

Railway Formal Complaint Form

BEFORE

PENNSYLVANIA PUBLIC UTILITY COMMISSION

For Commission Use Only:

Complaint Docket No. _____ REF. # _____ Utility Code _____

_____ VS. _____

Please Print:

1. Your Name, Address and Telephone Number.

Name _____

Street _____

City _____ State _____ Zip _____

County _____ Home Telephone (____) _____

Work Telephone (____) _____

2. Company you are complaining about.

Name _____

3. What is your complaint? (Describe problem)

For Commission Use Only:

DATE FILED ____/____/____

MONITOR _____ BUREAU _____

(If you need more space, please attach paper.)

4. What do you want us to do?

(If you need more space, please attach paper.)

YOU MUST SIGN HERE

Signature of complainant or
Attorney for corporate complainant

PUT TODAY'S DATE HERE

Today's Date

YOU DO NOT NEED A LAWYER

If you DO have a lawyer please print the lawyer's name, address, and phone number below.

Lawyer's Name _____

Street _____

City _____ State _____ Zip _____

Telephone Number (_____) _____

PRACTICE AND PROCEDURE BEFORE THE PUBLIC UTILITY COMMISSION

APPEARANCES OF ATTORNEYS

Every attorney appearing before the Commission must be admitted to practice before the Supreme Court of Pennsylvania or the highest court of another state if a similar agency in that other jurisdiction would permit members of the bar of this Commonwealth to practice before them.

FORMAL COMPLAINTS

(A) Content: - Each formal complaint must be divided into numbered paragraphs and must set forth (1) Name and address of the complaining party; (2) Name and address of complaining party's attorney, if any; (3) Name and address of the person or company complained against (respondent) and the nature or type of its business; (4) The act or thing done or not done or about to be done by the respondent which violates any law which the Commission administers or violates any regulation or order of the Commission. If you know the specific section of the statute or particular regulation or order of the Commission involved, please state it; (5) In concise, clear sentences describe how you were adversely affected by the utility's conduct stated in #4 above. (6) A clear statement of the relief sought. (52 Pa. Code § 3.121(a))

(B) EXECUTION: JOINDER OF CAUSES AND PARTIES: - Each formal complaint must be in writing and must be signed and notarized; (1) By the party filing the complaint or by one of the parties if there is more than one; (2) By an authorized officer of the party filing the complaint if the party is a corporation or association. Complaints against rates and service must not be included in the same document. Two separate complaints should be filed; one for rates and one for service. All of the complaining party's grounds for suing the respondent must be stated at one time. Two or more people may join in one complaint if they both have complaints against the same respondent and their complaints are based upon a like set of facts or ask for the same relief from the Commission.

(C) FILING: SERVICE: - An original and three copies of each complaint must be filed and, if more than one respondent is named, an additional copy must be filed for each additional respondent. The Commission will serve a copy of the complaint upon each respondent together with a notice to satisfy the complaint or answer it in writing within twenty (20) days after the service.

Complaints by a public utility or other person or corporation subject to the public utility law challenging any regulation or order of the Commission which the complainant is or has been required to observe or carry into effect shall be substantially in the form above described and reference must be made to the particular regulation or order or part thereof complained against and shall quote the pertinent portions thereof.

Crossing Complaints. Parties Respondent. Whenever a complaint is made under Section 409 of the Public Utility Law that any crossing is dangerous or inadequate and requires reconstruction, relocation, alteration or abolition, all public utilities and municipal corporations concerned and, where applicable, the Department of Transportation of the Commonwealth of Pennsylvania, shall be made parties respondent.

ANSWERS TO COMPLAINTS

(D) **FORM AND EXECUTION: CONTENT: FILING AND SERVICE:** - Every answer shall be in writing and shall be signed and notarized in the form stated in 52 Pa. Code § 3.122 by the party filing such answer or by one of the parties if there is more than one or if the party is a partnership, or by an authorized officer of the party filing the answer if the party be a corporation or association. The answer shall set forth in paragraphs numbered to correspond with the complaint the facts upon which respondent relies and shall specifically admit or deny the material allegations of the complaint. An original and three copies of each answer shall be filed (1 Pa. Code 35.35). Proof of service of one copy of each answer upon each complainant or his attorney shall be attached to such answer.

MOTIONS TO STRIKE OR DISMISS OR FOR AMPLIFICATION

(E) Any party deeming a pleading insufficient in form may file with the Commission a motion to strike. Any party deeming a pleading insufficient in substance or desiring to question the jurisdiction of the Commission may file with the Commission to dismiss. Any party deeming the allegations of fact in any pleading to be so insufficiently averred that adequate answer to the pleading is impossible may file with the Commission a motion for amplification of the specific allegations deemed insufficient. An original and two copies of each motion to strike or dismiss or for amplification shall be filed. proof of service of a copy of the motion upon each party of record shall be attached to such motion.