



COMMONWEALTH OF PENNSYLVANIA
PENNSYLVANIA PUBLIC UTILITY COMMISSION
COMMONWEALTH KEYSTONE BUILDING
400 NORTH STREET, HARRISBURG, PA 17120

BUREAU OF
INVESTIGATION
&
ENFORCEMENT

February 19, 2025

Via Electronic Filing

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

Re: Pennsylvania Public Utility Commission,
Bureau of Investigation and Enforcement v.
Michael McMahon t/a Pocono Pickups
Docket No. C-2024-3049578
I&E Motion for Default Judgment

Dear Secretary Chiavetta:

Enclosed for electronic filing please find the Bureau of Investigation and Enforcement's Motion for Default Judgment in the above-referenced proceeding. Copies have been served on the parties of record in accordance with the Certificate of Service.

Should you have any questions, please do not hesitate to contact me.

Sincerely,

A handwritten signature in blue ink, appearing to read 'Colby B. Widdowson', is written over a light blue circular stamp.

Colby B. Widdowson
Prosecutor
Bureau of Investigation & Enforcement
PA Attorney ID No. 326185
(717) 787-2139
cwiddowson@pa.gov

CW/jfm
Enclosures

cc: Michael L. Swindler, Deputy Chief Prosecutor (via email – mwindler@pa.gov)
Per Certificate of Service

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Pennsylvania Public Utility Commission,	:	
Bureau of Investigation and Enforcement,	:	
Complainant	:	
	:	
v.	:	Docket No. C-2024-3049578
	:	
Michael McMahon t/a Pocono Pickups,	:	
Respondent	:	


NOTICE TO PLEAD

The Bureau of Investigation and Enforcement (“I&E”) of the Pennsylvania Public Utility Commission (“Commission”) has filed a Motion for Default Judgment in the above-captioned matter, pursuant to the Commission’s regulations at 52 Pa. Code § 5.103. You are hereby notified to file a written response within twenty (20) days of the service of the Motion, consistent with 52 Pa. Code § 5.61.

Your Answer must be verified, pursuant to 52 Pa. Code § 1.36, and the original sent to:

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

Additionally, you must serve a copy on the undersigned prosecutor.



Colby B. Widdowson
Prosecutor
PA Attorney ID No. 326185

Pennsylvania Public Utility Commission
Bureau of Investigation and Enforcement
Commonwealth Keystone Building
400 North Street
Harrisburg, PA 17120
(717) 787-2139
cwiddowson@pa.gov

Dated: February 19, 2025

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Pennsylvania Public Utility Commission,	:	
Bureau of Investigation and Enforcement,	:	
Complainant	:	
	:	
v.	:	Docket No. C-2024-3049578
	:	
Michael McMahon t/a Pocono Pickups,	:	
Respondent	:	

MOTION FOR DEFAULT JUDGMENT

NOW COMES the Pennsylvania Public Utility Commission’s (“Commission”) Bureau of Investigation and Enforcement (“I&E”), by its prosecuting attorney, and files this Motion for Default Judgment against Michael McMahon t/a Pocono Pickups (“Respondent”) pursuant to Section 5.103 of the Commission’s regulations, 52 Pa. Code § 5.103. In support thereof, I&E respectfully represents as follows:

1. I&E’s Motor Carrier Enforcement commenced this action on November 18, 2024, by filing a Formal Complaint.
2. I&E hereby incorporates by reference the Complaint that was filed in this matter at the above docket on November 18, 2024.
3. The Complaint alleged that Respondent committed a violation of the Public Utility Code, in that Respondent transported or offered to transport persons between points in this Commonwealth for compensation without a Certificate of Public Convenience or Commission authority.
4. Respondent maintains its principal place of business at 116 Hemlock Trail, PO Box 457, Scotrun, PA 18355.
5. On November 18, 2024, the Complaint was served by Certified Mail, Return Receipt Requested, to 116 Hemlock Trail, PO Box 457, Scotrun, PA 18355.

6. On November 26, 2024, the Complaint was returned to sender as “Attempted – Not Known Unable to Forward.”

7. On December 10, 2024, the Complaint was re-served to 116 Hemlock Trail, PO Box 457, Scotrun, PA 18355.

8. On December 30, 2024, the re-served Complaint was returned to sender as “Attempted – Not Known Unable to Forward.”

9. On January 11, 2025, the Complaint was served upon Respondent by publication in the *Pennsylvania Bulletin*, as permitted by 52 Pa. Code § 1.53(e).

10. The publication in the *Pennsylvania Bulletin* provided notice that an Answer was due on January 27, 2025.

11. Attached to the Complaint was a Notice advising Respondent that it must file an Answer within twenty (20) days of service of the Complaint.

12. 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.

13. The twenty (20) days to file an Answer to the Complaint has expired.

14. As of the date of this filing, Respondent has failed to file an Answer to the Complaint.

15. 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).

16. 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, 797 (Pa. Cmwlth. 1978).

17. Section 3301 of the Public Utility Code, 66 Pa.C.S. § 3301, authorizes the Commission to impose civil penalties, up to \$1,000.00, on any public utility or any other person or corporation subject to the Commission's authority for violation(s) of the Public Utility Code and/or Commission regulations. Section 3301(a)-(b) of the Public Utility Code, 66 Pa.C.S. § 3301(a)-(b), allows for the imposition of a separate civil penalty for each violation and each day's continuance of such violation(s).

18. I&E respectfully requests that the Commission enter a Default Order against Respondent that:

- a. Find Respondent to be in default, and find the relevant facts stated in the Complaint to be deemed admitted;
- b. Assess a civil penalty of One Thousand Dollars (\$1,000.00); and
- c. Should Respondent fail to pay the civil penalty upon Order of the Commission, direct this matter be referred to the Pennsylvania Office of Attorney General for collection of outstanding amounts due and any other appropriate action.

Respectfully submitted,



Colby B. Widdowson
Prosecutor
PA Attorney ID No. 326185

Pennsylvania Public Utility Commission
Bureau of Investigation and Enforcement
Commonwealth Keystone Building
400 North Street
Harrisburg, PA 17120
(717) 787-2139
cwiddowson@pa.gov

Date: February 19, 2025

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Pennsylvania Public Utility Commission,	:	
Bureau of Investigation and Enforcement,	:	
Complainant	:	
	:	
v.	:	Docket No. C-2024-3049578
	:	
Michael McMahon t/a Pocono Pickups,	:	
Respondent	:	

CERTIFICATE OF SERVICE

I hereby certify that I have this day served a true copy of the foregoing Motion for Default Judgment, in the manner and upon the parties listed below, in accordance with the requirements of 52 Pa. Code § 1.54 (relating to service by a party).

Served via First-Class Mail

Michael McMahon
Pocono Pickups
116 Hemlock Trail
PO Box 457
Scotrun, PA 18335



Colby B. Widdowson
Prosecutor
PA Attorney ID No. 326185
Bureau of Investigation and Enforcement
(717) 787-2139
cwiddowson@pa.gov

Dated: February 19 2025