



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

IN REPLY PLEASE  
REFER TO OUR FILE  
C-2011-2218442

December 21, 2011

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. The Yellow Cab Company of Pittsburgh  
Docket No. C-2011-2218442

Dear Secretary Chiavetta:

Enclosed for filing, please find an original and three (3) copies of a Motion for Leave to file a Reply to New Matter *Nunc Pro Tunc* and the Reply of the Bureau of Investigation and Enforcement to the New Matter of The Yellow Cab Company of Pittsburgh in the above-captioned matter.

Copies have been served on the parties in accordance with the Certificate of Service.

Very truly yours,

Stephanie M. Wimer  
Prosecutor

Enclosures

cc: Certificate of Service

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**BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

**Pennsylvania Public Utility Commission** :  
**Bureau of Investigation and Enforcement** :  
: **Docket No. C-2011-2218442**  
: **v.** :  
: :  
: :  
**The Yellow Cab Company of Pittsburgh** :

**NOTICE TO PLEAD**

Pursuant to 52 Pa. Code § 5.103, the Bureau of Investigation & Enforcement of the Pennsylvania Public Utility Commission (Commission) has filed a Motion for Leave to File Reply to New Matter *Nunc Pro Tunc*. You are hereby notified to file a written response within twenty (20) days of the service of the Motion, consistent with Commission procedural regulations at 52 Pa. Code §5.61.

Your Answer must be verified and the original and two (2) copies sent to:

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

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Stephanie M. Wimer  
Prosecutor  
Attorney I.D. 207522

Bureau of Investigation & Enforcement  
Pennsylvania Public Utility Commission  
P.O. Box 3265  
Harrisburg, PA 17105-3265  
(717) 787-5000

Dated: December 21, 2011

**BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

**Pennsylvania Public Utility Commission** :  
**Bureau of Investigation and Enforcement** :  
: **Docket No. C-2011-2218442**  
v. :  
: **The Yellow Cab Company of Pittsburgh** :

**MOTION FOR LEAVE TO FILE REPLY TO NEW MATTER**  
**NUNC PRO TUNC**

NOW COMES the Pennsylvania Public Utility Commission’s (“Commission”) Bureau of Investigation and Enforcement (“I&E”), by its counsel, and files this Motion for Leave to File Reply to New Matter in the above-captioned proceeding.

1. I & E served a Formal Complaint in the above-captioned proceeding on October 6, 2011.
2. The Yellow Cab Company of Pittsburgh (“Yellow Cab” or “Respondent”) filed an Answer and New Matter on November 8, 2011.<sup>1</sup>
3. Pursuant to the Commission’s recent reorganization, the prosecutory functions of the Law Bureau were transferred to I & E.<sup>2</sup>
4. In addition, pursuant to the reorganization, the former Bureau of Transportation and Safety was dissolved and its functions were transferred into two separate bureaus: the Bureau of Investigation & Enforcement and the Bureau of Technical Utility Services (“TUS”).
5. When Respondent’s Answer and New Matter were filed, I & E and TUS were in the process of establishing procedures with respect to the handling of time sensitive documents between the newly formed bureaus.
6. Due to an administrative error, I & E did not receive a copy and was not

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<sup>1</sup> Pursuant to 52 Pa. Code § 5.61(a), Yellow Cab was required to file an Answer within twenty days of service of the Complaint, or by October 26, 2011. Yellow Cab’s Answer was filed on November 8, 2011, and, as such, was untimely filed.

<sup>2</sup> See *Implementation of Act 129 of 2008; Organization of Bureaus and Offices*, Docket M-2008-2071852 (Order entered August 11, 2011).

aware of Respondent's Answer and New Matter until December 19, 2011.

7. I & E respectfully requests that its Reply to New Matter be accepted *nunc pro tunc*.

8. Respondent will not be prejudiced by the acceptance of this Reply as no hearing has been scheduled in this matter and Respondent's due process rights are fully in tact.

### **REPLY TO NEW MATTER**

NOW COMES the Commission's Bureau of Investigation and Enforcement, by its counsel, and files this Reply to New Matter in response to the new issues that were raised in The Yellow Cab Company of Pittsburgh's Answer to the Complaint in the above-captioned proceeding.

10. Admitted it part and denied in part. It is admitted that the trip took place during the early morning hours of January 1, 2011. It is denied that the trip occurred immediately after the Winter Classic Hockey Game. This game was held during the evening of January 1, 2011.

11. Denied. By way of further response, it is denied that one of the female passengers was obviously intoxicated and became verbally confrontational and abusive. I&E lacks sufficient knowledge to know the seating arrangement of the passengers within the taxi cab.

12. Admitted in part and denied in part. It is admitted that a female passenger was white. It is denied that the discussion involved racially sensitive issues. By way of further response, the discussion involved a political conversation.

13. Denied.

14. Admitted in part and denied in part. It is admitted that Mr. Lee, the taxi cab driver, informed the passengers that they had to exit the vehicle. It is denied that any of the passengers were disorderly or used racial epithets in reference to Mr. Lee.

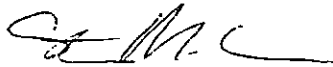
15. Denied.

16. Admitted in part and denied in part. It is admitted that Respondent charges \$2.25 for the first 1/7 mile and then \$0.25 every 1/7 mile or 60 seconds, up to 20 miles. It is denied that Respondent charged the rate established in its tariff.

17. Denied.

WHEREFORE, in consideration of the foregoing, the Bureau of Investigation & Enforcement respectfully requests that the Commission impose a civil penalty upon The Yellow Cab Company of Pittsburgh in the sum of One Thousand Fifty Dollars (\$1,050.00) for the illegal activity described in the Complaint and order such other remedy as the Commission may deem to be appropriate.

Respectfully submitted,



Stephanie M. Wimer  
Prosecutor  
Bureau of Investigation & Enforcement  
Pennsylvania Public Utility Commission

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

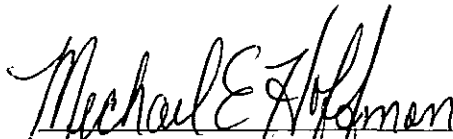
Date: December 21, 2011

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## VERIFICATION

I, Michael E. Hoffman, Manager, Bureau of Investigation and 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: December 21, 2011



Michael E. Hoffman, Manager  
Bureau of Investigation and Enforcement  
PA. Public Utility Commission  
P.O. Box 3265  
Harrisburg, PA 17105-3265

(717) 783-5010

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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).

### Service by First Class Mail:

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

Dated: December 21, 2011



Stephanie M. Wimer  
Prosecutor

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