



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 Transportation
and Safety v. Germantown Cab Company
Docket No. C-2010-2175330

Dear Ms. Chiavetta:

Enclosed for filing are an original and three (3) copies of the Preliminary Objections to the Motion of Germantown Cab Company on behalf of the Bureau of Transportation and Safety 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,

Heidi L. Wushinske
Assistant Counsel

Counsel for the Bureau of
Transportation and Safety

Enclosures

cc: As per Certificate of Service

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**BEFORE THE PENNSYLVANIA
PUBLIC UTILITY COMMISSION**

Pennsylvania Public Utility Commission	:	
Bureau of Transportation and Safety	:	
	:	
v.	:	Docket No. C-2010-2175330
	:	
Germantown Cab Company	:	

**COMPLAINANT PENNSYLVANIA PUBLIC UTILITY COMMISSION'S
PRELIMINARY OBJECTIONS TO THE MOTION OF
GERMANTOWN CAB COMPANY**

TO THE HONORABLE CYNTHIA W. FORDHAM:

AND NOW, this 6th day of March 2012, comes the Pennsylvania Public Utility Commission's (Commission) Law Bureau Prosecutory Staff on behalf of the Bureau of Transportation and Safety (BTS)¹ by its counsel, and pursuant to Rule 5.103 of the Commission's regulations raises the following objections to the above captioned motion for declaratory order:

- Respondent has not provided any basis for its request that this complaint be dismissed.
- The BTS agrees with Respondent that the Commission has jurisdiction over Germantown Cab Company.
- Whether the Commission has concurrent or exclusive jurisdiction over Germantown Cab Company is irrelevant to this proceeding.

¹ Due to the Commission's reorganization, Law Bureau Prosecutory Staff and the Bureau of Transportation and Safety are now the Bureau of Investigation and Enforcement.

1. The parties to this proceeding are Law Bureau Prosecutory Staff representing the BTS, P.O. Box 3265, Harrisburg, PA 17105-3265, and Respondent, Germantown Cab Company (Germantown or Respondent), who maintains its principle place of business at 800 Market Street, Philadelphia, Pennsylvania.

2. On the date of the violation alleged in this complaint, Respondent held a certificate of public convenience issued by this Commission. Respondent was issued a Certificate on September 5, 1996, at Docket No. A-00110733.

3. Pursuant to its enforcement responsibilities, the BTS initiated the above-captioned complaint against Respondent for violations found during an annual inspection of Respondent's vehicles.

4. On August 23, 2010, Germantown filed a timely answer in which it denied the allegations.

5. On October 25, 2011, the Honorable Cynthia W. Fordham held a hearing at which both parties appeared and presented the testimony of witnesses.

6. During the hearing, Germantown raised, as a defense, lack of jurisdiction. Specifically, Germantown made a motion to terminate the proceeding based on its allegation that "the Public Utility Commission doesn't have jurisdiction to regulate the operations of Germantown taxicab." (Tr. 165)

7. As a follow-up to Respondent's motion to terminate, Judge Fordham ordered Respondent to file a motion and brief regarding jurisdiction and the BTS to file an answer and brief.

8. Respondent filed its motion and brief on February 10, 2012.

9. In its Motion for Declaratory Order, Respondent asked the Commission to dismiss the above captioned complaint. Respondent also asked the Commission to declare that the Commission has exclusive jurisdiction and power to regulate the operations of Germantown.

10. In its Motion, Respondent states that it “does not contend that the Commission lacks jurisdiction over this proceeding.” This is a reversal from Respondent’s motion to terminate during the hearing because “the Public Utility Commission doesn’t have jurisdiction to regulate the operations of Germantown taxicab.” (Tr. 165)

11. The BTS agrees with Respondent that the Commission has jurisdiction over this proceeding.

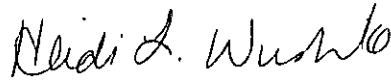
12. Respondent also contends that “the Commission has exclusive jurisdiction and regulatory authority over Germantown.” (emphasis in original)

13. Whether the Commission has concurrent or exclusive jurisdiction over Germantown is not relevant to this proceeding. Respondent admits, and the BTS agrees, that the Commission has jurisdiction over this proceeding.

14. Respondent has raised no basis for its request that the Commission dismiss the Complaint against Germantown.

WHEREFORE, the Pa PUC Bureau of Transportation and Safety urges this Honorable Administrative Law Judge to deny Respondent's motion to dismiss and request for a declaratory order that the Commission has exclusive jurisdiction and power to regulate Germantown's operations.

Respectfully submitted,



Heidi L. Wushinske
Assistant Counsel
Attorney ID No. 93792

P.O. Box 3265
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(717) 787-5000
Date: March 6, 2012

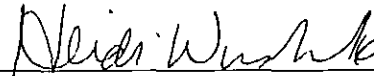
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CERTIFICATE OF SERVICE

I hereby certify that I am this day serving the foregoing document, Preliminary Objections to the Motion of Germantown Cab Company, in accordance with the requirements of 52 Pa. Code § 1.57 and § 1.58.

Notification by first class mail addressed as follows:

Michael S. Henry, Esquire
2336 S. Broad Street
Philadelphia, PA 19145



Heidi Wushinske
Assistant Counsel
Attorney ID No. 93792

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DATE: March 6, 2012

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