

**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 FIVE STAR LIMOUSINE SERVICE, INC.

TO THE APPLICATION OF

DANACH, LLC

1. FIVE STAR LIMOUSINE SERVICE, INC. (Protestant) protests the Application of Danach, LLC (Applicant).
2. Protestant is a certified public utility authorized to transport persons upon call or demand in the of state Pennsylvania with certain restriction. A description of Protestant's certified area is contained in its tariff, which is attached hereto and marked Exhibit "A". FIVE STAR LIMOUSINE SERVICE, INC.'s address is 800 Chestnut Street, Philadelphia, PA 19107.
3. Protestant'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.

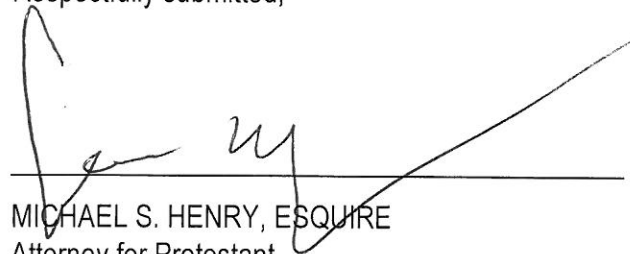
7. Pursuant to 333(c) of the Pennsylvania Public Utility Code, demand is made upon Applicant to furnish Protestant's counsel with a list of the names and addresses of witnesses he intends to call and a brief summary of the proposed testimony; in particular, complaints, if any, against the services of 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, FIVE STAR LIMOUSINE SERVICE, INC., respectfully requests this Commission to deny the Application of Danach, LLC

Respectfully submitted,

A handwritten signature in black ink, appearing to read "M. Henry", is written over a horizontal line. The signature is stylized and extends to the right of the line.

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

COMMONWEALTH OF PENNSYLVANIA  
PENNSYLVANIA PUBLIC UTILITY COMMISSION

IN RE:

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A.-2013-2391804

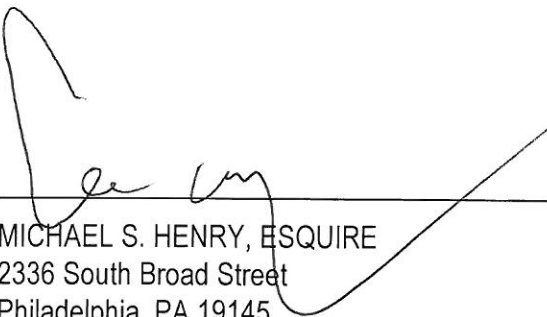
DANACH, LLC

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 FIVE STAR LIMOUSINE SERVICE, INC. to the Application of Danach, LLC to :

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

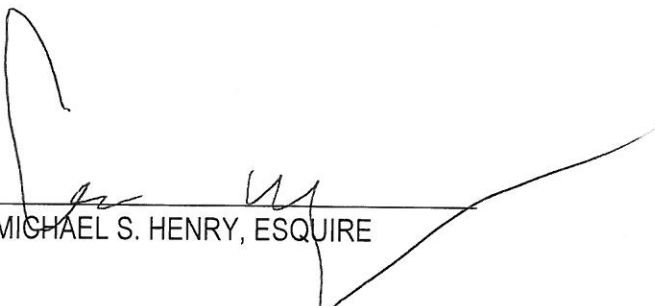
David Temple, Esq.  
1760 Market Street  
Suite 1100  
Philadelphia, PA 19103



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

**LIMOUSINE SERVICE TARIFF**

Certificate Nos.  
PPA CPC: 1010295-07  
PA PUC: A-0019992  
Submitted On  
April 30th, 2007

**TO THE  
PHILADELPHIA PARKING AUTHORITY  
2415 SOUTH SWANSON STREET, PHILADELPHIA PA 19148**

**BY**

Corporate Name: **FIVE STAR LIMOUSINE SERVICE, INC.**  
Trading as Name:  
President or Secretary: **Jacob Gabbay, President**  
Address: **800 Chestnut Street, Philadelphia, PA 19107**  
Phone Number: **215-733-00461**

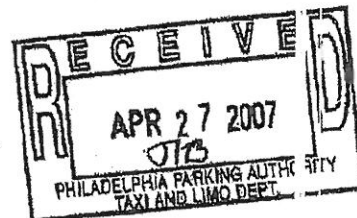
**LOCAL LIMOUSINE TARIFF  
NAMING  
RATES, RULES AND REGULATIONS  
GOVERNING THE TRANSPORTATION OF  
PERSONS IN LIMOUSINE SERVICE  
IN PHILADLEPHIA**

**SEE OPERATING AUTHORITY ON PAGE 2**

ISSUED:

EFFECTIVE:

PPA Use Only  
Approved by \_\_\_\_\_  
Approval Date \_\_\_\_\_



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IS USED:

EFFECTIVE:

PA Use Only

Approved by \_\_\_\_\_

Approval Date \_\_\_\_\_

**SECTION 1**

**VEHICLES OF OPERATION**

The company operates luxury, stretch limousines (Class "A" Vehicles), luxury, sport, utility vehicles (Class "B" Vehicles), and luxury sedans (Class "C" Vehicles).

**SECTION 2**

**OPERATING AUTHORITY**

To transport as a common carrier, by motor vehicle, persons in limousine service, between points in the Commonwealth of Pennsylvania, exclusive of Allegheny County.

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### SECTION 3

#### RULES AND REGULATIONS

##### ADVANCED RESERVATIONS

Reservations must be made prior to service being rendered.

##### DEPOSITS

All reservations require a deposit of an amount equal to or greater than 20% of the total estimated base rate. Deposits are subject to the following forfeiture provisions:

1. 50% of the deposit will be forfeited if the trip is cancelled more than 15 but less than 30 calendar days prior to the date of the actual service,
2. 100% of the deposit shall be forfeited if the trip is cancelled within 15 calendar days of the scheduled service.

##### HOLIDAYS

Service rendered during any of, in whole or in part, of the following holidays shall be assessed at 125% of the published Sunday rate:

New Year's Day, Valentine's Day, Easter, Memorial Day, July 4<sup>th</sup>, Labor Day, Thanksgiving, Christmas Eve, Christmas Day, New Year's Eve.

THE BASE RATE

The physical and garaging location ("The Base") of the carrier is 5350 Belfield Avenue, Philadelphia, PA 19144. The commencement of charges shall be calculated from the time the vehicle leaves the base and shall conclude when the vehicle has returned to the base. This total time shall be called: "The Base Rate." Exception shall be made in the event the vehicle is involved in a motor vehicle accident. In the event of an accident, unless such accident is as a result of driver negligence, the travel time shall not exceed one hour.

TRAVEL TIME

The time used by the vehicle to travel from the Base to the pick-up point and from the drop-off point to the Base shall be known as the: "Travel Time." Travel Time is part of the Base Rate

GRATUITY

A twenty per cent (20%) gratuity for the driver shall be assessed against the Base Rate and will be added to the final bill.

MISCELLANEOUS EXPENSES

Highway, bridge, tunnel, and ferry tolls, admission, egress, and parking fees shall be known as "Miscellaneous Expenses." These expenses shall not be subject to a gratuity and shall be in addition to the Base Rate and Gratuity.

PROMOTIONAL FARES

Promotional fares shall be subject to vehicle availability. Advertised promotional fares or discount coupons shall be filed with the Philadelphia Parking Authority at least 24 hours prior to the date of offering and shall be published in at least one of the following: local television and/or radio stations, local newspapers, flyers, displays, or other printed material.

SEVERE WEATHER CONDITIONS

Snow, sleet, excessive rain as to precipitate flooding in the area in which service is to be rendered shall be considered "Severe Weather Conditions." Operating during severe weather conditions is at the prerogative of the carrier and is not limited to the decision to render service but also including the class of vehicle to render service. Service rendered during severe weather conditions shall be 125% of the published Sunday rate.

LIABILITY

The carrier shall not be liable for delays caused by Acts of God, public enemies, Authority of Law, perils of navigation, riots, civil commotions, road conditions, including detours, or any other such condition which is beyond the reasonable and foreseeable control of the carrier.

REFUSAL OF SERVICE

The carrier reserves the right to refuse to transport any person who is visibly intoxicated and under the influence of either drugs or alcohol; or, to such person who conducts himself in such a manner as to pose a threat to the safety of the carrier, its driver or its vehicle. The carrier reserves the right to refuse to traverse to, over, or through any roadway or locale it deems hazardous to its driver or vehicle.

SECTION 4

VEHICLE DESCRIPTION

CLASS "A" VEHICLE

A class "A" vehicle is a luxury stretched sedan. The vehicle will have a maximum seating capacity of 10 passengers and will be equipped with the following minimum luxury accessories: air-conditioning, power windows, power locks, AM/FM stereo radio, compact disc player, dry bar, television, video or DVD capability, a privacy partition.

CLASS "B" VEHICLES

A class "B" vehicle is a luxury, sports, utility vehicle. The vehicle will have a maximum seating capacity of seven passengers and will be equipped with the following minimum luxury accessories: air-conditioning, power windows, power locks, AM/FM stereo radio, compact disc player.

CLASS "C" VEHICLES

A class "C" vehicle is a luxury sedan. The vehicle will have a maximum seating capacity of 5 passengers and will be equipped with the following minimum luxury accessories: air-conditioning, power windows, power locks, AM/FM stereo radio, compact disc player.

**SECTION 5**

**SCHEDULE OF RATES**

CLASS "A" VEHICLES

Class "A" vehicles shall have a three hour minimum.  
 The Base Rate Monday through Thursday shall be \$70.00 per hour, and \$35.00 per each half hour or fraction thereof, after the initial three hour minimum.  
 The Base Rate Friday through Sunday shall be \$80.00 per hour, and \$40.00 per each half hour or fraction thereof, after the initial three hour minimum.

CLASS "B" VEHICLES

Class "B" vehicles shall have a one hour minimum.  
 The Base Rate Monday through Thursday shall be \$50.00 per hour, and \$25.00 per each half hour or fraction thereof.  
 The Base Rate Friday through Sunday shall be \$55.00 per hour, and \$27.50 per each half hour or fraction thereof.

CLASS "C" VEHICLES

Class "C" vehicles shall have a one hour minimum.  
 The Base Rate Monday through Thursday shall be \$40.00 per hour, and \$20.00 per each half hour or fraction thereof.  
 The Base Rate Friday through Sunday shall be \$45.00 per hour, and \$22.50 per each half hour or fraction thereof.

CORPORATE RATES

Business entities: sole proprietorships, T/A/D/B/A, partnerships, corporations, limited liability corporations, at the discretion of the carrier, shall receive a 10% discount from the above published rates.

Certificate No A-00119992,

Limousine PA P.U.C. No. 2  
Cancels  
Limousine PA P.U.C. No. 1

**FIVE STAR LIMOUSINE SERVICE, INC.**

Local Limousine Tariff  
Rates, Rules and Regulations  
Governing the Transportation of  
Persons in Limousine Service  
Between Points in Pennsylvania

To transport as a common carrier persons in Limousine Service between points in Pennsylvania,  
Excluding the right to transport persons between points in the county of Allegheny.

ISSUED: April 30<sup>th</sup>, 2009

EFFECTIVE: May 1st, 2009

ISSUED BY:  
Dalia Gabbay, Secretary  
800 Chestnut Street  
Philadelphia, PA 19107  
215-733-0461

### **LIST OF CHANGES MADE BY THIS TARIFF**

1. Advanced reservation rule has been removed
2. Deposit rule has been changed
3. Out-of Pocket charges language revised
4. Promotional material language revised
5. Payment clause
6. Baggage clause
7. Remove contractual language
  - a) weather conditions
  - b) Liability
  - c) refusal of service

### **I. OPERATING AUTHORITY**

To transport as a common carrier persons in limousine service between points in Pennsylvania, excluding the right to transport person between points in the county of Allegheny

## II. RULES AND REGULATIONS

### A. DEPOSITS

( C ) Carrier requires a deposit of not more than 20% of the quoted charter price with forfeiture of deposits to be within the following limitations:

- (1) forfeiture of not more than 50% of the deposit if the charter is cancelled by the customer more than 15 days, but less than 30 days, prior to the date the transportation was to depart; and,
- (2) forfeiture of not more than the total amount of the deposit if the cancellation occurs within 15 days prior to the date the transportation was to depart

### B. HOLIDAYS

Service rendered during any of, in whole or in part, of the following holidays shall be assessed at 125% of the published Sunday rate:

New Year's Day, Valentine's Day, Easter, Memorial Day, July 4<sup>th</sup>, Labor Day, Thanksgiving, Christmas Eve, Christmas Day, New Year's Eve.

### C. VEHICLES.

Service shall be rendered by either: a luxury, stretched sedan (Class "A" Vehicle), which shall hold a maximum of ten (10) passengers and come equipped with: power windows and locks, air-conditioning, AM/FM stereo, compact disc player, television with video/DVD compatibility, dry bar, tinted rear windows, privacy partition system; or, a luxury sports utility vehicle (Class "B" Vehicle), which shall hold no more than seven (7) passengers and come equipped with: power windows and locks, air-conditioning, AM/FM Stereo, compact disc player; or, a luxury sedan (Class "C" Vehicle), which shall hold a maximum of five passengers and come equipped with" power windows and locks, air-conditioning, AM/FM Stereo, compact disc player.

### (c) D. PAYMENT

Payment shall be made in full upon termination of service unless prior arrangements have been made.

### (c) E. Baggage

Fares include the transportation of two pieces of luggage for each passenger, exclusive of briefcases, handbags or purses, not stored in the luggage area by the driver and remaining in the immediate possession of the passengers during the trip. Extra baggage will be transported for an additional charge of \$3.00 per piece, subject to available space. Personal baggage will not be checked in "Limousine Service."

### F. HOURLY RATES

The physical and garage location of the carrier is 5350 Belfield Avenue, Philadelphia, PA 19144. The commencement of charges shall be calculated from the time the vehicle leaves the base and shall conclude when the vehicle has returned to the base. This shall be known as the "Base Rate."

### G. GRATUITY

A twenty per cent (20%) gratuity for the driver shall be assessed against the Base Rate

### (C) H. OUT-OF POCKET EXPENSES

The charges herein named do not include bridge, turnpike, tunnel, ferry fees or similar tolls, parking charges or gratuities, unless otherwise noted. Such additional fees, tolls, charges must be paid by the patron, in addition to all other charges. These expenses shall be known as: "Miscellaneous Expenses." These expenses shall not be subject to a gratuity and shall be in addition to the Base Rate and Gratuity.

### (C) I. PROMOTIONAL FARES

The company may from time to time, offer services at a discounted rate and/or charge. Upon presentation of newspaper advertisement coupon, coupon from mailers, internet or fliers, etc., Company will offer a discount of up to 10% off the standard schedules of rates set forth in this tariff for the dates authorized by the coupon, flier, etc. The Company will file with the PA PUC all discounts other than the 10% which the company regards as standard and is out lined in this section.

(c) J. DISCOUNT /FREQUENT USER RATES

Business entities: sole proprietorships, T/A/D/B/A, partnerships, corporations, limited liability corporations, or patrons using the company's service a minimum of 12 times annually, shall receive a 10% discount from the above published rates.

**IV. SCHEDULE OF RATES**

**A. CLASS "A" VEHICLES**

Class "A" vehicles shall have a three hour minimum.

The Base Rate Monday through Thursday shall be \$70.00 per hour, and \$35.00 per each half hour or fraction thereof, after the initial three hour minimum.

The Base Rate Friday through Sunday shall be \$80.00 per hour, and \$40.00 per each half hour or fraction thereof, after the initial three hour minimum.

**B. CLASS "B" VEHICLES**

Class "B" vehicles shall have a one hour minimum.

The Base Rate Monday through Thursday shall be \$50.00 per hour, and \$25.00 per each half hour or fraction thereof.

The Base Rate Friday through Sunday shall be \$55.00 per hour, and \$27.50 per each half hour or fraction thereof.

**C. CLASS "C" VEHICLES**

Class "C" vehicles shall have a one hour minimum.

The Base Rate Monday through Thursday shall be \$40.00 per hour, and \$20.00 per each half hour or fraction thereof.

The Base Rate Friday through Sunday shall be \$45.00 per hour, and \$22.50 per each half hour or fraction thereof.