



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

BUREAU OF  
INVESTIGATION  
&  
ENFORCEMENT

April 22, 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.  
Jerome McCree, Sr.  
Docket No. C-2023-3037385  
**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 blue ink, appearing to read 'Colby B. Widdowson', is written over a light blue circular stamp.

Colby B. Widdowson  
Prosecutor  
Bureau of Investigation & Enforcement  
PA Attorney ID No. 326185  
(717) 787-2139  
[cwiddowson@pa.gov](mailto:cwiddowson@pa.gov)

CW/jfm  
Enclosures

cc: Administrative Law Judge Katrina L. Dunderdale (via email - [kdunderdal@pa.gov](mailto:kdunderdal@pa.gov))  
Michael L. Swindler, Deputy Chief Prosecutor (via email - [mswindler@pa.gov](mailto:mswindler@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-2023-3037385
	:	
Jerome McCree, Sr.,	:	
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.



\_\_\_\_\_  
Colby B. Widdowson  
Prosecutor  
PA Attorney ID No. 326185

Pennsylvania Public Utility Commission  
Bureau of Investigation and Enforcement  
Commonwealth Keystone Building  
400 North Street  
Harrisburg, PA 17120  
(717) 787-2139  
[cwiddowson@pa.gov](mailto:cwiddowson@pa.gov)

Dated: April 22, 2024

**BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Pennsylvania Public Utility Commission,	:	
Bureau of Investigation and Enforcement,	:	
Complainant	:	
	:	
v.	:	Docket No. C-2023-3037385
	:	
Jerome McCree, Sr.,	:	
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 Jerome McCree, Sr. (“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 July 6, 2023, by filing a Formal Complaint.
2. I&E hereby incorporates by reference the Complaint that it filed in this proceeding on July 6, 2023.
3. The Complaint alleged that Respondent operated a vehicle for the purpose of transporting passengers for compensation, in call or demand service, within the Commonwealth of Pennsylvania without first receiving a certificate or authority from the Commission, in violation of 66 Pa. C.S. § 1101.
4. Respondent filed multiple responses to the Complaint.
5. On December 28, 2023, I&E filed a Preliminary Objection to Legal Insufficiency and Insufficient Specificity (“Preliminary Objections”) of Respondent’s responses to the Complaint.

6. On January 10, 2024, Respondent filed a response to the Preliminary Objections.

7. On March 4, 2024, this matter was assigned to Administrative Law Judge Katrina L. Dunderdale (“Judge Dunderdale”).

8. On March 5, 2024, Judge Dunderdale issued a First Interim Order Requiring Respondent to File More Specific Pleading.

9. The First Interim Order found that Respondent’s responses to the Complaint were insufficient and unresponsive to the Complaint and directed that Respondent must file a specific Answer, with the Commission’s Secretary’s Bureau, on or before 4:00 p.m. on Friday, April 12, 2024.

10. As of the date of this filing, Respondent has failed to file an Answer to the Complaint.

11. 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).

12. 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).

13. Section 3301 of the Public Utility Code, 66 Pa.C.S. § 3301, authorizes the Commission to impose civil penalties, up to \$1,000.00, on any public utility or any other person or corporation subject to the Commission's authority for violation(s) of the Public Utility Code and/or Commission regulations. Section 3301(a)-(b) of the Public Utility Code,

66 Pa.C.S. § 3301(a)-(b), allows for the imposition of a separate civil penalty for each violation and each day's continuance of such violation(s).

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

- a. Deems Respondent to be in default, and finds the relevant facts stated in the Complaint to be deemed admitted;
- b. Orders and assesses a civil penalty of One Thousand Dollars (\$1,000.00); and
- c. Should Respondent fail to pay the civil penalty upon Order of the Commission, orders this matter be referred to the Pennsylvania Office of Attorney General for collection of outstanding amounts due and any other appropriate action.

Respectfully submitted,



Colby B. Widdowson  
Prosecutor  
PA Attorney ID No. 326185

Pennsylvania Public Utility Commission  
Bureau of Investigation and Enforcement  
Commonwealth Keystone Building  
400 North Street  
Harrisburg, PA 17120  
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Date: April 22, 2024

**BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Pennsylvania Public Utility Commission,	:	
Bureau of Investigation and Enforcement,	:	
Complainant	:	
	:	
v.	:	Docket No. C-2023-3037385
	:	
Jerome McCree, Sr.,	:	
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**

Jerome McCree Sr.  
232 Chalfont Street  
Pittsburgh, PA 15210



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Colby B. Widdowson  
Prosecutor  
PA Attorney ID No. 326185  
Bureau of Investigation and Enforcement  
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Dated: April 22, 2024