

BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION

PENNSYLVANIA PUBLIC UTILITY COMMISSION :
BUREAU OF INVESTIGATION AND ENFORCEMENT :

V. :

DOCKET NO. C-2023-3039476

D AND S TRUCKING LLC :
450 EAST 375TH ROAD :
DUNNEGAN, MO 65640, PA 17963 :

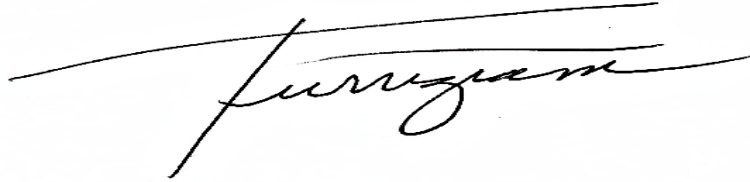
COMPLAINT

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 D AND S TRUCKING, LLC, Respondent, maintains a mailing address of 450 EAST 375TH ROAD. DUNNEGAN, MISSOURI 65640.
2. On March 22, 2023, by Commission Secretarial letter, Respondent was issued a certificate of public convenience by this Commission authorizing transportation, as a common carrier, by motor vehicle, property, excluding household goods in use, between points in Pennsylvania at PUC utility code no. 8926002 at A-2023-3038647.
3. On June 20, 2023 a first class and certified letter was sent to the address on file with the Commission and was delivered June 24, 2023, the letter stated that Officer David Gill had made several attempts to contact and for the Respondent to contact Officer Gill within 10 days. No response has been received. Officer Gill then phoned the Respondent and spoke with Samuel Fisher, owner. Mr. Fisher indicated that D and S Trucking is no longer operating in Pennsylvania as the company has relocated to Missouri.
4. That Respondent, by failing to notify the Commission of the companies relocation and achieve a satisfactory evaluation on a safety fitness review, violated 66 Pa §501(c) and, for failure to maintain adequate, efficient, and safe service and facilities, violated 66 Pa. §1501. That Respondent, by failing to file an application with this Commission prior to abandoning or discontinuing service, violated 52 Pa. Code §3.3819(a) and 66 Pa. C.S. §1102(a)(2). The penalty for these violations is cancellation of the certificate held by Respondent with this Commission at utility code 8926002.

WHEREFORE, the Bureau of Investigation and Enforcement hereby requests that the Commission revoke the certificate of public convenience issued to D and S Trucking LLC at PUC utility code number 8926002.

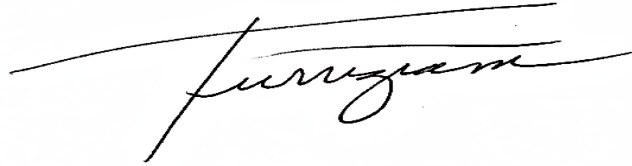
Respectfully submitted,

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

Andrew Turriziani, Chief
Motor Carrier Enforcement
Bureau of Investigation and Enforcement
100 Lackawanna Avenue Room 320
Scranton, PA 18503

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 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.

A handwritten signature in black ink, appearing to read 'Turriziani', with a long horizontal stroke extending to the left.

Date: 11 October 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.

Additionally, a copy should either be mailed to:

Bureau of Investigation and Enforcement
Pennsylvania Public Utility Commission
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. 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.
- D. 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.
- E. Alternative formats of this material are available for persons with disabilities by contacting the Commission's ADA Coordinator at 717-787-8714.