

BTS enforcement officers are police officers pursuant to 66 Pa. C.S. §307. The enforcement officers, therefore, can prosecute summary offenses without the assistance of an attorney. If the enforcement officer believes he or she needs assistance in prosecuting a summary offense, he or she will seek help from the district attorney or if the district attorney is not available, from the Law Bureau. Usually the enforcement officers will request assistance in summary prosecutions if they know that counsel represents the defendant.

In misdemeanor cases, the enforcement officers can present their case at the preliminary hearing without the assistance of an attorney. If the enforcement officer believes that he or she needs assistance at the preliminary hearing, he or she will seek help from the district attorney or if the district attorney is not available, from the Law Bureau. Again, usually the enforcement officers will request assistance at the preliminary hearing if they know that counsel represents the defendant. If the enforcement officer presents a prima facie case at the preliminary hearing and the matter is set for trial before the Court of Common Pleas, the county district attorney will prosecute the case with the enforcement officer acting as the witness. The district attorney may request assistance from the Law Bureau in certain misdemeanor cases. Law Bureau assistance may include attendance and participation in the district attorney's prosecution of the misdemeanor before the Court of Common Pleas.

Before initiating any criminal prosecution, BTS enforcement officers contact local law enforcement authorities to make sure that the prosecution does not conflict with ongoing investigations or prosecutions of the defendant.

2. Are there any recommendations as to how the Commission could seek to improve its enforcement/collection efforts?

Response: The Law Bureau has developed seven recommendations for your consideration. They are as follows:

1. Better Monitoring of Compliance. Responsible Commission staff need to take a more proactive role in monitoring compliance with the Public Utility Code, Commission regulations and Commission orders for both fixed and motor carrier utilities. Absent effective monitoring by staff to detect non-compliance, enforcement efforts will not even commence.

2. Make Early Contacts. Responsible Commission staff need to take a more proactive role in contacting by telephone the delinquent utility in the early stages of the dispute to resolve the matter efficiently and expeditiously without the filing of a formal complaint. Such additional efforts up front can save substantial time and resources later.