

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Bureau of Investigation and Enforcement	:	
	:	
v.	:	C-2023-3030883
	:	
Krise Transportation, Inc.	:	
1325 Scotland Avenue Extension	:	
Punxsutawney, Pennsylvania, 15767	:	

INITIAL DECISION

Before
Emily I. DeVoe
Administrative Law Judge

INTRODUCTION

This Initial Decision grants the unopposed Petition for Leave to Withdraw the Formal Complaint filed by the Pennsylvania Public Utility Commission’s Bureau of Investigation of Enforcement, against Krise Transportation, Inc, 1325 Scotland Avenue Extension, Punxsutawney, Pennsylvania, 15767, because it is unopposed and in the public interest.

HISTORY OF THE PROCEEDING

On April 12, 2023, the Pennsylvania Public Utility Commission’s (Commission) Bureau of Investigation of Enforcement (I&E) filed a Formal Complaint (Complaint) against Krise Transportation, Inc, 1325 Scotland Avenue Extension, Punxsutawney, Pennsylvania, 15767 (Company or Respondent), alleging the Company

had been granted a certificate of public convenience by the Commission and failed to complete a Safety and Fitness Review (SFR), in violation of 66 Pa.C.S. §§ 501(c) and 1501. As relief, I&E requested the Commission revoke the Company's certificate of public convenience.

The Company's counsel filed a Notice of Appearance on April 18, 2023.

On April 20, 2023, the Company filed an Answer to the Complaint, admitting the Commission had granted it a certificate of public convenience, but denying the other material averments in the Complaint.

On September 29, 2023, counsel for I&E entered an appearance.

By Hearing Notice issued June 27, 2024, the Commission assigned this matter to me and scheduled an evidentiary hearing for August 28, 2024.

On June 27, 2024, I issued a Prehearing Order.

On August 13, 2024, I&E filed a Petition to Withdraw the Complaint (Petition). In its Petition, I&E averred that, after the issuance of the Prehearing Order, counsel for Respondent and I&E held a telephone call to discuss the case. I&E explained that, at the time the Respondent's SFR was to take place, SFRs were being conducted remotely due to COVID-19. The contact person for Respondent who was working with I&E's Motor Carrier Division to complete the SFR failed to turn over certain documents, and then shortly thereafter left employment with Respondent. I&E agreed that if Respondent underwent a SFR and achieved a satisfactory rating, the Complaint would be withdrawn.

I&E represents that its Motor Carrier Division has confirmed that Respondent underwent a SFR on August 6, 2024, and achieved a satisfactory rating. As such, I&E requests that its Petition be granted and the Complaint withdrawn.

On August 21, 2024, the Commission issued a Hearing Cancellation Notice, cancelling the evidentiary hearing.

On August 22, 2024, counsel for the Company represented to me by email that the Company had no objection to the Petition.

This matter is now ripe for decision. The Petition for Leave to Withdraw the Complaint will be granted in an Ordering Paragraph below, as it is unopposed and in the public interest.

FINDINGS OF FACT

1. On April 11, 2023, I&E filed a Formal Complaint against Krise Transportation, Inc., alleging it failed to complete a required SFR, and that this failure constituted a violation of 66 Pa.C.S. §§ 501(c) and 1501.
2. On April 20, 2023, the Company, by and through counsel, filed an Answer to the Complaint.
3. By Hearing Notice issued June 27, 2024, the Commission scheduled an evidentiary hearing for August 28, 2024.
4. On June 27, 2024, a Prehearing Order was issued.

5. On August 13, 2024, I&E filed a Petition to Withdraw the Complaint, averring, *inter alia*, the Company underwent a SFR on August 6, 2024, and achieved a satisfactory rating.

6. On August 21, 2024, the Commission issued a Hearing Cancellation Notice, cancelling the evidentiary hearing.

7. On August 22, 2024, counsel for the Company represented it had no objection to the Petition.

8. By Interim Order dated August 22, 2024, the evidentiary record was closed.

DISCUSSION

The Commission's rules provide that a party in a contested proceeding may file for leave to withdraw a pleading with the Commission and serve it upon the other parties.¹ Any objection to the petition must be filed within ten days of service.²

After considering the petition, any objection thereto, and the public interest, the presiding officer or the Commission will determine whether the withdrawal will be permitted.³

In this case, the Petition was filed August 13, 2024, and the ten-day deadline for the Company to file an objection was August 23, 2024. Before that

¹ 52 Pa. Code § 5.94(a).

² *Id.*

³ 52 Pa. Code § 5.94(a).

deadline passed, however, counsel for the Company represented to me by email it had no objection to the Petition.

I&E initially filed its Complaint alleging the Company failed to complete a SFR. I&E represents in its Petition that Respondent has since underwent a SFR on August 6, 2024, and achieved a satisfactory rating. There is no purpose in moving forward with the instant Complaint. It is in the public interest to grant I&E's Petition for Leave to Withdraw the Complaint. Forcing the parties to proceed to an evidentiary hearing in this matter would needlessly consume the Commission's and parties' time and resources. Therefore, I grant the Petition for Leave to Withdraw.

CONCLUSIONS OF LAW

1. The Commission has jurisdiction over the parties and the subject matter in this proceeding. 66 Pa.C.S. §§ 501, 701.

2. A party desiring to withdraw a pleading in a contested proceeding may file a petition for leave to withdraw the appropriate document with the Commission and serve it upon the other parties. 52 Pa. Code § 5.94(a).

3. A party may object to a petition for leave to withdraw a pleading within ten days of service. 52 Pa. Code § 5.94(a).

4. After considering a petition for leave to withdraw a pleading, any objection thereto, and the public interest, the presiding officer or the Commission will determine whether the withdrawal will be permitted. 52 Pa. Code § 5.94(a).

5. The withdrawal of this Complaint is in the public interest. 52 Pa. Code § 5.94(a).

ORDER

THEREFORE,

IT IS ORDERED:

1. That the unopposed Petition for Leave to Withdraw the Complaint filed by the Commission's Bureau of Investigation and Enforcement on August 13, 2024, is granted.
2. That the Formal Complaint filed by Commission's Bureau of Investigation and Enforcement at Docket No. C-2023-3042927 against Krise Transportation, Inc, 1325 Scotland Avenue Extension, Punxsutawney, Pennsylvania, 15767 is hereby withdrawn without prejudice.
3. That the Docket at C-2023-3030883 be marked as closed.

Date: November 6, 2024

_____/s/
Emily I. DeVoe
Administrative Law Judge