



COMMONWEALTH OF PENNSYLVANIA
PENNSYLVANIA PUBLIC UTILITY COMMISSION
P.O. BOX 3265, HARRISBURG, PA 17105-3265

June 19, 2015

Rosemary Chiavetta, Secretary
Pennsylvania Public Utility Commission
P.O. Box 3265
Harrisburg, PA 17105-3265

Re: Pennsylvania Public Utility Commission, Bureau of Investigation
and Enforcement v. Nasser Limousine, LLC
Docket No. _____

Dear Secretary Chiavetta:

Enclosed for filing is the Formal Complaint of the Bureau of Investigation and Enforcement of the Pennsylvania Public Utility Commission against Nasser Limousine, LLC in the above-referenced case. Copies have been served on the parties of record in accordance with the Certificate of Service.

Sincerely,

Kourtney L. Myers
Prosecutor
PA Attorney ID No. 316494

Prosecutor for the Bureau of
Investigation and Enforcement

Enclosures

cc: As per Certificate of Service

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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. You may file your Answer by mailing an original to:

Rosemary Chiavetta, Secretary
Pennsylvania Public Utility Commission
P.O. Box 3265
Harrisburg, PA 17105-3265

Or, you may eFile your Answer using the Commission's website at www.puc.pa.gov. The link to eFiling is located under the Filing & Resources tab on the homepage. 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, a copy should either be mailed to:

Michael L. Swindler, Deputy Chief Prosecutor
Pennsylvania Public Utility Commission
Bureau of Investigation and Enforcement
P.O. Box 3265
Harrisburg, PA 17105-3265

Or, emailed to Mr. Swindler at: RA-PCCmplntResp@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 penalty.

C. You may elect not to contest this Complaint by paying the past due assessment and civil penalty within 20 days. Send **ONLY** a certified check or money order made payable to the Commonwealth of Pennsylvania to:

Rosemary Chiavetta, Secretary
Pennsylvania Public Utility Commission
P.O. Box 3265
Harrisburg, PA 17105-3265

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 the Commission to issue an Order imposing the penalty 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. 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
	:	Docket No. C-2015-
v.	:	
	:	
Nasser Limousine, LLC,	:	
	:	Respondent

COMPLAINT

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

Parties and Jurisdiction

1. The Pennsylvania Public Utility Commission, with a mailing address of P.O. Box 3265, Harrisburg, PA 17105-3265, 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.*
2. Complainant is the Commission’s Bureau of Investigation and Enforcement and is the entity established by statute to prosecute complaints against public utilities pursuant to 66 Pa.C.S. § 308.2(a)(11).
3. Complainant is represented by:

Kourtney L. Myers
Prosecutor
Pennsylvania Public Utility Commission
Bureau of Investigation & Enforcement
P.O. Box 3265
Harrisburg, PA 17105-3265
717.705.4366
komyers@pa.gov

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Michael L. Swindler
Deputy Chief Prosecutor
Pennsylvania Public Utility Commission
Bureau of Investigation & Enforcement
P.O. Box 3265
Harrisburg, PA 17105-3265
mswindler@pa.gov

4. Respondent, Nasser Limousine, LLC maintains its principal place of business at 4751 Birney Avenue, Moosic, PA 18507.
5. Respondent is a “public utility” as that term is defined at 66 Pa.C.S. § 102, as it is engaged in transporting passengers in the Commonwealth of Pennsylvania for compensation.
6. The Commission issued Respondent a Certificate of Public Convenience (“Certificate”) on or about August 15, 2005, at A-00120555, for limousine and group and party 16 or greater authority.
7. Pursuant to its Certificate, Respondent is authorized to transport, as a common carrier, by motor vehicle, persons in limousine service between points in Lackawanna County and from points in Lackawanna County to points in Pennsylvania and return.
8. Section 501(a) of the Public Utility Code, 66 Pa.C.S. § 501(a), authorizes and obligates the Commission to execute and enforce the provisions of the Public Utility Code.
9. Section 701 of the Public Utility Code, 66 Pa.C.S. § 701, authorizes the Commission, *inter alia*, to hear and determine complaints against public utilities for a violation of any law or regulation that the Commission has jurisdiction to administer.
10. 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.
11. Respondent, in transporting passengers as a common carrier for compensation, is subject to the power and authority of this Commission pursuant to Section 501(c) of the Public Utility Code, 66 Pa.C.S. § 501(c), which requires a public utility to comply with Commission regulations.

12. Pursuant to the provisions of the applicable Commonwealth statutes and regulations, the Commission has jurisdiction over the subject matter of this complaint and the actions of Respondent related thereto.

Background

13. On July 9, 2014, Respondent filed an Application with the Commission at Docket No. A-2014-2434077, seeking the additional right to begin to transport, as a common carrier, by motor vehicle, persons in limousine service, between points within the counties of Bradford, Berks, Carbon, Columbia, Lehigh, Luzerne, Lycoming, Monroe, Montour, Northampton, Northumberland, Pike, Schuylkill, Sullivan, and Susquehanna, Pennsylvania.
14. In its Application, Respondent certified, *inter alia*, that it was not currently engaged in unauthorized intrastate transportation for compensation between points in Pennsylvania and that it would not engage in unauthorized intrastate transportation for compensation between points in Pennsylvania unless and until authorization was received from the Commission.
15. John Nasser, the owner and president of Nasser Limousine, verified the Application.
16. While Respondent's Application at Docket No. A-2014-2434077 was pending before the Commission, Respondent unlawfully provided passenger transportation service for compensation on August 23, 2014 ("August 23 Trip") between points in Luzerne County, PA, which is outside Respondent's authorized service area, thereby violating Section 1102 of Public Utility Code, 66 Pa.C.S. § 1102.
17. The vehicle operated during the August 23 Trip was a 2006 Dodge Chrysler 300 limousine bearing license plate number LM26700 and vehicle identification number 2C3LA63H36H291309.
18. On February 4, 2015, I&E filed a Complaint against Respondent regarding the August 23 Trip at Docket No. C-2015-2461513, alleging that Respondent violated Section 1102 of the Public Utility Code, 66 Pa.C.S. § 1102, by transporting passengers outside its authorized service area for compensation and directed that Respondent pay a civil penalty in the amount of \$500.
19. On April 14, 2015, the allegations in the Complaint at Docket No. C-2015-2461513 were deemed admitted and the Complaint was sustained by Secretarial Letter ("April 14 Secretarial Letter") due to Respondent's failure to file an Answer to the Complaint.

20. In the April 14 Secretarial Letter, Respondent was ordered to cease and desist from committing further violations of the Public Utility Code and the Commission's regulations and to pay the \$500 civil penalty within twenty (20) days from the date of service of the April 14 Secretarial Letter or by May 4, 2015.
21. The \$500 civil penalty that Respondent was ordered to pay pursuant to the April 14 Secretarial Letter remains outstanding.
22. While Respondent's Application at Docket No. A-2014-2434077 was pending before the Commission, Respondent entered into a contract on January 27, 2015 to provide passenger transportation service for compensation on July 31, 2015 ("July 31 Trip") from Luzerne County, PA to Lackawanna County, PA, which is outside Respondent's authorized service area, thereby violating Section 1102 of Public Utility Code, 66 Pa.C.S. § 1102.
23. On April 2, 2015, I&E filed a Complaint against Respondent regarding the July 31 Trip at Docket No. C-2015-2468725, alleging that Respondent violated Section 1102 of the Public Utility Code, 66 Pa.C.S. § 1102, by transporting passengers outside its authorized service area for compensation and directed that Respondent pay a civil penalty in the amount of \$500.
24. On April 30, 2015, the Commission received payment from Respondent in the amount of \$500, which constituted payment of the civil penalty sought in the Complaint at Docket No. C-2015-2468725.
25. Respondent's payment to the Commission regarding the \$500 civil penalty constituted an admission by Respondent to the allegations and violation represented in the Complaint at Docket No. C-2015-2468725 and an agreement by Respondent to cease and desist from committing further violations of the Public Utility Code and the Commission's regulations.
26. Again, while Respondent's Application at Docket No. A-2014-2434077 was pending before the Commission, Respondent unlawfully permitted one of its vehicles, a 2006 Dodge Chrysler 300 limousine, to be operated by one of its drivers outside its authorized service area by providing passenger transportation service for compensation on May 1, 2015 ("May 1 Trip") from 3 College Hill, Nanticoke, Luzerne County, PA to the Woodlands Resort, 1073 Highway 315, Wilkes-Barre, Luzerne County, PA under the name of Best Rate Rent-A-Car, LLC ("Best Rate Rent-A-Car").
27. John Nasser is the president and owner of Best Rate Rent-A-Car, which maintains its principal place of business at 4751 Birney Avenue, Moosic, PA 18507.

28. Best Rate Rent-A-Car does not have Commission authority to provide passenger transportation services to the public for compensation.
29. The vehicle operated during the May 1 Trip was a 2006 Dodge Chrysler 300 limousine bearing license plate number JVL2749 and vehicle identification number 2C3KA53G46H432773.
30. Respondent did not obtain a Certificate of Waiver of Vehicle Age Requirements (“Waiver”) from the Commission regarding its 2006 Dodge Chrysler 300 limousine that was operated during the May 1 Trip and is more than eight (8) model years old.
31. The driver involved in the May 1 Trip was John Gilgallon, who is employed as a driver by Respondent.
32. On May 6, 2015, the Commission denied and dismissed Respondent’s Application at A-2014-2434077 by Secretarial Letter (“May 6 Secretarial Letter”) due to Respondent’s failure to demonstrate that it had the propensity to operate safely and legally in compliance with the Public Utility Code and the Commission’s regulations as required at 52 Pa. Code § 41.14.
33. The Commission’s determination that Respondent lacked the propensity to operate safely and legally was based on Respondent’s lengthy history of noncompliance with the Public Utility Code and the Commission’s regulations, which includes, *inter alia*, the following:
 - a. the above-referenced Complaint filed against Respondent at Docket No. C-2015-2461513 and the outstanding civil penalty in the amount of \$500;
 - b. the above-referenced Complaint filed against Respondent at Docket No. C-2015-2468725;
 - c. Respondent’s repeated failure to file assessment reports with the Commission for the 2006, 2009, 2010, 2012, 2013, and 2014 calendar years;
 - d. the Complaint filed against Best Rate Limousine, LLC (“Best Rate Limousine”), a company owned by John Nasser, at Docket No. C-2013-2384535 and the outstanding civil penalty in the amount of \$1,750;
 - e. the Complaint filed against Best Rate Limousine at Docket No. C-2014-2428514 and the outstanding civil penalty in the amount of \$600;

- f. the cancellation of the Certificate of Best Rate Limousine at A-00116860; and
 - g. Best Rate Limousine's failure to pay its 2014-2015 fiscal year assessment to the Commission in the amount of \$1,043.
34. In the May 6 Secretarial Letter, Respondent was advised of its right to request that the Commission reconsider the denial of its Application at Docket No. A-2014-2434077 by filing a Petition for Reconsideration pursuant to 52 Pa. Code § 5.44 within twenty (20) days of the date of the May 6 Secretarial Letter or by May 26, 2015.
35. Respondent did not file a Petition for Reconsideration regarding the denial and dismissal of its Application.
36. In disregard of the Commission's denial and dismissal of Respondent's Application at Docket No. A-2014-2434077, Respondent unlawfully permitted one of its vehicles, a 2006 Dodge Chrysler 300 limousine, to be operated outside its authorized service area by providing passenger transportation service for compensation on May 9, 2015 ("May 9 Trip") from 275 East Grove Street, Kingston, Luzerne County, PA to points within Luzerne County, PA and back to 275 East Grove Street, Kingston, Luzerne County, PA under the name of Best Rate Rent-A-Car.
37. The vehicle operated during the May 9 Trip was a 2006 Dodge Chrysler 300 limousine bearing license plate number JVL2748 and vehicle identification number 2C3LA63H36H291309, which is the same vehicle identification number as that of the limousine vehicle referenced above in Paragraph 17.
38. Respondent did not obtain a Waiver from the Commission regarding its 2006 Dodge Chrysler 300 limousine that was operated during the May 9 Trip and is more than eight (8) model years old.

Violations

COUNT 1

39. That Respondent failed to pay the \$500 civil penalty that it was ordered to pay by May 4, 2015 pursuant to the Commission's order at Docket No. C-2015-2461513.

If proven, this is a violation of the Commission's order at Docket No. C-2015-2461513.

The Bureau of Investigation and Enforcement's proposed civil penalty for this violation is \$500 for the outstanding civil penalty and \$1,000 for each and every day since May 4, 2015, the date that the civil penalty was due, for a total civil penalty of \$46,500.

COUNTS 2-3

40. That Respondent unlawfully provided passenger transportation service for compensation outside its authorized service area on May 1, 2015 and May 9, 2015.

If proven, this is a violation of Section 1102(a) of the Public Utility Code, 66 Pa.C.S. § 1102(a).

The Bureau of Investigation and Enforcement's proposed civil penalty for this violation is \$1,500 for each passenger transportation service provided by Respondent for compensation outside its authorized service area for a total civil penalty of \$3,000.

This civil penalty is based, in part, on Respondent's history of noncompliance with the Public Utility Code involving two (2) previous incidents in which Respondent provided passenger transportation service for compensation outside its authorized service area, as set forth above.

COUNTS 4-5

41. That Respondent unlawfully provided passenger transportation service for compensation in a limousine vehicle which was more than eight (8) model years old on May 1, 2015 and May 9, 2015 without obtaining a Certificate of Waiver of Vehicle Age Requirements from the Commission.

If proven, this is a violation of Section 29.333(e) of the Commission's regulations, 52 Pa. Code § 29.333(e).

The Bureau of Investigation and Enforcement's proposed civil penalty for this violation is \$500 for each passenger transportation service provided by Respondent for compensation in an overaged limousine vehicle for a total civil penalty of \$1,000.

WHEREFORE, for all the foregoing reasons, the Bureau of Investigation and Enforcement of the Pennsylvania Public Utility Commission respectfully requests that:

- a. Respondent be ordered to pay a civil penalty in the amount of \$50,500 for the above-described violations;
- b. the Commission issue an Order to cancel the Certificate of Public Convenience issued to Respondent at A-00120555 due to Respondent's repeated failure to comply with the Public Utility Code and the Commission's order and regulations; and
- c. the Commission order such other remedy that it may deem appropriate, including the addition of a \$1,000 civil penalty for each and every day that Respondent fails to pay the \$500 civil penalty that it was ordered to pay in the Commission's order at Docket No. C-2015-2461513.

Respectfully submitted,



Kourtney L. Myers
Prosecutor
PA Attorney ID No. 316494

Pennsylvania Public Utility Commission
Bureau of Investigation & Enforcement
P.O. Box 3265
Harrisburg, PA 17105-3265

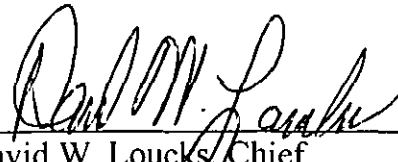
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VERIFICATION

I, David W. Loucks, Chief of Enforcement, Bureau of Investigation and Enforcement, Motor Carrier Enforcement, 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 the Bureau will be able to prove the same at any 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.

Date: June 19, 2015



David W. Loucks, Chief
Motor Carrier Enforcement
Bureau of Investigation and Enforcement
PA. Public Utility Commission
P.O. Box 3265
Harrisburg, PA 17105-3265

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CERTIFICATE OF SERVICE

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

Service by Certified Mail and Hand Delivery:

John Nasser, President
Nasser Limousine, LLC
4751 Birney Avenue
Moosic, PA 18507



Kourtney L. Myers
Prosecutor
PA Attorney ID No. 316494

Pennsylvania Public Utility Commission
Bureau of Investigation and Enforcement
P.O. Box 3265
Harrisburg, PA 17105-3265
717.705.4366
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Dated: June 19, 2015

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