

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

PENNSYLVANIA PUBLIC UTILITY COMMISSION :
BUREAU OF INVESTIGATION AND ENFORCEMENT :
v. : Docket No. C-2012-2249031
YELLOW CAB CO. OF PITTSBURGH, :

ANSWER AND NEW MATTER TO AMENDED COMPLAINT

AND NOW, comes Yellow Cab Co. of Pittsburgh (hereinafter “Yellow Cab”), by and through its counsel, Ray F. Middleman, Esquire and Malone Middleman, P.C., and files the within Answer and New Matter to Amended Complaint as set forth below:

ANSWER

1. Admitted.
2. Admitted.
3. Denied. After reasonable investigation, this party is without knowledge or information sufficient to form a belief as to the truth or veracity of the averments contained in Paragraph 3 of the Amended Complaint and, therefore, the same are denied.
4. Admitted in part; Denied in part. It is admitted that Enforcement Officer Urey did conduct an interview of Charles Jones, an independent contractor/lease driver. It is averred that Mr. Jones did not refuse service to John Hooker. To the contrary, Mr. Jones had already responded to another request for service and was in the process of leaving the Amtrak Station to service that fare. Mr. Jones directed the respondent, Mr. Hooker, to the next taxi in the service line. It is believed that immediate service was provided to Mr. Hooker.

5. Admitted in part; Denied in part. It is admitted that during a two (2) year period from 2010 to 2012 there were approximately 64 complaints issued by the PUC with respect to a total of 2,897,572 trips undertaken by Yellow Cab lease drivers. Of the 64 total complaints, it is averred that over half of the alleged violations were either withdrawn by the Commission; settled by the Commission without attribution of a violation on the part of the carrier; or won by the carrier after hearing. The allegation of 76 violations from the beginning of January 2010 to the end of June 2012 is related to a total of 3,621,965 trips undertaken by Yellow Cab lease drivers. This constitutes an alleged violation every 47,657 trips or a percentage of complaints per trips of approximately 21/10,000 of 1%. With respect to allegations of refusal of service, there are 34 alleged violations out of a total of 3,621,965 trips or 1 refusal every 106,528 trips. This constitutes a percentage of refusal of service complaints of approximately 9/10,000 of 1%.

6. Denied. It is denied that trip service was not provided in the instant case. It is further denied that Yellow Cab violated 52 Pa. Code §29.313(a) and/or 66 Public Utility Code, 66 Pa.C.S. §1501. Yellow Cab's service history deserves commendation and recognition as a benchmark for other carries to emulate.

WHEREFORE, Yellow Cab Co. of Pittsburgh requests this Honorable Court enter judgment in its favor and against the Bureau of Investigation and Enforcement.

NEW MATTER

7. Yellow Cab asserts that service was rendered to the Respondent, John Hooker, without refusal and without unreasonable delay on the date and time in question.

8. The Yellow Cab lease driver/independent contractor had just dropped a fare at the Amtrak Station and had committed to another fare in the Strip District prior to the time that Mr. Hooker approached the Yellow Cab.

9. Yellow Cab has incurred only 34 refusal of service allegations in 2 ½ years and over 3,621,965 trips. It is averred that of the 34 incidents of alleged refusal of service, the Commission has dropped at least one third of those allegations. It is further asserted that most of the remaining allegations were settled by the Commission without acknowledgement of fault by Yellow Cab.

10. The alleged occurrences of violation of 52 Pa.Code §29.313(a) are, at best, infinitesimal and statistically insignificant. The issuance of an increased level of monetary penalty is unjustified under the circumstances.

11. In an effort to insure a service record which is as close to perfect as humanly possible, Yellow Cab has a system of verbal counseling and warnings for the lease drivers regarding refusal of service. Ultimately drivers can have their leasing privileges suspended. This remedy has been used on several occasions over the past 2 ½ years to insure that the lease drivers comply with PUC regulations.

WHEREFORE, The Yellow Cab Company of Pittsburgh requests this Honorable Court enter judgment in its favor and against the Bureau of Investigation and Enforcement.

Respectfully submitted,

Yellow Cab Company of Pittsburgh

Date: August 30, 2012

By: /s/ Ray F. Middleman

Ray F. Middleman, Esquire
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CERTIFICATE OF SERVICE

I hereby certify that I have this 30th day of August 2012 served a copy of the above Answer and New Matter to Amended Complaint upon counsel of record by first class, United States Mail, postage pre-paid, addressed as follows:

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