



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

IN REPLY PLEASE
REFER TO OUR FILE

Bp8# 2180244

August 9, 2011

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

RE: Pennsylvania Public Utility Commission, Bureau of Transportation and Safety v. Yellow Cab of Pittsburgh Response Of The Bureau Of Transportation And Safety To Request For Production Of Documents and Interrogatories; Docket No. C-2010-2180244

Dear Ms. Chiavetta:

Enclosed for filing are the original and three copies of the Response Of The Bureau Of Transportation And Safety To Request For Production Of Documents and Interrogatories on behalf of the Bureau of Transportation & Safety in the above-captioned proceeding. As evidenced by the enclosed certificate of service, all parties have been served as indicated.

If you have any further questions regarding this matter, please contact me at 717-787-5262.

Sincerely,

R. K. Smith, Jr.
Assistant Counsel

Enclosures

cc: As per certificate of service

SECRETARY'S BUREAU
PA PUC

2011 AUG -9 PM 2:04

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**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

PA P.U.C.
SECRETARY'S BUREAU

2011 AUG -9 PM 2:36

RECEIVED

**PENNSYLVANIA PUBLIC UTILITY
COMMISSION, BUREAU OF
TRANSPORTATION AND SAFETY** :

v.

**YELLOW CAB COMPANY OF
PITTSBURGH** :

Docket No. C-2010-2180244

**RESPONSE OF THE BUREAU OF TRANSPORTATION AND SAFETY TO
REQUEST FOR PRODUCTION OF DOCUMENTS AND INTERROGATORIES**

AND NOW this 9th day of August 2011 comes the Law Bureau of the Pennsylvania Public Utility Commission, on behalf of the Commission's Bureau of Transportation and Safety (BTS), represented by its attorney, R. K. Smith, Jr., Assistant Counsel, to file its Response to Request for Production of Documents and Interrogatories:

INTERROGATORIES

1. On July 10, 2010, Commission Enforcement Officer Gary Double, Jr. was assigned to investigate an email taxicab complaint filed by Terry Griffith pertaining to a refusal to provide taxicab service by Yellow Cab Company of Pittsburgh, Taxicab Number 331, on May 28, 2010. Mr. Griffith's address is 25 Dawn Drive, Indiana, Pa. 15701. Mr. Griffith's telephone number is 724-463-3103. Officer Double's work address is 245 William Pitt Way, Pittsburgh, Pa. 15238. Officer Double's work telephone number is 412-565-3553. Officer Double met with Yellow Cab's Safety

Manager Paul Caliarì at the headquarters of Yellow Cab at 1825 Liverpool Street, Pittsburgh, Pa. 15233. Mr. Caliarì's telephone number is 412-321-8100. Officer Double spoke on the telephone from Mr. Caliarì's office with Haider Alsahlani, the driver of Yellow Cab taxicab number 321 the evening of May 28, 2010. Officer Double also talked with Gregory Sickora who was in the Griffith party that requested taxicab service from Yellow Cab taxicab number 321 on May 28, 2010. Mr. Sickora resides at 519 Chestnut Street, Latrobe, Pa. 15650-1908 and his telephone number is (724) 539-7671.

2. Attached to this response is the email complaint submitted by Terry Griffith, the report submitted by Officer Double and two log sheets for Yellow Cab taxicab number 331 provided by Paul Caliarì to Officer Double.

3. Attached is Officer Double's report dated June 23, 2010.

4. No.

5. BTS in its complaint does not allege the specific period of time that elapsed from the time Yellow Cab Taxicab Number 331, without justification, declined to provide taxicab service to the Griffith party and the time the Griffith party received taxicab service from another taxicab operated by Yellow Cab.

6. Yellow Cab in the New Matter section of its Answer filed in response the BTS complaint asserted that another of its taxicabs operating from the taxicab feed-line at the Pittsburgh Airport provided service to the Griffith party soon after Yellow Cab taxicab number 331 declined to provide service to the Griffith party. The Yellow Cab taxicab that apparently provided service to the Griffith party was the second taxicab in

the feed-line behind Yellow Cab taxicab number 331. BTS considers service provided within a couple of minutes be come within the definition of prompt service.

7. Unknown. Yellow Cab in New Matter alleged that one of its other taxicabs operating at the feed-line at the Pittsburgh Airport provided service to the Griffith party. Yellow Cab has the ability to determine which one of its drivers provided service to the Griffith party on May 28, 2010.

8. Unknown.

9. Yellow Cab Taxicab Number 331 allegedly refused taxicab to the Griffith party on May 28, 2010 and Officer Double met with representatives of Yellow Cab regarding this incident on June 11, 2010. BTS met with Yellow Cab within two weeks from the date of the incident. In view of the fact that the incident did not involve safety, a period of two weeks from the date of the incident to meet with the carrier involved must be deemed a reasonable period of time.

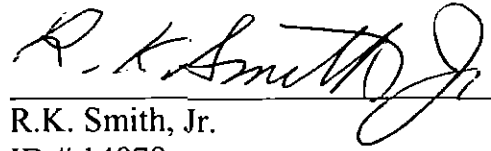
10. The Public Utility Code and the Commission's regulations at 52 Pa. Code do not address this issue. 52 Pa. Code Section 29.313(a) does provide however that a utility cannot refuse to provide service to an orderly person.

11. Unknown.

12. Unknown.

13. No.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "R.K. Smith, Jr.", written over a horizontal line.

R.K. Smith, Jr.

ID # 14879

Law Bureau Prosecutory Staff

Date: August 9, 2011

ATTACHMENT

**Pennsylvania Public Utility Commission, Bureau of Transportation
and Safety v. Yellow Cab of Pittsburgh Response Of The Bureau Of
Transportation And Safety To Request For Production Of Documents
and Interrogatories; Docket No. C-2010-2180244**

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2011 AUG -9 PM 2:36

PA P.U.C.
SECRETARY'S BUREAU

From: dcanzoneri@state.pa.us
Sent: Monday, June 07, 2010 11:20 AM
To: Mayberry, Catherine; Canzoneri, David B; Flynn, Maureen
Cc: Canzoneri, David B
Subject: Taxi Complaint Form

Importance: High

Name: Terry Griffith

Street Address: 25 Dawn Dr

City:

Daytime Phone: 7244633103

Your e-mail address:

Date: 05/28/2010

Time : 11:30 pm

Location of Incident : Pittsburgh Airport

Taxi(PUC) Number : 331

Medallion Number :

Taxi Company : Yellow Cab Co

Driver Number :

Incident comments : Microtel Hotel(Robinson Twp) said to have a cab drop our party (5 persons) at the hotel and they would pay him upon arrival. Distance is approx 6-8 miles. Driver said he would not take us because Microtel would make him wait around to be paid. After asking him several times why he wouldn't take us he finally stated that he didn't want to and then took another fare. Several other cab drivers stated that this wasn't the first time he has done this and that they were willing to take us to the hotel. Upon arrival the clerk paid the fare immediately. A group that was arriving at the hotel at the same time said that the driver of cab 331 wouldn't take them either. Upon the advice of at least three other drivers we decided to file this complaint. The driver of cab 331 was rude, lying and totally not interested in taking fares that weren't of sufficient distance for him to drive. thank you

Nature of Incident : Driver refused to transport passenger

Nature of Incident : Driver Discourteous

**PUC MOTOR CARRIER ENFORCEMENT DIVISION
OFFICER'S REPORT**

INITIATING OFFICE - WRO

BP8 CASE # 2180244

District: Pittsburgh	Enforcement Officer: Double
Assignment No.	Assisting Officer:
DOT No.	Utility Code:
Respondent: Yellow Cab Co. of Pittsburgh	Complainant: PUC Transportation & Safety
Address: 1825 Liverpool St. Pittsburgh, PA 15233	Address:
Phone No. 412-321-8100	Phone No.
PUC No. 49926	PUC No.
Email:	Email:

TYPE OF REPORT

- COMPLAINT**
- MEMO OF RECORD** (Information regarding work assignment issued by district supervisor, or additional information from E.O. on VIR or MCSAP)
- OTHER** (Please describe):

SUMMARY OF ASSIGNMENT
(Explain how assignment was initiated)

Review attached letter of complaint. Contact complainant, and obtain any further details. We also need his complete address. Visit respondent and identify driver of Cab 331 on 5/28/10. Advise carrier to nature of incident. Also, obtain driver's trip sheet. Then interview driver regarding his refusal of service. Contact complainant at the close of your investigation. Complete within 30 days.

Officer's Report

This report is in reference to BP8 case #2180244. It is a complaint against Yellow Cab #331 and its driver for refusal to provide service.

On June 11th, 2010 at approximately 1410 hours this EO spoke with the complainant, Terry Griffith, on the telephone. Mr. Griffith advised that he and four family members were returning from a Florida trip late on May 28th, 2010. They arrived at Pittsburgh International Airport at approximately 2330 hours and attempted to obtain cab service to the Microtel near the Airport. Microtel has an airport parking service that allows fliers to use their hotel parking as long term parking for airport customers as long as they stay at least one night at the hotel. Microtel advised Mr. Griffith that when their plane arrives, obtain cab service to the hotel and the hotel will pay the cab driver for the trip. Upon arrival at PIA, Mr. Griffith advised that his party, 5 total with one piece of luggage each, walked up to cab #331 which was the next cab in line. They informed the driver they were going to the Microtel and upon arrival the hotel would pay for the trip. The driver replied "I can't go there." Mr. Griffith asked why and the driver replied "I'm not going to sit around there and wait for someone to come out and pay me." Mr. Griffith then commented that it's not that you can't, it's that you won't. The driver then stated "No, I won't take you".

The second cab in line then advised Mr. Griffith that cab #331 has no choice and has to take them. Mr. Griffith turned around to tell the driver of cab #331 this, but by this time the driver had secured another fare and was beginning to leave. The second cab driver was unable to transport them due to limited space and a car seat in the car, however a third cab pulled up immediately (this cab was the same type of cab that cab #331 was) and this driver promptly took them to the Microtel without issue. On the way the driver advised the group that they should file a complaint. The driver of cab #331 did not want to take them as it is a short trip. He also advised that the driver has done this at the airport before and several of the other drivers are fed up with it. Upon arrival at the hotel, the clerk came out immediately and paid the driver. Mr. Griffith advised that the fare was approximately \$10.00, the Microtel clerk paid the driver \$20.00 and Mr. Griffith gave a little tip as well. Cab #331 claim that he would wait to be paid was false in Mr. Griffith mind. At the hotel Mr. Griffith also spoke

with another couple that the same cab driver refused to transport to the hotel. They were upset over the incident as well. Mr. Griffith advised that he can't speak for the rest of the people, but he would definitely testify if needed.

Mr. Griffith advised that there was no airport attendant assisting passengers due to it being late in the evening. The driver of cab #331 was of middle-eastern descent with black hair and a beard. Mr. Griffith's complete address is 25 Dawn Drive, Indiana, PA 15701. His wife, Donna, was one of the five with the party. The others were Gayle and Greg Sickora of Latrobe, PA (724-539-7671) and Margaret Babco of Blairsville, PA (724-459-5192). This EO advised Mr. Griffith to have his wife Donna contact me if there was more to add to this complaint.

On June 11th, 2010 at approximately 1443 hours, this EO spoke with Greg Sickora. Mr. Sickora when asked about the trip stated "the jerk didn't want to take us". He then stated that while this was going on the cab driver tried to tell the other cabs to refuse them and tell the party to take the shuttle to the hotel. Mr. Sickora advised that he heard the driver complaining that Microtel doesn't pay and when they do pay, they pay by credit. Mr. Sickora advised that it was midnight and all they wanted was to get home and they didn't really need this type of service. He felt the driver was rude and he must have an issue with Microtel. Mr. Sickora advised he was on his way immediately upon arriving at the hotel so he was unsure how long it took for the driver of the cab to be paid. Mr. Sickora advised that he may testify if it goes to court. He is not real thrilled about taking off work, driving to Pittsburgh and paying for parking. Mr. Sickora was advised to have his wife call this EO if she had anything different to add.

On June 21st, 2010 this EO responded to the Yellow Cab terminal and spoke with Safety Director Paul Caliarì. Mr. Caliarì advised that the driver in this incident was Haider Alsahlani. The driver's date of birth is 1/1/71; he is a weekly lease driver and has driven for Yellow Cab since 9/5/2002. He has a PA driver's license of 25533681. Upon locating this driver's trip sheet it was found that Haider Alsahlani's trip sheet displays cab #331 and 436. Mr. Alsahlani changed cab's during that week due to some type of mechanical issues; however

Mr. Caliarì asked the driver which cab he drove on the day in question. Mr. Alsahlani verified that he was driving cab #331 on the evening of 5/28/2010.

This EO spoke with Mr. Alsahlani over the phone, while I was in Mr. Caliarì's office. Mr. Alsahlani advised he usually doesn't turn down any trips, but he is unsure about that day. He then stated that it wasn't him, but he sees people being turned down a lot when the airport curb employees are not there. This usually occurs after 2300 hours when the departure curb gets crowded and drivers will refuse a trip. Mr. Alsahlani advised that he is aware that he can't refuse trips.

This EO's investigation found that the trip originated at the Pittsburgh International Airport, Allegheny County, PA. The drop off was the Microtel Hotel on Chauvet Drive in Pittsburgh, PA approximately 8 miles from the airport. Upon speaking with all parties involved it seems apparent that the driver Mr. Alsahlani did refuse to transport Mr. Griffith's party on May 28th, 2010. Mr. Alsahlani's immediate statement upon speaking with this EO, that he usually doesn't turn trips down is revealing as well. Upon reviewing Mr. Alsahlani's trip sheet this EO found that Mr. Alsahlani fails to put accurate pick-up and drop-off locations for his fares. Multiple entries are simply general areas, such as N Hills, Cranberry, PA and E Hills. Furthermore, the second page of the trip sheet, which was used for the second cab Mr. Alsahlani used for the week, fails to have the ending meter reading and end time filled out on it. The trip sheets will be marked by this EO as #1 and #2 and info-mapped by the WRO clerk. A check of the Yellow Cab District Office complaint file for driver Haider Alsahlani was done. No prior incidents were found for this driver.

At the conclusion of the investigation, Mr. Griffith was notified and advised the report was complete and forwarded to Harrisburg.

Violations:

1. 29.313(a) : A driver of a call or demand vehicle shall, at all times when on duty and not engaged, furnish trip service on demand to an orderly person for lawful purposes

2. 29.313(c) (4): Driver trip sheet failing to have origin and destination information to include street name and address or an identifiable landmark (documents #1 and #2).
3. 29.313(c)(2): No end time for conclusion of shift for second page of trip sheet (document #2)
4. 29.313(c)(7): No final meter reading for 2nd page of trip sheet (document #2)

Attachments info-mapped by clerk:

1. Page 1 of Mr. Alsahlani's trip sheet
2. Page 2 of Mr. Alsahlani's trip sheet

Gary Double Jr.

June 23, 2010

Badge #4

YELLOW CAB COMPANY OF PITTSBURGH

NAME OF DRIVER HENDER D. GARDNER	CAB NO.	DRIVER NO. 5464	DATE 05/24/2010	START TIME 14:00
BEGINNING METER 198455	ENDING METER 199277	METER TRIPS 26	END TIME 12:50 P 2010	

This document is certified to be true and correct and is carried in lieu of a copy of a lease by and between the taxicab driver (leasee) and Yellow Cab Company of Pittsburgh (Certificate holder) which lease is kept in the corporate offices at 1101 Beaver Avenue, Pittsburgh, PA 15233. This vehicle is operated exclusively in the service of Yellow Cab Company of Pittsburgh. This certificate is in lieu of a lease copy pursuant of 52 PA. Code s29.101 (2)(ii).

Driver Signature: _____

[Handwritten Signature]

= 709

TIME	ODOMETER	ORIGIN	TIME	ODOMETER	DESTINATION	PASS.	\$ FARE
1:10	473	BT	1:30	480	N. Hills	1	16.31
4:20	510	Pit Airport	5:00	540	Cambury PA	1	87.74
1:40	572	Airport	7:50	591	BT	1	38.53
10:57	611	Airport	10:55	622	SWAKLEY PA	2	24.64
12:22	633	Airport	12:47	653	BT. M.C.C.	3	39.54
5:21	680	Airport	6:01	700	1ST HAITON	1	37.52
1:24	702	BT	6:50	720	Airport	1	35.75
2:47	720	Airport	10:22	742	SIO SIDE	1	44.34
10:55	750	BT	11:11	757	N. Hills	1	18.33
1:51	765	BT	11:56	766	LOVE BT	1	4.70
80	776	BT	3:00	794	Airport	1	85.00
59	812	Airport	8:27	838	SWISVELL PA	1	60.50
80	864	Airport	11:49	887	Sade Side	1	49.59
2:35	910	Airport	12:59	921	SWKLY PA	1	24.64
87	992	Airport	2:15	018	SWKLY PA	1	02.00

CPB:2180244

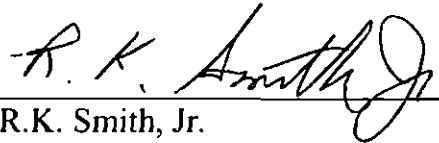
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CERTIFICATE OF SERVICE

I hereby certify that I am this day serving the foregoing documents in accordance with the requirements of 52 Pa. Code § 1.54 *et seq.* (relating to service by a participant).

Notification by first class mail addressed as follows:

Ray Middleman, Esquire
Malone Middleman, P.C.
117 VIP Drive, Suite 310
Wexford, PA 15090



R.K. Smith, Jr.
Law Bureau
Pennsylvania Public Utility Commission

P.O. Box 3265
Harrisburg, PA 17105-3265

DATE: August 9, 2011

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