



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

IN REPLY PLEASE
REFER TO OUR FILE

February 1, 2012

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

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Re: Pennsylvania Public Utility Commission, Bureau of Investigation
and Enforcement v. Integrity Transportation Services, Inc.
Docket No. C-2011-2271023

Dear Ms. Chiavetta:

Enclosed for filing are an original and three (3) copies of the Reply to New Matter of the undersigned on behalf of the Bureau of Investigation and Enforcement of the Pennsylvania Public Utility Commission, Complainant in the above-referenced case. Copies have been served on the parties of record in accordance with the Certificate of Service.

Should you have any questions, please do not hesitate to contact me.

Sincerely,

Michael L. Swindler
Prosecutor
PA PUC
Bureau of Investigation and Enforcement
PA Attorney ID No. 43319

Enclosure

cc: As per Certificate of Service
Robert Bingaman, TAS

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Pennsylvania Public Utility Commission,	:	
Bureau of Investigation and Enforcement	:	
	:	
	:	
v.	:	C-2011-2271023
	:	
Integrity Transportation Services, LLC	:	
T/A Integrity Limousine	:	

REPLY TO NEW MATTER

TO THE HONORABLE PENNSYLVANIA PUBLIC UTILITY COMMISSION:

NOW COMES, the Bureau of Investigation and Enforcement (“I&E”) of the Pennsylvania Public Utility Commission (“Commission”), Complainant in the above-docketed matter, by and through counsel, and replies to the Answer To Complaint With New Matter of Integrity Transportation Services, LLC T/A Integrity Limousine (“Integrity”), Respondent herein, pursuant to 52 Pa. Code § 5.63(a) as follows:

1. On or about September 26, 2011, the Commission served a complaint filed against Integrity at Docket No. C-2011-2259127, alleging that Integrity failed to provide the required proof of insurance to the Commission, that Integrity’s certificate of public convenience was suspended as of August 15, 2011, and a penalty of \$500 was assessed. Integrity was advised to file an Answer and pay the penalty within twenty (20) days of receipt of the complaint.

2. On or about November 3, 2011, having received no Answer to its complaint at Docket No. C-2011-2259127, the Commission advised Integrity by letter that its certificate of public convenience issued to Respondent at A-00121022 had been canceled thereby prohibiting Integrity from rendering service as a common carrier by motor vehicle in intrastate commerce in the Commonwealth of Pennsylvania.

3. On or about January 4, 2012, the Commission served another complaint filed against Integrity at Docket No. C-2011-2271023, alleging that Integrity failed to provide the required vehicle list to the Commission and a civil penalty of \$250 was assessed. Integrity was advised to file an Answer to this second complaint and to pay the \$250 penalty within twenty (20) days of receipt of the complaint.

4. On or about January 23, 2012, counsel for Integrity filed an Answer to Complaint and New Matter at Docket No. C-2011-2271023. However, Respondent's pleading and attached exhibit documents appear to instead be related to the prior complaint docketed at C-2011-2259127.

NEW MATTER

5. Numbered Paragraphs 1 through 4 are incorporated herein by reference.

6. Admitted in part. Denied in part. It is admitted that Integrity "acknowledges the problem" and that the "problem" as defined in Integrity's Answer is with regard to its admitted lapse of insurance. By way of further reply, I&E avers that Integrity's Answer relates to the Commission's complaint at C-2011-2259127 and not the Commission's complaint at C-2011-2271023, to which its Answer and New Matter is docketed. As to the remainder of Respondent's New Matter, Complainant, I&E, is

without knowledge sufficient to form a belief as to the truth of the matters asserted and same are therefore denied and proof thereof demanded.

7. Denied. Complainant, I&E, is without knowledge sufficient to form a belief as to the truth of the matters asserted and same are therefore denied and proof thereof demanded. By way of further response, whether or not Integrity has secured funding to "put its first car back in service," it is prohibited from doing so pursuant to the Commission's letter of November 3, 2011, as set forth in Numbered Paragraph 2, above. Integrity's certificate has been canceled and must be officially reinstated by the Commission before Integrity is authorized to resume passenger service.

8. Admitted in part. Denied in part. It is admitted that Integrity attached a vehicle registration to its Answer. By way of further reply, Integrity's response relates to the Commission's complaint at C-2011-2259127 and not the Commission's complaint at C-2011-2271023, to which its Answer is docketed. Moreover, the year of vehicle and vehicle identification number (VIN) for the sole vehicle identified on the Insurance Identification Card, Premium Finance Agreement Disclosure Statement and Security Agreement and Commonwealth of Pennsylvania Fleet Registration Credential (Attached to the Answer and New Matter and referred to collectively as "Exhibit A") do not match each other. As to the remainder of Respondent's New Matter, Complainant, I&E, is without knowledge sufficient to form a belief as to the truth of the matters asserted and same are therefore denied and proof thereof demanded.

9. Admitted in part. Denied in part. It is admitted that Integrity attached an insurance binder to its Answer. By way of further reply, Integrity's response relates to

the Commission's complaint at C-2011-2259127 and not the Commission's complaint at C-2011-2271023, to which its Answer is docketed. Moreover, the year of vehicle and vehicle identification number (VIN) for the sole vehicle identified on the Insurance Identification Card, Premium Finance Agreement Disclosure Statement and Security Agreement and Commonwealth of Pennsylvania Fleet Registration Credential (Attached to the Answer and New Matter and referred to collectively as "Exhibit A") do not match each other. As to the remainder of Respondent's New Matter, Complainant, I&E, is without knowledge sufficient to form a belief as to the truth of the matters asserted and same are therefore denied and proof thereof demanded.

10. Admitted in part. Denied in part. It is admitted that Integrity paid to the Commission the \$500 penalty relating to its failure to maintain insurance coverage. By way of further reply, this amount was the penalty assessed in the complaint docketed at C-2011-2259127 and not the \$250 penalty assessed in the complaint docketed at C-2011-2271023. Also, Integrity has an outstanding assessment balance of \$1,387 due for Fiscal Year 2010-2011.

11. Admitted.

12. Denied. Complainant, I&E, is without knowledge sufficient to form a belief as to the truth of the matters asserted and same are therefore denied and proof thereof demanded.

13. Denied. It is denied that "move forward" is defined in Integrity's Answer. By way of further reply, Integrity's certificate of public convenience has been canceled. Integrity's certificate of public convenience must be officially reinstated by the

Commission before Integrity is authorized to resume its passenger transportation service.

The procedure for reinstatement is as follows:

Should Respondent wish to again begin transportation operations under the jurisdiction of the Commission, 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 (3) copies 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 Technical Utility Services 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 a signed and dated Affidavit or Verification as set forth at 52 Pa. Code §1.36, 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.

Lastly, Respondent must pay all outstanding assessments and fines before this Commission will act on a Petition for Reinstatement. Specifically, Integrity must pay an assessment amount of \$1,387.¹ Payment must be made by certified check or money order payable to the Commonwealth of Pennsylvania and shall be mailed to the PA Public Utility Commission, P.O. Box 3265, Harrisburg, PA 17105-3265.

14. Admitted in part. Denied in part. It is admitted that Integrity desires to “get back to work.” It is denied that Integrity has met the requirements necessary for it to have its certificate of public convenience reinstated at this time, as set forth in Numbered Paragraph 13, above.

¹ The Commission complaint at Docket No. C-2011-2271023 (regarding Integrity’s failure to file a vehicle list) was served *after* the Commission canceled Integrity’s certificate of public convenience. Accordingly, the Commission intends to withdraw said complaint and not pursue collection of the associated \$250 penalty.

WHEREFORE, The Pennsylvania Public Utility Commission, Bureau of Investigation and Enforcement, for the reasons set forth herein, respectfully requests that the Answer to Complaint and New Matter of Integrity Transportation Services, LLC be dismissed.

Respectfully submitted,



Michael L. Swindler
Prosecutor
PA Attorney ID No. 43319

Counsel for Complainant,
Pennsylvania Public Utility Commission
Bureau of Investigation & Enforcement

P. O. Box 3265
Harrisburg, PA 17105-3265
(717) 787-5000

Dated: February 1, 2012

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CERTIFICATE OF SERVICE

I hereby certify that I have this day served a true copy of the foregoing Reply to New Matter upon the parties, listed below, in accordance with the requirements of 52 Pa. Code § 1.54 (relating to service by a party).

Notification by First Class Mail:

Kenneth R. Schuster & Associates, P.C.
Stephen J. Devine, Esquire
334 West Front Street
Media, PA 19063



Michael L. Swindler
Prosecutor
PA Attorney ID No. 43319

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Bureau of Investigation and Enforcement
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Dated: February 1, 2012

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