

**BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Pennsylvania Public Utility Commission	:	
Bureau of Investigation and Enforcement	:	
	:	
v.	:	C-2024-3046422
	:	
Gracies Transportation Service, LLC	:	

**INITIAL DECISION**

Before  
F. Joseph Brady  
Administrative Law Judge

**INTRODUCTION**

This Initial Decision grants the Motion for Default Judgment filed by the Pennsylvania Public Utility Commission’s Bureau of Investigation and Enforcement and sustains its Complaint filed against a utility for failure of the utility to file assessment reports and to pay its past-due assessments.

**HISTORY OF THE PROCEEDING**

On February 14, 2024, the Pennsylvania Public Utility Commission’s (Commission) Bureau of Investigation and Enforcement (I&E) filed a Formal Complaint with the Commission against Gracies Transportation Service, LLC (Respondent). The I&E alleged that the Respondent failed to timely file assessment reports for the 2020, 2021, and 2022 calendar years in violation of 66 Pa.C.S. § 510(b). The I&E further

alleged that the Respondent failed to satisfy its 2022-2023 and 2023-2024 Fiscal Year assessments in that it did not pay the assessment amounts due within 30 days of receipt of each assessment invoice in violation of 66 Pa.C.S. § 510(c).

For relief, the I&E requested that the Respondent be ordered to pay a total of \$1,736 which consists of its outstanding assessment balance of \$36 and a total civil penalty of \$1,700. Additionally, the I&E requested that the Respondent be directed to file assessment reports on a going-forward basis. Further, the I&E requested that if payment of the outstanding assessment balance and civil penalty is not made, that the Commission issue an order: (1) cancelling the Respondent's Certificate of Public Convenience; (2) referring this matter to the Pennsylvania Office of Attorney General for collection of monies due and appropriate action; and (3) certifying motor vehicle registrations to the Pennsylvania Department of Transportation, if any, for suspension or revocation.

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

On March 12, 2024, the Complaint was returned to the Commission as undeliverable.

Also on March 12, 2024, the I&E filed a Motion for Default Judgment against the Respondent.

On March 20, 2024, the Secretary's Bureau attempted to reserve the Complaint on the Respondent by certified mail at 956 East Main Street, Collegeville, PA 19426, a secondary address provided by the Respondent to the Commission as the Respondent's "physical address." Although the Complaint served on March 20, 2024, at

the Collegeville address was not returned to the Commission, no return receipt was provided to indicate that the Complaint was received by the Respondent.

On April 30, 2024, the Commission issued a Motion Judge Assignment Notice, assigning me as the Presiding Officer to this proceeding.

On May 20, 2024, I issued an Order staying the proceeding until such time as service could be made on the Respondent either by certified mail in accordance with 52 Pa. Code § 1.53(c) or publication in a newspaper of general circulation or the *Pennsylvania Bulletin* in accordance with 52 Pa. Code § 1.53(e).

Notice of the Complaint was published in the September 7, 2024, *Pennsylvania Bulletin*, 54 Pa.B. 5709 (Sept. 7, 2024), effecting service in accordance with 52 Pa. Code § 1.53(e) and Ordering Paragraph 3 of the May 20, 2024, Stay Order. Included in the publication of the Complaint in the *Pennsylvania Bulletin* was a Notice advising Respondent that it must file an Answer within 20 days of service of the Complaint. The Notice also advised Respondent that if it failed to answer the Complaint, the I&E would request the Commission to issue an Order imposing the penalty set forth in the Complaint. The 20 days to file an Answer to the Complaint expired on September 30, 2024. The Respondent did not file an Answer to the Complaint.

On October 8, 2024, the I&E filed and served a second Motion for Default Judgment (Motion), wherein the I&E requested that the Commission sustain the Complaint due to the Respondent's failure to file an Answer to the Complaint. The Motion was properly endorsed with a Notice to Plead, which informed the Respondent that it had 20 days from the date of service of the Motion to file a written response to the Motion. The Respondent did not file a written response to the Motion.

For the reasons discussed below, the I&E's Motion will be granted, and its Complaint will be sustained.

### FINDINGS OF FACT

1. The Complainant is the Commission's Bureau of Investigation and Enforcement and is the entity established by statute to prosecute complaints against public utilities pursuant to 66 Pa.C.S. § 308.2(a)(11). Complaint ¶ 2; *See also Implementation of Act 129 of 2008; 2 Organization of Bureaus and Offices*, Docket No. M-2008-2071852 at 5 (Order entered Aug. 11, 2011) (transferring authority to prosecute assessment cases to the I&E).

2. The Respondent is Gracies Transportation Service LLC, which was granted a Certificate of Public Convenience by this Commission at A-2014-2438361 for approval to transport, as a common carrier, by motor vehicle, persons in limousine service, between points in the city of Hazleton, Luzerne County, and within an airline radius of ten statute miles of the limits of the city of Hazleton, and from points in said territory, to points in Pennsylvania, and return; and from points in the borough of White Haven, Luzerne County, and the borough of Nesquehoning, Carbon County, to points in Pennsylvania, and return, excluding service that is under the jurisdiction of the Philadelphia Parking Authority. Complaint ¶ 6.

#### **Failure to file assessment reports**

3. On or about February 10, 2021, the Commission mailed to the Respondent an assessment report for the Respondent to report its gross intrastate operating revenues for the 2020 calendar year. Complaint ¶ 11.

4. The assessment report was accompanied by instructions which notified the Respondent that the report was to be completed and returned to the Commission on or before March 31, 2021. Complaint ¶ 12.

5. The Respondent failed to submit its assessment report for the 2020 calendar year to the Commission. Complaint ¶ 14.

6. On or about February 9, 2022, the Commission mailed to the Respondent an assessment report for the Respondent to report its gross intrastate operating revenues for the 2021 calendar year. Complaint ¶ 15.

7. The assessment report was accompanied by instructions which notified the Respondent that the report was to be completed and returned to the Commission on or before March 31, 2022. Complaint ¶ 16.

8. The Respondent failed to submit its assessment report for the 2021 calendar year to the Commission. Complaint ¶ 18.

9. On or about January 31, 2023, the Commission mailed to the Respondent an assessment report for the Respondent to report its gross intrastate operating revenues for the 2022 calendar year. Complaint ¶ 31.

10. The assessment report was accompanied by instructions which notified the Respondent that the report was to be completed and returned to the Commission on or before March 31, 2023. Complaint ¶ 32.

11. The Respondent failed to submit its assessment report for the 2022 calendar year to the Commission. Complaint ¶ 34.

## **Failure to pay assessments**

### **2022-2023 Fiscal Year**

12. On or about September 8, 2022, the Commission mailed to the Respondent, by certified mail, an assessment invoice for the July 1, 2022, to June 30, 2023, Fiscal Year (2022-2023 Fiscal Year) that was based, in part, on the Respondent's estimated revenues for the 2021 calendar year due to the Respondent's failure to file an assessment report stating its 2021 calendar year revenues. The Respondent's assessment was \$21.00. Complaint ¶ 19.

13. Accompanying the assessment invoice was a notice of assessment that informed the Respondent that it was obligated to pay the amount listed on the assessment invoice within 30 days or file objections within 15 days of receipt of the notice. Complaint ¶ 20.

14. On September 13, 2022, the Respondent provided an electronic signature to the United States Postal Service for the certified mailing, which indicated that it received the assessment invoice and notice of assessment for the 2022-2023 Fiscal Year. Complaint ¶ 21.

15. On or about October 26, 2022, the Commission mailed to the Respondent, by first class mail, a delinquent assessment notice that the Respondent had a past due assessment balance of \$21.00 for the 2022-2023 Fiscal Year. Complaint ¶ 22.

16. The delinquent assessment notice informed the Respondent that it was obligated to pay the amount listed on the notification letter within 20 days of the letter and the consequences of failure to do so. Complaint ¶ 23.

17. On or about May 8, 2023, the Commission's Law Bureau made contact with the Respondent and informed it of their outstanding assessment balance in the amount of \$21.00. Complaint ¶ 24.

18. On December 6, 2023, the Commission again mailed to the Respondent, by first-class mail, the 2022-2023 Fiscal Year invoice. Complaint ¶ 26.

19. The Commission received neither objections nor payment from the Respondent to the assessment amount set forth in the 2022-2023 Fiscal Year Assessment Invoice. Complaint ¶ 28.

20. The Respondent failed to pay its 2022-2023 assessment invoice of \$21.00. Complaint ¶ 30.

### **2023-2024 Fiscal Year**

21. On or about September 8, 2023, the Commission mailed to the Respondent, by certified mail, an assessment invoice for the July 1, 2023, to June 30, 2024, Fiscal Year (2023-2024 Fiscal Year) that was based, in part, on the Respondent's estimated revenues for the 2022 calendar year due to the Respondent's failure to file an assessment report stating its 2022 calendar year revenues. The Respondent's assessment was \$15.00. Complaint ¶ 35.

22. Attached to the assessment invoice was a notice of assessment informing the Respondent that it was obligated to pay the amount listed on the assessment invoice within 30 days or file objections within 15 days of receipt of the notice. Complaint ¶ 36.

23. On or about September 11, 2023, an electronic signature was provided to the United States Postal Service for the certified mailing, which indicated that the Respondent received the assessment invoice and notice of assessment for the 2023-2024 Fiscal Year. Complaint ¶ 37.

24. The Commission received neither objection nor payment from the Respondent to the assessment amount set forth in the 2023-2024 Fiscal Year Assessment Invoice. Complaint ¶ 38.

25. On or about October 24, 2023, the Commission mailed to the Respondent, by first class mail, a delinquent assessment notice that the Respondent had a past due assessment balance of \$36.00, which consists of \$15.00 for the 2023-2024 Fiscal Year and \$21.00 for the prior 2022-2023 Fiscal Year. Complaint ¶ 39.

26. The delinquent assessment notice informed the Respondent that it was obligated to pay the amount listed on the notification letter within 20 days of the letter and the consequences of failure to do so. Complaint ¶ 40.

27. The Respondent failed to pay its cumulative 2022-2023 Fiscal Year and 2023-2024 Fiscal Year Assessment Invoice of \$36.00. Complaint ¶ 42.

### **Formal Complaint and Motion for Default Judgment**

28. On February 14, 2024, the I&E filed a Formal Complaint with the Commission against the Respondent alleging that the Respondent failed to timely file assessment reports for the 2020, 2021 and 2022 calendar years and to satisfy its 2022-2023 and 2023-2024 Fiscal Year assessments.

29. On September 7, 2024, Notice of the Complaint was published in the *Pennsylvania Bulletin*, 54 Pa.B. 5709 (Sept. 7, 2024).

30. Included in the publication of the Complaint in the *Pennsylvania Bulletin* was a Notice advising the Respondent that if it failed to Answer the Complaint within 20 days, the I&E would request the Commission to issue an Order imposing the relief requested in the Complaint.

31. The Respondent did not file an Answer to the Complaint.

32. On October 8, 2024, the I&E filed and served the Complainant with a Motion for Default Judgment wherein the I&E requested that the Commission sustain the Complaint due to the Respondent's failure to file an Answer to the Complaint.

33. The Motion was properly endorsed with a Notice to Plead, which informed the Respondent that it had 20 days of date of service of the Motion to file a written response to the Motion.

34. The Respondent did not file a written response to the Motion.

## DISCUSSION

### *Legal Standards*

Section 501(a) of the Public Utility Code ("Code") empowers and charges the Commission with the duty to enforce, execute and carry out the provisions of the Code. 66 Pa.C.S. § 501(a). Complainant, the I&E, was established by statute to prosecute complaints against public utilities. 66 Pa.C.S. § 308.2(a)(11). The Commission may complain in writing, setting forth any act or thing done or omitted to be

done by any public utility in violation, or claimed violation, of any law which the Commission has jurisdiction to administer, or of any regulation or order of the Commission. 66 Pa.C.S. § 701. As the proponent of a rule or order, the I&E in this proceeding bears the burden of proof pursuant to Section 332(a) of the Code. 66 Pa.C.S. § 332(a).

The Respondent is a public utility as defined by 66 Pa.C.S. § 102. The Respondent has an active Certificate of Public Convenience at Docket No. A-2014-2438361, granted by the Commission for transport, as a common carrier, by motor vehicle, persons in limousine service, between points in the city of Hazleton, Luzerne County, and within an airline radius of ten statute miles of the limits of the city of Hazleton, and from points in the said territory, to points in Pennsylvania, and return; and from points in the borough of White Haven, Luzerne County, and the borough of Nesquehoning, Carbon County, to points in Pennsylvania, and return, excluding service that is under the jurisdiction of the Philadelphia Parking Authority. Section 501(c) of the Code states that public utilities have a duty to comply with Commission orders and regulations. 66 Pa.C.S. § 501(c).

### *Assessments*

In its Complaint, the I&E alleged that the Respondent violated Sections 510(b) and (c) of the Code, 66 Pa.C.S. §§ 510(b), (c).

Public utilities regulated by the Commission are required under Section 510 of the Code to file and pay an assessment that provides a reasonable share of the Commission's costs in administering regulatory oversight. 66 Pa.C.S. § 510. Specifically, public utilities are required to file a statement under oath on or before March 31<sup>st</sup> each year showing its gross intrastate operating revenues for the preceding calendar year. 66 Pa.C.S. § 510(b). The Commission is to provide notice to each public utility of

its assessment amount owed, and the public utility is to pay its assessment within 30 days of receipt of such notice unless it objects to the assessment within 15 days of receipt of such notice. 66 Pa.C.S. § 510(c). Pursuant to Section 3301 of the Code, 66 Pa.C.S. § 3301, the Commission is authorized to impose civil penalties up to \$1,000 per violation on utilities that fail to file or pay their annual assessments on time.

The Commission developed a multifactor process for the assessment of civil penalties for failure to pay annual assessments and/or failure to file annual assessment reports. See *Pa. Pub. Util. Comm'n v. Juan Genet Enter., LLC t/a Safe Destinations*, Docket No. C-2014-2450660 (Opinion and Order entered Aug. 3, 2017); *Pa. Pub. Util. Comm'n v. Leo Movers & Storage, Inc.*, Docket No. C-2015-2494528, (Opinion and Order entered Aug. 3, 2017); *Pa. Pub. Util. Comm'n v. Hoffman Landscaping & Trucking, LLP*, Docket No. C-2015-2495061 (Opinion and Order entered Sept. 21, 2017); *Pa. Pub. Util. Comm'n v. Deer Haven, LLP*, Docket No. C-2015-2498095 (Opinion and Order entered Oct. 26, 2017); *Pa. Pub. Util. Comm'n v. Reach for the Stars Limousine Serv. Inc.*, Docket No. C-2015-2499276 (Opinion and Order entered Oct. 26, 2017); *Pa. Pub. Util. Comm'n v. TTM Operating Corp. Inc.*, Docket No. C-2016-2558445 (Opinion and Order entered Apr. 19, 2018). The process is based on several factors: (1) the type of violation involved, which can be the failure to pay the assessment amount and/or the failure to file an assessment report; (2) the assessment amount in question; and (3) the utility's compliance history with Commission Regulations for the three years prior to the filing of the Complaint. Considering those factors, the Commission uses the following approach.

If the company fails to pay its assessment, the civil penalty process includes the following: (1) if the Company's past-due assessment amount is less than or equal to \$350, then the civil penalty is \$50 for any company with a good compliance history and \$100 for any company with an unacceptable compliance history; or (2) if the Company's past-due assessment amount is greater than \$350, then the civil penalty is 15% of the

past-due yearly assessment on a company with a good compliance history or 25% of the past-due yearly assessment on a company with an unfavorable compliance history. *Pa. Pub. Util. Comm'n v. Jadon Trucking, Inc.*, Docket No. C-2021-3028563 (Opinion and Order entered Dec. 8, 2022) (*Jadon Trucking*).

If the company fails to file its annual assessment reports, the civil penalty process also includes the following: (1) if the company's yearly assessment amount is less than or equal to \$500 and the company has a good compliance history then the civil penalty is \$250, but if the company has an unfavorable compliance history then the civil penalty is \$500; or (2) if the company's yearly assessment amount is greater than \$500 and the company has a good compliance history then the civil penalty is \$500, but if the company has an unfavorable compliance history then the civil penalty is \$1000. *Jadon Trucking*.

Regarding a respondent's compliance history and the need to deter future violations, it is Commission practice to review Commission records for a period of three years prior to the date of the filing of the complaint and up to and including the date of Commission action in this matter to determine whether a particular company has a satisfactory compliance record. In reviewing Commission records to determine whether transportation entities have complied with applicable statutes, regulations, and orders, the Commission evaluates violations including, but not limited to, the following: (1) our assessment requirements in 66 Pa.C.S. § 510; (2) the unauthorized provision of service under 66 Pa.C.S. §§ 1101 and 1102; (3) the Commission's insurance requirements in 52 Pa. Code, Ch. 32; (4) our tariff requirements in 52 Pa. Code, Chs. 23, 29, and 31; (5) and the Commission's vehicle, service, and driver requirements in 52 Pa. Code, Ch. 29. *Jadon Trucking*.

### *Motion for Default Judgment*

The Respondent did not file an Answer to the I&E's Complaint. As a result, the I&E filed a Motion for Default Judgment seeking that its Complaint be sustained.

The Commission's regulations permit parties to file motions. 52 Pa. Code § 5.103. The Commission's regulations state that 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). Further, 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 (Pa. Cmwlth. 1978).

### *Analysis*

As noted, the Respondent did not file an Answer to the I&E's Complaint. Therefore, I deem the facts alleged in the Complaint admitted by the Respondent. 52 Pa. Code § 5.61(c).

### *Failure to File Reports*

Amongst the facts admitted by the Respondent are that it did not file an assessment report showing its gross intrastate revenues for the 2020, 2021, and 2022 calendar years on or before March 31<sup>st</sup>. As such, the Respondent violated 66 Pa.C.S. § 510(b), cited above.

For the Respondent's failure to file its 2020, 2021, and 2022 calendar year assessment reports, the I&E proposed a \$1,500 civil penalty (\$500 per report not filed). Complaint ¶ 43. The I&E maintained that the civil penalty is consistent with past Commission decisions and is based on the type of violation involved, the amount of the Respondent's assessment balance related to the 2022-2023 and 2023-2024 Fiscal Years, and the Respondent's compliance history with the Code and Commission regulations for the three years prior to the filing of the Complaint. *Id.* The Respondent's assessment for the 2022-2023 and 2023-2024 Fiscal Years are both less than \$500. The I&E did not provide the assessment balance related to the 2021-2022 Fiscal Year, thus, for purposes of this decision, the lower threshold balance of less than or equal to \$500<sup>1</sup> shall be applied.<sup>2</sup> Regarding the Respondent's compliance history, the I&E submitted that a review of the Commission's records for the three years prior to the date of the Complaint demonstrated that the Respondent has a poor compliance history with the Commission. Complaint ¶ 44 fn 3.

In applying the factors for the assessment of a civil penalty for failure of a utility to file its annual assessment reports, I find that the \$1,500 civil penalty, \$500 for each report not filed, proposed by the I&E is reasonable and is in accordance with the Commission's process of assessing civil penalties considering the Respondent's unfavorable compliance history and yearly assessment amounts.<sup>3</sup>

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<sup>1</sup> *Jadon Trucking, supra.*

<sup>2</sup> An assumed outstanding assessment balance of less than \$500 is also consistent with the known outstanding balances of \$15.00 for the 2023-2024 Fiscal Year and \$21.00 for the 2022-2023 Fiscal Year.

<sup>3</sup> I concur with the I&E and find that the Respondent has an unfavorable compliance history, given the Respondent's failure to file its 2020, 2021, and 2022 calendar year assessment reports and to pay its 2022-2023 and 2023-2024 Fiscal Year assessments within the past three years.

### *Failure to Pay Assessments*

Further, the Respondent, by failing to Answer the Complaint, admitted that it did not object to or pay its 2022-2023 Fiscal Year assessment invoice of \$21 nor its 2023-2024 Fiscal Year assessment invoice of \$15. The Respondent received both documents via certified mail from the Commission. As such, the Respondent violated 66 Pa.C.S. § 510(c), cited above.

For the Respondent's failure to pay its 2022-2023 and 2023-2024 Fiscal Year assessments, the I&E proposed a civil penalty of \$200. Complaint ¶ 44. The I&E maintained that the civil penalty is consistent with past Commission decisions and is based on the type of violation involved, the amount of the Respondent's assessment balance related to the 2022-2023 and 2023-2024 Fiscal Years, and the Respondent's compliance history with the Code and Commission regulations for the three years prior to the filing of the Complaint. *Id.* As noted, the I&E submitted that the Respondent has a poor compliance history with the Commission. Complaint ¶ 44 fn 3.

In applying the factors for the assessment of a civil penalty for failure of a utility to pay its annual assessments, I note that for the 2022-2023 Fiscal Year, the Respondent has a past-due assessment amount less than \$350 (\$21) and an unfavorable compliance history. Therefore, the civil penalty to be assessed for the Respondent's failure to pay its 2022-2023 Fiscal Year assessment is \$100. For the 2023-2024 Fiscal Year, the Respondent also has a past-due assessment less than \$350 (\$15) and an unfavorable compliance history. Therefore, the civil penalty to be assessed for the Respondent's failure to pay its 2023-2024 Fiscal Year assessment is \$100. The total civil penalty to be assessed against the Respondent for its failure to pay its 2022-2023 and 2023-2024 Fiscal Year assessments is \$200.

### *Conclusion*

The total level of civil penalty to be assessed against the Respondent for its violations of Sections 510(b) and (c) of the Code is \$1,700. It is anticipated that this level of civil penalty will serve as a sufficient deterrent against future violations by the Respondent.

In conclusion, the Respondent's Motion will be granted and its Complaint sustained, in the Ordering paragraphs below. The Respondent was provided with adequate notice of the alleged violations against it and had the opportunity to respond and to request a hearing, which it did not. The Respondent was also advised that if it failed to file an Answer within twenty days to the Complaint, the I&E would request that the Commission issue an Order imposing the penalties set forth in the Complaint. The Respondent will be assessed a civil penalty in the amount of \$1,700, in addition to being Ordered to pay its outstanding assessment balance.

### CONCLUSIONS OF LAW

1. The Commission has jurisdiction over the subject matter of and the parties to this proceeding. 66 Pa.C.S. §§ 501, 510, 701.
2. The Commission's regulations permit parties to file motions. 52 Pa. Code § 5.103.
3. 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).

4. The Commonwealth Court has upheld the Commission's authority to sustain complaints that are not answered within 20 days. *See Fusaro v. Pa. Pub. Util. Comm'n*, 382 A.2d 794 (Pa. Cmwlth. 1978).

5. Public utilities are required to file a statement under oath on or before March 31<sup>st</sup> each year showing its gross intrastate operating revenues for the preceding calendar year. 66 Pa.C.S. § 510(b).

6. The Commission is to provide notice to each public utility of its assessment amount owed, and the public utility is to pay its assessment within 30 days of receipt of such notice unless it objects to the assessment within 15 days of receipt of such notice. 66 Pa.C.S. § 510(c).

7. The Commission is authorized to impose civil penalties up to \$1,000 per violation on utilities that fail to file or pay their annual assessments on time. 66 Pa.C.S. § 3301.

8. The Commission developed a multifactor process for the assessment of civil penalties for failure to pay annual assessments and/or failure to file annual assessment reports, based on: (1) the type of violation involved, which can be the failure to pay the assessment amount and/or the failure to file an assessment report; (2) the assessment amount in question; and (3) the utility's compliance history with Commission Regulations for the three years prior to the filing of the Complaint. *See Pa. Pub. Util. Comm'n v. Juan Genet Enter., LLC t/a Safe Destinations*, Docket No. C-2014-2450660 (Opinion and Order entered Aug. 3, 2017); *Pa. Pub. Util. Comm'n v. Leo Movers & Storage, Inc.*, Docket No. C-2015-2494528, (Opinion and Order entered Aug. 3, 2017); *Pa. Pub. Util. Comm'n v. Hoffman Landscaping & Trucking, LLP*, Docket No. C-2015-2495061 (Opinion and Order entered Sept. 21, 2017); *Pa. Pub. Util. Comm'n v. Deer Haven, LLP*, Docket No. C-2015-2498095 (Opinion and Order entered Oct. 26,

2017); *Pa. Pub. Util. Comm'n v. Reach for the Stars Limousine Serv. Inc.*, Docket No. C-2015-2499276 (Opinion and Order entered Oct. 26, 2017); *Pa. Pub. Util. Comm'n v. TTM Operating Corp. Inc.*, Docket No. C-2016-2558445 (Opinion and Order entered Apr. 19, 2018).

9. The Respondent did not file assessment reports showing its gross intrastate revenues for the 2020, 2021, or 2022 calendar years. 66 Pa.C.S. § 510(b).

10. The Respondent did not pay its 2022-2023 and 2023-2024 Fiscal Year assessments. 66 Pa.C.S. § 510(c).

11. A civil penalty of \$1,700 for the Respondent's violations of 66 Pa.C.S. § 510(b) and (c) is appropriate. 66 Pa.C.S. § 3301.

### ORDER

THEREFORE

IT IS ORDERED:

1. That the Motion for Default Judgment filed by the Commission's Bureau of Investigation and Enforcement on October 8, 2024, is granted consistent with this Initial Decision.

2. That the allegations in the Commission's Bureau of Investigation and Enforcement's Formal Complaint are deemed admitted, and the Formal Complaint is hereby sustained consistent with this Initial Decision.

3. That within 30 days of the entry date of a Final Order in this matter, Gracies Transportation Service, LLC shall remit \$1,736 (\$36 outstanding assessment and \$1,700 outstanding civil penalty) payable by certified check or money order, to “Commonwealth of Pennsylvania” with the docket number of this proceeding listed thereon, sent to:

Rosemary Chiavetta, Secretary  
Pennsylvania Public Utility Commission  
Commonwealth Keystone Building  
400 North Street  
Harrisburg, PA 17120

4. That Gracies Transportation Service, LLC report its gross intrastate operating revenues for all future calendar years, pursuant to requirements at 66 Pa.C.S. § 510(b), and further cease and desist from further violations of the Public Utility Code and the Public Utility Commission’s regulations.

5. That the Public Utility Commission’s Bureau of Technical Utility Services suspend or revoke the Certificate of Public Convenience at Docket No. A-2014-2438361 if payment of the total set forth in Ordering Paragraph No. 3, above, is not made within 30 days after service of the Public Utility Commission’s Final Order in this proceeding.

6. That if Gracies Transportation Service, LLC fails to comply with the Public Utility Commission’s Final Order and pay the civil penalty and assessment balance within 30 days of the Commission’s Final Order, the Commission shall forward a copy of the Order to the Pennsylvania Department of Transportation for the purpose of having the Department of Transportation suspend or revoke the vehicle registrations for all vehicles that were used under Gracies Transportation Service, LLC’s operating authority.

