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October 9, 2012

VIA FEDERAL EXPRESS

Rosemary Chiavetta, Secretary
Pennsylvania Public Utility Commission
400 North Street
Commonwealth Keystone Building, 2nd Floor
Harrisburg, PA 17120

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PA PUBLIC UTILITY COMMISSION
SECRETARY'S BUREAU

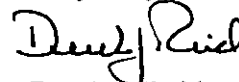
Re: Pennsylvania Public Utility Commission vs.
Limousine Services Transportation, Inc.
Docket No. C-2011-2219826

Dear Secretary Chiavetta:

I am enclosing herewith the Respondent's Reply to Exceptions in the above matter. If everything appears to be in order, please accept it for filing. Please time-stamp and return the extra copy.

Thank you for your cooperation.

Very truly yours,



Derek J. Reid

cc: Heidi L: Wushinske, Prosecutor
Office of Special Assistance (via email)
Mr. and Mrs. David Landes

BEFORE THE PENNSYLVANIA PUBLIC UTILITIES COMMISSION

Pennsylvania Public Utility Commission :
Bureau of Transportation and Safety :

v. :

Docket No. C-2011-2219826

Limousine Services Transportation, Inc. :

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REPLY TO EXCEPTIONS TO THE INITIAL DECISION OF
ADMINISTRATIVE LAW JUDGE ANGELA T. JONES

PA PUBLIC UTILITY COMMISSION
SECRETARY'S BUREAU

The Respondent, Limousine Services Transportation, Inc., replies to the Exceptions of the Bureau of Investigation and Enforcement (I&E) to the Initial Decision of Administrative law Judge Angela T. Jones ("ALJ") as follows:

- 1. The ALJ correctly accredited the Actions and Responsibilities of the Bureau of Technical Utilities Services to the Bureau of Investigation and Enforcement – Conclusion of Law #3.**

Exception No. 1 states that I&E "...does not exercise any judgment over processing or evaluating insurance forms". However, its entire case on behalf of the PUC, and the action of the PUC at issue, was based on the rejection of certain insurance forms by the PUC Bureau of Technical Utility Services (TUS), presumably another division of the PUC, and the testimony of one of its employees. Relying on TUS reviewed forms ("Forms") for the actions the PUC took against Respondent seems an exercise in judgment by I&E that those forms accurately reflected whether insurance was or was not in force for the Respondent.

- 2. The ALJ properly found that Respondent did not violate the Commission's regulations by failing to maintain evidence of insurance on file with the Commission.**

Exception No. 2 states that the ALJ improperly determined that the evidence submitted by I&E shows inconsistent judgment by the PUC on acceptance of Forms. Although this Exception is basically a dispute by I&E with the ALJ over what the facts show, the Respondent would suggest that the I&E assertion in its Exceptions (p. 3) that “...(T)he fact that TUS gave Respondent a break on its first, second and third improperly filed forms does not require it to accept every subsequently improperly filed form...” is an admission of inconsistency. The more important point made by the ALJ and overlooked in the Exception is that inconsistent judgment, and standards, for acceptance of Forms does not afford adequate protection for the public.


3. The ALJ’s Initial Decision is consistent with the principle that the carrier is responsible for ensuring that valid insurance is on file with the Commission.

Exception No. 3 states that the Carrier (Respondent) is responsible for ensuring that valid insurance is on file with the PUC. The Exception suggests that the Initial Decision of the ALJ and Finding of Fact #14 in it state or hold that the Respondent should be absolved of that responsibility. The Finding of Fact speaks for itself, but does not require absolution of the Respondent’s responsibility. The ALJ’s Initial Decision and Order, however, would remove the current impediment for the Respondent to satisfy this responsibility - dismissal of the Complaint at Docket No. C-2011-2219826 so that it can instruct its insurer to submit a Form that will not be rejected by the PUC because of the PUC decision to cancel the Certificate of Public Convenience in that case. As the last entry on the chart of Form E & K submissions to the PUC in the ALJ’s Initial Decision shows (Initial Decision, p.18), an otherwise acceptable Form E, showing evidence of valid insurance of the Respondent, will be rejected by TUS, I&E, and the PUC unless and until Respondent’s “active authority” is reinstated via adjudication.

WHEREFORE, for the foregoing reasons, the Respondent requests that the Commission REJECT the aforementioned Exceptions and that the Initial Decision and Order of the ALJ dated September 6, 2012 in this matter be approved.

EASTBURN AND GRAY, P.C.

Dated: 10/9/12

By: 
Derek Reid, Esquire
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Attorneys for Respondent

BEFORE THE PENNSYLVANIA PUBLIC UTILITIES COMMISSION

Pennsylvania Public Utility Commission :
Bureau of Transportation and Safety :

v. :

Docket No. C-2011-2219826

Limousine Services Transportation, Inc. :

CERTIFICATE OF SERVICE

I hereby certify that I this day served a copy of the Respondent's Reply to Exceptions in the above matter on the following persons in accordance with the requirements of 52 Pa. Code §1.54:

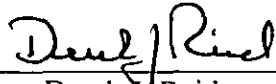
Angela T. Jones, Administrative Law Judge
801 Market Street
Philadelphia, PA 19107
(via regular first class mail)

Heidi L. Wushinske, Prosecutor
Pa. Public Utility Commission
P.O. Box 3265
Harrisburg, PA 17103-3265
(via regular first class mail)

Office of Special Assistance
Harrisburg, PA
(via email - ra-OSA@pa.gov)

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Dated: 10/9/12


Derek J. Reid
Attorney for Respondent

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4a Express Package Service

* To most locations.

Packages up to 150 lbs.

- FedEx Priority Overnight
Next business morning** Friday shipments will be delivered on Monday unless SATURDAY Delivery is selected.
- FedEx Standard Overnight
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- FedEx 2Day
Second business day** Thursday shipments will be delivered on Monday unless SATURDAY Delivery is selected.
- FedEx Express Saver
Third business day** Saturday Delivery NOT available.

4b Express Freight Service

** To most locations.

Packages over 150 lbs.

- FedEx 1Day Freight
Next business day*** Friday shipments will be delivered on Monday unless SATURDAY Delivery is selected. FedEx 1Day Freight Booking No.
- FedEx 2Day Freight
Second business day** Thursday shipments will be delivered on Monday unless SATURDAY Delivery is selected.
- FedEx 3Day Freight
Third business day.** Saturday Delivery NOT available.

5 Packaging

* Declared value limit \$500.

- FedEx Envelope*
- FedEx Pak*
Includes FedEx Small Pak and FedEx Large Pak.
- FedEx Box
- FedEx Tube
- Other

6 Special Handling and Delivery Signature Options

- SATURDAY Delivery
NOT available for FedEx Standard Overnight, FedEx Express Saver, or FedEx 3Day Freight.
- No Signature Required
Package may be left without obtaining a signature for delivery.
- Direct Signature
Someone at recipient's address may sign for delivery. Fee applies.
- Indirect Signature
If one is available at recipient's address, someone at a neighboring address may sign for delivery. For residential deliveries only. Fee applies.

Does this shipment contain dangerous goods?

One box must be checked.

- No
 - Yes
As per attached Shipper's Declaration.
 - Yes
Shipper's Declaration not required.
 - Dry Ice
Dry ice, 3.0 UN 1845 _____ x _____ kg
 - Cargo Aircraft Only
- Dangerous goods (including dry ice) cannot be shipped in FedEx packaging or placed in a FedEx Express Drop Box.

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- Sender
Acct. No. in Section 7 will be billed.
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