



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

IN REPLY PLEASE
REFER TO OUR FILE

June 22, 2012

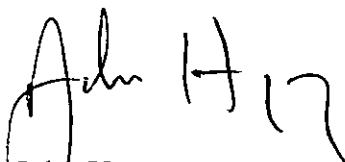
Rosemary Chiavetta, Secretary
Pa. Public Utility Commission
P.O. Box 3265
Harrisburg, PA 17105-3265

Re: Pennsylvania Public Utility Commission Bureau of Transportation and
Safety V. Okey Cab Company; C-2010-2132453

Dear Secretary Chiavetta:

Enclosed for filing are the original and three copies of the Bureau of
Transportation and Safety's Motion for Summary Judgment in the above matter. With a
copy of this letter, I am sending copies of the enclosed to those persons on the Certificate
of Service.

Very truly yours,



John Herzog
Assistant Counsel

Enclosures

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SECRETARY'S BUREAU

NOTICE

ANY ANSWER OR OTHER RESPONSIVE PLEADING TO THIS MOTION SHALL BE FILED WITHIN TWENTY DAYS OF SERVICE OF THE MOTION (52 Pa. Code §5.102) BY FILING THE ANSWER OR OTHER RESPONSIVE PLEADING WITH:

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

and

Ky Van Nguyen, Administrative Law Judge
Suite 4063
801 Market St.
Philadelphia, PA 19107

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Pennsylvania Public Utility Commission	:	
Bureau of Transportation and Safety	:	
	:	
v.	:	C-2010-2132453
	:	
Okey Cab Company	:	

MOTION FOR SUMMARY JUDGMENT
OF THE BUREAU OF TRANSPORTATION AND SAFETY

John Herzog
Assistant Counsel, Law Bureau, on behalf of
the Bureau of Transportation and Safety of the
Pennsylvania Public Utility Commission

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

Dated: June 22, 2012

The Bureau of Transportation and Safety of the Pennsylvania Public Utility Commission (“Bureau”)¹, through its Assistant Counsel, John Herzog, files the following Motion for Summary Judgment, and states as follows:

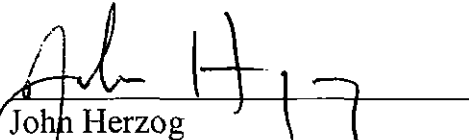
1. On April 9, 2010, the Bureau initiated a complaint against Okey Cab Company (“Respondent”).
2. The complaint was based on Respondent’s alleged failure to file a tariff with the Commission.
3. On June 4, 2010, Respondent filed an Answer to the complaint.
4. On August 22, 2011, a Hearing Notice was issued, setting the case for hearing on October 26, 2011.
5. On August 23, 2011, a Prehearing Order was issued by Administrative Law Judge Ky Van Nguyen (“ALJ”), which, inter alia, advised the parties of the necessity of attorney representation.
6. A hearing was held on October 26, 2011, as scheduled.
7. At the hearing, the Bureau was represented by counsel, but Respondent was not.
8. On February 2, 2012, the ALJ issued an Initial Decision recommending that the complaint be dismissed.
9. On February 10, 2012, the Bureau filed Exceptions to the Initial Decision.

¹ Following a Commission reorganization, the Bureau’s prosecutorial duties are now performed by the Bureau of Investigations and Enforcement.

10. On May 10, 2012, the Commission issued an Opinion and Order which reversed the Initial Decision, remanded the case to the Office of Administrative Law Judge for further action as deemed necessary, and directed “that, within thirty days from the date of entry of this Opinion and Order, Okey Cab Company shall have its counsel file a Notice of Appearance with the Commission in this matter.”
11. To date, more than thirty days from the entry of the Commission Opinion and Order, Respondent has failed to comply with that Order. There has been no Notice of Appearance filed.
12. The Commission’s Opinion and Order was premised on Respondent’s lack of representation at the initial hearing and the directive therein was mandatory.

WHEREFORE, for the foregoing reasons, the Bureau of Transportation and Safety of the Pennsylvania Public Utility Commission requests that its Motion for Summary Judgment be granted.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "John Herzog", is written over a horizontal line. The signature is stylized and cursive.

John Herzog
Assistant Counsel, Law Bureau, on behalf of
the Bureau of Transportation and Safety of the
Pennsylvania Public Utility Commission

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Harrisburg PA 17105-3265
(717) 787-5000

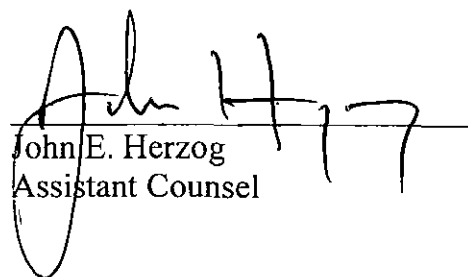
Dated: June 22, 2012

CERTIFICATE OF SERVICE

I hereby certify that I am this 22nd day of June, 2012, serving the foregoing documents upon the persons listed below in accordance with the requirements of 52 Pa. Code §1.54:

Ky Van Nguyen, Administrative Law Judge
Suite 4063
801 Market St.
Philadelphia, PA 19107

Okey Cab Company
6510 Upland St.
Philadelphia, PA 19142


John E. Herzog
Assistant Counsel