



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

BUREAU OF
INVESTIGATION
&
ENFORCEMENT

April 9, 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.
N & W Transportation LLC
Docket No. C-2025-
Formal Complaint

Dear Secretary Chiavetta:

Enclosed for electronic filing is the **Formal Complaint** of the Bureau of Investigation and Enforcement ("I&E") of the Pennsylvania Public Utility Commission in the above-referenced matter.

Copies have been served on the parties in accordance with the Certificate of Service. If 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

CBW/ac
Enclosures

cc: Per Certificate of Service
Michael L. Swindler, Deputy Chief Prosecutor (via email - mwindler@pa.gov)
Brian Mehus, Chief, Motor Carrier Safety (via email - bmehus@pa.gov)

NOTICE

A. You must file an Answer within 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 Letter. *See* 52 Pa. Code § 1.56(a). The Answer must raise all factual and legal arguments that you wish to claim in your defense, include the docket number of this Complaint, and be verified. The Answer must be submitted by efilings with the Secretary of the Commission by opening an efilings account through the Commission's website and accepting eservice at <http://www.puc.state.pa.us/efiling/default.aspx>. If your filing contains confidential material, you are required to file by overnight delivery to ensure the timely filing of your submission to:

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

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, please electronically serve a copy on:

Colby B. Widdowson, Prosecutor
Pennsylvania Public Utility Commission
Bureau of Investigation and Enforcement
cwiddowson@pa.gov

B. If you fail to Answer this Complaint within 20 days, the Bureau of Investigation and Enforcement will request that the Commission issue an Order imposing the requested relief.

C. You may elect not to contest this Complaint by paying the civil penalty and performing the requested relief within 20 days. Send only a certified check or money order made payable to the "Commonwealth of Pennsylvania," with the docket number indicated, and mailed to:

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

D. If you file an Answer which either admits or fails to deny the allegations of the Complaint, the Bureau of Investigation and Enforcement will request that the Commission issue an Order imposing the requested relief set forth in this Complaint.

E. 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 penalty set forth in the Complaint and may impose additional and/or alternative penalties as appropriate.

F. If you are a corporation, you must be represented by legal counsel. *See* 52 Pa. Code § 1.21.

G. Alternative formats of this material are available for persons with disabilities by contacting the Commission's ADA Coordinator at 717-787-8714.

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Pennsylvania Public Utility Commission,	:	
Bureau of Investigation and Enforcement,	:	
Complainant	:	
	:	
v.	:	Docket No. C-2025-
	:	
N & W Transportation LLC,	:	
Respondent	:	

FORMAL COMPLAINT

NOW COMES the Pennsylvania Public Utility Commission, Bureau of Investigation and Enforcement (“I&E”), by its prosecuting attorneys, pursuant to Section 701 of the Public Utility Code, 66 Pa.C.S. § 701, and files this Formal Complaint (“Complaint”) against N & W Transportation LLC (“N & W Transportation” or “Respondent”) alleging violations of the Public Utility Code and Pennsylvania Code. In support of its Formal Complaint, I&E alleges the following:

I. COMMISSION JURISDICTION AND AUTHORITY

1. The Pennsylvania Public Utility Commission (“Commission” or “PUC”), with a mailing address of the Commonwealth Keystone Building, 400 North Street, Harrisburg, PA 17120, is a duly constituted agency of the Commonwealth of Pennsylvania empowered to regulate public utilities within the Commonwealth pursuant to the Public Utility Code, 66 Pa.C.S. §§ 101, et seq. (“Code”).

2. Complainant is the Commission’s Bureau of Investigation and Enforcement, which is the bureau established to take enforcement actions against public utilities and other entities subject to the Commission’s jurisdiction pursuant to 66 Pa.C.S. § 308.2(a)(11); *See also*

Implementation of Act 129 of 2008; Organization of Bureaus and Offices, Docket No. M-2008-2071852 (August 11, 2011) (delegating authority to initiate proceedings that are prosecutory in nature to I&E).

3. Complainant's prosecuting attorneys are as follows:

Colby B. Widdowson
Prosecutor
cwiddowson@pa.gov
(717) 787-2139

Michael L. Swindler
Deputy Chief Prosecutor
mswindler@pa.gov

Pennsylvania Public Utility Commission
Bureau of Investigation and Enforcement
Commonwealth Keystone Building
400 North Street
Harrisburg, PA 17120

4. Respondent had been issued a certificate of public convenience by the Commission to provide or furnish transportation, as a common carrier, by motor vehicle, to persons in paratransit service for compensation within the Commonwealth on May 22, 2017 at A-2016-2572347. On December 7, 2022, Respondents certificate of public convenience was cancelled by the Commission at Docket No. C-2022-3032701.

5. Section 501(a) of the Code, 66 Pa.C.S. § 501(a), authorizes and obligates the Commission to execute and enforce the provisions of the Code.

6. Section 701 of the Code, 66 Pa.C.S. § 701, authorizes the Commission, *inter alia*, to hear and determine complaints against public utilities for violations of any law or regulation that the Commission has jurisdiction to administer or enforce.

7. Section 3301 of the Public Utility Code, 66 Pa.C.S. § 3301, authorizes the Commission to impose civil penalties 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).

8. Respondent, by engaging in the transportation of persons between points within the Commonwealth by motor vehicle for compensation, is subject to the power and authority of this Commission pursuant to Section 501 of the Public Utility Code, 66 Pa.C.S. § 501, which requires a public utility to comply with Commission regulations and orders.

II. BACKGROUND

9. Respondent is N & W Transportation LLC with a principal place of business and mailing address of 222 Allen Street, West Hazleton, PA 18202.

10. Respondent had been issued a certificate of public convenience by the Commission to provide or furnish transportation, as a common carrier, by motor vehicle, to persons in paratransit service for compensation within the Commonwealth on May 22, 2017 at A-2016-2572347.

11. Respondent was assigned PA PUC Number A-6419311.

12. On December 7, 2022, Respondent's certificate of public convenience was cancelled by the Commission at Docket No. C-2022-3032701.

13. On October 16, 2024, Respondent filed an application at Docket No. A-2024-3051706 with the Commission seeking approval for the right to operate as a common carrier of persons in paratransit service in the Hazelton Area in Luzerne County.

14. As of the date of this filing, Respondent's application at Docket No. A-2024-3051706 remains pending before the Commission.

15. On December 30, 2024, a Formal Complaint was filed by I&E's Motor Carrier Division at Docket No. C-2024-3051574 alleging that Respondent continued to provide or furnish transportation, as a common carrier, by motor vehicle, to persons in paratransit service for compensation within the Commonwealth after the cancellation of its prior certificate of public convenience.

16. On January 6, 2025, Respondent paid, in full, the \$1,000 civil penalty sought in the Formal Complaint at Docket No. C-2024-3051574, thus satisfying the complaint.

17. On or about February 19, 2025, Motor Carrier Enforcement Officer Kevin Kistulentz ("EO Kistulentz") observed a vehicle marked as N & W Transportation transporting 14 passengers to Hazleton Area High School.

18. After observing the N & W Transportation vehicle delivering the 14 passengers to Hazelton Area High School, EO Kistulentz initiated a traffic stop of the vehicle.

19. The driver of the vehicle informed EO Kistulentz that Respondent charges \$50 per passenger per week for transportation to and from Hazelton Area High School.

III. VIOLATIONS

COUNT ONE

20. All allegations in Paragraphs 1 through 19 are incorporated as if fully set forth herein.

21. Respondent transported persons by motor vehicle between points in the Commonwealth in exchange for compensation without a certificate of public convenience. If proven, this is a violation of 66 Pa.C.S. § 1101.

WHEREFORE, for all the foregoing reasons, the Bureau of Investigation and Enforcement of the Pennsylvania Public Utility Commission respectfully requests that the Commission find the Respondent in violation of each count as set forth herein, and that Respondent be assessed a civil penalty of One Thousand Dollars (\$1,000), in addition to the suspension of the vehicle's registration under 75 Pa.C.S. § 1375, and any other remedies the Commission deems appropriate. Should Respondent fail to pay the civil penalty of One Thousand Dollars (\$1,000) upon Order of the Commission, the Bureau of Investigation and Enforcement requests that this matter be referred to the Pennsylvania Office of Attorney General for collection of any outstanding civil penalty balance and other action as deemed appropriate.

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

Date: April 9, 2025

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Pennsylvania Public Utility Commission,	:	
Bureau of Investigation and Enforcement,	:	
Complainant	:	
	:	
v.	:	Docket No. C-2025-
	:	
N & W Transportation LLC,	:	
Respondent	:	

VERIFICATION

I, Kevin Kistulentz, Motor Carrier Enforcement Officer, 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 to be able to prove the same at a 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.

/s/ Kevin Kistulentz
Kevin Kistulentz
Enforcement Officer
Motor Carrier Safety Division
Bureau of Investigation and Enforcement

Date: April 9, 2025

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**


Pennsylvania Public Utility Commission,	:	
Bureau of Investigation and Enforcement,	:	
Complainant	:	
	:	
v.	:	Docket No. C-2025-
	:	
N & W Transportation LLC,	:	
Respondent	:	

CERTIFICATE OF SERVICE

I hereby certify that I have this day served a true copy of the foregoing **Formal Complaint**, dated April 9, 2025, upon the parties, listed below, in accordance with the requirements of 52 Pa. Code § 1.54 (relating to service by a party).

Service via Certified Mail, Return Receipt Requested and First-Class Mail

N & W Transportation LLC
Attn: Welfran Terrero
222 Allen Street
West Hazelton, PA 18202



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