



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

IN REPLY PLEASE  
REFER TO OUR FILE

March 6, 2012

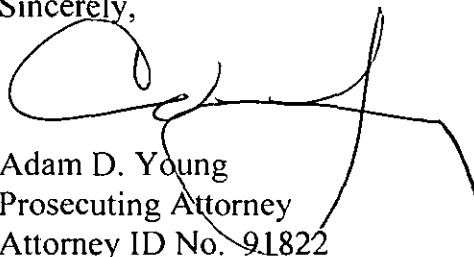
Rosemary Chiavetta, Secretary  
Pennsylvania Public Utility Commission  
P.O. Box 3265  
Harrisburg, PA 17105-3265

Re: Pennsylvania Public Utility Commission, Bureau of Investigation  
and Enforcement v. Yellow Cab Company of Pittsburgh  
Docket No. C-2011-2208331

Dear Ms. Chiavetta:

Enclosed for filing are an original and three (3) copies of the Petition to Withdraw Count One of the Complaint and Close the Matter as Satisfied of the Bureau of Investigation and Enforcement of the Pennsylvania Public Utility Commission, in the above-referenced case. Copies have been served on the parties of record in accordance with the Certificate of Service.

Sincerely,



Adam D. Young  
Prosecuting Attorney  
Attorney ID No. 91822

Counsel for the Bureau of  
Investigation and Enforcement

Enclosures

cc: As per Certificate of Service

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**BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

**PENNSYLVANIA PUBLIC UTILITY  
COMMISSION, BUREAU OF  
INVESTIGATION AND ENFORCEMENT** :

**V.**

**YELLOW CAB COMPANY OF  
PITTSBURGH** :

**NO. C-2011-220833**

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PA PUC**

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**PETITION TO WITHDRAW COUNT ONE OF THE COMPLAINT  
AND CLOSE THE MATTER AS SATISFIED**

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Now comes, the Pennsylvania Public Utility Commission Bureau of Investigation and Enforcement (“BI&E”), through its counsel Adam D. Young, and files this Petition to Withdraw Complaint pursuant to 52 Pa. Code § 5.94, and in support thereof states the following:

1. On March 15, 2011, the Commission’s (former) Bureau of Transportation and Safety filed a Complaint in the above-captioned matter against Respondent Yellow Cab of Pittsburgh, which maintains its principle place of business at 1825 Liverpool Street, Pittsburgh, PA 15233.

2. The Complaint alleged failing to furnish trip service on demand and 2 log sheet violations, requesting a total civil penalty of \$600 (\$500 for improper service and \$100 for trip log violations).

3. Count 1 of the Complaint alleges that on November 2, 2010, at approximately 0800 hours, 0830 hours, and 0845 hours, Respondent received calls from a customer at Fairfax Apartments, 4614 5<sup>th</sup> Ave., Pittsburgh, PA, for transportation to the Westin Hotel in Pittsburgh, PA. Although the customer had received confirmation by two text messages from Respondent stating that a cab was on the way, Respondent failed to pick up the customer.

4. The first request for service was made at 08:02AM, and the second request for service was made at 08:30AM.

5. The customer provided his cell phone records indicating the date and time of all calls and texts made and received on the morning in question. The Records show that the customer called Respondent at 0802AM on November 2, 2010. These records also show calls being made to Respondent at 0830 and 0847 the same morning.

6. These phone records also show that the customer received text messages from Respondent at 0803AM and 0833AM the same morning confirming the requests made at 0802 and 0830. The text messages stated that Cab #409 and #221 were dispatched, respectively.

7. Respondent's dispatch sheets show that at 08:16AM, Cab #409 made a "call out" to the customer, but that it was marked as a "no show."

8. Dispatch sheets provided by Respondent show that at 08:45AM, Cab#221 made a "call out" to Respondent but that it too was marked as a "no show."

9. A "call out" is a computer generated note to the dispatch stating that the driver used the MDT system in the cab to make a computer generated call. There is a button on the MDT system that the driver pushes once they have arrived, or are close to arriving, to let the

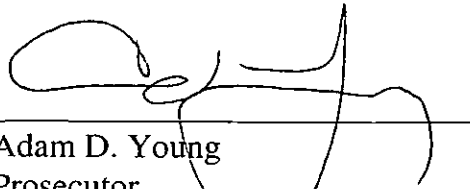
customer know they will arrive soon and to get ready. The call out will call the number the customer used to place the request for service. Respondent's records reveal that the MDT system in both cabs called the correct cell phone number for the customer. However, the customer's phone records do not show a corresponding incoming call.

10. Both drivers stated that they stopped at the apartment building to pick up the customer, but the customer did not show. Respondent provided cab locator sheets, which show that at the time the MDT calls were made both cabs were in the vicinity of the pick-up location, specifically, #409 was less than a block away.

11. Based upon this evidence, BI&E seeks to withdraw Count One of the complaint alleging failure to furnish service and requesting a \$500 civil penalty. BI&E believes that the evidence is sufficient to establish that Respondent dispatched two cabs to the customer's location; that "call outs" were made to the customer's correct cell phone number; and that these cabs were very near the customer's location when the "call outs" were made.

12. Count Two of the Complaint alleges two driver's log sheet violations and seeks a civil penalty of \$50 for each of the two violations (\$100 total). Respondent has admitted that the driver's log sheets are incomplete, and has made payment in full for the amount requested.

WHEREFORE, BI&E respectfully requests that Count One be withdrawn, that this Complaint be closed and marked satisfied, and the hearing scheduled for March 27, 2012 be cancelled.



Adam D. Young  
Prosecutor  
Bureau of Investigation and Enforcement  
Attorney ID #91822

P.O. Box 3265  
Harrisburg, PA 17105-3265  
Phone: 717-772-8582

Dated: March 6, 2012

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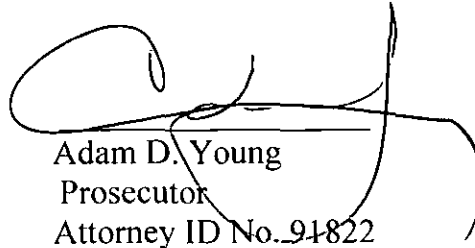
CERTIFICATE OF SERVICE

I hereby certify that I am this day serving the foregoing document, Petition to Withdraw Count One of the Complaint and Close the Matter as Satisfied, on the person listed and in the manner indicated below which service satisfies the requirements of 52 Pa. Code §1.54.

**Service by First Class Mail:**

Paul S. Guarnieri  
Malone Middleman  
Northridge Office Plaza  
117 VIP Drive, Suite 310  
Wexford, PA 15090

Administrative Law Judge  
Katrina Dunderdale  
Piatt Place Suite 220  
301 Fifth Avenue  
Pittsburgh, PA 15222



Adam D. Young  
Prosecutor  
Attorney ID No. 94822

Counsel for the  
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Dated: March 6, 2012

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