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December 3, 2013

Electronically Filed

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

RE: PUC v YELLOW CAB CO. OF PITTSBURGH
Docket No.: C-2012-2249031
Our File No.: 12506

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2013 DEC -6 AM 10:34
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SECRETARY'S BUREAU

Dear Secretary Chiavetta:

On November 25, 2013, I filed Replies to Exceptions on behalf of Yellow Cab in the above matter. This letter is to correct an error in the Replies. On page 4 of the Replies, I wrote that a case cited by the Bureau in their Exceptions – the case of Comm. v. Assorted Consumer Fireworks, 16 A.3d 554 (Pa. Cmwlth 2011) did not, as indicated, cite to the case of Comm. V. \$6,425.00 seized from Esquilin, 880 A.2d 523, 555(Pa. 2005). While I stand by my argument that the preponderance of the evidence standard is not so minimal as the Bureau claims, the Comm. v. Assorted Consumer Fireworks case does in fact cite to the Comm. V. \$6,425.00 seized from Esquilin opinion, and does contain the language cited by the Bureau.

The error was not intentional. I read the Comm. v. Assorted Consumer Fireworks on Lexis Advanced, which we only started to use about a month ago. The format of the footnotes is different in Lexis Advanced (they are now 'pop-ups, and not in the body of the opinion), so I frankly missed the footnote to which the Bureau referred.

When I discovered my error, I did call and apologize to Ms. Wushinske, the Bureau's counsel, and told her that I would provide a letter to the Commission. Ms. Wushinske has no objections to my submission of this letter to the Commission.

Sincerely,


Vicki Hunt Mortimer, Esq.

/tlw



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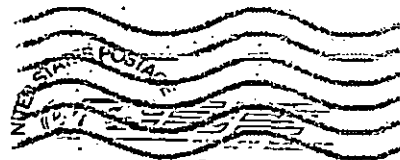
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