

TO THE WITHIN  
YOU ARE HEREBY NOTIFIED TO  
PLEAD TO THE ENCLOSED  
PRELIMINARY OBJECTIONS OF DANACH  
LLC TO PROTEST OF  
FIVE STAR LIMOUSINE SERVICE INC.  
WITHIN 10 DAYS FROM SERVICE  
HEREOF OR DEFAULT JUDGMENT MAY  
BE ENTERED AGAINST YOU.

  
\_\_\_\_\_  
ATTORNEY FOR MOVANT

**BEFORE THE**  
**PENNSYLVANIA PUBLIC UTILITY COMMISSION**

IN RE:            Application of Danach, LLC :            Docket No. A-2013-2391804

**PRELIMINARY OBJECTIONS OF APPLICANT DANACH LLC TO THE**  
**PROTEST OF FIVE STAR LIMOUSINE SERVICE INC.**

Movant, Danach, LLC, by and through their attorney, David P. Temple, Esquire,  
hereby files these preliminary objections to the protest of Five Star Limousine Service  
Inc, and in support thereof aver as follows:

1. Movant is Danach LLC who filed an Application with the Commission for  
authority to provide limousine service in the Counties of Montgomery, Bucks,  
Delaware and Chester to points in Pennsylvania and return, excluding service  
that is under the jurisdiction of the Philadelphia Parking Authority on or about  
October 16, 2013.

2. The Application was published in the Pennsylvania Bulletin on December 7, 2013 with protests due on or before December 23, 2013. A true and correct copy of the publication is attached hereto as Exhibit A.
3. On January 2, 2014 Respondent, Five Star Limousine Service Inc, filed a protest to this Application. A true and correct copy of the docket is attached hereto as Exhibit B
4. Five Star Limousine Service Inc is a corporation registered in the Commonwealth of Pennsylvania.
5. The protest was a form protest citing objections based on allegations that the Applicant cannot meet the requirement of need. A true and correct copy of the protest without the operating authority included is attached hereto as Exhibit C
6. There is no longer a requirement to show need for a limousine applicant.
7. The Protest also makes a general assertion that the Applicant cannot meet its burden as to fitness and harm to the Protestant.
8. The Protestant cites no specific allegations as to how this Applicant does not meet the fitness requirements nor how the Protestant will be harmed in any way by granting of the Application
9. The protest was filed over one week after the filing deadline of December 23, 2013
10. Since the Protest herein was filed over a week after the end of the protest period the Protest is untimely.

11. Therefore the preliminary objection as to timeliness is valid and the Protest and must be dismissed.
12. Since the Protest fails to make specific allegations of how the Applicant does not meet fitness requirements of the Commission nor does it state in any way how the Protestant will be harmed by the granting of this Application, the Protest lacks both legal and factual specificity.
13. Therefore since the Protest lack the required legal and factual specificity it is invalid and must be dismissed.

WHEREFORE, Movant Danach LLC, by and through their attorney respectfully requests the Commission grant the preliminary objections of Danach LLC and order the dismissal of the protest of Five Star Limousine Service Inc to the Application of Danach LLC under Docket No. A-2013-2391804

Respectfully,



David P. Temple, Esquire  
Attorney for Movant  
Danach LLC

**BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

IN RE:           Application of Danach, LLC       Docket No. A-2013-2391804

**MEMORANDUM OF LAW IN SUPPORT OF PRELIMINARY  
OBJECTIONS OF APPLICANT DANACH LLC TO THE PROTEST OF  
FIVE STAR LIMOUSINE SERVICE INC**

THE PROTEST OF FIVE STAR LIMOUSINE SERVICE INC IS INVALID AS  
IT WAS UNTIMELY FILED

A protest shall be filed within the time frame specified in the published notice of the Application. 52 Pa.Code §5.53. The Application of Danach LLC was published in the December 7, 2013 Pennsylvania Bulletin. The Bulletin clearly noticed all interested parties that protests were to be filed and served on the Applicant by Monday December 23, 2013. A true and correct copy of the notice published in the Pennsylvania Bulletin is attached hereto as Exhibit A. The Protestant Five Star Limousine Service Inc filed their protest on January 2, 2014, over one week after the filing deadline. Since the protest was not filed by the time permitted under regulation, the Protest must be dismissed.

THE PROTEST IS LEGALLY DEFICIENT BECAUSE IT LACK THE  
SPECIFICITY REQUIRED TO MAINTAIN A PROTEST

The PUC requires protestants to state their basis for protests very clearly and is not tolerant of boilerplate protest language. In the Application of Sean McDonough t/a Northstar Executive Transportation the Commission noted " [A] one-page Protest contains little more than bald assertions that the Applicant has failed to satisfy the Commission's evidentiary criteria for approval of the Application. The Protestant offers no specific factual averments in support of his assertions. Rather than prolong this matter, the Protest will be dismissed and the Application will be granted without the portions of the restrictive amendment relating to equipment ((A)-(C)). PENNSYLVANIA PUBLIC UTILITY COMMISSION, 2002 Pa. PUC LEXIS 45 (November 21, 2002, Adopted; December 4, 2002, Entered). The Commission shows little tolerance for generally-worded protests that lack a factual basis. *See Re: Distrib. Freight Sys., Inc.*, 66 Pa. P.U.C. 231, 233 (1988); *Re: Ketron, Inc.*, 67 Pa. P.U.C. 394, 400 (1988)("This type of generalized pleading in [an application] proceeding is not helpful to either the Commission or the public."). Id

That is the exact scenario with this protest. The Protestant Five Star Limousine Service Inc is one of four different protests that are all identical in their language. Germantown Cab Company, Executive Transportation Company Inc D/B/A Luxury Sedan Service and Black Tie Limousine Service, Inc have all made identical allegations. However none of these protests, including this one, is

clear as to how the applicant does not meet the requirements of the PUC or how the Protestant will be harmed by the granting of this Application. The only allegation is that Protestant objects "on the ground that Applicant cannot meet its burden under 52 Pa. Code §41.14 as to need, fitness and harm to Protestant." There is no further development of that allegation. Such bald assertions cannot satisfy the requirements of a valid protest. Since the specificity required of a protest before the Commission does not exist, the Protest must be dismissed

Respectfully,

A handwritten signature in black ink, appearing to read "D. Temple", is written over the typed name.

David P. Temple, Esquire  
Attorney for Movant  
Danach LLC

VERIFICATION

David P. Temple verifies that he 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.

  
\_\_\_\_\_  
DAVID TEMPLE

DATE: 1/15/14

**BEFORE THE**  
**PENNSYLVANIA PUBLIC UTILITY COMMISSION**

IN RE:            Application of Danach, LLC :            Docket No. A-2013-2391804

**CERTIFICATE OF SERVICE**


I, DAVID P. TEMPLE, Esquire hereby certify that a true and correct copy of Applicant Danach LLC Preliminary Objections of the Protest of Five Star Limousine Service Inc was sent to the following interested parties, via United States First Class Mail on January 15, 2014:

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

Michael S. Henry, Esquire  
2336 S. Broad Street  
Philadelphia, PA 19145  
Attorney for Five Star Limousine Service Inc, Executive Transportation Company  
D/B/A Luxury Sedan Service, Germantown Cab Company and  
Black Tie Limousine Service, Inc

Dated: January 15, 2014

GALLAGHER MALLOY & GEORGES, P.C.

By:   
\_\_\_\_\_  
DAVID P. TEMPLE, ESQUIRE  
Attorney For Movant  
Danach LLC

**BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

IN RE:            Application of Danach, LLC        Docket No. A-2013-2391804

ORDER

It is hereby ORDERED and DECREED that the Preliminary Objections of Applicant Danach LLC are GRANTED and that the Protest of Five Star Limousine Service Inc to the Application of Danach LLC at Docket No. A-2013-2391804 is hereby DISMISSED

Date:

\_\_\_\_\_  
Administrative Law Judge

# ***EXHIBIT***

## ***A***

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## NOTICES

### Service of Notice of Motor Carrier Applications

[43 Pa.B. 7201]

[Saturday, December 7, 2013]

The following temporary authority and/or permanent authority applications for the right to render service as a common carrier or contract carrier in this Commonwealth have been filed with the Pennsylvania Public Utility Commission. Formal protests and petitions to intervene must be filed in accordance with 52 Pa. Code (relating to public utilities). A protest shall indicate whether it applies to the temporary authority application, the permanent authority application, or both. Filings must be made with the Secretary, Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265, with a copy served on the applicant by December 23, 2013. Documents filed in support of the applications are available for inspection and copying at the Office of the Secretary between 8 a.m. and 4:30 p.m., Monday through Friday, and at the business address of the respective applicant.

**Applications of the following for approval to *begin operating as common carriers* for transportation of *persons* as described under each application.**

**A-2013-2386986. Tiny Mammoth, LLC** (127 South Fairmont Street, Pittsburgh, Allegheny County, PA 15206) persons in group and party service, in vehicles seating 11 to 15 passengers, including the driver, from points in Allegheny County, to points in Pennsylvania, and return.

**A-2013-2389047. Grand Limousine and Transportation Co.** (416 Meadowcroft Road, Radnor, PA 19087) for the right to begin to transport, as a common carrier, by motor vehicle, persons in group and party service, in vehicles seating 11 to 15 passengers, including the driver, between points in every county within Pennsylvania. *Attorney:* Scott A. Lisgar, 101 East Darby Road, Havertown, PA 19083.

**A-2013-2391804. Danach, LLC** (182 Howard Street, #8, San Francisco, CA 94105) 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. *Attorney:* David P. Temple, 1760 Market Street, Suite 1100, Philadelphia, PA 19103.

**Application of the following for approval to *begin operating as common carriers* for transportation of *household goods in use* as described under the application.**

**A-2013-2379677. Jorge Bermejo, t/a JP Moving Corp** (122 West Poplar Street, Nanticoke, Luzerne County, PA 18634) household goods in use, from points in Luzerne County, to points in Pennsylvania, and vice versa.

**Application of the following for the approval of the right and privilege to  
discontinue/abandon operating as common carriers by motor vehicle and for cancellation  
of the certificate of public convenience as described under the application.**

A-2013-2389308. Kenneth J. Weaver (846 1/2 Balls-town Road, Lititz, PA 17543) for the discontinuance of service and cancellation of its certificate, as a common carrier, by motor vehicle, authorizing the transportation of persons, in paratransit service, limited to persons whose personal convictions prevent them from owning or operating motor vehicles, from points in Lancaster County, to points in Pennsylvania, and return.

ROSEMARY CHIAVETTA,  
Secretary

[Pa.B. Doc. No. 13-2300. Filed for public inspection December 6, 2013, 9:00 a.m.]

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***EXHIBIT***

***B***



**PENNSYLVANIA**  
PUBLIC UTILITY COMMISSION

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ABOUT PUC Consolidated Case View

The consolidated case view displays the case information (identified by Docket Number **A-2013-2391804**), any Daily Actions performed on the case, and lists all public documents associated with that case.

**Case Summary**

Docket Number A-2013-2391804		Active	
Applicant:	DANACH LLC	Utility Code:	6416124
Complainant:		Utility Name:	DANACH LLC
Respondent:		Utility Type:	Bus
Responsible Bureau:	ALJ	Filing Confirmation Number (Case):	1528475
Date Filed:	10/16/2013	Date Posted:	11/8/2013
Case Description:	Application of Danach LLC for approval to use Luxury vehicles to Transport passengers on an advanced reservation basis between points in Bucks, Montgomery, Delaware and Chester Counties to points in Pennsylvania and return.		

**Daily Actions**

Action Date	Description	Posted Date
11/8/2013	Case Created - A-2013-2391804 - Danach LLC filed application for authority to begin transporting passengers in limousine service.	11/8/2013
11/8/2013	Document Attached to Case - Member's Info-Danach LLC - Danach LLC filed member's info.	11/8/2013
11/8/2013	Document Published on Web - Document 'Member's Info-Danach LLC' is made public	11/8/2013
11/8/2013	Document Published on Web - Document 'Application-Application to Begin Service.pdf' is made public	11/8/2013
11/8/2013	Document Published on Web - Document 'DANACH LLC DEFICIENCY LETTER.docx' is made public	11/8/2013
11/8/2013	Assigned Responsible Bureau - TUS	11/8/2013
11/21/2013	Document Removed from Web - Document 'Member's Info-Danach LLC' has been removed from Web	11/21/2013
11/21/2013	Document Attached to Case - Member's List - Danach LLC - Danach LLC filed list of members.	11/21/2013
12/26/2013	Document Attached to Case - Protest - Executive Transportation Co t/a Luxury Sedan Svc - Executive Transportation Company Inc d/b/a Luxury Sedan Service filed Protest.	12/26/2013

12/26/2013	Document Published on Web - Document 'Protest - Executive Transportation Co t/a Luxury Sedan Svc' is made public	12/26/2013
12/30/2013	Reassign Case to OALJ - Other - See Comments - Application protested on 12/26/13 - protests were due by 12/23/13 - transfer to OALJ to verify if protest is timely and/or valid	12/30/2013
1/2/2014	Document Attached to Case - Protest - Germantown Cab Co - Germantown Cab Co, Five Star Limousine Service Inc and Black Tie Limousine Service Inc filed protests to the application.	1/2/2014
1/2/2014	Document Attached to Case - Protest - Black Tie Limousine Service Inc - Germantown Cab Co, Five Star Limousine Service Inc and Black Tie Limousine Service Inc filed protests to the application.	1/2/2014
1/2/2014	Document Attached to Case - Protest - Five Star Limousine Service Inc - Germantown Cab Co, Five Star Limousine Service Inc and Black Tie Limousine Service Inc filed protests to the application.	1/2/2014
1/2/2014	Document Attached to Case - Motion to Accept E-filed Protests Nunc Pro Tunc - Black Tie Limo et al - Black Tie Limousine Service Inc, Five Star Limousine Service Inc and Germantown Cab Co filed a motion to accept protests nunc pro tunc.	1/2/2014
1/2/2014	Document Published on Web - Document 'Motion to Accept E-filed Protests Nunc Pro Tunc - Black Tie Limo et al' is made public	1/2/2014
1/2/2014	Document Published on Web - Document 'Protest - Black Tie Limousine Service Inc' is made public	1/2/2014
1/2/2014	Document Published on Web - Document 'Protest - Germantown Cab Co' is made public	1/2/2014
1/2/2014	Document Published on Web - Document 'Protest - Five Star Limousine Service Inc' is made public	1/2/2014

## Public Documents

Document Name	Document Type	eFiling Confirmation Number	Date Received	Date Served	Reference Docket Number
<a href="#">Application-Application to Begin Service.pdf</a>	Application to Begin Service	1528475	10/16/2013		
<a href="#">DANACH LLC DEFICIENCY LETTER.docx</a>	Secretarial Letter	1528475			
<a href="#">Protest - Executive Transportation Co t/a Luxury Sedan Svc</a>	Protest (Official)	1528475	12/23/2013		
<a href="#">Motion to Accept E-filed Protests Nunc Pro Tunc - Black Tie Limo et al</a>	Motion	1528475	1/2/2014		
<a href="#">Protest - Black Tie Limousine Service Inc</a>	Protest (Official)	1528475	1/2/2014		
<a href="#">Protest - Germantown Cab Co</a>	Protest (Official)	1528475	1/2/2014		
<a href="#">Protest - Five Star Limousine Service Inc</a>	Protest (Official)	1528475	1/2/2014		

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# ***EXHIBIT***

***C***

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.

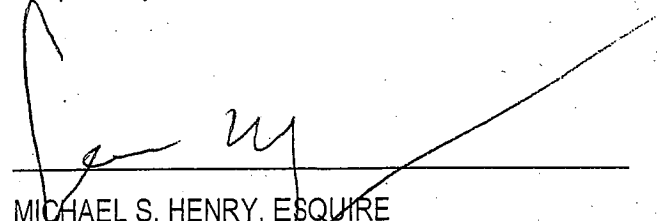
7. Pursuant to 333(c) of the Pennsylvania Public Utility Code, demand is made upon Applicant to furnish Protestant's counsel with a list of the names and addresses of witnesses he intends to call and a brief summary of the proposed testimony; in particular, complaints, if any, against the services of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

APPLICATION OF

A.-2013-2391804

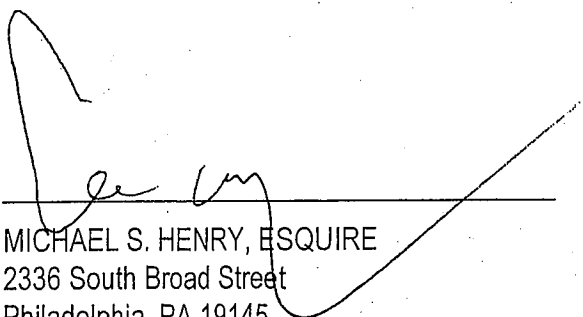
DANACH, LLC

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