



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

August 4, 2015

Via E-Filing

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. C-2015-2488425
I&E Reply to New Matter

Dear Secretary Chiavetta:

Enclosed for electronic filing is the Bureau of Investigation and Enforcement's Reply to the New Matter of Nasser Limousine, LLC in the above-referenced proceeding. Copies have been served on the parties of record in accordance with the Certificate of Service.

Should you have any questions, please do not hesitate to contact me.

Sincerely,

A handwritten signature in blue ink, appearing to read "K. Myers", with a long horizontal flourish extending to the right.

Kourtney L. Myers
Prosecutor
PA Attorney ID No. 316494

Enclosure

cc: As per Certificate of Service

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Pennsylvania Public Utility Commission,	:	
Bureau of Investigation and Enforcement,	:	
Complainant	:	
	:	
v.	:	C-2015-2488425
	:	
Nasser Limousine, LLC	:	
Respondent	:	

REPLY TO NEW MATTER

NOW COMES, the Bureau of Investigation and Enforcement (I&E) of the Pennsylvania Public Utility Commission (Commission), Complainant in the above-docketed matter, by and through its prosecuting attorneys, and replies to the New Matter of Nasser Limousine, LLC (Nasser Limousine or Respondent), pursuant to 52 Pa. Code § 5.63(a). In support thereof, I&E avers as follows:

I. BACKGROUND

Nasser Limousine was granted Commission approval to operate as a motor carrier of passengers in limousine and group and party sixteen or greater authority on or about August 15, 2005, at A-00120555. Pursuant to its Certificate of Public Convenience, 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. John Nasser is the president and owner of Nasser Limousine.

On July 9, 2014, Nasser Limousine 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.

On May 1, 2015, while Nasser Limousine's Application was pending before the Commission, Nasser Limousine unlawfully provided passenger transportation service for compensation outside its authorized service area in one of its vehicles, a 2006 Dodge Chrysler 300 limousine, under the name of Best Rate Rent-A-Car, LLC ("Best Rate Rent-A-Car"). John Nasser is the president and owner of Best Rate Rent-A-Car. Best Rate Rent-A-Car does not have Commission authority to provide passenger transportation services to the public for compensation.

On May 6, 2015, the Commission denied and dismissed Nasser Limousine's Application at A-2014-2434077 by Secretarial Letter. On May 9, 2015, in disregard of the Commission's denial and dismissal of Respondent's Application, Respondent unlawfully provided passenger transportation service for compensation outside its authorized service area in one of its vehicles, a 2006 Dodge Chrysler 300 limousine, under the name of Best Rate Rent-A-Car.

Accordingly, on June 19, 2015, I&E filed a Formal Complaint against Nasser Limousine at Docket No. C-2015-2488425, alleging that Nasser Limousine violated the Commission's order at Docket No. C-2015-2461513, by failing to pay a \$500 civil

penalty that Respondent was ordered to pay by the Commission, Section 1102(a) of the Public Utility Code, 66 Pa.C.S. § 1102(a), by unlawfully providing passenger transportation service for compensation outside its authorized service area on May 1, 2015 and May 9, 2015, and Section 29.333(e) of the Commission's regulations, 52 Pa. Code § 29.333(e), by unlawfully providing 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.

Regarding relief, I&E seeks payment of a civil penalty in the amount of \$50,500, cancellation of the Certificate of Public Convenience issued to Nasser Limousine at A-00120555, and any other remedy that the Commission may deem appropriate.

On July 16, 2015, Nasser Limousine filed its Answer with New Matter at the above docket.


II. REPLY TO NEW MATTER

1. Denied. I&E is without sufficient knowledge as to Respondent's desire to resolve the Formal Complaint amicably. To the extent a response is required, this allegation is denied. It is further denied that in consideration of the factors set forth in Section 69.1201 of the Commission's regulations, 52 Pa. Code § 69.1201, the resolution of I&E's Formal Complaint should be significantly less severe than the relief sought therein. Section 69.1201 provides specific factors and standards that the Commission will consider in evaluating litigated and settled proceedings involving violations of the Public Utility Code and the Commission's regulations. 52 Pa. Code § 69.1201(a). Such factors

include, *inter alia*, whether the regulated entity made efforts to modify internal practices and procedures to address the conduct at issue and prevent similar conduct in the future, the compliance history of the regulated entity which committed the violation, and whether the regulated entity cooperated with the Commission's investigation. 52 Pa. Code § 69.1201(c)(4), (6), (7). In consideration of Nasser Limousine's disregard of the denial and dismissal of its Application by the Commission, Nasser Limousine's frequent and recurrent violations of the Public Utility Code and the Commission's regulations and order, and Nasser Limousine's continuing disregard of the Commission's order that directed Respondent to pay a prior \$500 civil penalty, the requested relief in the Formal Complaint is warranted.

WHEREFORE, for all the foregoing reasons, the Bureau of Investigation and Enforcement of the Pennsylvania Public Utility Commission respectfully requests that the Commission and the Office of Administrative Law Judge sustain I&E's Complaint, dismiss Respondent's Answer and New Matter, cancel Respondent's Certificate of Public Convenience, and direct Respondent to pay I&E's requested civil penalty.

Respectfully submitted,



Kourtney L. Myers
Prosecutor
PA Attorney ID No. 316494

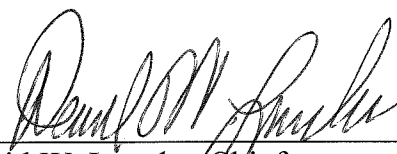
Bureau of Investigation & Enforcement
Pennsylvania Public Utility Commission
P.O. Box 3265
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komyers@pa.gov

Dated: August 4, 2015

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: August 4, 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

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 First Class Mail and Electronic Mail:

D. Troy Sellars, Esquire
Cozen O'Connor
17 North Second Street
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Harrisburg, PA 17101
tsellars@cozen.com



Kourtney L. Myers
Prosecutor
PA Attorney ID No. 316494

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