

BEFORE THE PENNSYLVANIA PUBLIC UTILITY COMMISSION

PENNSYLVANIA PUBIC UTILITY	:	
COMMISSION, BUREAU OF INVESTIGATION	:	
AND ENFORCEMENT	:	DOCKET NO. C-2013-2321221
Complainant	:	
Vs.	:	
	:	
B.M. ENTERPRISES	:	
t/a, A.G. TAXI	:	
Respondent	:	

ANSWER TO COMPLAINT

The above captioned Respondent, by and through its attorney, Michael S. Henry, Esquire, hereby responds to the complaint in this matter as follows:

1. Admitted.
2. Admitted.
3. Denied as stated. It is admitted that Respondent, along with PUC-certified limousine carrier, Executive Transportation Company, t/a Luxury Sedan Service (“Executive”), mailed advertisements for their respective services. It is denied that Respondent holds itself out as providing limousine service. On the contrary, the limousine offered in the advertisement is offered exclusively by Executive. By way of further answer, nothing in the Public Utility Code or the Commission’s regulations prevents Respondent from providing call or demand service in a luxury sedan nor do they prevent Respondent from advertising with another carrier.
4. Denied. The averments in this paragraph contain conclusions of law to which no response is required. By way of further answer, the averments in this paragraph misstate the nature of Respondent’s authority and is contrary to the Public Utility Code and the Commission’s own regulations. Respondent may transport passengers on a local and long

distance basis so long as the trip originates in Respondent's territory or, if the request for service is made by telephone, if the trip terminates in Respondent's territory.

5. Denied as stated. Respondent denies that it has advertised rates that are not consistent with its tariff. On the contrary, flat rates to out-of-state airports are not subject to regulation by the Commission. By way of further answer, Respondent only provides service to the Philadelphia International Airport within the Commonwealth. All rates quoted and charged to customers are consistent with Respondent's tariff.

6. Denied. It is denied that the advertisement in question does not display Respondent's certificate number. On the contrary, Respondent's certificate number is displayed on the back of the advertisement.

7. Denied. It is denied that Respondent is advertising under another name. On the contrary, All Threes is a dispatcher for Respondent and Executive Transportation, the other carrier on the advertisement.

8. Denied. The averments in this paragraph contain conclusions of law to which no response is required. By way of further answer, it is denied that Respondent violated the provision in question.

9. Denied. The averments in this paragraph contain conclusions of law to which no response is required. By way of further answer, it is denied that Respondent violated the provision in question.

10. Denied. The averments in this paragraph contain conclusions of law to which no response is required. By way of further answer, it is denied that Respondent violated the provision in question.

11. Denied. The averments in this paragraph contain conclusions of law to which no response is required. By way of further answer, it is denied that Respondent violated the provision in question.

12. Denied. The averments in this paragraph contain conclusions of law to which no response is required. By way of further answer, it is denied that Respondent violated the provision in question.

WHEREFORE, Respondent respectfully requests the Commission to dismiss the Complaint filed in this proceeding.

Respectfully,

Michael S. Henry

Michael S. Henry
Attorney for Respondent
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Philadelphia, PA 19145
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VERIFICATION

I, Edward Burkhardt, General Manager of Respondent Executive Transportation, hereby verify that the facts set forth in Respondent's Answer to Complaint in this matter are true and correct to the best of his knowledge, information and belief.

Edward Burkhardt

Edward Burkhardt
General Manager
Executive Transportation, t/a Luxury Sedan

CERTIFICATE OF SERVICE

I, Michael S. Henry, Esquire, attorney for Respondent, hereby certified that I have filed an electronic copy of Respondent's answer to complaint and served a copy on the following on this date.

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

Wayne T. Scott, Prosecutor
Bureau of Investigation and Enforcement
P.O. Box 3265
Harrisburg, PA 17105-3265

3/19/2013

Michael S. Henry

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