

EXCEPTIONS OF GRANT SCHAUER- COMPLAINANT

re: Docket No. C-2012-2304882

Grant Schauer (Complainant)

v.

Yellow Cab Company of Pittsburgh (Respondent)

I. INTRODUCTION

With respect to 52 Pa Code. § 5.533(c), I will be as concise as possible and will not restate the case cited above. I will refer to the Administrative Law Judge Mark Hoyer, who presided over this case, as "ALJ Hoyer."

II. EXCEPTIONS

1. ALJ Hoyer erred in finding that Jerry Campognolo, the Respondent's director, advised me on how to contact the PUC (Finding of Fact 16, Initial Decision, Page 4).

1a) ARGUMENT: I discussed this matter with two police officers at the Squirrel Hill Police Station (5858 Northumberland St, Pittsburgh, PA 15217) two days after the incident on Saturday, March 31st at approximately 10:00 a.m. The officers were very sympathetic to my story and gave me the info to contact the PUC and in fact very much encouraged me to do so. They also told me I could attempt to file a civil suit against the cab driver with the Magistrate, but I did not pursue this route.

I failed to mention my visit to the police station in my official complaint because I didn't see its importance at the time. I also did not mention it in my testimony at the hearing, largely because I was unprepared for a full hearing (not understanding the term "initial hearing") and was distracted by Mr. Guarnieri's aggressive questioning on a point that I considered moot, namely, that I did not call the police after the incident. For these reasons, it was not practicable until now to disclose.

In my official complaint, I wrote the following (Official Complaint, Part 4, Section B, Paragraph 2):

"I spoke with Jerry Cambolongo, the director of Pittsburgh Yellow Cab Co., and told him I was disappointed that the driver was not dismissed over the incident. When he defended letting him off with a warning, I then told Jerry that I was preparing a formal complaint to the PUC and that I would consider asking for lenient fines if Yellow Cab were willing to dismiss the driver. Jerry then encouraged me to file it so the PUC could hear "both sides of the story" and told me the name of someone at the PUC I could send it to."

In other words, I had the complaint written by the time I called Jerry Campognolo, the Respondent's director. I explicitly make it clear in my complaint that I was the one who notified Mr. Campognolo of my intent to file a formal complaint. Furthermore, the reason I highlighted that Mr. Compognolo offered me the name of someone to file it to (it was a man's name that I cannot recall) was that it very much struck me as *the name of a personal friend of Mr. Compognolo's at the PUC and was not the name of the secretary, Rosemary Chiavetta, who is in fact the proper conduit for formal complaints to the PUC.* Suffice to say without being subjective, I spoke with Mr. Compognolo long enough to safely conclude that he was not going to give me information regarding how to contact the PUC out of his own goodwill.

2) ALJ Hoyer's request for a \$1,500 penalty is insufficient under the facts of this case. (Conclusion of Law No. 4, Initial Decision, Page 12).

2a) ARGUMENT: In assessing the civil penalties (Discussion, B- "The Civil Penalties," Initial Decision), ALJ Hoyer writes before the concluding paragraphs in the ends of both penalties (1.Civil Penalty – Failure to provide reasonable service, page 10) and (2.Civil Penalty – Greater rate for service provided to Complainant than specified in its approved tariff, page 11) that the director of the Respondent's furnishing of contact information for the PUC was a mitigating factor in the assessment of both penalties. However, as stated in Exception 1 above, I was informed by police officers about the

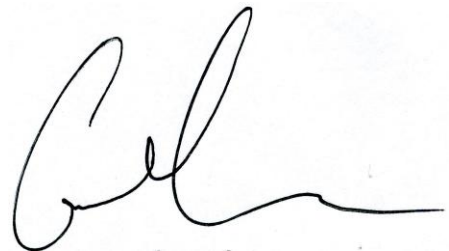
PUC several weeks before first speaking with Mr. Campognolo, and it was not the case that Mr. Campognolo provided any information to me at will. In fact, it is my belief that Mr. Campognolo intended to deceive me by giving me a name of one of his personal friends at the PUC. Realizing fully that this claim cannot be substantiated, the fact remains that Mr. Campognolo did absolutely nothing in order to merit an easing of the civil penalties imposed by the PUC.

III. CONCLUSION

WHEREFORE, complainant Grant Schauer gratefully acknowledges the thoughtful conclusions of ALJ Hoyer's initial decision and respectfully requests that the Commission reconsider the magnitude of the civil penalties imposed by ALJ Hoyer in light of the exceptions herein.

Respectfully submitted,

Date: November 29, 2012

A handwritten signature in black ink, appearing to read 'G. Schauer', with a long horizontal flourish extending to the right.

Grant Schauer

5835 Douglas St. #1
Pittsburgh, PA 15217

CERTIFICATE OF SERVICE

I hereby certify that I have this 29th day of November 2012, served a copy of the above Exceptions to Complainant by first class, United States Mail, postage pre-paid, addressed as follows:

Paul S. Guarnieri, Esq.
MALONE MIDDLEMAN, P.C.
Northridge Office Plaza
117 VIP Drive, Suite 310
Wexford, PA 15090

I also certify that a copy of the Exceptions was electronically served upon the Commission's Office of Special Assistants at ra-OSA@pa.gov.

A handwritten signature in black ink, appearing to read 'Grant Schauer', with a long horizontal flourish extending to the right.

Grant Schauer