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

BUREAU OF
INVESTIGATION
&
ENFORCEMENT

March 12, 2024

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.
Gracies Transportation Service, LLC
Docket No. C-2024-3046422
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,

Grant Rosul
Prosecutor
Bureau of Investigation and Enforcement
PA Attorney ID No. 318204
(717) 783-5243
grosul@pa.gov

GR/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-2024-3046422
	:	
Gracies Transportation Service, LLC, Respondent	: :	

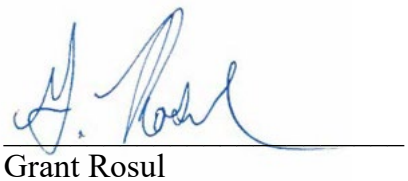
NOTICE TO PLEAD

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.



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PA Attorney ID No. 318204

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Dated: March 12, 2024

BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION

Pennsylvania Public Utility Commission, Bureau of Investigation and Enforcement, Complainant	: : : : : : : : :	
v.		Docket No. C-2024-3046422
Gracies Transportation Service, LLC, 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 Gracies Transportation Service, LLC ("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 February 14, 2024, 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 completed assessment reports for the 2020, 2021, and 2022 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 2022-2023 and 2023-2024 Fiscal Year assessments in that it did not pay the amounts due within thirty (30) days of receipt of each Assessment Invoice.

4. On February 14, 2024, the Complaint was served by certified mail at P.O. Box 14728, Philadelphia, PA 19134, which is the last known mailing address that Respondent provided to the Commission.

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 March 5, 2024.

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 the total outstanding assessment balance of $36.00 for the 2022-2023 and 2023-2024 Fiscal Years or the civil penalty of $1,700[1] that was sought in the Complaint for Respondent's failure to pay its 2022-2023 and 2023-2024 Fiscal Year assessments and to report its gross intrastate operating revenues for the 2020, 2021, and 2022 calendar years.

[1] 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 2022-2023 and 2023-2024 Fiscal Years, and prior Commission decisions in similar situations pursuant to 52 Pa. Code §§ 69.1201(c)(6), (8), and (9).

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

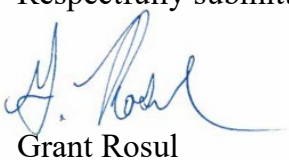
a. Directs Respondent to pay a total of $1,736.00, which consists of its outstanding assessment of $36.00 and the requested civil penalty of $1,700.00 within thirty (30) days of the entry date of the Commission's Order;

b. Directs the Bureau of Technical Utility Services to cancel Respondent's Certificate of Public Convenience at A-2014-2438361 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;

c. 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

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,



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Date: March 12, 2024

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PENNSYLVANIA PUBLIC UTILITY COMMISSION

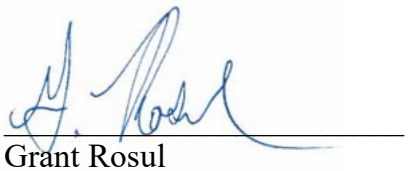
Pennsylvania Public Utility Commission, Bureau of Investigation and Enforcement, Complainant	: : : :	
v.	:	Docket No. C-2024-3046422
	:	
Gracies Transportation Service, LLC, Respondent	: :	

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 Mail

Gracies Transportation Service, LLC
Attn: Lizabeth Caceres
P.O. Box 14728
Philadelphia, PA 19134



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