Report was completed by PA PUC Enforcement Officer Neal Ebbert on Route 476 at mile marker 74, Franklin Township, Carbon County. Officer Ebbert inspected a 2006 Chevrolet truck, PA registration no 2621915, transporting property for compensation from Lehighton, Carbon County to Albrightsville, Carbon County, PA. During that inspection, Officer Ebbert found that the Respondent has no authority/ certificate from the Pennsylvania Public Utility Commission.

8. That Respondent, by transporting property between points in Pennsylvania for compensation while not having operating authority with this Commission, violated the Public Utility Code, 66 Pa. C.S. §1101. The penalty for this violation is \$1,000.

WHEREFORE, the Bureau of Investigation and Enforcement hereby requests that the Commission fine the Respondent, Sam's Deliveries, the penalty of one thousand dollars (\$1,000) for the illegal activity described in this Complaint and order such other remedy as the Commission may deem to be appropriate.

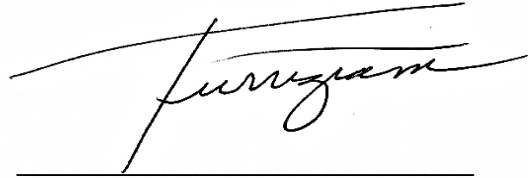
Respectfully submitted,

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 Division
400 North Street
Harrisburg, PA 17120

VERIFICATION

I, Andrew Turriziani, hereby state that the facts set forth above 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.

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

Date: 24 May 2023

Andrew Turriziani, Chief
Motor Carrier Enforcement
Bureau of Investigation and 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 proceedings 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.