



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

November 6, 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. Lock Haven Taxi, Inc.  
Docket No. C-2013-

Dear Secretary Chiavetta:

On behalf of the Bureau of Investigation and Enforcement of the Pennsylvania Public Utility Commission, enclosed for filing please find the Complaint in the above referenced case. Copies have been served on the parties of record in accordance with the Certificate of Service.

Sincerely,

Stephanie M. Wimer  
Prosecutor  
PA Attorney ID No. 207522

Counsel for the Bureau of  
Investigation and Enforcement

Enclosures

cc: As per Certificate of Service  
Scott Granger, I&E

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## NOTICE

A. **You must file an Answer within 20 days of the date of service of this Complaint.** The date of service is the mailing date as indicated at the top of the Secretarial Letter. See 52 Pa. Code §1.56(a). The Answer must raise all factual and legal arguments that you wish to claim in your defense, include the docket number of this Complaint, and be verified. You may file your Answer by mailing an original to:

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

Or, you may eFile your Answer using the Commission's website at [www.puc.pa.gov](http://www.puc.pa.gov). The link to eFiling is located under the Filing & Resources tab on the homepage. If your Answer is 250 pages or less, you are not required to file a paper copy. If your Answer exceeds 250 pages, you must file a paper copy with the Secretary's Bureau.

Additionally, a copy should either be mailed to:

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

Or, emailed to Mr. Scott at: [RA-PCCmplntResp@pa.gov](mailto:RA-PCCmplntResp@pa.gov)

B. If you fail to answer this Complaint within 20 days, the Bureau of Investigation and Enforcement will request that the Commission issue an Order imposing the penalty.

C. You may elect not to contest this Complaint by paying the civil penalty within 20 days. Your check or money order for the civil penalty should be payable to the Commonwealth of Pennsylvania and mailed to:

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

D. If you file an Answer which either admits or fails to deny the allegations of the Complaint, the Bureau of Investigation and Enforcement will request the Commission to issue an Order imposing the penalty set forth in this Complaint.

E. If you file an Answer which contests the Complaint, the matter will be assigned to an Administrative Law Judge for hearing and decision. The Judge is not bound by the penalty set forth in the Complaint, and may impose additional and/or alternative penalties as appropriate.

F. If you are a corporation, you must be represented by legal counsel. 52 Pa. Code §1.21.

G. Alternative formats of this material are available for persons with disabilities by contacting the Commission's ADA Coordinator at 717-787-8714.

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

V.

C-2013-

LOCK HAVEN TAXI, INC.  
17 CORNING STREET  
LOCK HAVEN, PA 17745

A-00112993

**COMPLAINT**

NOW COMES the Pennsylvania Public Utility Commission, Bureau of Investigation and Enforcement (“I&E”), by its counsel, and files this Complaint against Lock Haven Taxi, Inc. (“Respondent”), pursuant to Section 701 of the Public Utility Code, 66 Pa.C.S. §701. In support of its Complaint, I&E respectfully represents the following:

**PARTIES AND JURISDICTION**

1. The Pennsylvania Public Utility Commission, with a mailing address of P.O. Box 3265, Harrisburg, PA 17105-3265, is a duly constituted agency of the Commonwealth of Pennsylvania empowered to regulate public utilities within the Commonwealth pursuant to the Public Utility Code, 66 Pa. C.S. §§101, *et seq.*

2. Complainant is the Commission's Bureau of Investigation and Enforcement. The Commission has delegated its authority to initiate proceedings that are prosecutory in nature to I&E and other bureaus with enforcement responsibilities. *Delegation of Prosecutory Authority to Bureaus with Enforcement Responsibilities*, Docket No. M-00940593 (Order entered September 2, 1994), as amended by Act 129 of 2008, 66 Pa. C.S. §308.2(a)(11).

3. Complainant is represented by:

Stephanie M. Wimer  
Prosecutor  
Pennsylvania Public Utility Commission  
Bureau of Investigation and Enforcement  
P.O. Box 3265  
Harrisburg, PA 17105-3265  
717.772.8839  
[stwimer@pa.gov](mailto:stwimer@pa.gov)

Scott Granger  
Prosecutor  
Pennsylvania Public Utility Commission  
Bureau of Investigation and Enforcement  
P.O. Box 3265  
Harrisburg, PA 17105-3265  
717.425.7593  
[sgranger@pa.gov](mailto:sgranger@pa.gov)

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4. Respondent is Lock Haven Taxi, Inc. and maintains its principal place of business 17 Corning Street, Lock Haven, Pennsylvania 17745.
5. Respondent is a "public utility" as that term is defined at 66 Pa.C.S. §102, as it is engaged in transporting passengers in the Commonwealth of Pennsylvania for compensation.

6. Respondent was issued a Certificate of Public Convenience by this Commission on January 16, 1997, at Docket No. A-00112993 for taxi and limousine authority.
7. Section 501(a) of the Public Utility Code, 66 Pa.C.S. §501(a), authorizes and obligates the Commission to execute and enforce the provisions of the Public Utility Code.
8. Section 701 of the Public Utility Code, 66 Pa.C.S. §701, authorizes the Commission, *inter alia*, to hear and determine complaints against public utilities for a violation of any law or regulation that the Commission has jurisdiction to administer.
9. Section 3301 of the Public Utility Code, 66 Pa.C.S. §3301, authorizes the Commission to impose civil penalties on any public utility, or any other person or corporation subject to the Commission's authority, for violation(s) of the Public Utility Code and/or Commission regulations.
10. Respondent, in transporting passengers as a common carrier for compensation, is subject to the power and authority of this Commission pursuant to Section 501(c) of the Public Utility Code, 66 Pa.C.S. §501(c), which requires a public utility to comply with Commission regulations.
11. Pursuant to the provisions of the applicable Commonwealth statutes and regulations, the Commission has jurisdiction over the subject matter of this complaint and the actions of Respondent related thereto.

## **BACKGROUND AND VIOLATIONS**

12. In May of 2012, the I&E Motor Carrier Enforcement Division (MCED) received information alleging that Respondent had been charging passengers a flat rate instead of using a meter to determine the fares.
  
13. Respondent's Call or Demand Tariff that is on file with the Commission requires Respondent to charge in accordance with the rate established by the meter. Respondent's tariff became effective on December 14, 1996, and provides the following schedule of rates to be charged by a meter: (1) the first 1/7 mile or fraction thereof is \$1.75; (2) each additional 1/7 mile or fraction thereof is \$0.25; (3) each minute of waiting time is \$0.25; and (4) trips containing more than 2 passengers are an additional \$0.50 per trip.
  
14. On June 26, 2012, the MCED requested copies of 100 log sheets from Respondent in order to determine whether Respondent was charging in accordance with its tariff.
  
15. Respondent is required to retain log sheets for at least two years.
  
16. Respondent was unable to produce any of the log sheets that were requested. Respondent explained that a water leak destroyed many log sheets and forced Respondent to relocate its place of business. During Respondent's move, other log sheets had been either discarded or misplaced.

17. Out of the 100 copies of log sheets that were requested, I&E identified a total of 36 log sheets that were not maintained for at least two years from the date that the trip took place.

18. It is I&E's position that the above-described action of Lock Haven Taxi, Inc. resulted in the following violation of the Commission's regulations:

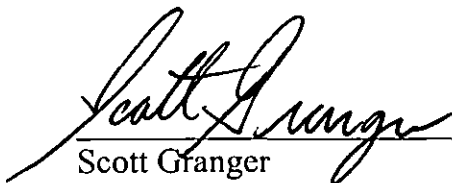
- (a) Respondent failed to maintain 36 log sheets for at least 2 years. If proven, this is a violation of 52 Pa. Code §29.313(c) (multiple counts).

WHEREFORE, for all the foregoing reasons, the Pennsylvania Public Utility Commission's Bureau of Investigation and Enforcement respectfully requests that the Commission impose a civil penalty of \$1,800 upon Lock Haven Taxi, Inc. for the above-described activity and order such other remedy as the Commission deems to be appropriate.

Respectfully submitted,



Stephanie M. Wimer  
Prosecutor  
PA Attorney ID # 207522



Scott Granger  
Prosecutor  
PA Attorney ID # 63641

Bureau of Investigation & Enforcement  
Pennsylvania Public Utility Commission  
P.O. Box 3265  
Harrisburg, PA 17105-3265

Date: November 6, 2013

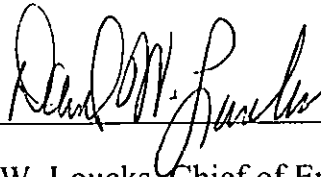
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**VERIFICATION**

I, David W. Loucks, Chief of Enforcement for the Motor Carrier Services Division of the Bureau of Investigation and Enforcement, hereby state that the facts set forth above are true and correct to the best of my knowledge, information and belief and I expect that 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: \_\_\_\_\_

11-6-13.



\_\_\_\_\_  
David W. Loucks, Chief of Enforcement  
Motor Carrier Services Division  
Bureau of Investigation and Enforcement

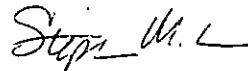
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## CERTIFICATE OF SERVICE

I hereby certify that I have this day served a true copy of the foregoing 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:

Mark R. Helbley  
Lock Haven Taxi, Inc.  
17 Corning Street  
Lock Haven, PA 17745



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Stephanie M. Wimer  
Prosecutor  
PA Attorney ID No. 207522

Pennsylvania Public Utility Commission  
Bureau of Investigation and Enforcement  
P.O. Box 3265  
Harrisburg, PA 17105-3265

Dated: November 6, 2013

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