

BEFORE THE PENNSYLVANIA
PUBLIC UTILITY COMMISSION

IN RE: Application of Danach, LLC : Docket No. A-2013-239804

ANSWER OF
GERMANTOWN CAB COMPANY
DANACH, LLC

Respondent, Germantown Cab Company (“Germantown”), by and through its attorney, Michael S. Henry, Esquire, hereby responds to the Protest of Danach, LLC, as follows:

1. Admitted.
2. Admitted.
3. Admitted in part, denied in part. The averments in this paragraph are admitted, except for the date of filing. On December 23, 2013, Respondent uploaded its protest to the Commission’s website; however, due to a clerical error the e-filing was not completed. A copy of the Protest was served on the Applicant on December 23, 2013. On January 2, 2014, Respondent completed the filing and simultaneously filed a Motion to Accept the Protests Nunc Pro Tunc. No response has been filed to the motion..
4. Admitted.
5. Denied as stated. Respondent’s protest speaks for itself. To the extent the averments in this paragraph are inconsistent therewith, they are denied.

6. Denied. The averment in this paragraph contains a conclusion of law to which no response is required.

7. Denied as stated. Respondent's protest speaks for itself. To the extent the averments in this paragraph are inconsistent therewith, they are denied.

8. Denied as stated. Respondent's protest speaks for itself. To the extent the averments in this paragraph are inconsistent therewith, they are denied.

9. Denied as stated. It is admitted that the e-filing was not completed until January 2, 2014. As stated above, the Protest was uploaded to the Commission's website and served on the applicant via mail on December 23, 2013 but, due to a clerical error the e-filing was not completed until January 2, 2014. Respondent's motion to accept the protest nunc pro tunc is still pending.

10. Admitted in part, denied in part. It is admitted that the applicant has applied for limousine service; however, based on its proposed rate structure, the proposed service is more like call or demand service than limousine service.

11. Admitted.

12. Admitted.

13. Denied. The averments in this paragraph contain conclusions of law to which no response is required. By way of further answer, the proposed service has a rate structure that makes it more like call or demand service than limousine service, which is within Respondent's authority.

14. Denied. The averments in this paragraph contain conclusions of law to which no response is required. By way of further answer, the Commission has yet to rule on Respondent's Motion to Accept the Protest nunc pro tunc.

15. Denied. The averments in this paragraph contain conclusions of law to which no response is required.

16. Denied. The averments in this paragraph contain conclusions of law to which no response is required. By way of further answer, the protest is sufficiently specific enough to put the applicant on notice of respondent's intent to put applicant to its burden of proof with regard to its financial and operation fitness and to present evidence at the time of hearing that its proposed service will be harmful to existing carriers, including respondent. By way of further answer, if the Commission concludes that the protest is not sufficiently specific, respondent respectfully requests the Commission to grant it leave to amend its protest pursuant to 52 Pa. Code §5.101(e).

17. Denied. The averments in this paragraph contain conclusions of law to which no response is required.

18. Denied. The averments in this paragraph contain conclusions of law to which no response is required. By way of further answer, Germantown has standing based on the fact that the proposed service is more like call or demand service than limousine service.

19. Denied. The averments in this paragraph contain conclusions of law to which no response is required.

WHEREFORE, Respondent, Germantown Cab Company, by and through its attorney, Michael S. Henry, Esquire, respectfully requests that the Preliminary Objections of Movant, Danach, LLC, be dismissed.

Respectfully submitted,

Michael S. Henry

Michael S. Henry, Esquire
Attorney for Respondent
Germantown Cab Company

BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION

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

CERTIFICATE OF SERVICE

I, MICHAEL S. HENRY, hereby certify that a true and correct copy of the Answer of Germantown Cab Company to the Preliminary Objections of Danach, LLC was sent to the following interested parties, via United States First Class Mail on January 22, 2014:

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

David Temple, Esquire
Gallagher, Malloy, & Georges, P.C.
1760 Market Street
Suite 1100
Philadelphia, PA 19103

Dated: January 22, 2014

Michael S. Henry

Michael S. Henry