

**BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Pennsylvania Public Utility Commission	:	
Bureau of Investigation and Enforcement	:	
	:	C-2024-3049276
v.	:	
	:	
Blue Ribbon Transit, Inc.	:	

**INITIAL DECISION**

Before  
Erin L. Gannon  
Administrative Law Judge

**INTRODUCTION**

This Initial Decision grants the Motion for Default Judgment filed by the Bureau of Investigation and Enforcement and sustains the assessment-related Formal Complaint. This Decision orders the Company to pay a total of \$1,792, consisting of the Company’s outstanding 2022-2023 and 2023-2024 Fiscal Year assessment balance of \$592, plus a civil penalty of \$1,200. This Decision also directs the Company to update its mailing address with the Commission.

**HISTORY OF THE PROCEEDING**

On or about March 1, 2019, the Pennsylvania Public Utility Commission (Commission) issued Blue Ribbon Transit, Inc. (Respondent) a Certificate of Public Convenience at Docket No. A-2018-3005930, for authority to provide paratransit service. On May 28, 2024, the Commission’s Bureau of Investigation and Enforcement (I&E)

filed a Formal Complaint (Complaint) with the Commission alleging that Respondent failed to timely file assessment reports for the 2022 and 2023 calendar years in violation of 66 Pa.C.S. § 510(b). I&E further alleged that the Respondent failed to pay its 2022-2023 and 2023-2024 Fiscal Year assessment amounts due within 30 days of receipt of each assessment invoice, in violation of 66 Pa.C.S. § 510(c).

For relief, I&E requested that the Respondent be ordered to pay a total of \$1,792 which consists of its cumulative outstanding assessment balance of \$592 and a total civil penalty of \$1,200. Additionally, I&E requested that the Respondent be directed to file assessment reports on a going-forward basis. Further, I&E requested that if payment of the outstanding assessment balance and civil penalty is not made, 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 appropriate action; and (3) certifying motor vehicle registrations to the Pennsylvania Department of Transportation, if any, for suspension or revocation.

On May 29, 2024, the Complaint was sent by certified mail to the Respondent at 350 E. Main St., New Holland, PA 17557, the address provided by the Respondent to the Commission as its main mailing address. Also on May 29, 2024, the Complaint was sent by certified mail to the Respondent at 556 E. Main St., New Holland, PA 17557, a secondary address to which the Respondent had mail forwarded by the United States Postal Service and which the Respondent identified in its completed assessment report for the 2021 calendar year as its address.

On June 17 and June 20, 2024, the Complaints sent to both addresses were returned to the Commission as undeliverable.<sup>1</sup>

On September 7, 2024, notice of the Complaint was published in the Pennsylvania Bulletin, effecting service in accordance with 52 Pa. Code § 1.53(e). 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, I&E would request that the Commission 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, I&E filed a Motion for Default Judgment (Motion) against the Respondent, in which 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.

On November 14, 2024, the Commission issued a Motion Judge Assignment Notice, assigning me as the Presiding Officer to this proceeding.

For the reasons stated below, I&E's Motion is granted, its Complaint is sustained, and the relief requested is granted.

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<sup>1</sup> Specifically, on June 17, 2024, the Complaint mailed to the 350 Main Street address was returned as "insufficient address unable to forward." On June 20, 2024, the Complaint mailed to the 556 Main Street address was returned as "vacant unable to forward."

## 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). *See also, Implementation Act 129 of 2008; Organization of Bureaus and Offices*, Docket No. M-2008-2071852 (Order entered Aug. 11, 2011) (transferring authority to prosecute assessment cases to I&E).

2. The Respondent is Blue Ribbon Transit, Inc., which was issued a Certificate of Public Convenience by the Commission on or about March 1, 2019, at Docket No. A-2018-3005930, for approval to transport, as a common carrier, by motor vehicle, persons in paratransit service and limited to persons whose personal convictions prevent them from owning or operating motor vehicles, from points in Lancaster County, to points in Pennsylvania, and return.

### Failure to file assessment reports

#### 2022 Calendar Year

3. On or about January 31, 2023, the Commission mailed to the Respondent, by First-Class Mail to its forwarding address, an assessment report for the Respondent to report its gross intrastate operating revenues for the 2022 calendar year. Complaint ¶ 28.

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, 2023. Complaint ¶ 29.

5. The January 31, 2023 assessment report sent to the Respondent by First-Class Mail was not returned as undeliverable.

6. On May 3, 2023, the Commission mailed to the Respondent, by First-Class Mail to its forwarding address, a failure to submit assessment report letter. Complaint ¶ 30.

7. The May 3, 2023 failure to submit assessment report letter sent to the Respondent by First-Class Mail was not returned as undeliverable.

8. The Respondent failed to submit its assessment report for the 2022 calendar year to the Commission. Complaint ¶ 31.

#### 2023 Calendar Year

9. On or about January 31, 2024, the Commission mailed to the Respondent, by First-Class Mail to its main mailing address, an assessment report for the Respondent to report its gross intrastate operating revenues for the 2023 calendar year. Complaint ¶ 40.

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, 2024. Complaint ¶ 41.

11. The January 31, 2024 assessment report sent to the Respondent by First-Class Mail was not returned as undeliverable.

12. On April 25, 2024, the Commission mailed to the Respondent, by First-Class Mail to its forwarding address, a failure to submit assessment report letter. Complaint ¶ 42.

13. The April 25, 2024 failure to submit assessment report letter sent to the Respondent by First-Class Mail was not returned as undeliverable.

14. The Respondent failed to submit its assessment report for the 2023 calendar year to the Commission. Complaint ¶ 43.

#### Failure to pay assessments

##### 2022-2023 Fiscal Year

15. On or about September 9, 2022, the Commission mailed to the Respondent, by First-Class Mail, an assessment invoice for the July 1, 2022 to June 30, 2023 Fiscal Year (2022-2023 Fiscal Year) that was based on the Respondent's reported revenues for the 2021 calendar year. The Respondent's assessment was \$348. Complaint ¶ 17.

16. 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 ¶ 18.

17. On October 26, 2022, the Commission mailed to the Respondent, this time by certified mail to the Respondent's forwarding address, an assessment invoice showing \$348 due for the 2022-2023 Fiscal Year. Complaint ¶ 19.

18. Accompanying the assessment invoice sent on October 26, 2022 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.

19. Also on or about October 26, 2022, the Commission mailed to Respondent, by First-Class Mail, a delinquent assessment notice stating that Respondent had a past due assessment balance of \$348 for the 2022-2023 Fiscal Year. Complaint ¶ 24.

20. 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 ¶ 25.

21. The delinquent assessment notice sent to Respondent by First-Class Mail on or about October 26, 2022 was not returned as undeliverable.

22. On November 22, 2022, the certified mailing was returned to the Commission by the United States Postal Service, indicating that Respondent refused the delivery of the certified mailing containing the assessment invoice and notice of assessment for the 2022- 2023 Fiscal Year. Complaint ¶ 21.

23. On or about May 8, 2023, the Commission's Law Bureau made contact with the Respondent and informed it of its outstanding assessment balance in the amount of \$348. Complaint ¶ 26.

24. 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 ¶ 23.

25. The Respondent failed to pay its 2022-2023 assessment invoice of \$348. Complaint ¶ 27.

2023-2024 Fiscal Year

26. On or about September 8, 2023, the Commission mailed to the Respondent, by certified mail to its forwarding address, 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 \$244. Complaint ¶ 32.

27. 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 ¶ 33.

28. On September 20, 2023, the certified mailing was returned to the Commission by the United States Postal Service, indicating that the Respondent refused the delivery of the certified mailing containing the assessment invoice and notice of assessment for the 2023-2024 Fiscal Year. Complaint ¶ 34.

29. On or about October 24, 2023, the Commission mailed to the Respondent, by First-Class Mail, a delinquent assessment notice stating that the Respondent had a past due assessment balance of \$592, which consists of \$244 for the 2023-2024 Fiscal Year and \$348 for the prior 2022-2023 Fiscal Year. Complaint ¶ 37.

30. 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 ¶ 38.

31. The October 24, 2023 delinquent assessment notice sent to Respondent by First-Class Mail was not returned as undeliverable.

32. The Commission received neither objections nor payment from the Respondent to the assessment amount set forth in the 2023-2024 Fiscal Year Assessment Invoice. Complaint ¶ 36.

33. The Respondent failed to pay its 2023-2024 assessment invoice of \$244. Complaint ¶ 39.

#### Formal Complaint and Motion for Default Judgment

34. On or about May 29, 2024, I&E filed a Formal Complaint with the Commission against the Respondent alleging that the Respondent failed to timely file assessment reports for the 2022 and 2023 calendar years and to satisfy its 2022-2023 and 2023-2024 Fiscal Year assessments.

35. The Complaint was served by certified mail to the Respondent's main and forwarding mailing addresses.

36. On June 17, 2024, the Complaint mailed to the main mailing address was returned as "insufficient address unable to forward" to the Commission.

37. On June 20, 2024, the Complaint mailed to the forwarding address was returned as "vacant unable to forward" to the Commission.

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

39. 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, I&E would request the Commission to issue an order imposing the relief requested in the Complaint.

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

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

42. 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.

43. The Motion was served by First-Class Mail to the Respondent's main mailing address.

44. The Motion was not returned as being undeliverable.

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

### Failure to update address

46. The Respondent filed its 2021 assessment report late.

47. On June 8, 2022, the Commission mailed the Respondent a failure to submit assessment report letter for failing to report its gross intrastate operating revenues for the 2021 calendar year.

48. The failure to report letter was mailed to the address that the Respondent provided to the Commission as its main mailing address, 350 East Main Street, New Holland, PA 17557.

49. I&E's failure to submit assessment report letter was returned to the Commission with a forwarding address, 566 East Main Street, New Holland, PA 17557.

50. The Respondent subsequently submitted its completed assessment report for the 2021 calendar year, on which it stated that its mailing address was the 566 East Main Street, New Holland, PA 17557 address.

### Compliance History

51. The Respondent has a poor compliance history for the three-year period May 2021 to May 2024.

## DISCUSSION

The Complainant, I&E, was established by statute to prosecute complainants against public utilities. 66 Pa.C.S. § 308.2(a)(11). The Respondent is a “public utility” as defined by 66 Pa.C.S. § 102. On or about March 1, 2019, the

Commission issued Respondent a Certificate of Public Convenience at Docket No. A-2018-3005930, for approval to transport, as a common carrier, by motor vehicle, persons in paratransit service and limited to persons whose personal convictions prevent them from owning or operating motor vehicles, from points in Lancaster County, to points in Pennsylvania, and return.

In a case involving an alleged violation of a determination or order of the Commission by a public utility, the burden of proof shall be upon the public utility to show that it has complied with the determination or order of the Commission. 66 Pa.C.S. § 315(b). As a recipient of a Commission-issued certificate of public convenience, Respondent has a duty to comply with Commission orders and regulations. 66 Pa.C.S. § 501(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. 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 assessment on time.

The Commission explained the importance of public utilities complying with Section 510 in its tentative order at *Cancellation of Certificates of Public Convenience for Motor Carriers; Failure to Pay Assessment*, Docket No. M-2020-3021634 (Sept. 17, 2020) (*Tentative Order*):

The Public Utility Code requires that by March 31 each year, every public utility must file a report detailing its gross intrastate operating revenue for the preceding assessment calendar year. 66 Pa. C.S. § 510(b). This report is essential for the Commission to fund its operations and to properly allocate assessment costs among the regulated utility community. *Id.*

For each fiscal year, the Commission determines the total assessment for regulatory expenses, which is allocated to, and paid by, public utilities pursuant to the methodology set forth in the Public Utility Code. 66 Pa.C.S. §§ 510(a), (b). The Commission provides notice of the amount lawfully assessed against a utility and requires the utility to pay that amount within thirty (30) days of receipt of the notice. 66 Pa.C.S. § 510(c). The Public Utility Code authorizes the Commission to revoke a utility's Certificate of Public Convenience (CPC) for failure to pay the assessment within the time prescribed. *Id.*

*Tentative Order* at 1.

### Motion for Default Judgment

The Respondent did not file an answer to either I&E's Complaint or Motion for Default Judgment. 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). Additionally, 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).

The Complaint was returned to the Commission as undeliverable. However, the Complaint was sent to the last known mailing addresses that the Respondent provided to the Commission.<sup>2</sup> The Respondent is obligated to promptly

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<sup>2</sup> On June 8, 2022, the Commission mailed Respondent a failure to submit assessment report letter at the address which it provided to the Commission as its main mailing address, 350 East Main Street, New Holland, PA 17557. On June 24, 2022, this letter was returned to the Commission by the United States Postal Service with a forwarding address – 566 East Main Street, New Holland, PA 17557 (“forwarding address”). On June 27, 2022, the Commission mailed Respondent a failure to submit assessment report letter to the forwarding address provided by the United States Postal

apprise the Commission of changes to its current address pursuant to Section 1.53(d) of the Commission's regulations. 52 Pa. Code § 1.53(d). There is no record of the Respondent apprising the Commission of a change of address since submitting its completed assessment report for the 2021 calendar year and, therefore, the Commission followed proper procedure in this matter by serving the Complaint to the Respondent's current address on file with the Commission. *See Application of Michael Maier t/a Eveco Transp. Svcs. d/b/a Maier's Relocation Svc. Co.*, Docket No. A-2015-2483632 (Opinion and Order entered July 13, 2017). Further, the Commission took additional steps to notify the Respondent about the Complaint by publication in the Pennsylvania Bulletin.

Moreover, the Motion for Default Judgement, and the Assessment Reports and Assessment Notices at issue, were served by First-Class Mail to the most recent addresses the Respondent provided to the Commission and were not returned as undeliverable. Accordingly, it must be presumed that this mail was received by the Respondent. *Berkowitz v. Mayflower Sec., Inc.*, 317 A.2d 584 (Pa. 1974); *Meierdierck v. Miller*, 147 A.2d 406 (Pa. 1959); *Samaras v. Hartwick*, 698 A.2d 71 (Pa. Super. 1997); *Judge v. Celina Mut. Ins. Co.*, 449 A.2d 658 (Pa. Super. 1982).

I find that the Respondent was provided with adequate notice of the alleged violations against it. The Respondent was also advised that if it failed to file an answer within 20 days to the Complaint, I&E would request that the Commission issue an order imposing the penalties set forth in the Complaint. The Respondent had the opportunity to

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Service. The letter informed Respondent that it was obligated file a completed assessment report for the 2021 calendar year. Respondent subsequently submitted its completed assessment report for the 2021 calendar year, demonstrating that it received the letter at the address provided by the United States Postal Service as its forwarding address. The Respondent stated on its completed assessment report for the 2021 calendar year that its address was now the forwarding address, 566 East Main Street, New Holland, PA 17557. Complaint ¶¶ 12-15.

respond in writing by objecting to the assessments or by requesting a hearing. The Respondent did neither. Therefore, I deem the facts alleged in the Complaint to be admitted by the Respondent. 52 Pa. Code § 5.61(c).

Among the facts admitted by the Respondent are that it failed to file an Assessment Report for the 2022 and 2023 calendar years and did not object to or pay its 2022-2023 and 2023-2024 Fiscal Year Assessments. Accordingly, I find that Respondent violated Sections 510(b) and (c) and that a penalty under Section 3301 is appropriate.

### Civil Penalties

Section 3301 of the Public Utility Code, 66 Pa.C.S. § 3301, authorizes the Commission to impose civil penalties on any public utility up to \$1,000 per violation for the failure to file or pay the annual assessment on time. Each and every day of continuance of the violation is a separate offense. 66 Pa.C.S. § 3301(b).

In the instant case, I&E asserts its proposed civil penalties are consistent with past Commission decisions and sufficient to deter future violations. I&E proposes a penalty of \$1,000 (\$500 per count) for the two violations of Section 510(b) of the Code and a penalty of \$200 (\$100 per count) for the two violations of Section 510(c) of the Code. *See* Complaint at 9, 10 nn.1-2 (citing *Pa. Pub. Util. Comm'n v. Jadon Trucking, Inc.*, Docket No. C-2021-3028563 (Opinion and Order entered Dec. 8, 2023) (*Jadon Trucking*); *Pa. Pub. Util. Comm'n v. Moore Family Holdings, LLC*, Docket No. C-2021-3029489 (Order entered Apr. 14, 2022); *Pa. Pub. Util. Comm'n v. Safety 1st Paratransit Inc.*, Docket No. C-2021-3029522 (Order entered Apr. 14, 2022); *Pa. Pub. Util. Comm'n v. JB Jr. Trucking LLC*, Docket No. C-2021- 3029458 (Order entered Feb. 24, 2022).

Further, I&E asserts this amount is warranted based on the following three factors: (1) the type of violations in the instant proceeding; (2) the amount of

Respondent's outstanding assessment balance related to the 2022-2023 and 2023-2024 Fiscal Years, and (3) Respondent's poor history of compliance with the Commission for a period of three years prior to the date of the filing of the Complaint. Complaint at 9-10.

Regarding compliance history, I&E states that "[a] review of the Commission's records for a period of three (3) years prior to the date of the filing of this Complaint demonstrates that Respondent has a poor compliance history." Complaint at 10, n.3. The Complaint was filed in May 2024. I agree with I&E and find that the Respondent has an unfavorable compliance history for the three-year period from May 2021 to May 2024, given the Respondent's late filing of its 2021 calendar year assessment report, failure to file its 2022 and 2023 calendar year assessment reports, and failure to pay its 2022-2023 and 2023-2024 Fiscal Year assessments. Additionally, the Respondent failed to proactively provide the Commission with its current mailing address in violation of Commission regulations.

Factors and standards to be utilized when determining whether a fine for violating a Commission order, regulation or statute is appropriate are set forth in 52 Pa. Code § 69.1201. A civil penalty for failing to pay an annual assessments and/or failure to file annual assessment reports is based on a review of: (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 date I&E files its complaint. *Jadon Trucking*.

Failure to file reports (66 Pa.C.S. § 510(b))

Regarding failure of a company to file annual assessment reports, the Commission has directed that where the company's yearly assessment amount is less than

or equal to \$500, and the company has a poor compliance history, the appropriate civil penalty is \$500. *Jadon Trucking*.

Here, the Respondent owes \$348 for its 2022-2023 Fiscal Year Assessment, \$244 for its 2023-2024 Fiscal Year Assessment, which are both less than \$500. Also, as discussed above, the Respondent has a poor compliance history from May 2021 to May 2024. Thus, I&E's requested penalty of \$1,000 total for failure to file its 2022 and 2023 calendar year Assessment Reports (\$500 per report) is appropriate and consistent with Commission precedent. *Id.*

Failure to pay (66 Pa.C.S. § 510(c))

Regarding failure of a company to pay assessments, the Commission has directed that where a company's past-due assessment amount is greater than \$350, and the company has an unfavorable compliance history, the appropriate civil penalty is 25% of the past-due yearly assessment. *Jadon Trucking*.

Here, Respondent's past due assessment is \$348 for the Fiscal Year 2022-2023 and \$244 for Fiscal Year 2023-2024, totaling \$592. Also, as discussed above, the Respondent has a poor compliance history with the Commission. Because the past due assessments are more than \$350 and the Respondent has a poor compliance history, a civil penalty of \$100 for each unpaid assessment is appropriate.<sup>3</sup> *Id.*

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 \$1,200. It is anticipated that this level of civil penalty will serve as a sufficient deterrent against future violations by the Respondent.

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<sup>3</sup> This amount is consistent with 25% of each unpaid assessment, rounded up to the nearest hundred-dollar figure.

### Failure to update address

The facts admitted in the Complaint show that the Respondent has registered one mailing address with the Commission, used an alternate mailing address, and that both mailing addresses have been identified by the United States Postal Service as “insufficient” or “vacant.” Accordingly, the Respondent will be directed to immediately update its current mailing address with the Public Utility Commission, consistent with its ongoing obligation under 52 Pa. Code § 1.53(d).<sup>4</sup>

### Conclusion

I&E’s Motion will be granted, and its Complaint will be sustained, in the ordering paragraphs below. The Respondent will be assessed a civil penalty in the amount of \$1,200, in addition to being ordered to pay its outstanding assessment balance of \$592. If the Respondent does not make payment of the outstanding assessment and the imposed civil penalty within 30 days of the date of entry of a final order, the Respondent’s Certificate to operate will be directed to be revoked, the matter sent for collection and the Commission will pursue all remedies, provided by law, to ensure timely compliance with the Code, Commission regulations and orders, including initiation of further enforcement proceedings. 66 Pa.C.S. §§ 504-6, 3301-2.

Additionally, the Respondent will be directed to report its gross intrastate operating revenue for calendar years 2022, 2023, and all future calendar years; immediately update its mailing address with the Commission; and cease and desist from further violations of the Public Utility Code and the Commission’s regulations.

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<sup>4</sup> In this proceeding, the Respondent’s failure to provide a correct, current mailing address impacted service of assessment-related notices; it could also impact service of driver and vehicle safety and service-related notices.

## CONCLUSIONS OF LAW

1. The Commission has jurisdiction over the parties and the subject matter of this proceeding. 66 Pa.C.S. §§ 501, 510, 701.
2. The Commission has the power, and the duty, to enforce the requirements of the Public Utility Code. 66 Pa.C.S. § 501(a).
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 Commission has authority to sustain complaints that are not answered within 20 days. *Fusaro v. Pa. Pub. Util. Comm'n*, 382 A.2d 794 (Pa. Cmwlth. 1978).
5. As the holder of a Commission-issued certificate of public convenience, the Respondent has a duty to comply with Commission orders and regulations. 66 Pa.C.S. § 501(c).
6. Notice mailed to a party's last known address and not returned by the post office is presumed to have been received. *Berkowitz v. Mayflower Sec., Inc.*, 317 A.2d 584 (Pa. 1974); *Meierdierck v. Miller*, 147 A.2d 406 (Pa. 1959); *Samaras v. Hartwick*, 698 A.2d 71 (Pa. Super. 1997); *Judge v. Celina Mut. Ins. Co.*, 449 A.2d 658 (Pa. Super. 1982).
7. The Respondent is obligated to promptly apprise the Commission of changes to its current address. 52 Pa. Code § 1.53(d).

8. A public utility is required to annually file a statement showing its gross intrastate operating revenues for the preceding calendar year. 66 Pa.C.S. § 510(b).

9. The Respondent's failure to submit its Assessment Reports for the calendar years 2022 and 2023 are violations of 66 Pa.C.S. § 510(b).

10. A public utility is required to pay the Commission's assessment invoices within 30 days of having received notice from the Commission of the amounts assessed or challenge its assessment within 15 days after receiving notice of the assessment. 66 Pa.C.S. § 510(c).

11. The Respondent's failure to satisfy its 2022-2023 Fiscal Year Assessment and 2023-2024 Fiscal Year Assessment are violations of 66 Pa.C.S. § 510(c).

12. 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.

13. A civil penalty for failing to pay an annual assessments and/or failure to file annual assessment reports is based on a review of: (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 date I&E files its complaint. *Pa. Pub. Util. Comm'n v. Jadon Trucking, Inc.*, Docket No. C-2021-3028563 (Opinion and Order entered Dec. 8, 2023).

ORDER

THEREFORE,

IT IS ORDERED:

1. That the Motion for Default Judgment filed by the Bureau of Investigation and Enforcement of the Pennsylvania Public Utility Commission against Blue Ribbon Transit, Inc., at Docket No. C-2024-3049276, is granted.

2. That the Formal Complaint filed by the Bureau of Investigation and Enforcement of the Pennsylvania Public Utility Commission against Blue Ribbon Transit, Inc., at Docket No. C-2024-3049276, is sustained.

3. That within 30 days of the entry date of the Commission's final order in this matter, Blue Ribbon Transit, Inc. shall remit \$1,792 (\$592 outstanding assessment and \$1,200 outstanding civil penalty), payable by certified check or money order, to the "Commonwealth of Pennsylvania" with the docket number of this proceeding listed thereon, and sent to:

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

4. That Blue Ribbon Transit, Inc. shall report its gross intrastate operating revenue for calendar years 2022, 2023, and all future calendar years, pursuant to the requirements at 66 Pa.C.S. § 510, and further cease and desist from further violations of the Public Utility Code and the Public Utility Commission's regulations.

5. That Blue Ribbon Transit, Inc. shall immediately update its mailing address with the Pennsylvania Public Utility Commission.

6. That the Public Utility Commission's Bureau of Technical Utility Services suspend or revoke the Certificate of Public Convenience at Docket No. A-2018-3005930 if payments of the civil penalty (\$1,200) plus the outstanding assessment balance (\$592) are not received from Blue Ribbon Transit, Inc., within 30 days after service of the Public Utility Commission's final order.

7. That, if Blue Ribbon Transit, Inc. fails to make the payment required by Ordering Paragraph No. 3 above within 30 days of the entry date of the final order of the Commission, it is further ordered that the Bureau of Administrative Services, Assessment Section, shall refer this matter to the Pennsylvania Office of Attorney General for collection of the total set forth above and appropriate action.

8. That, if Blue Ribbon Transit, Inc. fails to make the payment required by Ordering Paragraph No. 3 above within 30 days of the entry date of the final order of the Commission, it is further ordered that the Commission will send a copy of this order to the Pennsylvania Department of Transportation for the suspension or revocation of vehicle registrations that were used under Blue Ribbon Transit, Inc.'s operating authority.

8. That a copy of this Decision shall be served on the Commission's Bureau of Technical Services and the Bureau of Administrative Services, Assessment Section.

9. That after Blue Ribbon Transit, Inc. remits \$1,792 as required by Ordering Paragraph No. 3, the Secretary's Bureau shall mark this proceeding at Docket No. C-2024-3049276 closed.

Date: December 16, 2024

\_\_\_\_\_/s/  
Erin L. Gannon  
Administrative Law Judge