



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

BUREAU OF
INVESTIGATION
&
ENFORCEMENT

May 2, 2025

Via Electronic Filing

Matthew L. Homsher, 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-2025-3054509
I&E Motion for Default Judgment

Dear Secretary Homsher:

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 – mswindler@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-2025-3054509 |
| | : | |
| N & W Transportation LLC, | : | |
| 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:

Matthew L. Homsher, 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: May 2, 2025

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

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|--|---|---------------------------|
| Pennsylvania Public Utility Commission, | : | |
| Bureau of Investigation and Enforcement, | : | |
| Complainant | : | |
| | : | |
| v. | : | Docket No. C-2025-3054509 |
| | : | |
| N & W Transportation LLC, | : | |
| 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 N & W Transportation LLC (“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 commenced this action on April 9, 2025, by filing a Formal Complaint.
2. I&E hereby incorporates by reference the Complaint that it filed in this proceeding on April 9, 2025.
3. The Complaint alleged that Respondent violated the Public Utility Code at 66 Pa.C.S. § 1101, in that Respondent transported persons by motor vehicle between points in the Commonwealth in exchange for compensation without a certificate of public convenience.
4. Respondent’s mailing address on file with the Commission is: 222 Allen Street, West Hazelton, PA 18202.
5. Attached to the Complaint was a Notice advising Respondent that it must file an Answer within twenty (20) days of service of the Complaint.

6. 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.

7. The Formal Complaint was served on April 10, 2025, via Certified Mail, Return Receipt, and First-Class Mail.

8. The twenty (20) days to file an Answer to the Complaint expired on May 1, 2025.

9. The First-Class mailing has not been returned and is presumed to have been delivered.

10. The Certified Mailing, Return Receipt Requested, used tracking number 9489 0090 0027 6600 6864 80 and was delivered on April 12, 2025. See attached I&E Exhibit 1.

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

12. 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).

13. 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).

14. 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).

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

- a. Deems Respondent to be in default, and finds 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, orders 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: May 2, 2025

I&E
EXHIBIT 1

April 29, 2025

Dear Colby Widdowson:

The following is in response to your request for proof of delivery on your item with the tracking number:
9489 0090 0027 6600 6864 80.

Item Details

| | |
|----------------------------|--|
| Status: | Delivered, Left with Individual |
| Status Date / Time: | April 12, 2025, 1:07 pm |
| Location: | HAZLETON, PA 18202 |
| Postal Product: | First-Class Mail® |
| Extra Services: | Certified Mail™ Return Receipt Electronic |

Recipient Signature

Signature of Recipient:



Address of Recipient:

222 ALLEN ST, WEST
HAZLETON, PA 18202

Note: Scanned image may reflect a different destination address due to Intended Recipient's delivery instructions on file.

Thank you for selecting the United States Postal Service® for your mailing needs. If you require additional assistance, please contact your local Post Office™ or a Postal representative at 1-800-222-1811.

Sincerely,
United States Postal Service®
475 L'Enfant Plaza SW
Washington, D.C. 20260-0004

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**


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| Pennsylvania Public Utility Commission, | : | |
| Bureau of Investigation and Enforcement, | : | |
| Complainant | : | |
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| | : | |
| N & W Transportation LLC, | : | |
| 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 Electronic and First-Class Mail

N & W Transportation LLC
Attn: Welfran Terrero
222 Allen Street
West Hazelton, PA 18202
nellyterrero@live.com



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

Dated: May 2, 2025