

BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION

PENNSYLVANIA PUBLIC UTILITY COMMISSION :  
BUREAU OF INVESTIGATION AND ENFORCEMENT :  
V. :  
: DOCKET NO. C-2024-3049875  
JAMES J. LEVY :  
T/A: CLOUD 9 TRANSPORTATION :  
948 ADAMS AVE :  
SCRANTON, PA 18510-1004 :

COMPLAINT

The Pennsylvania Public Utility Commission (Commission or PUC) 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 James Levy, T/A C 9 Transportation, LLC, Respondent, maintains its principal place of business at 948 Adams Ave, Scranton, PA 18510-1004.
2. That Respondent was issued a certificate of public convenience by this Commission on May 2, 2018, at Docket No. A-2018-3001206, to transport, as a common carrier, by motor vehicle, persons in group and party service, operating vehicles with a seating capacity of more than 28 passengers, including the driver, between points in Pennsylvania, excluding service that is under the jurisdiction of the Philadelphia Parking Authority at PUC 641706.
3. That on July 2, 2024, Pa PUC Enforcement Supervisor Thomas Kepping met with Respondent, James Levy, owner, about a complaint of a trip completed on May 14, 2024, from Scranton, PA to Bethlehem, PA. Mr. Levy confirmed that the trip was 13 passengers from Scranton Prep to Lehigh University using bus B820 and he had been the driver.
4. That on July 2, 2024, Supervisor Kepping inspected the bus used. Upon entering the bus, Supervisor Kepping determined that the bus was manufactured with 16 seats including the driver, but the front passenger seat was removed, and the vehicle is registered for 15 passengers. Supervisor Kepping indicated to Mr. Levy that the vehicle had to have a re-manufactured plate indicating the reduced seating capacity and because it did not, the original manufacturing specs needed to be observed. As such, the 16 passenger vehicle needed a driver with a Commercial Driver's License (CDL) with a passenger endorsement.

5. That Supervisor Kepping inspected owner James Levy's driver's license and Mr. Levy does not possess the required license, he has a Class C Pennsylvania driver's license.

6. That Respondent, operating a vehicle without the required CDL with passenger endorsement, has violated 52 Pa. §29.502 and 75 §1606(a). The penalty for this violation is \$200.00.

WHEREFORE, the Bureau of Investigation and Enforcement hereby requests that the Commission fine Respondent, James Levy, T/A Cloud 9 Transportation, the sum of two hundred dollars (\$200) for the illegal activity described in this Complaint and order such other remedy as the Commission may deem to be appropriate.

Respectfully submitted,



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Brian B. Mehus, Chief  
Motor Carrier Enforcement  
Bureau of Investigation and Enforcement

## VERIFICATION

I, Brian B. Mehus, 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.



Date: 29 August 2024

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Brian B. Mehus, 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, 2<sup>nd</sup> Floor  
Harrisburg, PA 17120

Or you may **eFile your Answer** using the Commission's website at [www.puc.pa.gov](http://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:

Bureau of Investigation and Enforcement  
Pennsylvania Public Utility Commission  
400 North Street, 3<sup>rd</sup> Floor  
Harrisburg, PA 17120

Or, **e-mailed to:** [RA-PCCmplntResp@pa.gov](mailto: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, 2<sup>nd</sup> Floor  
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.