

BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION

PENNSYLVANIA PUBLIC UTILITY
COMMISSION, BUREAU OF
TRANSPORTATION AND SAFETY

V.

UNITED LIMOUSINE SERVICE, INC.

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DOCKET NO: C-2008-2036774

ANSWER TO PETITION FOR RECONSIDERATION

Now comes, Pennsylvania Public Utility Commission Bureau of Transportation and Safety (“BTS”), and files this Answer to United Limousine Service, Inc.’s (“United Limousine”) Petition for Reconsideration pursuant to 52 Pa. Code § 5.61.

By way of background, the present case was initiated on May 1, 2008, when BTS issued a complaint against United Limousine at Docket Number C-2008-2036774. The complaint alleged that United Limousine failed to maintain evidence of liability insurance with the Commission pursuant to 66 Pa. C.S. § 512, 52 Pa. Code § 32.2(c) and 52 Pa. Code 32.11. The complaint also notified United Limousine that a failure to file an answer within twenty (20) days would result in BTS requesting the Commission to cancel its certificate of public convenience. The complaint, which was mailed by certified mail, was returned to the Commission. The complaint was published in the Pennsylvania Bulletin on July 19, 2008. United Limousine did not file an answer within twenty (20) days after publication of the complaint. A public meeting was held on August 21, 2008,

and the Commission cancelled United Limousine's certificated rights under A-00118265 by order entered on August 26, 2008.

United Limousine's Petition for Reconsideration cites a separate case at Docket Number A-00118265C0601. BTS initiated this complaint on December 1, 2006, and alleged that United Limousine had abandoned or discontinued service due to its failure to report any PUC regulated intrastate revenue in its assessment reports for calendar years 2003, 2004 and 2005. On August 4, 2009, Law Bureau, on behalf of BTS, requested to withdraw this complaint on the grounds that it was moot, since the only relief set forth in the complaint was cancellation of United Limousine's certificate of public convenience and the Commission had revoked United Limousine's certificated authority in the August 26, 2008 order. United Limousine is petitioning for reconsideration from the Commission's August 26, 2008 order at Docket Number C-2008-2036774, and not any order in the case at Docket Number A-00118265C0601.

BTS hereby represents as follows:

1. Denied. By way of further response, the Commission cancelled United Limousine's certificated rights under A-00118265 in an order entered on August 26, 2008.

2. Admitted in part. By way of further response, the Public Meeting was held on August 21, 2008, and not August 28, 2008.

3. Admitted in part. By way of further response, it is admitted that United

Limousine ceased operations. BTS lacks sufficient knowledge to admit or deny the allegations about the reasoning behind United Limousine's abandonment of its operations in Paragraph 3.

4. BTS lacks sufficient knowledge to admit or deny the allegation contained in Paragraph 4. To the extent a response is necessary, this averment is denied. By way of further response, United Limousine's Petition for Reconsideration is untimely. Pursuant to 52 Pa. Code § 5.572(c), a petition for reconsideration shall be filed within 15 days after the Commission order involved is entered or otherwise becomes final. In this case, the Commission's order was entered on August 26, 2008, and United Limousine's Petition for Reconsideration was filed on August 26, 2009, approximately 11 ½ months late.

5. BTS lacks sufficient knowledge to admit or deny the allegation contained in Paragraph 5. To the extent a response is necessary, this averment is denied.

6. BTS lacks sufficient knowledge to admit or deny the allegation contained in Paragraph 6. To the extent a response is necessary, this averment is denied.

7. BTS lacks sufficient knowledge to admit or deny the allegation contained in Paragraph 7. To the extent a response is necessary, this averment is denied.

WHEREFORE, BTS hereby requests that the Commission refrain from reinstating United Limousine Service, Inc.'s certificate of public convenience. If the Commission decides to reinstate United Limousine's certificate, BTS requests that the Commission reinstate the certificate contingent upon the payment of a civil penalty in the sum of two hundred and fifty dollars (\$250.00) for the illegal activity described in the complaint at

Docket Number C-2008-2036774, and order such other remedy as the Commission may deem to be appropriate.

Respectfully submitted,

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Dated: September 3, 2009

VERIFICATION

I, Robert Bingaman, Compliance Office Manager for the Motor Carrier Services and Enforcement Division of the Bureau of Transportation and Safety, 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: September 3, 2009

Robert Bingaman, Compliance Office Manager
Motor Carrier Services and Enforcement Division
Bureau of Transportation and Safety

CERTIFICATE OF SERVICE

I hereby certify that I am this day serving the foregoing document, Answer to Petition for Reconsideration, upon the persons listed and in the manner indicated below, which service satisfies the requirement of 52 Pa. Code § 1.54 (relating to service by a participant):

Service by First Class Mail:

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