

BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION

PENNSYLVANIA PUBLIC UTILITY COMMISSION :
BUREAU OF INVESTIGATION AND ENFORCEMENT :

V. :

MICHAEL MCMAHON :
T/A POCONO PICKUPS :
116 HEMLOCK TRAIL PO BOX 457 :
SCOTRUN, PA 18335 :

DOCKET NO. C-2024-3049578

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 MICHAEL MCMAHON, T/A POCONO PICKUPS, Respondent, maintains its principal place of business at 116 Hemlock Trail, PO Box 457, Scotrun, PA 18355 and a mailing address at 125 Pony Path, Pocono Lake, PA 18347.

2. That Respondent has never applied for or received a certificate of public convenience for passenger or paratransit transportation services by this Commission.

3. That on July 24, 2024, a warning letter were sent by first class mail to 125 Pony Path, Pocono Lake, PA. The letter indicated that since Pocono Pickups did not hold authority/certificate from the PA PUC, it must cease and desist until such time application and authority granted and the consequences of continued operation without that certificate/authority.

4. That on October 8, 2024, in response to a complaint lodged, PUC Enforcement Officer John Allen texted the number being advertised on Facebook asking for transportation the next day from Stroudsburg to several wineries in the area. A reply received stated the cost at \$20 per one way or \$35 round trip, indicating that a silver Subaru Forester was the vehicle to provide the transportation.

5. That at the arranged time and place, October 9, 2024, PUC Officer Allen conducted a Driver/Vehicle Compliance Report at 1863 W Main Street, Stroudsburg, Monroe County, PA. The vehicle a 2018 Subaru Forester, New York plate KYN2334, last 4 numbers of the vehicle identification number being 0942, driven by Michael McMahan. A review of information in the PA PUC indicates that Michael McMahan, T/A Pocono Pickups, does not have authority/certificate from the PUC to provide transportation for compensation in the Commonwealth. This operation is in violation of 66 §3310(a).

WHEREFORE, the Bureau of Investigation and Enforcement hereby requests that the Commission fine Michael McMahon, T/A Pocono Pickups, the sum of one thousand dollars (\$1,000.00) for the illegal activity described in this Complaint and order such other remedy as the Commission may deem to be appropriate.

Respectfully submitted,



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 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: 30 October 2024

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, 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. 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, 3rd 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. 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, 2nd 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 proceeding 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.