

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Pennsylvania Public Utility Commission,	:	
Bureau of Investigation and Enforcement	:	Docket No. C-2025-3058403
	:	
v.	:	
	:	
Truck & Muscle Moving LLC	:	

**INTERIM ORDER
DENYING MOTION FOR DEFAULT JUDGMENT**

This Interim Order: (1) denies, without prejudice, the Motion for Default Judgment filed by the Bureau of Investigation and Enforcement; and (2) directs that a status report be filed on or before March 27, 2026.

HISTORY OF THE PROCEEDING

On November 7, 2025, the Commission’s Bureau of Investigation and Enforcement (I&E) filed a Formal Complaint (Complaint) against Truck & Muscle Moving LLC (Truck & Muscle or Respondent) alleging Respondent violated the Public Utility Code and Pennsylvania Code, by operating as a common carrier and/or contract carrier by motor vehicle without a certificate of public convenience, permit, or license issued by the Pennsylvania Public Utility Commission (Commission) when Truck & Muscle held itself out through advertising the transport of household goods between points within the Commonwealth for compensation.

For relief, I&E requested that the Commission find the Respondent in violation of Section 3310 (a) and (b) of the Public Utility Code, 66 Pa.C.S. § 3310 (a), (b), and assess Respondent the statutorily mandated administrative penalty of Five Thousand Dollars (\$5,000).

A Notice to Plead accompanied the Complaint, as did a Certificate of Service. The Certificate of Service indicated that the method of service was certified mail, return receipt requested. The Certificate of Service was dated November 7, 2025.

No Answer was filed by Truck & Muscle.

On January 8, 2026, I&E filed a Motion for Default Judgment (Motion). In the Motion, I&E averred the Complaint was served by certified mail on November 10, 2025. Motion ¶ 3. No proof that service was effectuated accompanied the Motion.

For the reasons stated below, I deny I&E's Motion.

DISCUSSION

Motion for Default Judgment

I&E predicated the Motion for Default Judgment on the allegation that Respondent failed to file an Answer to the Complaint. I&E argued that 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, I&E argued the Commonwealth Court has upheld the Commission's authority to sustain complaints that are not answered within 20 days, citing *Fusaro v. Pa. Pub. Util. Comm'n*, 382 A.2d 794 (Pa. Cmwlth. 1978). Therefore, I&E requested the allegations raised in the Complaint be deemed admitted and the Complaint sustained.

I&E's Motion and arguments therein are premature, because I&E failed to provide proof of service of the Complaint upon Respondent.

Due process

As an administrative agency of the Commonwealth, the Commission is required to provide due process to the parties appearing before it. *Schneider v. Pa. Pub. Util. Comm'n*, 479 A.2d 10, 15 (Pa. Cmwlth. 1984). Due process is satisfied when the parties are afforded notice and the opportunity to appear and be heard. *Id.*

Service as notice

The validity of service of the Formal Complaint, as the initial legal document filed against Respondent, is not presumed. *See Twp. of Lycoming v. Shannon*, 780 A.2d 835, 838 (Pa. Cmwlth. 2001). Service must conform to the rules as set forth by the Public Utility Code, the Commission's regulations, and applicable case law.

The Public Utility Code, at Section 702, provides:

§ 702. Service of complaints on parties.

Upon the filing of a complaint, the commission shall cause to be served upon each party named in the complaint a copy of the complaint and notice from the commission calling upon such party to satisfy the complaint, or to answer the same in writing, within such time as is specified by the commission in the notice. Service in all hearings, investigations and proceedings pending before the commission shall be made by registered or certified mail or by e-mail upon agreement by each party.

66 Pa.C.S. § 702.

The Commission's regulations, at Section 1.53(c), provides, in relevant part:

(c) *Registered or certified mail.*

. . . and service of a complaint under section 702 of the act (relating to service of complaint on parties) must be by registered or certified mail, return receipt requested.

52 Pa. Code § 1.53(c).

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Served via eService- February 25, 2026

TRUCK & MUSCLE MOVING LLC
ATTN DERRIAN EUGENE JACKSON
161 CROYLE STREET
JOHNSTOWN PA 15905
Served via USPS First Class Mail February 25, 2026