



CHARLES E. THOMAS, III
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December 18, 2013

VIA ELECTRONIC FILING

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

In re: Pa. P.U.C. Bureau of Investigation and Enforcement v. Krapf's Coaches, Inc.
Docket No. C-2013-2358102

Dear Secretary Chiavetta:

Enclosed for electronic filing is the corrected Answer of Krapf's Coaches, Inc. to the Complaint of the Bureau of Investigation and Enforcement in the above-referenced matter. This filing corrects the Answer that was e-filed on December 17, 2013, which inadvertently contained an incorrect docket number throughout the filing. A copy of the corrected Answer is being served upon the persons and in the manner set forth in the certificate of service attached to it. Please kindly enter my appearance for Krapf's Coaches, Inc. and do not hesitate to contact me should you have any questions or require additional information.

Very truly yours,

THOMAS, LONG, NIESEN & KENNARD

By 

Charles E. Thomas, III

Encl.

cc: Certificate of Service (w/encl.)
Dale N. Krapf (w/encl.)
Gary D. Krapf (w/encl.)

**Before The
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Pennsylvania Public Utility Commission :
Bureau of Investigation and Enforcement :

v. :

Krapf's Coaches, Inc. :

Docket No. C-2013-2358102

ANSWER TO COMPLAINT

AND NOW, comes Krapf's Coaches, Inc. ("Krapf"), by its attorney, and, pursuant to 52 Pa. Code § 5.61, answers in *seriatim* fashion the Complaint of the Bureau of Investigation and Enforcement of the Pennsylvania Public Utility Commission ("Commission") as follows:

1. Admitted.
2. Admitted with clarification. The Commission issued a Certificate of Public Convenience to Krapf for the right to operate limousine service on January 29, 1993 at A-001014504, F.5. Krapf's limousine authority was subsequently amended pursuant to a Certificate of Public Convenience issued by the Commission on September 25, 1998 at A-00104504, F.5, Am-A.
3. Admitted in part and denied in part. It is admitted that Krapf received a letter from the Commission dated October 21, 2013 which, *inter alia*, requested that Krapf file an application to abandon/discontinue limousine authority and which enclosed a form application. It is also admitted that Krapf, to date, has not filed an application to abandon or discontinue its limousine authority. Krapf denies all remaining averments presented in Paragraph 3. It is denied that Krapf abandoned or discontinued limousine service without having first filed an application with the Commission or that Krapf no longer operates


limousine service. By way of further response, the undersigned counsel, on behalf of Krapf, sent a letter by first-class mail on December 2, 2013 to Robert Bingaman, Transportation Compliance Chief with the Commission's Bureau of Technical Utility Services, in reply to the Commission's October 21, 2013 letter. A copy of the December 2, 2013 letter is attached hereto as **Exhibit 1**. As explained in that letter, Krapf has not abandoned or discontinued any part of its Commission-issued limousine authority, nor does it have any intention of doing so in the foreseeable future. Krapf continues to operate and provide jurisdictional service on an as-needed basis in accordance with its operating rights authorized under its Certificate of Public Convenience. Krapf has earned approximately \$1,760 in revenue from intrastate limousine operations for calendar year 2013 to date and anticipates receiving intrastate limousine revenue in 2014 and beyond.

4. Paragraph 4 of the Complaint constitutes a conclusion of law to which no response is required. However, if a response is deemed necessary, Krapf denies that it is no longer rendering limousine service and further denies that it has violated 52 Pa. Code § 3.381(a)(1)(v) and 66 Pa.C.S. § 1102(a)(2). As discussed in Paragraph 3 above, Krapf has not abandoned or discontinued its limousine authority in any capacity and, in fact, continues to offer and provide intrastate limousine service consistent with its authorized operating rights. As such, Krapf is under no obligation to file, nor would it make any sense for Krapf to file, an application with the Commission for approval to abandon or discontinue its limousine authority.

WHEREFORE, for the reasons set forth above, Krapf's Coaches, Inc. respectfully requests that the Pennsylvania Public Utility Commission dismiss the Complaint of the Commission's Bureau of Investigation and Enforcement.

Respectfully submitted,

THOMAS, LONG, NIESEN & KENNARD

By 

Charles E. Thomas, III, Esq.
PA Attorney ID No. 201014

THOMAS, LONG, NIESEN & KENNARD
212 Locust Street, Suite 500
P.O. Box 9500
Harrisburg, PA 17108-9500
Tel: 717-255-7611

Attorney for Krapf's Coaches, Inc.

DATED: December 17, 2013

EXHIBIT 1



CHARLES E. THOMAS, III
Direct Dial: 717.255.7611
cet3@thomaslonglaw.com

December 2, 2013

VIA FIRST CLASS MAIL

Robert Bingaman
Transportation Compliance Chief
Bureau of Technical Utility Services
Pennsylvania Public Utility Commission
Commonwealth Keystone Building
P.O. Box 3265
Harrisburg, PA 17105-3265

In re: Krapf's Coaches, Inc. PUC Authority – Limousine
Docket Nos. A-00104504, F.5 and A-2013-2358102

Dear Mr. Bingaman:

We are counsel to Krapf's Coaches, Inc. ("Company"). We are writing in response to your letter dated October 21, 2013, which stated information had been received by the Public Utility Commission ("PUC") indicating that the Company was no longer operating the above-referenced limousine authority and which directed the Company to file an application to abandon or discontinue said authority.

Please be advised that the Company has not abandoned or discontinued its PUC-issued limousine authority, nor does it have any intention of doing so in the foreseeable future. The Company continues to operate and provide jurisdictional limousine service on an as-needed basis in accordance with its operating rights authorized under its Certificate of Public Convenience. In fact, for calendar year 2013 to date, the Company has earned \$1,010 in revenue from limousine operations.

Should you have any questions or wish to discuss the matter further, please do not hesitate to contact me.

Very truly yours,

THOMAS, LONG, NIESEN & KENNARD

By 

Charles E. Thomas, III

cc: Dale N. Krapf

VERIFICATION

I, Gary D. Krapf, President of Krapf's Coaches, Inc., hereby state that the facts set forth in the foregoing Answer to Complaint are true and correct to the best of my knowledge, information and belief and that I expect Krapf's Coaches, Inc. to be able to prove the same at a 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).


Gary D. Krapf

Before The
PENNSYLVANIA PUBLIC UTILITY COMMISSION

Pennsylvania Public Utility Commission
Bureau of Investigation & Enforcement

v.

Krapf's Coaches, Inc.

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Docket No. C-2013-2358102

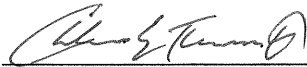
CERTIFICATE OF SERVICE

I hereby certify that I have this 18th day of December, 2013, served a true and correct copy of the foregoing corrected Answer upon the persons and in the manner set forth below:

FIRST CLASS MAIL, POSTAGE PREPAID

David W. Loucks, Chief
Motor Carrier Enforcement
Bureau of Investigation & Enforcement
Pennsylvania Public Utility Commission
P.O. Box 3265
Harrisburg, PA 17105-3265

Wayne T. Scott, Prosecutor
Bureau of Investigation & Enforcement
Pennsylvania Public Utility Commission
P.O. Box 3265
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Charles E. Thomas, III
PA Attorney ID No. 201014