

COMMONWEALTH OF PENNSYLVANIA
PENNSYLVANIA PUBLIC UTILITY COMMISSION

IN RE:

APPLICATION OF

A.-2013-2391804

DANACH, LLC

Application for certificate of public convenience to begin to transport as a common carrier, by motor vehicle, persons upon call or demand service, between points in Bucks , Montgomery, Chester and Delaware Counties, and return; excluding service that is under the jurisdiction of the Philadelphia Parking Authority.

PROTEST OF EXECUTIVE TRANSPORTATION COMPANY, INC.

D/B/A/ LUXURY SEDAN SERVICE

TO THE APPLICATION OF

DANACH, LLC

1. EXECUTIVE TRANSPORTATION COMPANY, INC. (Executive) protests the Application of Danach, LLC (Applicant).
2. Executive is a certified public utility authorized to transport persons upon call or demand in the of state Pennsylvania with certain restriction. A description of Executive's certified area is contained in its tariff, which is attached hereto and marked Exhibit "A". Executive address is 1167 Newport News Drive, Bensalem, PA 19020.
3. Executive's attorney is Michael S. Henry, Esquire, 2336 South Broad Street, Philadelphia, PA 19145, (215-218-9800).
4. Applicant is seeking the right to transport as a common carrier, by motor vehicle, persons in limousine service, between points in Bucks, Montgomery, Chester and Delaware Counties, and return, excluding service that is under the jurisdiction of the Philadelphia Parking Authority.

5. Protestant objects to the granting of this application on the ground that Applicant cannot meet its burden under 52 Pa. Code § 41.14 as to need, fitness and harm to Protestant.

6. Protests to this Application are due on or before December 23, 2013. This is a timely protest and therefore Executive is entitled to participate in this proceeding as a party intervener pursuant to 52 PA. Code 3.381.

7. Pursuant to 333(c) of the Pennsylvania Public Utility Code, demand is made upon Applicant to furnish Protestant's counsel with a list of the names and addresses of witnesses he intends to call and a brief summary of the proposed testimony; in particular, complaints, if any, against the services of the Protestant.

8. Additionally, demand is made upon Application to furnish Protestant's counsel with proof of need for service and financial responsibility.

9. Protestant will agree to withdraw its protest if the Applicant agrees not to operate in Protestant's authorized territory.

WHEREFORE, EXECUTIVE TRANSPORTATION COMPANY, INC., respectfully requests this Commission to deny the Application of Danach, LLC

Respectfully submitted,



MICHAEL S. HENRY, ESQUIRE
Attorney for Protestant
2336 South Broad Street
Philadelphia, PA 19145
215-218-9800

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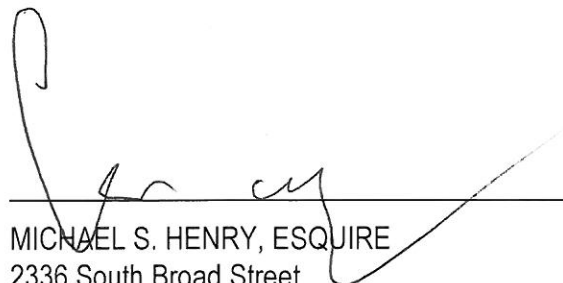
DANACH, LLC

CERTIFICATE OF SERVICE

I, hereby certify that on this 23th day of December, 2013, I mailed by first class mail, postage prepaid, a copy of the foregoing Protest of Executive Transportation Company, Inc. to the Application of Danach, LLC to :

Danach, LLC
182 Howard Street, #8
San Francisco, CA 94105

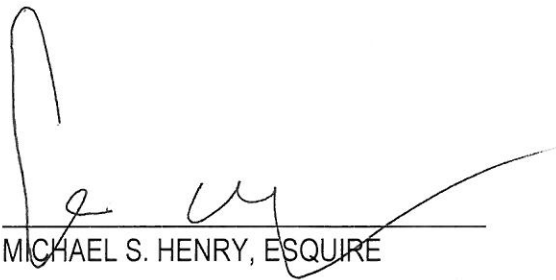
David Temple, Esq.
1760 Market Street
Suite 1100
Philadelphia, PA 19103



MICHAEL S. HENRY, ESQUIRE
2336 South Broad Street
Philadelphia, PA 19145
215-218-9800

VERIFICATION

MICHAEL S. HENRY, ESQUIRE verifies that he/she is acquainted with the facts and information set forth in the foregoing pleadings are true and correct to his/her knowledge, information and belief; and that the foregoing Verification is made subject to the penalties of 18 Pa. C.S. Section 4904 relating to unsworn falsification to authorities.



MICHAEL S. HENRY, ESQUIRE

DATE: 12/23/13

Certificate No. A-00109726

Limousine – Pa. P.U.C. No. 8
Cancels
Limousine – Pa. P.U.C. No. 7

Executive Transportation Company
T/D/B/A
Luxury Sedan Service
Rates and Rules
Governing the Transportation
Of persons.

(As Designated herein)

'12

Issued: September 26, 2011

Effective: September 27, 2011

Issued by: Joseph McQuillan, Pres.
Executive Transportation Company
1167 Newport Mews Dr.
Bensalem PA 19020
(215) 331-4660

LIST OF CHANGES MADE BY THIS TARIFF

Rules and Regulations

Item 4 - Waiting time (For Class "D" Rates)- Increased the time charges from \$23.76 an hour to \$25.80 per hour. Also changed the incremental charge from \$0.33 every 50 seconds to \$0.43 every 60 seconds.

Schedule of Rates, Item 10 – Class "B" Rate – 1) Lowered hourly charge from \$40.00 per hour to \$30.00 per hour. 5) Changed incremental charge from \$20.00 per ½ hour to \$15.00 per ½ hour.

Item 20 – Mileage Rates – Lowered the initial charge from \$7.00 for the first 1 4/7 miles, to \$7.00 for the first 1 3/6 miles or fraction thereof. Additionally, we raised the per mile charge from \$0.33 for every 1/7 of a mile or fraction thereof (which equated to \$2.31 per mile), to \$0.43 for every 1/6 of a mile or fraction thereof (which now equates to \$2.58 per mile).

Operating Authority

To Transport, as common carrier persons, in limousine service, between points in Pennsylvania.

* Executive is permitted to continue to use its mileage based-tariff as well as utilize onboard meters. However, the waiver is restricted to those areas Executive currently serves under its PUC Authority, i.e., Philadelphia, bucks, Montgomery, Delaware, and Chester Counties. (All of Executive's service within, to, and from Philadelphia is currently regulated by the PPA. However, to the extent that Executive may, in the future, provide service to/from Philadelphia that would not be subject to the PPA's jurisdiction, the PUC will grant the waiver to cover this contingency.) This restriction allows Executive to continue service in its current effective service area under its existing tariff. However, if Executive expands its luxury Sedan Service beyond its current effective service area, providing point to point service outside bucks, Montgomery, Delaware, and Chester Counties, it will be required to utilize a time based tariff. (The waiver also attaches to luxury Sedan Service provided to/from Philadelphia, bucks, Montgomery, Delaware, and Chester Counties to/from points outside those counties.)

* Per waiver contained in Commission Order at No. P-00062231, entered September 18, 2006.

Rules and Regulations

Item 1: Advance Reservations- must be made with the carrier prior to service being rendered.

Item 2: Hourly Rates (For Class “A” Rates)- will apply from the time the vehicle leaves carriers place of business, until the vehicle returns to carriers place of business.

Item 3: Mileage Rates- will be assessed from the point of pickup to dropoff.

(C) Item 4: Waiting time (For Class “D” Rates)- unless otherwise provided, all waiting time will be charged at \$0.43 per for every 60 seconds² or fraction thereof (which equates to \$25.80 per hour), and only applies to Luxury Sedan Services.

Item 5: Mileage- as used herein will be computed with mileage and or fee to be calculated by the odometer or a device¹ connected to the odometer.

Item 6: Charges not covered by rates- rates do not include bridge, and highway tolls, or parking fees.

Item 7: Gratuity A gratuity charge of 20% will be added to the hourly rate tariff charges.

Item 8: Hourly Rates (for Class “B” Rates) – will apply from the time of pick up to drop off unless the amount of time traveled from pick up to drop off is greater than 20 minutes, not including waiting time during stops made. When time traveled between pick up to drop off is greater than 20 minutes, the charge will include an amount equal to the time necessary to return to the pick up point.

(C) – Indicates change or addition

Schedule of rates

¹ Device being defined as a group of electronic computerized instrument(s), and or two-way radio component(s) that work in conjunction with a centralized automated Global Positioning Sensor Dispatch system. These instrument(s), and or component(s) are individually approved and or certified by multiple Federal Departments; which include but not limited to the Federal Communications Commission (FCC), and the Federal Weights and Measures. These individual component(s) that are interfaced together operate as the Device.

² Waiting Time and mileage charges are interchangeable charges during the initial seven dollar minimum.

