



July 16, 2015

VIA E-FILE

D. Troy Sellars

Direct Phone 717-703-5890

Direct Fax 215-701-2416

tsellars@cozen.com

Rosemary Chiavetta, Secretary
Pennsylvania Public Utility Commission
Commonwealth Keystone Building
400 North Street, 2nd Floor North
P.O. Box 3265
Harrisburg, PA 17105-3265

**Re: Pennsylvania Public Utility Commission, Bureau of Investigation & Enforcement v.
Nasser Limousine, LLC; Docket No. C-2015-2488425**

**ANSWER AND NEW MATTER TO COMPLAINT OF BUREAU OF INVESTIGATION &
ENFORCEMENT**

Dear Secretary Chiavetta:

Enclosed for filing with the Commission is Nasser Limousine LLC's Answer and New Matter in the above-referenced proceeding. A copy of this document has been served in accordance with the attached Certificate of Service.

If you have any questions regarding this filing, please direct them to me. Thank you for your attention to this matter.

Sincerely,

COZEN O'CONNOR

By: D. Troy Sellars
Counsel for *Nasser Limousine LLC*

DTS/kmg
Enclosure

cc: Per Certificate of Service

LEGAL\23872551\1

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Bureau of Investigation & Enforcement	:	
	:	
v.	:	Docket No. C-2015-2488425
	:	
Nasser Limousine LLC	:	

NOTICE TO PLEAD


Pursuant to 52 Pa. Code § 5.63, you are hereby notified that, if you do not file a written response denying or correcting the enclosed New Matter of Nasser Limousine LLC, within twenty (20) days from service of the New Matter, the facts set forth by Nasser Limousine LLC in the New Matter may be deemed to be true, thereby requiring no other proof. All pleadings, such as a Reply to New Matter, must be filed with the Secretary of the Pennsylvania Public Utility Commission, with a copy served to counsel for Nasser Limousine LLC, and where applicable the Administrative Law Judge presiding over the case.

File with:

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

With a copy to:

D. Troy Sellars, Esquire (PA ID #210302)
Cozen O'Connor
17 North 2nd Street, Suite 1410
Harrisburg, PA 17101



D. Troy Sellars, Esquire
Counsel for *Nasser Limousine LLC*

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Bureau of Investigation & Enforcement	:	
	:	
v.	:	Docket No. C-2015-2488425
	:	
Nasser Limousine LLC	:	

ANSWER AND NEW MATTER

Nasser Limousine LLC (“Nasser Limo”) files this Answer and New Matter to the Formal Complaint of the Pennsylvania Public Utility Commission’s Bureau of Investigation & Enforcement (“I&E”), stating as follows:

ANSWER

1. Admitted.
2. Admitted.
3. Admitted, upon information and belief.

4. Denied. By way of further answer Respondent maintains two addresses. Its primary address is 137 W. Market St., Scranton, PA 18509. Its secondary address is 4751 Birney Avenue, Moosic, PA 18507. The Commission was notified of this address change via a change of address notification filed with the Secretary on April 24, 2015, in Docket Nos. A-00120555

and A-2014-2434077. A copy of the time-stamped change of address notification is attached as

Exhibit A.

5. Admitted.

6. Admitted, upon information and belief.

7. Admitted, upon information and belief.

8. The averment contained in this paragraph is a conclusion of law to which no response is needed.

9. The averment contained in this paragraph is a conclusion of law to which no response is needed.

10. The averment contained in this paragraph is a conclusion of law to which no response is needed.

11. The averment contained in this paragraph is a conclusion of law to which no response is needed.

12. The averment contained in this paragraph is a conclusion of law to which no response is needed.

13. Admitted. By way of further answer, said application was for the transportation of 10 or less passengers per trip.

14. The averments in this paragraph reference a written document which speaks for itself and no response is required.

15. Admitted.

16. It is admitted that Respondent's application at Docket No. A-2014-2434077 was pending before the Commission on August 23, 2014. It is further admitted that on or about February 4, 2015, the Pennsylvania Public Utility Commission's Bureau of Investigation and Enforcement ("I&E") filed a complaint against Respondent alleging a violation of the Public Utility Code for a trip allegedly provided by Respondent outside of its certificated territory on August 23, 2014. It is additionally admitted that Respondent did not respond to the Complaint, that a default judgment was entered against Respondent, and that Respondent was ordered to pay a civil penalty of \$500 to the Pennsylvania Public Utility Commission.

17. Respondent incorporates by reference its response to Paragraph # 16 as if restated herein at length.

18. Respondent incorporates by reference its response to Paragraph # 16 as if restated herein at length.

19. The averments in this paragraph reference a written document which speaks for itself and no response is required. Additionally, the averments contained in this paragraph is a conclusion of law to which no response is needed.

20. The averments in this paragraph reference a written document which speaks for itself and no response is required.

21. Admitted. By way of further answer, Respondent was under the impression that it was not required to pay the above-referenced civil penalty because in or about December 2014, PUC employees Thomas Kepping and Andy Turrizianni visited Respondent's place of business and

after multiple inquires about the August 23rd ride, informed Respondent that no charges would be brought. When Respondent saw the complaint and the secretarial letter, it thought it was a mistake and took no action.

22. It is admitted that Respondent's application at Docket No. A-2014-2434077 was pending before the Commission on January 27, 2015. It is further admitted that on or about April 2, 2015, I&E filed a complaint against Respondent alleging a violation of the Public Utility Code for a trip allegedly to be provided by Respondent outside of its certificated territory on July 31, 2015.

23. Respondent incorporates by reference its response to Paragraph # 22 as if restated herein at length.

24. It is Admitted that Respondent sent the Commission a check for \$500.00, which was received by the Commission on or about April 30, 2015.

25. The averment contained in this paragraph is a conclusion of law to which no response is needed. To the extent an answer is deemed required, Denied and strict proof thereof is demanded. By way of further answer, the election to simply pay the requested civil penalty as opposed to expending the time and resources required to fight the Complaint does not constitute an admission to the allegations set forth in the Complaint.

26. Denied and strict proof thereof is demanded. By way of further answer, Respondent never owned nor had registered in its name, a 2006 Dodge Chrysler 300 Limousine. Rather, the vehicle referenced in this paragraph was owned by Best Rate Limousine, LLC. When Best Rate Limousine ceased operations, it sold the vehicle to Best Rate Rent-A-Car, LLC.

27. Admitted.

28. Admitted.

29. It is Admitted that the averment in this paragraph correctly described the make, model, year and registration number of a vehicle which was titled to Best Rate Rent-A-Car.

30. It is Admitted that Respondent did not obtain a certificate of waiver for the vehicle described in Paragraph 29.

31. Denied and strict proof thereof is demanded. By way of further answer, Mr. Gilgallon was not an employee of Respondent at any time. Rather, he occasionally provided independent contractor services for Respondent and, upon information and belief, other companies.

32. The averments in this paragraph reference a written document which speaks for itself and no response is required.

33. The averments in this paragraph reference a written document which speaks for itself and no response is required.

- a. The averments in this paragraph reference a written document which speaks for itself and no response is required.
- b. The averments in this paragraph reference a written document which speaks for itself and no response is required.
- c. The averments in this paragraph reference a written document which speaks for itself and no response is required.

- d. The averments in this paragraph reference a written document which speaks for itself and no response is required.
- e. The averments in this paragraph reference a written document which speaks for itself and no response is required.
- f. The averments in this paragraph reference a written document which speaks for itself and no response is required.
- g. The averments in this paragraph reference a written document which speaks for itself and no response is required.

34. The averments in this paragraph reference a written document which speaks for itself and no response is required.

35. The averments in this paragraph reference the Commission's Docket at A-2014-2434077 which speaks for itself and no response is required.

36. Denied and strict proof thereof is demanded. By way of further answer, Respondent never owned nor had registered in its name, a 2006 Dodge Chrysler 300 Limousine. Rather, the vehicle referenced in this paragraph was owned by Best Rate Limousine, LLC. When Best Rate Limousine ceased operations, it sold the vehicle to Best Rate Rent-A-Car, LLC.

37. It is Admitted that the averment in this paragraph correctly described the make, model, year and registration number of a vehicle which was titled to Best Rate Rent-A-Car.

38. It is Admitted that Respondent did not obtain a certificate of waiver for the vehicle described then-titled to Best Rate Rent-A-Car and described in Paragraph 37.

COUNT I

39. The sentence in the first sentence of this paragraph is admitted. The second sentence is a conclusion of law to which no response is required. To the extent a response is deemed required, Denied and strict proof thereof is required. By way of further answer, the failure to pay a penalty does not in and of itself constitute a violation of the Public Utility Code. Moreover, the suggested civil penalty for the failure to pay the fine is excessive and out-of-line with the Commission's statement of policy for evaluating litigated and settled proceedings.

COUNTS II-III

40. The averments in this paragraph are conclusions of law to which no response is required. To the extent a response is deemed required, Denied and strict proof thereof is required. By way of further answer, the suggested civil penalty for the failure to pay the fine is excessive and out-of-line with the Commission's statement of policy for evaluating litigated and settled proceedings.

COUNTS IV-V

41. The averments in this paragraph are conclusions of law to which no response is required. To the extent a response is deemed required, Denied and strict proof thereof is required. By way of further answer, the suggested civil penalty for the failure to pay the fine is excessive and out-of-line with the Commission's statement of policy for evaluating litigated and settled proceedings.

NEW MATTER

1. Respondent wishes to resolve this Complaint amicably and notes that after review of the relevant factors as set forth in 52 Pa. Code § 69.1201, any such resolution should be significantly less severe than the relief sought in the Complaint's wherefore clause.

WHEREFORE, Nasser Limousine LLC, respectfully requests that the Complaint in the instant matter be dismissed in its entirety with prejudice and that Commission order such other relief as may be appropriate.



D. Troy Sellars, Esquire (ID No. 210302)
Cozen O'Connor
17 North Second Street, Suite 1410
Harrisburg, PA 17101
Telephone: 717-703-5890
Facsimile: 215-701-2416
E-mail: tsellars@cozen.com

Dated: July 16, 2015

EXHIBIT A

**NOTIFICATION OF ADDRESS CHANGE FOR CERTIFICATE,
PERMIT, AND BROKERAGE LICENSE HOLDERS**

COMPANY NAME WASSER Limousine Service LLC A-00120555

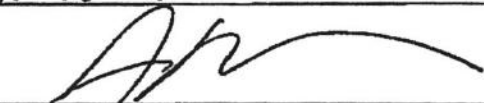
TRADE NAME _____

OLD
PHYSICAL () MAILING
ADDRESS 4751 Birney Ave
Moosic Pa 18507

NEW
PHYSICAL
ADDRESS _____

NEW
MAILING
ADDRESS 137. W. Market St.
Scranton Pa 18508

TELEPHONE# 570-341-1877

AUTHORIZED SIGNATURE 

PLEASE PRINT NAME John WASSER

DATE 04-22-2015

(PLEASE ADVISE INSURANCE COMPANY OF THE ABOVE CHANGE OF ADDRESS)

PLEASE RETURN TO:

PENNSYLVANIA PUBLIC UTILITY COMMISSION
SECRETARY'S BUREAU
P.O. BOX 3265
HARRISBURG, PA 17105-3265

2015 APR 24 AM 10:47
PA P.U.C.
SECRETARY'S BUREAU

RECEIVED

Limousine Service
4751 BIRNEY AVE • MOOSIC, PA 18507

LEHIGH VALLEY PA 180

22 APR 2015 PM 9 L



PA Public Utility Commission
Secretary's Bureau
P.O. Box 3265
Harrisburg PA 17105

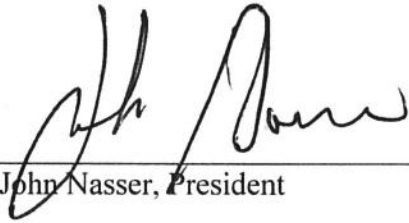
17105326565



VERIFICATION

I, John Nasser, President of Nasser Limousine LLC, hereby state that the facts set forth above are true and correct to the best of my knowledge, information and belief and that I expect to be able to prove the same at a 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: 7-15-15



John Nasser, President

CERTIFICATE OF SERVICE
Docket No. C-2015-2488425

I hereby certify that I have this day served a true copy of Nasser Limousine LLC's Answer to Bureau of Investigation & Enforcement, upon the parties, listed below, in accordance with the requirements of 52 Pa. Code § 1.54 (relating to service by a party).

VIA E-MAIL AND FIRST CLASS MAIL:

Kourtney L. Myers, Prosecutor
Bureau of Investigation & Enforcement
Pennsylvania Public Utility Commission
Commonwealth Keystone Building
400 North Street, 2 West
P.O. Box 3265
Harrisburg, PA 17105-3265
E-mail: komyers@pa.gov

DATED: July 16, 2015



D. Troy Sellars, Esquire
Counsel for *Nasser Limousine LLC*