

6. The airport transfer authority was immediately reinstated with a lift suspension letter issued on November 7, 2009.
7. Tropiano had recently changed insurance companies and they tried to put two separate authorities on one E Form which was rejected by the Commission.
8. The insurance company corrected the mistaken filing and issued an E Form that was effective with no lapse in coverage.
9. Tropiano had left the resolution of the complaint to the insurance company who was the only one who could effect any change in E Form filings.
10. The insurance company was supposed to take care of the complaint and the fine if one was required because it was their error.
11. Upon receipt of the March 7, 2011 complaint it was Tropiano's belief that the matter from two years prior had already been taken care of to the satisfaction of the Commission.
12. Tropiano failed to respond to the complaint and an order was issued On May 9, 2011 cancelling the authority. A true and correct copy of the May 9, 2011 order is attached hereto as Exhibit B
13. Tropiano has several different authorities with the Commission and an excellent record of compliance.
14. Nicholas Tropiano is an industry leader and welcomes strong regulation by the Commission
15. The failure to pay this fine was as result of Tropiano's reliance upon the insurance company to resolve the matter.

16. Nicholas Tropiano has taken it upon himself to carefully review all future Commission correspondence to make sure he is in compliance with any requirement thereof.
17. If the insurance company is needed to resolve any future disputes Nicholas Tropiano will verify that all required actions have been complied and will take responsibility to see they are completed
18. Nicholas Tropiano has retained PUC counsel to assist him with any regulatory matters that need to be addressed further.
19. Petitioner has no outstanding fines or assessments with the Commission
20. Petitioner has a good record of compliance with Commission regulations.
21. Petition asserts that reinstatement will benefit the public interest.

WHEREFORE, Petitioner Tropiano Airport Shuttle, Inc. by and through his attorney respectfully request reinstatement of their certificate of public convenience with any conditions the Commission deems necessary and appropriate.

Respectfully,



David P. Temple, Esquire
Attorney for Petitioner
Tropiano Airport Shuttle, Inc.



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Consolidated Case View

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The consolidated case view displays the case information (identified by Docket Number **C-2009-2070893**), any Daily Actions performed on the case, and lists all public documents associated with that case.

Case Summary

Docket Number C-2009-2070893 (Formal Complaint)		Case Status: Closed	
Applicant:		Utility Code:	640234
Complainant:	Transportation and Safety, Bureau of	Utility Name:	TROPIANO AIRPORT SHUTTLE, INC.
Respondent:	TROPIANO AIRPORT SHUTTLE INC	Utility Type:	Bus
Responsible Bureau:	Bureau of Transportation & Safety	Filing Confirmation Number (Case):	
Date Filed:	10/16/2008	Date Case Posted:	11/3/2009
Case Description:	TAS complaint against Tropiano Airport Shuttle, Inc. for failure to maintain evidence of liability insurance.		

Daily Actions

Action Date	Description	Posted Date
11/03/2009	Approve C Docket Assignment - Other - See Comments - Requested by TAS.	11/03/2009
11/04/2009	Document Served - Other - See Comments - Notice of complaint served to respondent for answer due November 24, 2009.	11/04/2009
11/04/2009	Document Published on Web - Document 'TAS V. TROPIANO AIRPORT SHUTTLE, INC-TAS INS. COMPLAINT' is made public	11/04/2009
11/07/2009	Document Attached to Case - Insurance Filing-Lift Suspension Letter - LiftSuspensionLetter200911763051-780.docx	11/07/2009
08/04/2010	Document Served & Initiate Task - Other - See Comments - \$250 fine - 20 days	08/04/2010
08/04/2010	Document Published on Web - Document 'Sec LtrTropiano Airport Shuttle Inc.DOC' is made public	08/04/2010

Public Documents

Document Title	Document Type	eFiling Confirmation Number	Received Date	Date Served	Reference Docket Number
TAS V. TROPIANO AIRPORT SHUTTLE, INC-TAS INS. COMPLAINT	Secretarial Letter				A-00110899
Sec LtrTropiano Airport Shuttle Inc.DOC	Secretarial Letter			08/04/2010	A-00110899

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Exhibit A

PENNSYLVANIA
PUBLIC UTILITY COMMISSION
Harrisburg, PA 17105-3265

Public Meeting held May 5, 2011

Commissioners Present:

Robert F. Powelson, Chairman
John F. Coleman, Jr., Vice Chairman
Tyrone J. Christy
Wayne E. Gardner
James H. Cawley

Pennsylvania Public Utility Commission

v.

Tropiano Airport Shuttle Inc
1256 Welsh Road
North Wales, PA 19454

A-00110899

C-2011-2227106

ORDER

BY THE COMMISSION:

On March 7, 2011, the Bureau of Transportation and Safety instituted a Complaint at C-2011-2227106 against Tropiano Airport Shuttle Inc, Respondent, alleging failure to pay an outstanding fine of two hundred and fifty dollars (\$250.00) as required by a Commission Secretarial Letter issued on August 4, 2010 at C-2009-2070893. Failure to pay the fine is a violation of the Public Utility Code at 66 Pa. C.S. §501(c).

The Bureau of Transportation and Safety notified Respondent that it must file an Answer to the Complaint in accordance with 52 Pa. Code §5.61, within twenty days of the date of service. The Notice further specified that, if Respondent failed to answer the Complaint within twenty days, the Bureau of Transportation and Safety would request the Commission to issue an order cancelling Respondent's Certificate of Public Convenience, requesting the Pennsylvania Department of Transportation to place an administrative hold on Respondent's motor vehicle registrations, and notifying the Pennsylvania Department of Revenue and Respondent's insurance carrier that Respondent's Certificate is revoked.

Exhibit B

The Complaint was sent by Certified Mail on March 7, 2011, and delivered on March 9, 2011. To date, Respondent has failed to file an Answer to the Complaint.

THEREFORE, IT IS ORDERED:

1. That the allegations in the Complaint are deemed to be admitted.
2. That the Complaint is hereby sustained.
3. That the Certificate of Public Convenience, issued to Respondent at A-00110899 is hereby cancelled.
4. That Respondent is assessed a fine in the amount of one hundred dollars (\$100.00) for failing to comply with the provisions of 66 Pa. C.S. §501 (c). Payment must be made by certified check or money order payable to the PA Public Utility Commission, P.O. Box 3265, Harrisburg, PA 17105-3265. Furthermore, the Commission will request that the Pennsylvania Department of Transportation put an administrative hold on Respondent's vehicle registrations. Respondent will not be able to register any new vehicles or renew any existing vehicle registrations until all past due assessments are paid, all past due fines are paid, all insurance filings are up to date, and it holds an active Certificate of Public Convenience issued by this Commission.

This Cancellation Order will be served on:

The Department of Revenue
Bureau of Audit Programs
Sales and Use Taxes
Tenth Floor, Strawberry Square
Harrisburg, PA 17128-1061

and on Respondent's insurance carrier:

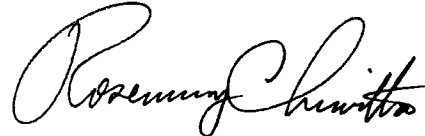
RLI Insurance Company
9025 North Lindbergh Drive
Peoria, IL 61615

5. That Respondent is hereby notified to cease and desist from further violations of the Public Utility Code, 66 Pa. C.S. §§101, et seq. and the regulations of the Commission, 52 Pa. Code §§1.1, et seq. In view of the cancellation of Respondent's Certificate of Public Convenience, it is specifically prohibited from rendering service as a common carrier by motor vehicle in intrastate commerce in the Commonwealth of Pennsylvania.

6. That should Respondent wish to again begin transportation operations in the Commonwealth of Pennsylvania, Respondent must file a Petition for Reinstatement of its Certificate for good cause, in accordance with the provisions of 52 Pa. Code §5.41(a) and 1 Pa. Code §35.17. An original and three copies shall be filed within 15 days of receipt of this order. The Petition shall be filed with the Secretary, PA Public Utility Commission,

P.O. Box 3265, Harrisburg, PA 17105-3265. A copy of the Petition must also be served on the Bureau of Transportation and Safety and all other parties to the proceeding. The Commission will either grant or deny the Petition. If the Petition is denied or a timely Petition is not filed, Respondent must file a new application for authority in order to obtain a Certificate of Public Convenience. The Commission will assess the following five factors in deciding whether to grant or deny a Petition for Reinstatement: (1) Respondent's violation history of Commission rules and regulations, (2) Respondent's outstanding obligations to the Commission, such as monetary penalties, assessments, and insurance filings, (3) the timeliness of Respondent's filing of the Petition from the date of cancellation of its Certificate, (4) Respondent's rationale given for the violation resulting in the cancellation of its Certificate, and (5) Respondent's solution to prevent future violations of Commission rules and regulations. Respondent's Petition for Reinstatement should address each of these five factors. Further, the Petition must be accompanied by an Affidavit or Verification stating: "that the facts above set forth are true and correct to the best of my knowledge, information and belief. I expect to 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" as set forth at 52 Pa. Code §1.36. The Verification must be signed and dated. Respondent must pay all outstanding assessments and fines before this Commission will act on a Petition for Reinstatement. Payment must be made by certified check or money order payable to the PA Public Utility Commission, P.O. Box 3265, Harrisburg, PA 17105-3265.

BY THE COMMISSION,

A handwritten signature in cursive script, appearing to read "Rosemary Chiavetta".

Rosemary Chiavetta
Secretary

(SEAL)


ORDER ADOPTED: May 5, 2011

ORDER ENTERED: May 9, 2011

VERIFICATION

DAVID P. TEMPLE verifies that he is acquainted with the facts and information set forth in the foregoing pleadings are true and correct to his/her knowledge, information and belief; and that the foregoing Verification is made subject to the penalties of 18 Pa. C.S. Section 4904 relating to unsworn falsification to authorities.

DATE: 7/11/11



DAVID P. TEMPLE