



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

IN REPLY PLEASE
REFER TO OUR FILE
C-2013-2301095

July 9, 2013

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

Re: Pennsylvania Public Utility Commission, Bureau of Investigation and
Enforcement v. The Yellow Cab Company of Pittsburgh
Docket No. C-2013-2301095

Dear Secretary Chiavetta:

Enclosed for filing, please find an original of the Amended Complaint by the
Bureau of Investigation and Enforcement against The Yellow Cab Company of
Pittsburgh in the above-captioned matter.

Copies have been served on the parties in accordance with the Certificate of
Service.

Very truly yours,

Stephanie M. Wimer
Prosecutor

Enclosures

cc: Honorable Mark A. Hoyer
Certificate of Service

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NOTICE

A. You must file an Answer within twenty (20) days of the date of service of this Amended Complaint. The date of service is the mailing date as indicated at the top of the Secretarial Cover Letter for this Amended Complaint and Notice, 52 Pa. Code §1.56(a). An Answer is a written explanation of circumstances wished to be considered in determining the outcome. The Answer shall raise all factual and legal arguments that you wish to claim in your defense and must include the reference number of this Amended Complaint. Your Answer must be verified and the original sent to:

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

Additionally, please serve a copy on:

Wayne T. Scott, First Deputy Chief Prosecutor
Bureau of Investigation and Enforcement
Pennsylvania Public Utility Commission
P.O. Box 3265
Harrisburg, Pennsylvania 17105-3265

B. If you fail to answer this Amended Complaint within twenty (20) days, the Bureau of Investigation and Enforcement will request that the Commission issue a Secretarial Letter imposing a penalty.

C. You may elect not to contest this amended complaint by paying the civil penalty proposed in this Amended Complaint by certified check or money order. Payment must be made to the **Commonwealth of Pennsylvania** and should be forwarded to the prosecuting attorney:

Stephanie M. Wimer
Pennsylvania Public Utility Commission
Bureau of Investigation & Enforcement
Keystone Building, 3rd floor
P.O. Box 3265
Harrisburg, PA 17105-3265

D. If you file an Answer, which admits or fails to deny the allegations of the Amended Complaint, the Bureau of Investigation and Enforcement will request that the Commission issue a Secretarial Letter imposing a penalty.

E. If you file an Answer which contests the Amended Complaint, the matter will be assigned to an Administrative Law Judge for hearing and decision. The judge is not bound by the optional fine set forth above.

F. Alternative formats of this material are available, for persons with disabilities, by contacting the Compliance Office at (717) 787-1227.

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BEFORE THE
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PENNSYLVANIA PUBLIC UTILITY
COMMISSION, BUREAU OF
INVESTIGATION AND ENFORCEMENT

DOCKET NO. C-2013-2301095

v.

YELLOW CAB CO. OF PITTSBURGH
1825 LIVERPOOL STREET
PITTSBURGH, PA 15233

FIRST AMENDED COMPLAINT

The Pennsylvania Public Utility Commission (Commission) is a duly constituted agency of the Commonwealth of Pennsylvania empowered to regulate public utilities within the Commonwealth. The Commission has delegated its authority to initiate proceedings, which are prosecutory in nature, to the Bureau of Investigation and Enforcement and other bureaus with enforcement responsibilities. Pursuant to that delegated authority and Section 701 of the Public Utility Code, the Bureau of Investigation and Enforcement hereby represents as follows:

1. That, Yellow Cab Co. of Pittsburgh, Respondent, maintains a principal place of business at 1825 Liverpool Street, Pittsburgh, PA 15233.

2. That, Respondent was issued a Certificate of Public Convenience by this Commission on August 21, 1946, at application Docket No. A-00049926.

3. That Respondent, on August 7, 2012, at approximately 9:30 AM, at North Point Drive, Pittsburgh, Allegheny County, Pennsylvania, presented a certain 2008 Ford Taxi bearing PA License No. TX47944, Vehicle Identification No. 2FAHP71V48X145496, for annual inspection.

4. That the vehicle described in Paragraph 3 of this amended complaint was inspected by Enforcement Officer James Murray, a duly authorized officer of this Commission, on the date and the place specified in Paragraph 3, and the following violation was disclosed:

a. No fuel surcharge posted in vehicle.

5. That Respondent, on August 7, 2012, at approximately 2:22 PM, at North Point Drive, Pittsburgh, Allegheny County, Pennsylvania, presented a certain 2007 Chevrolet Taxi bearing PA License No. TX45704, Vehicle Identification No. 2G1WT58K079301493, for annual inspection.

6. That the vehicle described in Paragraph 5 of this amended complaint was inspected by Enforcement Officer James Murray, a duly authorized officer of this Commission, on the date and the place specified in Paragraph 5 and the following violation was disclosed:

a. No fuel surcharge posted in vehicle.

7. That Respondent, on August 7, 2012 at approximately 9:53 AM, at North Point Drive, Pittsburgh, Allegheny County, Pennsylvania, presented a certain 2007 Chevrolet Taxi bearing PA License No. TX47530, Vehicle Identification No. 2G1WT58K479283239, for annual inspection.

8. That the vehicle described in Paragraph 7 of this amended complaint was inspected by Enforcement Officer Gary Double, Jr., a duly authorized officer of this Commission, on the date and the place specified in Paragraph 7 and the following violations were disclosed:

a. Fast meter.

9. That Respondent, on August 8, 2012, at approximately 11:30 AM, at North Point Drive, Pittsburgh, Allegheny County, Pennsylvania presented a certain 2007 Ford Taxi bearing PA License No. TX45217, Vehicle Identification No. 2FAHP71W97X160440, for annual inspection.

10. That the vehicle described in Paragraph 9 of this amended complaint was inspected by Enforcement Officer Christopher Urey, a duly authorized officer of this Commission, on the date and the place specified in Paragraph 9 and the following violation was disclosed:

a. Battery was not properly secured in vehicle.

11. That Respondent, by failing to post the fuel surcharge in a conspicuous place in the vehicle as described in Paragraphs 4 and 6 above, violated 66 Pa. C.S. §501(c). The Bureau of Investigation and Enforcement's proposed civil penalty is \$50.00 for each violation, for a total proposed civil penalty of \$100.00.

12. That Respondent, by failing to have the meter regulated in accordance with the current tariff rates on file with this Commission as described in Paragraph 8 above, violated 52 Pa. Code §29.314(b)(6). The Bureau of Investigation and Enforcement's proposed civil penalty is \$250.00.

13. That Respondent, by failing to have a secured battery in its vehicle while in operation as described in Paragraph 10 above, violated 52 Pa. Code §29.402(1) and 67 Pa. Code §175.80(c)(6). The Bureau of Investigation and Enforcement's proposed civil penalty is \$100.00.

WHEREFORE, the Bureau of Investigation and Enforcement hereby requests that the Commission fine Yellow Cab Co. of Pittsburgh, the proposed civil penalty in the sum of Four Hundred-Fifty Dollars (\$450.00) for the illegal activity described in this amended complaint, and order such other remedy as the Commission may deem to be appropriate.

Respectfully submitted,



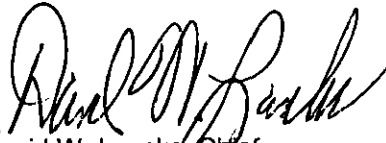
Stephanie M. Wimer
Prosecutor
PA Attorney ID No. 207522
Bureau of Investigation and Enforcement
P.O. Box 3265
Harrisburg, PA. 17105-3265

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VERIFICATION

I, David W. Loucks, Chief of Motor Carrier Enforcement in the Bureau of Investigation and Enforcement, hereby state that the facts above set forth are true and correct to the best of my knowledge, information and belief, and that I expect the Bureau will be able to prove the same at any hearing held in this matter. I understand that the statements herein are made subject to the penalties of 18 Pa. C.S. §4904 relating to unsworn falsification to authorities.

Date: July 9, 2013



David W. Loucks, Chief
Motor Carrier Enforcement
Bureau of Investigation and Enforcement

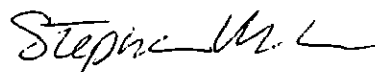
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CERTIFICATE OF SERVICE

I hereby certify that I have this day served a true copy of the foregoing Amended Complaint upon the parties, listed below, in accordance with the requirements of 52 Pa. Code § 1.54 (relating to service by a party).

Notification by First Class Mail:

Ray F. Middleman, Esquire
Malone Middleman, P.C.
Northridge Office Plaza
117 VIP Drive, Suite 310
Wexford, PA 15090



Stephanie M. Wimer

Prosecutor

Attorney ID No. 207522

Pennsylvania Public Utility Commission
Bureau of Investigation and Enforcement
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Dated: July 9, 2013

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