

**BEFORE THE PENNSYLVANIA  
PUBLIC UTILITY COMMISSION**

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BUREAU OF TRANSPORTATION AND SAFETY	:	COMPLAINT DOCKET NO. C-2009-2088370
vs.	:	
TRI-STAR ENTERPRISES, INC. d/b/a, CAR ONE & SUPERSHUTTLE	:	APPLICATION DOCKET NO. A-113748

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**MOTION TO RECONSIDER,  
PETITION TO REINSTATE CERTIFICATE OF PUBLIC  
CONVENIENCE, AND  
MOTION FOR EXPEDITED CONSIDERATION**

Tri-Star Enterprises, t/d/b/a Car One & Supershuttle, by and through its attorney, Michael S. Henry, Esquire, respectfully requests this Honorable Commission to grant the relief requested herein for the following reasons:

**A. INTRODUCTION AND BACKGROUND**

1. Tri-Star Enterprises, t/d/b/a Car One Sedan and Limo (“Tri-Star”), is a public utility subject to the jurisdiction of the Commission that, from July 7, 1999 to October 8, 2009, held authority issued by the Commission to transport persons as a common carrier by motor vehicle in limousine, scheduled route and airport transfer service.

2. On October 8, 2009, the Commission issued an order sustaining a complaint initiated by the Bureau of Transportation and Safety (“BTS”) on June 19, 2008, wherein it is alleged that Tri-Star permitted its vehicles to be operated between points in Pennsylvania on ten separate days while its certificate was under suspension by the

Commission for failing to maintain evidence of insurance. A true and correct copy of the complaint is attached hereto as Exhibit "A."

3. The aforementioned order also imposed a fine in the amount of ten thousand (\$10,000.00) and cancelled Tri-Star's certificate of public convenience.

4. Tri-Star acknowledges liability for the violation alleged in the aforementioned complaint as well as its responsibility to pay the fine imposed by the Commission and now respectfully requests this Honorable Commission to reconsider its order canceling its certificate of public convenience or, in the alternative to grant its request for reinstatement of said certificate.

5. In support of its requests, Tri-Star asserts that the present requests are timely filed.

6. In further support of its requests, Tri-Star asserts that it has a good record of compliance with Commission rules and regulations.

**B. EXPLANATION OF VIOLATION AND ACCEPTANCE OF RESPONSIBILITY**

7. Tri-Star also asserts that its violation in this matter and its failure to respond to the complaint were not due to a conscious disregard of the Commission's rules and regulations, but rather confusion caused by a temporary disruption in the management of Tri-Star as well as the recent loss of its longstanding private corporate counsel relationship.

8. Specifically, at the time of the alleged violation, Tri-Star was in the process of acquiring another common carrier and managerial and operational functions were merged.

9. During the merger period, Tri-Star personnel operated the vehicles of both entities, while personnel from the other entity were responsible for the procurement of insurance coverage.

10. Insurance coverage for Tri-Star lapsed, while insurance coverage for the other entity remained in effect.

11. Tri-Star had no notice of the lapse in coverage until it received the Notice of Suspension from BTS which was effective April 20, 2008.

12. Due to a miscommunication, Tri-Star believed that the insurance issue was resolved as of May 16, 2008, and resumed operations.

13. Tri-Star admits that it operated three of its vehicles on ten different occasions from May 16, 2009, until September 8, 2008; however, the insurance coverage was not reinstated and the suspension was not lifted until September 12, 2008.

### **C. EXPLANATION OF FAILURE TO ANSWER COMPLAINT AND ACCEPTANCE OF RESPONSIBILITY**

14. Subsequent to the lifting of suspension in this matter, BTS enforcement officers investigated Tri-Star's operations from April 30, 2008.

15. Tri-Star cooperated fully with the investigation and produced log sheets from its operations during this period.

16. As a consequence of Tri-Star's operations during the suspension period, BTS initiated a complaint under the above complaint docket.

17. Tri-Star acknowledges receipt of the complaint and its failure to answer same within the time prescribed by the Commission; however, Tri-Star asserts that its failure to answer the complaint was not due to a conscious disregard of the Commission's rules and

regulations but rather the loss of its longstanding corporate counsel relationship just prior to the initiation of the complaint.

18. Ordinarily, Tri-Star personnel would have forwarded the subject complaint to corporate counsel and an answer would have been filed in due course; however, this procedure was disrupted due to the loss of corporate counsel and an answer was never filed.

19. Notwithstanding its failure to file an answer to the complaint, Tri-Star admits that there was no insurance coverage for its operations on nine occasions and that it operated its vehicles on ten occasions while under suspension.

20. Tri-Star asserts that there were no accidents and no claims made as a consequence of these operations.

21. Tri-Star acknowledges responsibility for the fines imposed in this matter and is requesting an installment payment plan to satisfy its obligations in this regard.

22. As a gesture of good faith, Tri-Star has remitted a payment of \$833.33 towards satisfaction of the fine and will continue remitting monthly installments in that amount until the fine is satisfied in full.

#### **D. REQUEST FOR EXPEDITED CONSIDERATION**

23. Tri-Star ceased operation as of October 8, 2009.

24. Tri-Star has provided service to the riding public since 1998 and has employed numerous individuals in both managerial and operational positions during that time.

25. Currently, Tri-Star employs five individuals who depend upon employment as the sole source of their livelihood.

26. In addition, Tri-Star has financial obligations and is dependent upon the revenues derived from its operations in order to meet these obligations.

27. Expedited consideration and restoration of Tri-Star's certificate of public convenience will benefit the public interest by restoring service to those who previously used and will continue to use Tri-Star's service and will avoid the adverse financial consequences to the individuals who depend on Tri-Star as the sole source of their livelihood and to Tri-Star itself in terms of meeting its ongoing financial obligations.

WHEREFORE, Tri-Star seeks a favorable exercise of the Commission's discretion in reconsidering that portion of the order issued on October 8, 2009, canceling its certificate of public convenience, or in the alternative, reinstating said certificate.

Respectfully submitted,

[S] - electronically signed

Michael S. Henry

VERIFICATION

The undersigned having read the attached pleading verifies that within pleading is based on information furnished to counsel, which information has been gathered by counsel in the course of this lawsuit. The language of the pleading is that of counsel and not of signer. Signer verifies that he/she has read the within pleading and that it is true and correct to the best of signer's knowledge, information and belief. To the extent that the contents of the pleading are that of counsel, verifier has relied upon counsel in taking this Verification. This verification is made subject to the penalties of 18 Pa. C.S. § 4904 relating to unsworn falsification to authorities.

[s] – electronically signed

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John Lakis, Manager of  
Petitioner

Date:

SWORN AND SUBSCRIBED  
BEFORE ME THIS      DAY  
OF                              2002

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NOTARY PUBLIC