

Before the  
PENNSYLVANIA PUBLIC UTILITY COMMISSION

---

DOCKET NO. A-2014-2421548

Application of Cindy's Carriages, LLC

---

JOINT PROTEST ON BEHALF OF  
AIRLINES ACQUISITION CO., INC., t/d/b/a AIRLINES TRANSPORTATION COMPANY,  
AIRPORT LIMOUSINE SERVICE, INC, t/d/b/a CHECKER CAB, PITTSBURGH CAB  
COMPANY, INC., d/b/a METRO TAXI, RAY RAY CAB COMPANY, LLC, and THE  
YELLOW CAB COMPANY OF PITTSBURGH AND  
REQUEST FOR ORAL HEARING

---

Airlines Acquisition Co., Inc., t/d/b/a Airlines Transportation Company, Airport Limousine Service, Inc., t/d/b/a Checker Cab, Pittsburgh Cab Company, Inc., t/d/b/a Metro Taxi, Ray Ray Cab Company, LLC, d/b/a Pittsburgh City Cab and The Yellow Cab Company of Pittsburgh, by and through its attorneys, Paul S. Guarnieri, Esquire and Malone Middleman, P.C., hereby file the within Joint Protest to the above-captioned Application of Cindy's Carriages, LLC ("Applicant") and in support thereof sets forth as follows:

1. Applicant filed an application for authority as published in the Pennsylvania Bulletin and as set forth in Appendix A.
2. The name and business addresses of the Protestants are set forth in Appendix A which is attached hereto.
3. The name, business address and telephone number of Protestant's attorneys are as follows:

Paul S. Guarnieri, Esquire  
Malone Middleman, P.C.  
Wexford Professional Building III  
11676 Perry Highway, Suite 3100  
Wexford, PA 15090  
(724) 934-6888

4. By this application, Applicant seeks authority for the additional right, to transport by motor vehicle, persons, upon call or demand, to include a 20-mile radius centered on the intersection of 10<sup>th</sup> Street and East Carson Street, Pittsburgh, Allegheny County, Pennsylvania.

5. Protestant-Airlines Acquisition Co., Inc., t/d/b/a Airlines Transportation Company holds call and demand operating rights from the Commission at Docket Nos. A-00108743 and A-00108743, F.1, Am-A. The relevant portion of Protestant's authority is attached hereto as Appendix A-1 and A-2. The operating rights sought by this Application are in direct conflict with the operating rights issued to Protestant. Protestant will provide more specific evidence of their authority and operations at the hearing.

6. Protestant-Airport Limousine Service, Inc., t/d/b/a Checker Cab holds call and demand operating rights from the Commission at Docket Nos.: A-00112577, F.2; A-00112577, F.2, Am-A; and A-00112577, F.2, Am-B. The relevant portion of Protestant's authority is attached hereto as Appendix A-3 through A-5. The operating rights sought by this Application are in direct conflict with the operating rights issued to Protestant. Protestant will provide more specific evidence of their authority and operations at the hearing.

7. Protestant-Pittsburgh Cab Company, Inc., t/d/b/a Metro Taxi, holds call and demand operating rights from the Commission at Docket No. A-00120254. The relevant portion of Protestant's authority is attached hereto as Appendix A-6. The operating rights sought by this Application are in direct conflict with the operating rights issued to Protestant. Protestant will provide more specific evidence of their authority and operations at the hearing.

8. Protestant-Ray Ray Cab Company, LLC, d/b/a Peoples Cabs and d/b/a Pittsburgh City Cab, holds call and demand operating rights from the Commission at Docket No. A-6310022/A-2008-2036424. The relevant portion of Protestant's authority is attached hereto as Appendix A-7. The operating rights sought by this Application are in direct conflict with the

operating rights issued to Protestant. Protestant will provide more specific evidence of their authority and operations at the hearing.

9. Protestant-The Yellow Cab Company of Pittsburgh holds call and demand operating rights from the Commission at Docket Nos.: A-00049926; A-00049926, F.2; A-00049926, F.5; A-00049926, F.5, Am-A; A-00049926, F.6, Am-B; and A-2010-2189197. The relevant portion of Protestant's authority is attached hereto as Appendix A-8 through A-13. The operating rights sought by this Application are in direct conflict with the operating rights issued to Protestant. Protestant will provide more specific evidence of their authority and operations at the hearing.

10. Protestants are presently providing service in the application area and are willing and able to provide additional service. There is no need or demand for additional service in Protestants' authorized territory. The proposed service is not necessary or proper for the service, accommodation, convenience or safety of the public.

11. It is believed and therefore averred that the Applicant does not possess the technical and financial ability to provide the proposed service and lacks a propensity to operate safely and legally.

12. It is believed and therefore averred that Applicant's proposed service area is too broad, and that Applicant lacks the ability to service the entire area, together with the territory it is presently serving.

13. Protestants do not have any restrictive amendment to propose which would satisfy its interests in this proceeding.

14. Protestants hereby requests that this application be set for an oral hearing so that Protestant may be able to cross-examine Applicant's witnesses and present evidence to the issues relative to the application. Protestants represent that it will appear at the hearing to present evidence relative to the issues involved in this application.

15. Pursuant to Section 333(c) of the Public Utility Code (66 Pa.C.S.A. §333(c)), Protestant hereby request a list of Applicant's witnesses who are expected to testify in the above-captioned proceeding, together with the subject matter of their anticipated testimony and, in particular, any complaints or other evidence pertaining to the service or operations of Protestants.

WHEREFORE, Protestants respectfully request that the granting of the application be withheld; that the proceedings be assigned for oral hearing with leave to Protestants to participate fully therein; and that Applicant be required to make available at the hearing competent evidence for examination on all material and relevant facts bearing on the application.

Respectfully submitted,

Airlines Acquisition Co., Inc. t/d/b/a  
Airlines Transportation Company, Airport  
Limousine Service, Inc., t/d/b/a Checker  
Cab, Pittsburgh Cab Company, Inc., t/d/b/a  
Metro Taxi, Ray Ray Cab Company, LLC,  
d/b/a Pittsburgh City Cab and The Yellow  
Cab Company of Pittsburgh

Date: July 15, 2014

By: 

Paul S. Guarnieri, Esquire  
Attorneys for Protestants  
MALONE MIDDLEMAN, P.C.  
11676 Perry Highway, Suite 3100  
Wexford, PA 15090  
(724) 934-6888  
[guarnieri@mlmpclaw.com](mailto:guarnieri@mlmpclaw.com)

**Re: Application of Cindy's Carriages, LLC  
Docket No. A-2014-2421548**

**APPENDIX A**

**SCOPE OF AUTHORITY SOUGHT:**

By application published in the Pennsylvania Bulletin on July 5, 2014, Applicant seeks authority for the additional right, to transport by motor vehicle, persons, upon call or demand, to include a 20-mile radius centered on the intersection of 10<sup>th</sup> Street and East Carson Street, Pittsburgh, Allegheny County, Pennsylvania.

**INTERESTS OF PROTESTANTS:**

1. Airlines Acquisition Co., Inc., t/d/b/a Airlines Transportation Company, 1825 Liverpool Street, Pittsburgh, PA 15233 (412-322-9113) is a common carrier that holds authority at Docket Nos. A-00108743 and A-00108743, F.1, Am-A, to transport, as common carrier, persons in call and demand service, from the Allegheny County Airport in Township of West Mifflin and Airport in Township of Moon and in the City of Pittsburgh. A copy of the relevant authority is attached hereto as Exhibit A-1 and A-2, respectively. All of the Protestant's authority is relevant to this application.

2. Airport Limousine Service, Inc., t/d/b/a Checker Cab, 1825 Liverpool Street, Pittsburgh, PA 15233 (412-322-9113) is a common carrier that holds authority at Docket Nos. A-00112577, F.2; A-00112577, F.2, Am-A; and A-00112577, F.2, Am-B. to transport, as common carrier, persons in call and demand service, in the Borough of Coraopolis, Township of Moon, Township of Crescent, Township of Robinson and Township of Findlay; in the City of Pittsburgh; and in the Boroughs of North Braddock, Turtle Creek, Forest Hills, Edgewood, Chalfant, Baldwin, Churchil, Brentwood, Pleasant Hills, Whitehall, Green Tree, Dormont and Monroeville. A copy of the relevant authority is attached hereto as Exhibit A-3, A-4 and A-5, respectively. All of the Protestant's authority is relevant to this application.

3. Pittsburgh Cab Company, Inc., t/d/b/a Metro Taxi, 825 Liverpool Street, Pittsburgh, PA 15233 (412-322-9113) is a common carrier that holds authority at Docket No. A-00120254 to transport, as common carrier, persons in call and demand service, from the Allegheny County Airport in Township of Mifflin; from Pittsburgh International Airport in Township of Moon; and in the City of Pittsburgh, Borough of Bellevue, Township of Ohio, Borough of Avalon, Township of Aleppo, Borough of Ben Avon, Township of McCandless, Borough of Ben Avon Heights, Township of Franklin, Borough of Emsworth, Township of Sewickley Heights, Township of Kilbuck, Borough of Glenfield, and the Borough of Sewickley Heights. A copy of the relevant authority is attached hereto as Exhibit A-6. All of the Protestant's authority is relevant to this application.

4. Ray Ray Cab Company, LLC, d/b/a Peoples Cabs and d/b/a Pittsburgh City Cab, 825 Liverpool Street, Pittsburgh, PA 15233 (412-322-9113) is a common carrier that holds authority at Docket No. A-6310022/A-2008-2036424 to transport, as common carrier, persons in call and demand service, in the City of Pittsburgh. A copy of the relevant authority is attached hereto as Exhibit A-7. All of the Protestant's authority is relevant to this application.

5. The Yellow Cab Company of Pittsburgh, 825 Liverpool Street, Pittsburgh, PA 15233 (412-322-9113) is a common carrier that holds authority at Docket Nos.: A-00049926; A-00049926, F.2; A-00049926, F.5; A-00049926, F.5, Am-A; and A-00049926, F.6, Am-B. and A-2010-2189197 to transport, as common carrier, persons in call and demand service, within a radius of 10 miles of Allegheny County Courthouse; within North Park (in Pine, McCandless and Hampton Townships); in portions of the Township of Upper St. Clair; in portions of Scott Township; and in the following boroughs, townships and cities: South Fayette, Collier Bridgeville, Monroeville, Tarentum, Brackenridge, Springdale, Cheswick, East Deer, Frazier, Fawn, Harmar, Harrison, Indiana, and a portion of North Braddock; in the Boroughs of Mars and Seven Fields, Butler County; in the Townships of Adams and Cranberry, Butler County; in

the Townships of Marshall and Pine, Allegheny County; and in the Boroughs of Bradford Woods and Franklin Park, Allegheny County. A copy of the relevant authority is attached hereto as Exhibit A-8 through A-13, respectively. All of the Protestant's authority is relevant to this application.

DOCKET NO. A-2014-2421548

Application of Cindy's Carriages, LLC

**APPENDIX "A-1"**

EUC 82

PENNSYLVANIA  
PUBLIC UTILITY COMMISSION

IN THE MATTER OF THE APPLICATION OF

AIRLINES ACQUISITION CO., INC., a corporation of  
the Commonwealth of Pennsylvania

CERTIFICATE  
OF  
PUBLIC CONVENIENCE

A-00108743

The Pennsylvania Public Utility Commission hereby certifies that after an investigation and/or hearing had on the above entitled application, it has, by its report and order made and entered, a copy of which is attached hereto and made a part hereof, found and determined that the granting of said application is necessary or proper for the service, accommodation, convenience and safety of the public, and this certificate is issued evidencing its approval of the said application as set forth in said report and order.

In Testimony Whereof, The PENNSYLVANIA PUBLIC UTILITY COMMISSION has caused these presents to be signed and sealed, and duly attested by its Secretary at its office in the city of Harrisburg this 25th day of August 19 89

PENNSYLVANIA  
PUBLIC UTILITY COMMISSION

Attest:



PENNSYLVANIA  
PUBLIC UTILITY COMMISSION  
Harrisburg, PA 17120

Public Meeting held June 22, 1989

Commissioners Present:

Bill Shane, Chairman  
William H. Smith, Vice-Chairman  
Joseph Rhodes, Jr.  
Frank Fischl



Application of Airlines Acquisition Co., Inc.,  
a corporation of the Commonwealth of Pennsyl-  
vania, for the transfer of all of the opera-  
ting rights of Checker Motors Co., L.P.,  
t/d/b/a Airlines Transportation Company under  
the certificate issued at A-00106872, subject  
to the same limitations and conditions.

A-00108743

DOCKETED

AUG 8 - 1989

\_\_\_\_\_  
Vuono, Lavelle & Gray by William A. Gray for the applicant.

\_\_\_\_\_  
O R D E R

BY THE COMMISSION:

This matter comes before the Commission on an application filed April 17, 1989. Public notice of the application was given in the Pennsylvania Bulletin of May 27, 1989. No protests were filed. The unopposed application is certified to the Commission for its decision without an oral hearing.

Airlines Acquisition Co., Inc. (applicant), R.D. 2, Nicholson Road, Sewickley, Allegheny County, seeks by the instant application to acquire all of the call or demand authority held by Checker Motors Co., L.P., t/d/b/a Airlines Transportation Company at A-00106872.

The applicant is a Pennsylvania corporation which is authorized to issue 5,000 shares of common stock having a par value of \$1.00. The authorized stock has been issued equally to John E. Lenzner and Charles S. Lenzner. John E. Lenzner is president of the applicant while Charles S. Lenzner is vice president and secretary. The officers are also the stockholders, officers and directors of Lenzner Coach Lines, Inc., t/d/b/a North Boroughs Cab, a common carrier holding authority at A-00097494.

In addition to the instant application, the applicant also has an application pending at A-00108743, F. 2, by which it seeks to acquire additional authority held by the Checker Motors Co., L.P., t/d/b/a Airlines Transportation Company at A-00106872, F. 2. The sales agreement dated April 7, 1989, sets forth that the applicant will tender to the transferor the total consideration of \$3,000 for all of the authority held by the transferor at A-00106872, F. 1 and A-00106872, F. 2. The total consideration has been placed in escrow and will be tendered to the transferor upon approval of the pending applications. No tangible assets are involved in the transfer.

A review of the record before us indicates that the applicant possesses the requisite experience, equipment and financial capacity to provide the proposed service.

The authority to be transferred has been operated by the transferor, therefore, it is presumed that there is a continuing public need, which may be overcome only by evidence to the contrary. In re: Byerly, 440 Pa. 521 (1970); Hostetter v. Pa. P.U.C., 160 Super Ct. 94 (1947). Since the record is void of any such evidence, this presumption of continuing public need applies in this transfer proceeding.

We find:

1. That the applicant is fit, willing and able to provide the service proposed.
2. That transfer of the authority is in the public interest and is necessary for the continued accommodation and convenience of the public; THEREFORE,

IT IS ORDERED: That the transfer application be and is hereby approved, and that a certificate be issued granting the following rights:

- (1) To transport, as a common carrier, persons, upon call or demand from the Allegheny County Airport in the township of Mifflin, Allegheny County;
- (2) To transport, as a common carrier, persons upon call or demand from the airport in the township of Moon, Allegheny County.

subject to the following conditions:

1. That the approval hereby given is not to be understood as committing the Commission, in any proceedings that may be brought before it for any purpose, to fix a valuation on the rights to be acquired by applicant from the present certificate holder equal to the consideration to be paid therefor, or equal to any value that may be placed thereon by

applicant, or to approve or prescribe rates sufficient to yield a return thereon.

2. That applicant shall not record in its utility accounts any amount representing the rights herein granted in excess of the actual cost of such rights to the original holder thereof.
3. That the applicant charge to Account 1550, Other Intangible Property, \$3,000, being the amount of the consideration payable by it for the rights and going concern value attributable thereto; less any amount recorded under condition 2 above; and subject to further adjustment due to any normal interim transactions to the date of actual transfer.
4. That the certificate holder shall not transfer, sell or in any way convey any of its outstanding capital stock to any individual, partnership, corporation or any entity, without the prior filing of an application and approval thereof by the Commission under 66 Pa. C.S.A. §1102(a)(3).

IT IS FURTHER ORDERED: That the authority granted herein, to the extent that it duplicates authority now held by or subsequently granted to the carrier, shall not be construed as conferring more than one operating right.

IT IS FURTHER ORDERED: That the applicant shall not engage in any transportation granted herein until it has complied with the requirements of the Pennsylvania Public Utility Code and the rules and regulations of this Commission relative to the filing and acceptance of evidence of insurance and a tariff establishing just and reasonable rates.

IT IS FURTHER ORDERED: That issuance of the certificate be withheld pending receipt of the 1989-90 Assessment of the transferor.

IT IS FURTHER ORDERED: That in the event said applicant has not, on or before sixty (60) days from the date of the service of this order, complied with the requirements hereinbefore set forth, the application shall be dismissed without further proceedings.

IT IS FURTHER ORDERED: That upon compliance with this order, the rights granted the transferor, Checker Motors Co., L.P., t/d/b/a Airlines Transportation Company, at A-00106872 be cancelled and the record be marked closed.

BY THE COMMISSION,

A handwritten signature in cursive script, appearing to read "Jerry Rich", written over a large, stylized, looped flourish.

Jerry Rich  
Secretary

(SEAL)

ORDER ADOPTED: June 22, 1989

ORDER ENTERED: JUN 28 1989

DOCKET NO. A-2014-2421548

Application of Cindy's Carriages, LLC

**APPENDIX "A-2"**



COMMONWEALTH OF PENNSYLVANIA  
~~PENNSYLVANIA PUBLIC UTILITY COMMISSION~~  
P.O. BOX 3265, HARRISBURG, PA 17105-3265

June 21, 1993

IN REPLY PLEASE  
REFER TO OUR FILE

A. 00108743  
F. 1, Am-A

WILLIAM A GRAY ESQUIRE  
2310 GRANT BUILDING  
PITTSBURGH PA 15219-2383

Application of AIRLINES ACQUISITION COMPANY, INC.

To Whom It May Concern:

Please be advised that the tariff requirement has been satisfied  
in the above entitled proceeding and you may now utilize those rights.

Very truly yours,

*John G. Alford*

John G. Alford, Secretary

LDA

EMD

AIRLINES ACQUISITION COMPANY, INC.  
RD #2, NICHOLSON ROAD  
SEWICKLEY PA 15143

DOCKETED

JUN 29 1993

DOCUMENT  
FOLDER

PENNSYLVANIA  
PUBLIC UTILITY COMMISSION  
Harrisburg, PA 17105-3265

Public Meeting held March 11, 1993

Commissioners Present:

David W. Rolka, Chairman  
Joseph Rhodes, Jr., Vice-Chairman  
Wendell F. Holland, Commissioner

Application of Airlines  
Acquisition Company . . .

**DOCUMENT  
FOLDER**

A-00108743,  
F. 1, Am-A

**OPINION AND ORDER**

**BY THE COMMISSION:**

Before the Commission for disposition are the following documents:

<u>Document</u>	<u>Party Issuing/ Filing</u>	<u>Date Issued/ Filed</u>
Initial Decision	Administrative Law Judge ("ALJ") John H. Corbett, Jr.	August 28, 1992
Exceptions	Protestant The Yellow Cab Company of Pitts- burgh, Inc. ("Protestant")	September 17, 1992
Reply to Exceptions	Applicant Airlines Acquisition Co., Inc. ("Applicant")	September 28, 1992

**DOCKETED**

APR 6 1993

History of the Proceedings

1. On September 16, 1991, Applicant filed the present application with the Pennsylvania Public Utility Commission ("Commission") for an amendment to its existing common carrier certificate for the approval of the transfer to it of the rights authorized under the certificate issued at A-00105696, F.2, to J.G.S. Executive, Inc., ("Transferor" or "J.G.S."), subject to

the same limitations and conditions. Notice of the application was published in the Pennsylvania Bulletin on November 9, 1991. Protests to the application were due to be filed on or before December 2, 1991. 52 Pa. Code §3.381(d).

2. On November 22, 1991, Protestant filed a protest to this application. By a letter dated January 8, 1992, counsel for the Applicant notified the Secretary for the Commission that the Applicant was waiving the applicability of Act No. 295 for the right to a hearing within 90 days following the filing of the application.

3. This matter proceeded to a hearing on March 19, 1992. This hearing generated 88 pages of notes of testimony. The record also consists of seven exhibits sponsored by the Applicant and six exhibits sponsored by the Protestant. The Applicant filed main and reply briefs. The Protestant filed a main brief only.

4. The Initial Decision ("I.D.") was issued, and Exceptions and Reply Exceptions were filed thereto, as noted above.

#### Discussion

In his I.D., pages 9-12, ALJ Corbett reached the following Findings of Fact:

#### Findings of Fact

1. The Applicant is Airlines Acquisition Company, Inc., with a business address at R.D.#2, Nicholson Road, Sewickley, Pennsylvania (N.T. 7).

2. The Applicant holds authority from the Commission at Docket No. A-00108743 to provide call and demand service from the

Allagheny County Airport in the township of Mifflin, Allegheny County (N.T. 7; Applicant's Ex. No. 1).

3. The Applicant also provides nonjurisdictional airport transportation service in Allegheny County to and from the Greater Pittsburgh International Airport pursuant to a contract with the Port Authority of Allegheny County. This service involves running busses and vans on a scheduled route from various points to the airport (N.T. 8).

4. In this proceeding, the Applicant seeks to acquire all of the operating rights of J.G.S. Executive, Inc., at Docket No. A-00105696, F.2 to provide call or demand service in the City of Pittsburgh, Allegheny County (N.T. 9).

5. The Internal Revenue Service seized the certificate rights of J.G.S. for nonpayment of taxes (N.T. 9-11).

6. The Applicant was the successful bidder with the IRS for these rights with a bid of \$4,000. Pursuant to a certificate of sale dated April 11, 1991, the IRS conditioned this sale upon Commission approval of the transfer (N.T. 9-11; Applicant's Ex. No. 3).

7. The Applicant has three vehicles suitable for call and demand service, and a financial commitment from First Maryland Leasing Corporation of \$750,000, which will permit it to acquire additional vehicles (N.T. 11-12).

8. The Applicant maintains its equipment at a garage facility at 1301 Beaver Avenue, on the Northside section of the City of Pittsburgh, where it employs three full-time mechanics. It has a regular safety and maintenance program (N.T. 13-16).

9. The Applicant employs 40 drivers, 12 dispatchers, as well as a full-time operations manager and an office secretary (N.T. 13-16).

10. The Applicant has no complaints against it pending with the Commission (N.T. 20).
11. The Applicant has filed with the Commission the requisite insurance information and annual reports, and has paid all assessments (N.T. 7-8).
12. The Applicant possesses the financial ability to provide the proposed service (N.T. 16-20; Applicant's Ex. No. 4).
13. The Transferor, J.G.S., provided the service authorized by its certificate and earned revenues for this service from 1987 until sometime in 1990 (Applicant's Ex. No. 7; Protestant's Ex. C, D, E, and F).
14. The Transferor maintained a tariff on file with the Commission (N.T. 23-27; Applicant's Ex. No. 5).
15. The Transferor also filed assessment reports for 1989 and 1990 with the Commission (N.T. 23-27; Applicant's Ex. Nos. 6 and 7).
16. The Transferor maintained the requisite insurance information on file with the Commission (N.T. 25-26).
17. The Protestant is the Yellow Cab Company of Pittsburgh, which possesses operating rights in conflict with those involved in the proposed transfer (N.T. 30-31; Yellow Cab Exhibit A).
18. Yellow Cab currently owns a fleet of 265 cabs, of which 220 to 230 cabs are in service on any given day (N.T. 33-37).
19. In 1988, Yellow Cab owned approximately 290 cabs (N.T. 36).
20. Yellow Cab leases its cabs to drivers, who are not on commission. It earns revenue by leasing cabs (N.T. 44).
21. Yellow Cab has experienced a decrease in calls for service over the last four years from approximately 2900 calls per day to 2300 to 2500 calls per day at present (N.T. 37-40).

22. In the last ten years, Yellow Cab has dropped from three radio channels to one due to a decline in business (N.T. 40-44).

23. Yellow Cab claims Pittsburgh is not a "cab town" and described various factors to show there is no need for the proposed service (N.T. 40-44).

24. The authorized service territory of Yellow Cab is larger than the rights authorized in the transfer certificate. Its authorized territory includes a 10 mile radius from the Allegheny County Courthouse and a number of municipalities in Allegheny County (N.T. 51-61; Yellow Cab Exhibit A).

25. Yellow Cab experienced an increase of approximately 109,000 metered miles (7,765,256 metered miles versus 7,874,965 metered miles) from 1990 to 1991 (N.T. 35).

26. Yellow Cab presented no traffic studies to compare the number of trips it handled in the application territory within the last year as opposed to previous years (N.T. 52).

27. Yellow Cab has not demonstrated it lost revenue over any period of time due to a declining need for call and demand service within the City of Pittsburgh (N.T. 51-61).

The ALJ's I.D. contained discussion of the following topics: (A) Burden of Proof, (B) Evidentiary Criteria, (C) Abandonment of Rights, (D) Need for the Service, and (E) Conclusion. The ALJ's Conclusion section was as follows:

E. Conclusion

For all of the foregoing reasons, the Applicant has met the burden of proof required for the transfer of authority requested in this application. The record demonstrates the requested authority has not been abandoned and the Protestant has failed to meet its burden of rebutting the presumption of continuing necessity for call and demand

service within the City of Pittsburgh.  
Therefore, I shall grant the application.

The ALJ included the following Conclusions of Law, on pages 33-34 of his I.D.:

1. The parties to, and the subject matter of, this proceeding are properly before the Commission.
2. In proceedings seeking the transfer of existing motor carrier operating authority, the Applicant does not have the burden of proving that the proposed service will serve a useful public purpose, responsive to a public demand or need pursuant to 52 Pa. Code §41.14(a).
3. The Applicant possesses the necessary technical and financial ability to provide the proposed service pursuant to 52 Pa. Code §41.14(b).
4. The Applicant possesses the propensity to operate safely and legally pursuant to 52 Pa. Code 41.14(b).
5. The provisions of 52 Pa. Code §41.14(c) are not applicable to certificate transfer proceedings.
6. The Protestant bears the burden of proving the operating rights sought to be acquired by the Applicant have been abandoned.
7. The Protestant has not met its burden of proving the operating rights sought to be acquired by the Applicant have been abandoned.
8. The Protestant bears the burden of rebutting the presumption of continuing necessity for the authority sought to be transferred in this proceeding.
9. The Protestant has failed to meet its burden of rebutting the presumption of a

continuing need for the authority sought to be transferred in this proceeding.

Based on his discussion and his Conclusions of Law, the ALJ recommended that we order as follows:

1. That the Application of Airlines Acquisition Company, Inc., docketed with the Pennsylvania Public Utility Commission at No. A-00108743, F.1, Am-A, for the transfer of all of the rights held by J.G.S. Executive Inc., at Docket No. A-00105696, F.2, be and is hereby approved and that the certificate issued to the Applicant at Docket No. A-00108743, on August 25, 1989, be amended to include the following rights:

To transport, as a common carrier by motor vehicle, persons, upon call or demand, in the City of Pittsburgh, Allegheny County.

Subject to the following conditions:

(a) That the approval hereby given is not to be understood as committing this Commission, in any proceedings that may be brought before it for any purpose, to fix a valuation on the rights to be acquired by Applicant from the present certificate holder equal to the consideration to be paid therefore, or equal to any value that may be placed thereon by Applicant, or to approve or prescribe rates sufficient to yield a return thereon.

(b) That Applicant shall not record in its utility accounts any amount representing the rights herein granted, in excess of the actual cost of such rights to the original holder thereof.

(c) That the Applicant charge to Account 1550, Other Intangible Property, \$4,000, being the amount of consideration payable by it for the rights and going concern value attributable thereto less any amount recorded under Condition B above.

2. That the operating authority granted herein, to the extent that it duplicates authority now held by or

subsequently granted to the carrier, shall not be construed as conferring more than one operating right.

3. That the Applicant shall not engage in any transportation granted herein until it shall have complied with the requirements of the Pennsylvania Public Utility Code and the rules and regulations of this Commission relative to the filing of insurance and the filing and acceptance of a tariff establishing just and reasonable rates.

4. That the certificate holder shall not transfer, sell or in any way, convey any of its outstanding capital stock to any individual, partnership, corporation or any entity, without the prior filing of an application and approval thereof by this Commission under Section 1102(3) of the Public Utility Code, 66 Pa. C.S. §1102(3).

5. That in the event Applicant has not, on or before 60 days from the date of service of this Order, complied with the requirements set forth above, the application shall be dismissed without further proceedings.

6. That approval of this application shall not become final until Transferor's 1990 and 1991 Assessment Reports are filed and any assessments due are paid.

7. That upon compliance with this Order, the rights granted the Transferor, J.G.S. Executive, Inc., at Docket No. A-00105696, F.2, are hereby cancelled and the record marked closed.

(I.D., pp. 35-37).

#### Exceptions and Reply Exceptions

Protestant's Exception 1 stated as follows:

The Court erred in finding that Protestant has not met its burden of proving that the operating rights sought to be acquired by the Applicant had been previously abandoned.  
(Conclusion of Law No. 7; Pg. 34)

Protestant argued that the ALJ erred in determining that it had failed to meet its burden of proving that the operating rights sought to be acquired by the applicant had been previously abandoned.

Protestant also argued that it had provided evidence that the Transferor failed to pay its taxes and lost its certificate by way of an IRS attachment, and also that the Transferor had failed to list any equipment on its 1990 Annual Report, and had had diminished revenues. All of this, contended Protestant, should be sufficient to demonstrate "abandonment".

In response, Applicant stated that the ALJ had correctly determined that the Transferor in this case had: (1) maintained tariffs for the service, (2) maintained insurance on file with the Commission, and (3) filed Annual Reports and Assessment Reports with the Commission. (Findings of Fact 13-16 in the I.D.) In support of its position on the abandonment issue, the Applicant quoted the ALJ as follows:

In Byerly, 270 A.2d at 189, the Supreme Court enunciated the elements one must establish in order to support a determination that the rights have been abandoned by the transferring carrier, stating:

The Commission found that Forney did not abandon the rights represented by his certificate. It stated: "To constitute an abandonment there must be an intention to abandon together with external acts by which the intention is carried into effect." We have reviewed the record in detail and agree that there is substantial evidence to support the Commission's finding of no abandonment.

The Commission has adhered to the principle that there must be evidence of an intent to

abandon, together with external acts putting the intent into effect, in order to support a determination that an abandonment of operating rights has occurred. In applying this principle, the Commission has found a transferring carrier did not abandon its rights, even though no transportation service was provided under its rights, where the transferring carrier maintained tariffs for the service, filed annual reports, paid annual assessments, and had equipment available to provide the service. Francis J. Palumbo, II, supra.; App. of Norman M. Erhart, 48 Pa. P.U.C. 607 (1975); App. of Joseph W. Emig, supra.; App. of McNaughton Bros., Inc., 42 Pa. P.U.C. 750 (1966); Appl. of Jones Motor Co., Inc., 26 Pa. P.U.C. 132 (1946) and App. of Frank J. Cotler, Jr., 26 Pa. P.U.C. 146 (1946).

In addition, Applicant further quoted the ALJ on the issue of abandonment as follows:

The fact that Transferor maintained a tariff and insurance, and filed annual reports and assessments is a clear indication J.G.S. did not intend to abandon its rights. Erie Transportation Services, Inc., 72 Pa. P.U.C. 113, 120 (1990); App. of Joseph W. Emig, supra., at 790-791. Further, the Commission has regularly acknowledged the authority of the IRS to seize certificates of public convenience and sell the corresponding operating authority at a tax sale. Re Louis J. Sellman, t/d/b/a Sellman Trucking Company, 67 Pa. P.U.C. 190, 191 (1988). In this latter case, the Commission granted the transferor's petition for reinstatement of its certificate rights for the limited purpose of permitting the IRS to sell the underlying operating authority conditioned upon the approval of the transfer by the Commission, despite the transferor's history of repeatedly failing to file timely evidence of insurance and annual reports. While this latter case and each of the cases cited in the decision involved the failure of the transferor to pay its federal tax

obligations, the Commission did not refuse to grant relief due to abandonment of rights.

The Protestant bases its argument that the Transferor did not have any equipment with which it could provide service upon the fact that J.G.S., in its 1990 Annual Report, did not list any equipment at year end. However, J.G.S. did report earned revenues of \$5,262 during 1990 from intrastate operations. Its 1989 Annual Report did indicate available equipment at year end. The obvious inference is that sometime during 1990, J.G.S. ceased operating. Since the tax sale did not occur until April 11, 1991 (Applicant's Ex. No. 3), one may infer the IRS seized the assets of the Transferor in 1990. The Commission has previously determined that even 20 years of not providing service pursuant to the authority being transferred does not, in and of itself, constitute an intention to abandon certificate rights. App. of Norman M. Earhart, 48 Pa. P.U.C. 607 (1975). Furthermore, the failure of a motor carrier to own equipment that can be used to provide service to the public pursuant to the rights being transferred does not establish abandonment, since a motor carrier can, under the Commission's regulations, lease equipment from another party. App. of South Hills Movers, Inc., Docket No. A-00099073, F. 2, Am-I (Opinion and Order entered March 29, 1991), at pp. 18-19.

As the proponent of an Order seeking a finding of abandonment in this case, the Protestant bears the burden of proof. 66 Pa. C.S. §332(a); Re Erie Transportation Services, Inc., supra, at 120. For the reasons just discussed, the Protestant has not proven by the required preponderance of the evidence that the Transferor intended to abandon its call and demand service rights. Thus, the Protestant has not sustained its burden of proving abandonment of the requested authority. (p. 28-30)

On review of this issue, we agree with the Applicant that the ALJ correctly applied well-established Commission and

Court precedent on the doctrine of "abandonment" to the facts of this case. As the ALJ correctly noted, the Supreme Court in In Re Byerly 440 Pa. 521, 270 A.2d 186 (1970) found that there must be "an intention to abandon together with external acts by which the intention is carried into effect." The record in this case does not indicate either "an intention to abandon" or "external acts by which the intention is carried into effect".

The first exception of Protestant is therefore denied.

Protestant's Exception 2 stated as follows:

The Court erred in finding that Protestant had not rebutted the presumption of continuing need of the proffered services. (Conclusions of Law numbers 8 & 9; Pg. 34)

The Protestant argued that the ALJ erred in determining that the Protestant had not rebutted the presumption of continuing need. In support of this argument, the Protestant argued that the Annual Reports filed by the Transferor show a decline in the revenues, equipment and profits between 1987 and 1990. Furthermore, the Protestant argued that it presented testimony "...regarding the diminishing or relatively flat demand for public cab service."

In response, Applicant stated that the ALJ was correct in his conclusion that the Protestant, in attempting to rebut the "presumption of continuing need" does not meet its burden of proof by merely showing a decline in revenues, equipment, profit, etc., by the Transferor. In this connection, Applicant quoted the ALJ in his I.D. as follows:

The presumption of continuing need is not rebutted, even where the transferor has not earned any revenues from the authority being

transferred for a period of 20 years. App. of Norman M. Farhart, supra. In Re Byerly, supra., 270 A.2d at 189, the Supreme Court held the fact a carrier has not transported the certificated product and the fact he had not been requested to do so does not rebut the presumption of continuing necessity. Consequently, whatever deficiencies the Transferor may have had do not assist the Protestant in meeting its burden of rebutting the presumption of continuing necessity.  
(p. 31)

In addition, the Applicant quoted the ALJ as follows on the argument that the Protestant had, through its witness, presented testimony regarding the diminishing or relatively flat demand for public cab service:

In reviewing the record, it is quite clear the Protestant's witness believed the application territory coincided with the Protestant's authorized territory. Yellow Cab is authorized to provide call and demand service within a radius of ten miles of the Allegheny County Courthouse and many municipalities in Allegheny County. The application territory authorizes such service only in the City of Pittsburgh. Yellow Cab failed to produce any traffic studies to show a decline in trips handled within the application area, even though such records were available. Likewise, the Protestant did not produce any records to show declining revenues from within the application area. Since the only evidence of declining need is the testimony of an interested witness, which is not supported by the Protestants own metered mileage report, and no other documentation exists, I must conclude the Protestant has failed to meet its Burden of rebutting the presumption of continuing necessity.

On review, we agree with the conclusion of the ALJ that the Protestant has not rebutted the presumption of continuing

necessity in this case. As noted by the ALJ in his quotation from the case of In Re Bverly, a mere decline in revenues by a Transferor of operating rights is not sufficient to rebut the presumption of continuing need. In fact, the mere fact that the Transferor has not earned any revenues from the authority being transferred for a number of years does not rebut the presumption of continuing need. Since the presumption has not been rebutted, Exception No. 2 will be denied.

Protestant's Exception 3 stated as follows:

Public policy dictates that the Applicant, seeking to use and operate under an existing certificate, should be required to carry the burden of proof by showing that need for the service exists and that the former certificate holder did not abandon his certificate.

In response, Applicant stated that the Protestant is arguing, in essence, that the Commission should disregard prior precedent and change the burden of proof standard on the issue of need for the service in the case of a transfer of authority.

On review of this issue, we agree with Applicant that the Protestant is arguing for a change in the standard for the burden of proof on this issue. However, the standard which Protestant seeks to have the Commission change is well-established. We, therefore, deny Protestant's Exception No. 3, and we will adopt the I.D. of the ALJ as the action of the Commission; **THEREFORE,**

**IT IS ORDERED:**

1. That the Exceptions, filed on September 17, 1992, by Protestant Yellow Cab Company of Pittsburgh, to the Initial

Decision of Administrative Law Judge John H. Corbett, Jr. herein, be, and hereby are, denied.

2. That the Application of Airlines Acquisition Company, Inc., docketed with the Pennsylvania Public Utility Commission at No. A-00108743, F.1, Am-A, for the transfer of all of the rights held by J.G.S. Executive Inc., at Docket No. A-00105696, F.2, be and is hereby approved and that the certificate issued to the Applicant at Docket No. A-001086743, on August 25, 1989, be amended to include the following rights:

To transport, as a common carrier by motor vehicle, persons, upon call or demand, in the City of Pittsburgh, Allegheny County.

Subject to the following conditions:

(a) That the approval hereby given is not to be understood as committing this Commission, in any proceedings that may be brought before it for any purpose, to fix a valuation on the rights to be acquired by Applicant from the present certificate holder equal to the consideration to be paid therefore, or equal to any value that may be placed thereon by Applicant, or to approve or prescribe rates sufficient to yield a return thereon.

(b) That Applicant shall not record in its utility accounts any amount representing the rights herein granted, in excess of the actual cost of such rights to the original holder thereof.

(c) That the Applicant charge to Account 1550, Other Intangible Property, \$4,000, being the amount of consideration payable by it for the rights and going concern value attributable thereto less any amount recorded under Condition B above.

3. That the operating authority granted herein, to the extent that it duplicates authority now held by or

subsequently granted to the carrier, shall not be construed as conferring more than one operating right.

4. That the Applicant shall not engage in any transportation granted herein until it shall have complied with the requirements of the Pennsylvania Public Utility Code and the rules and regulations of this Commission relative to the filing of insurance and the filing and acceptance of a tariff establishing just and reasonable rates.

5. That the certificate holder shall not transfer, sell or in any way, convey any of its outstanding capital stock to any individual, partnership, corporation or any entity, without the prior filing of an application and approval thereof by the Commission under Section 1102(3) of the Public Utility Code, 66 Pa. C.S. §1102(3).

6. That in the event Applicant has not, on or before 60 days from the date of service of this Order, complied with the requirements set forth above, the application shall be dismissed without further proceedings.

7. That approval of this application shall not become final until Transferor's 1990 and 1991 Assessment Reports are filed and any assessments due are paid.

8. That upon compliance with this Order, the rights granted the Transferor, J.G.S. Executive, Inc., at Docket No. A-00105696, P.2, are hereby cancelled and the record marked closed.

BY THE COMMISSION



John G. Alford  
Secretary

(SEAL)

ORDER ADOPTED: March 11, 1993

ORDER ENTERED: MAR 15 1993

PUC

Fax: 717-787-0974

Jan 3 2007 10:41am P008/048

J. BOX 3266, HARRISBURG, PA 17120

MISSION

March 11, 1993

IN REPLY PLEASE REFER TO OUR FILE

A-00108743  
Folder 1, Am-A

WILLIAM A GRAY ESQUIRE  
2310 GRANT BUILDING  
PITTSBURGH PA 15219-2383

**DOCKETED**  
APR 6 1993

**DOCUMENT  
FOLDER**

Application of Airlines Acquisition Company, Inc.

Dear Sir:

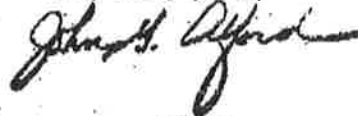
Enclosed is the compliance order issued by the Commission in this proceeding.

The applicant will not be permitted to operate or engage in any transportation granted by the enclosed order until a tariff has been prepared and filed in accordance with the enclosed instructions.

Motor carriers operating without complying with the above requirement will be subject to the penalty provisions of the Public Utility Code.

Commission regulations require compliance with the above requirement within sixty (60) days of the date of this letter. Failure to comply within the sixty (60) day period will cause the Commission to rescind the action of March 11, 1993 and dismiss the application without further proceedings.

Very truly yours,



John G. Alford, Acting Secretary

12  
Encls.  
Certified Mail  
Receipt Requested  
Tariff Contact Person: Joseph Machulsky (717)787-5321  
cc: applicant  
RD #2 NICHOLSON ROAD  
SEWICKLEY PA 15143

Modification

DOCKET NO. A-2014-2421548

Application of Cindy's Carriages, LLC

**APPENDIX "A-3"**

**PENNSYLVANIA  
PUBLIC UTILITY COMMISSION**

IN THE MATTER OF THE APPLICATION OF: A-00112577, Folder 2

AIRPORT LIMOUSINE SERVICE, INC., trading and doing business as CHECKER CAB

The Pennsylvania Public Utility Commission hereby certifies that after an investigation and/or hearing, it has, by its report and order made and entered, found and determined that the granting of the application is necessary or proper for the service, accommodation, convenience and safety of the public and hereby issues to the applicant this **CERTIFICATE OF PUBLIC CONVENIENCE** evidencing the Commission's approval to operate.

In Witness Whereof, The PENNSYLVANIA PUBLIC UTILITY COMMISSION has caused these presents to be signed and sealed, and duly attested by its Secretary at its office in the city of Harrisburg this 21st day of May, 1996.



A handwritten signature in cursive script, reading "John S. Afford".

Secretary

PENNSYLVANIA  
PUBLIC UTILITY COMMISSION  
Harrisburg, PA 17105-3265

Public Meeting held January 25, 1996

Commissioners Present:

John M. Quain, Chairman  
Lisa Crutchfield, Vice-Chairman  
John Hanger  
David W. Rolka  
Robert K. Bloom

Application of ALS Acquisition Company, a corporation of the Commonwealth of Pennsylvania, for the transfer of all of the operating rights of Pennsylvania Coach Lines, Inc., a corporation of the Commonwealth of Pennsylvania, under the certificate issued at A-00110344, F. 3, subject to the same limitations and conditions.

A-00112577  
F. 2

Ray F. Middleman for the applicant.

O R D E R

BY THE COMMISSION:

This matter comes before the Commission on an application filed October 11, 1995. Public notice of the application was given in the Pennsylvania Bulletin of November 11, 1995. The unopposed application is certified to the Commission for its decision without oral hearing.

ALS Acquisition Company (ALS or applicant), is a Pennsylvania corporation, with its principal place of business at 5931 Ellsworth Avenue, Pittsburgh. ALS shares common stock ownership with the Yellow Cab Company of Pittsburgh. It will, therefore, be subject to Chapter 21 of the Public Utility Code, Relations With Affiliated Interests, 66 Pa. C.S. §§2101-2107. Nine vehicles, included in the purchase price, and five vehicles, whose leases will be assumed by the applicant, will be used to perform the proposed service. A comprehensive safety program for drivers and vehicles will be instituted and adequate insurance coverage will be maintained. As evidence of its financial capacity to begin operations, ALS reports assets of

\$106,779, with liabilities of \$106,769, leaving a shareholders' equity of \$10.

The total consideration for the rights and other assets, including equipment, is twenty-five thousand dollars (\$25,000). The rights have been assigned a value of one thousand dollars (\$1,000). Ten thousand dollars (\$10,000) was paid at the execution of the asset purchase agreement on August 18, 1995, and the balance was paid on December 31, 1995.

A review of the record before us indicates that the applicant possesses the requisite experience, equipment and financial capacity to provide the proposed service.

The authority to be transferred has been operated by the transferor, therefore, it is presumed that there is a continuing need, which may be overcome only by evidence to the contrary. In re: Syerly, 440 Pa. 521 (1970); Hostatter v. Pa. P.U.C., 160 Super. Ct. 94 (1947). Since the record is void of any such evidence, this presumption of continuing public need applies in this transfer proceeding.

We find:

1. The applicant is fit, willing and able to provide the service proposed.
  2. Transfer of the authority is in the public interest and is necessary for the continued accommodation and convenience of the public;
- THEREFORE,

IT IS ORDERED: That the transfer application be and is hereby approved and that a certificate be issued granting the following rights:

To transport, as a common carrier, persons upon call or demand, in the borough of Coraopolis and the townships of Moon, Crescent, Robinson and Findley, Allegheny County.

subject to the following general conditions:

1. That the operating authority granted herein, or now held, or subsequently granted to the applicant to the extent that it is duplicative, shall not be construed as conferring more than one operating right.
2. That the approval hereby given is not to be understood as committing the Commission, in any proceedings that may be brought before it for any purpose, to fix a valuation on the property and/or rights to be acquired by applicant from the present certificate holder equal to the consideration to be paid therefor, or equal to any value that may be placed thereon by applicant, or to approve or prescribe rates sufficient to yield a return thereon.
3. That the applicant record in its Utility Account 1321 - Franchisee, the actual cost of such rights recorded by the original holder thereof.
4. That the utility accounts of the transferee shall reflect the same book values for all utility property acquired as shown in the records of the transferor at the effective date of the transfer, any previously recorded depreciation having been deleted therefrom.

5. That the applicant charge to Account 1341 - Other Intangible Property, any amount of the consideration paid for the rights and going concern value attributable thereto in excess of the amounts recorded under condition(s) 3 and 4 above.
6. That the certificate holder shall not transfer, sell or in any way convey any of its outstanding capital stock to any individual, partnership, corporation or any other entity, without the prior filing of an application and approval thereof by the Commission under Section 1102(a)(3) of Title 66, PA C.S.A.

IT IS FURTHER ORDERED: That the applicant shall not engage in any transportation granted in this application until the following is submitted to the Commission:

1. Form E evidence of Bodily Injury and Property Damage Liability Insurance.
2. A tariff establishing just and reasonable rates.

IT IS FURTHER ORDERED: That upon compliance with the requirements above set forth, a certificate issue evidencing the Commission's approval of the right to operate as above-determined.

IT IS FURTHER ORDERED: That in the event said applicant has not, on or before sixty (60) days from the date of the service of this order, complied with the requirements hereinbefore set forth, the application shall be dismissed without further proceedings.

JUL 27 1999 11:46AM PUC SEC BUREAU

NO. 0944 P. 19/31

IT IS FURTHER ORDERED: That upon compliance with this order, the rights granted the transferor, Pennsylvania Coach Lines, Inc. at A-00110344, F. 1 be cancelled and the record be marked "CLOSED".

BY THE COMMISSION,

John G. Alford  
Secretary

(SEAL)

ORDER ADOPTED: January 25, 1996

ORDER ENTERED: JAN 30 1996

PENNSYLVANIA  
PUBLIC UTILITY COMMISSION  
Harrisburg, PA 17105-3265

Public Meeting held March 13, 1997

Commissioners Present:

John M. Quain, Chairman  
Lisa Crutchfield, Vice-Chairman  
John Hanger  
David W. Rolka  
Robert K. Bloom

DOCUMENT  
FOLDER

Request of Airport Limousine Service, Inc.,  
for the addition of the fictitious trade  
name Checker Cab to its Folder 2  
call or demand authority certificate.

A-00112577  
F. 2

John A. Pillar for the applicant.

DOCKETED  
APR 9 1997

ORDER

BY THE COMMISSION:

This matter comes before the Commission upon a letter-  
request from Airport Limousine Service, Inc., that its Folder 2  
call or demand authority certificate be amended by the addition  
of the fictitious trade name Checker Cab, pursuant to 52 Pa. Code  
Section 3.381(a)(6)(ii).

Upon review of the request, it appears that the necessary  
filings have been made and that there has been no change of  
ownership or control of the business; THEREFORE, IT IS ORDERED:

1. That the request is approved and that the certificate  
at Folder 2 issued to Airport Limousine Service, Inc., be changed  
to stand in the name of Airport Limousine Service, Inc., t/d/b/a  
Checker Cab.

2. That the certificate holder shall effect the name  
change on its tariff filings for its Folder 2 call or demand  
authority with this Commission.

3. That in the event said certificate holder has not effected the name change on its tariff filings within thirty (30) days from the date of service of this order, the request shall be deemed denied without further proceedings.

4. That upon compliance with the requirements of this order, the certificate at Folder 2 shall be endorsed in the name of Airport Limousine Service, Inc., t/d/b/a Checker Cab.

BY THE COMMISSION,



John G. Alford  
Secretary

(SEAL)

ORDER ADOPTED: March 13, 1997

ORDER ENTERED: MAR 19 1997



COMMONWEALTH OF PENNSYLVANIA  
PENNSYLVANIA PUBLIC UTILITY COMMISSION  
P.O. BOX 3265, HARRISBURG, PA 17105-3265

REFER TO OUR FILE

DOCUMENT  
FOLDER

MARCH 19, 1997

DOCKETED  
APR 9 1997

A-00112577  
F.2

JOHN A PILLAR ESQUIRE  
PILLAR MULROY & FERBER  
1106 FRICK BUILDING  
PITTSBURGH PA 15219

Letter request of Airport Limousine Service, Inc., for the addition of the fictitious trade name CHECKER CAB to its Folder 2 Call or Demand Authority certificate.

To Whom It May Concern:

Enclosed is an Order adopted by the Commission concerning the name change request of the subject motor carrier.

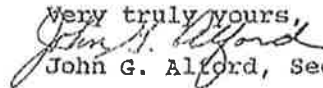
Please be advised that the Certificate will not be endorsed in the new or amended name until compliance has been made with the following requirements:

1. Complete and return to the Commission the enclosed tariff adoption supplement.

Commission regulations require compliance with the above requirements within thirty (30) days of the date of this letter. Failure to comply within the thirty days will cause the Commission to rescind its action without further proceedings.

If you foresee problems in meeting these requirements, please direct your questions to the following contact persons:

Tariff Filings - (717)-787-5521

Very truly yours,  
  
John G. Alford, Secretary

EMD  
AIRPORT LIMOUSINE SERVICE INC  
TA AIRPORT LIMO SERVICE & EMBASSY  
3401 5TH AVENUE  
NORTH VERSAILLES PA 15137

DOCKET NO. A-2014-2421548

Application of Cindy's Carriages, LLC

**APPENDIX "A-4"**



COMMONWEALTH OF PENNSYLVANIA  
PENNSYLVANIA PUBLIC UTILITY COMMISSION  
P.O. BOX 3265, HARRISBURG, PA 17105-3265

IN REPLY PLEASE  
REFER TO OUR FILE

REP

March 17, 1998

A-00112577  
F. 2, Am-A

JOHN A PILLAR ESQUIRE  
PILLAR & MULROY  
1106 FRICK BUILDING  
PITTSBURGH PA 15219

137629

Application of AIRPORT LIMOUSINE SERVICE, INC., t/d/b/a CHECKER CAB, a corp of the  
Commonwealth of PA

**DOCKETED** DOCUMENT  
APR 21 1998 FOLDER

RECEIVED  
PROTHONOTARY'S OFFICE  
93 MAR 16 5 11 PM '98

Dear Sir:

This is to advise you that since you have filed the tariffs at the above docketed application,  
you may now utilize those rights contained therein.

Very truly yours,

*James F. McNulty*  
James F. McNulty  
Secretary

EMD

AIRPORT LIMOUSINE SERVICE INC  
TA AIRPORT LIMO SER & EMBASSY  
3401 5TH AVENUE  
NORTH VERSAILLES PA 15137

PENNSYLVANIA  
PUBLIC UTILITY COMMISSION  
Harrisburg, PA 17105-3265

Public Meeting held February 26, 1998

Commissioners Present:

John M. Quain, Chairman  
Robert K. Bloom, Vice Chairman  
John Hanger  
David W. Rolka  
Nora Mead Brownell

Application of Airport Limousine Service,  
Inc., t/d/b/a Checker Cab, a corporation  
of the Commonwealth of Pennsylvania, for  
amendment to its common carrier certificate:  
SO AS TO PERMIT the transportation of persons  
upon call or demand in the city of Pittsburgh,  
Allegheny County.

A-00112577  
F. 2  
Am-A

John A. Pillar for the applicant.  
William A. Gray for S. & S. Taxi Co., Lenzner Transit, Inc.,  
and Pennsylvania Transportation System, Inc.

O R D E R

DOCKETED

BY THE COMMISSION:

MAR 09 1998

This matter comes before the Commission upon an application filed January 29, 1997. Public notice of the application was given in the Pennsylvania Bulletin of February 15, 1997. Protest were filed by S. & S. Taxi Co., Lenzner Transit, Inc., and Pennsylvania Transportation System, Inc.

Hearings were held before Administrative Law Judge James D. Porterfield July 14, 1997, July 30 and July 31, 1997 and August 19, 1997. The record consists of 697 pages of testimony taken over the course of the hearings.

At the conclusion of the hearings, Protestants Lenzner Transit, Inc., and Pennsylvania Transportation, Inc., withdrew upon reconsideration. The remaining Protestant, S. & S. Taxi Co., withdrew predicated upon our acceptance of a restrictive amendment dated December 23, 1997, wherein the applicant excluded service from the cities of McKeesport, Duquesne, and Clairton, the boroughs of Glassport, Liberty, White Oak, Dravosburg, Port Vue, Elizabeth, West Elizabeth, Trafford, Braddock, North Braddock, West Mifflin, and Jefferson, and the townships of Elizabeth and North Versailles, all in Allegheny County, and the boroughs of Irwin, North Irwin and Trafford and the township of North Huntingdon, all in Westmoreland County.

DOCUMENT  
FOLDER

The now unopposed application, as amended, is certified to the Commission for its decision.

DISCUSSION AND FINDINGS:

The applicant currently provides call or demand service in the borough of Coraopolis and the townships of Moon, Crescent, Robinson and Findley, Allegheny County. By the instant application it seeks to expand its call or demand service so that it may provide service within the city of Pittsburgh.

Airport Limousine Service, Inc., t/d/b/a Checker Cab, operates from a facility in North Versailles, Allegheny County, where calls for service are taken and cabs are dispatched. It is expected an office will be opened in Pittsburgh upon approval of the instant application. Ten 1997 Ford Crown Victoria Sedans are available to provide service. The vehicles are maintained by an independent garage. As a currently certificated carrier there is a presumption of fitness.

Fourteen public witnesses testified on behalf of the applicant over the course of three days of hearings. Their testimony may be characterized as expressing a desire to have additional taxi service available in the city of Pittsburgh for the sake of competition and improved service.

Since all protests were withdrawn upon reliance of our acceptance of the restrictive amendment and upon reconsideration, the testimony of the three witnesses appearing on behalf of the Protestants is not here reported. We determine that the withdraw of protests based upon reconsideration and the amendment has satisfied the interest of the Protestants.

After complete review of the record;

We Find:

1. The applicant has the equipment, experience and fitness to provide the proposed service.
2. Approval of the now unopposed application, as amended, is necessary for the accommodation and convenience of the public; THEREFORE,

IT IS ORDERED: That the application, as amended, be and is hereby approved so that the certificate issued May 21, 1996, shall be amended to include the following right:

To transport, as a common carrier, by motor vehicle, persons, upon call or demand in the city of Pittsburgh, Allegheny County;

subject to the following condition:

That no right, power or privilege is granted to provide service from the cities of McKeesport, Duquesne, and Clairton, the boroughs of Glassport, Liberty, White Oak, Dravosburg, Port Vue, Elizabeth, West Elizabeth, Trafford, Braddock, North Braddock, West Mifflin, and Jefferson, the townships of Elizabeth and North Versailles, all in Allegheny County, and the boroughs of Irwin, North Irwin, and Trafford and the township of North Huntingdon, all in Westmoreland County.

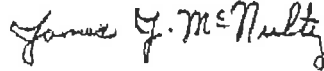
IT IS FURTHER ORDERED: That the applicant shall not engage in any transportation granted in this order until the following is submitted to the Commission:

1. A tariff establishing just and reasonable rates.

IT IS FURTHER ORDERED: That the authority granted herein, to the extent that it duplicates authority now held by or subsequently granted to the carrier, shall not be construed as conferring more than one operating right.

IT IS FURTHER ORDERED: That in the event the applicant has not, on or before sixty (60) days from the date of entry of the order, complied with the requirements herein before set forth, the application shall be dismissed without further proceedings.

BY THE COMMISSION,



James J. McNulty  
Secretary

(SEAL):

ORDER ADOPTED: February 26, 1998

ORDER ENTERED: **MAR - 2 1998**

DOCKET NO. A-2014-2421548

Application of Cindy's Carriages, LLC

**APPENDIX "A-5"**

*one*



COMMONWEALTH OF PENNSYLV. *IA*  
PENNSYLVANIA PUBLIC UTILITY COMMISSION  
P.O. BOX 3265, HARRISBURG, PA 17105-3265

IN REPLY PLEASE  
REFER TO OUR FILE

March 4, 2004

A-00112577F0002 Am-B

RAY F MIDDLEMAN ESQUIRE  
117 VIP DRIVE SUITE 310  
WEXFORD PA 15090

DOCUMENT  
FOLDER

Application of Airport Limousine Service, Inc.,  
t/a Checker Cab

To Whom It May Concern:

Please be advised that the tariff and insurance requirements have been satisfied in  
the above entitled proceeding and you may now utilize those rights.

Very truly yours,

James J. McNulty  
Secretary

rpb

AIRPORT LIMOUSINE SERVICE, INC  
T/A CHECKER CAB  
36 SOUTH 6<sup>TH</sup> STREET  
PITTSBURGH PA 15203

PENNSYLVANIA  
PUBLIC UTILITY COMMISSION  
Harrisburg, PA 17105-3265

Public Meeting held December 18, 2003

**Commissioners Present:**

Terrance J. Fitzpatrick, Chairman  
Robert K. Bloom, Vice-Chairman  
Glen R. Thomas  
Kim Pizzigrilli  
Wendell F. Holland

Application of Airport Limousine Service, Inc., t/a  
Checker Cab, a corporation of the Commonwealth of  
Pennsylvania, for amendment to its common carrier  
Certificate: SO AS TO PERMIT the transportation  
of persons upon call or demand, in the boroughs of  
White Oak, North Braddock, Turtle Creek, Forest Hills,  
Chalfant, Edgewood, Baldwin, Churchill, Brentwood,  
Pleasant Hills, Whitehall, Green Tree, Dormont and  
Monroeville, and the township of North Versailles,  
all in Allegheny County.

A-00112577  
F.2  
Am-B

Ray F. Middleman for applicant  
William A. Gray for S. & S. Taxi Co.

DOCUMENT  
FOLDER

ORDER

DOCKETED  
JAN 05 2004

**BY THE COMMISSION:**

This matter comes before the Commission on an application filed  
February 21, 2001. Public notice of the application was given in the Pennsylvania  
Bulletin of March 31, 2001. A protest was filed by S. & S. Taxi Co. The protest was  
withdrawn predicated upon our acceptance of a restrictive amendment that eliminates the

borough of White Oak and the township of North Versailles, Allegheny County, from the authority being sought by the applicant. The now unopposed application, as amended, is certified to the Commission for its decision without oral hearing. The record consists of the applicant's verified statement received November 10, 2003, and twenty-two supporting statements received on November 10, 2003.

#### DISCUSSION AND FINDINGS:

Airport Limousine Service, Inc., t/a Checker Cab (Checker or applicant) is domiciled at 36 South 6<sup>th</sup> Street, Pittsburgh, Allegheny County. It has a garage and dispatch facilities at 4001 Clairton Road, West Mifflin, Allegheny County. Checker was granted a Certificate of Public Convenience on May 21, 1996, to provide call or demand service in various boroughs and townships in Allegheny County. It also holds authority from the PUC to provide limousine and airport transfer service.

One protest was filed by S. & S. Taxi Co. It was later withdrawn predicated upon our acceptance of a restrictive amendment which eliminated the borough of White Oak and the township of North Versailles, both in Allegheny County, from the authority being sought by the applicant.

Checker is presently operating more than 20 vehicles in its call or demand service. These vehicles will be available for service in the proposed area, as amended. The vehicle are maintained and serviced at regular intervals.

The applicant has submitted a balance sheet dated August 31, 2003 showing current assets of \$1,457,611.00, tangible assets of \$1,204,835.00, current liabilities of \$965,145.00 and long term liabilities of \$1,652,628.00, leaving owners' equity of \$44,673.00.

Twenty-two supporting statements have been received from individuals residing in the proposed service area, as amended. Each one speaks of a need for call or demand service. The frequency of use varies from between 5 times per week to twice a month.

After complete review of the record, we find:

1. The applicant has the equipment, experience, and financial fitness to provide the proposed service, as amended.
2. Approval of the application, as amended, is necessary for the accommodation and convenience of the public;  
**THEREFORE,**

**IT IS ORDERED:** That the application, as amended, be and is hereby approved so that the certificate issued May 21, 1996, shall be further amended to include the following right:

To transport, as a common carrier, persons upon call or demand, in the boroughs of North Braddock, Turtle Creek, Forest Hills, Chalfant, Edgewood, Baldwin, Churchill, Brentwood, Pleasant Hills, Whitehall, Green Tree, Dormont and Monroeville, all in Allegheny County

**IT IS FURTHER ORDERED:** That the applicant shall not provide any service granted in this order until the following is submitted to the Commission:

1. Form E evidence of Bodily Injury and Property Damage Liability Insurance.
2. A tariff establishing just and reasonable rates.

**IT IS FURTHER ORDERED:** That the authority granted herein, to the extent that it duplicates authority now held by or subsequently granted to the applicant, shall not be construed as conferring more than one operating right.

**IT IS FURTHER ORDERED:** That in the event said applicant has not, on or before sixty (60) days from the date of entry of this order, complied with the requirements hereinbefore set forth, the application shall be dismissed without further proceedings.

BY THE COMMISSION,



James J. McNulty  
Secretary

(SEAL)

**ORDER ADOPTED:** December 18, 2003

**ORDER ENTERED:** DEC 29 2003

DOCKET NO. A-2014-2421548

Application of Cindy's Carriages, LLC

**APPENDIX "A-6"**

DOCUMENT  
FOLDER

PENNSYLVANIA  
PUBLIC UTILITY COMMISSION

IN THE MATTER OF THE APPLICATION OF: A-00120254

Pittsburgh Cab Company, Inc.

The Pennsylvania Public Utility Commission hereby certifies that after an investigation and/or hearing, it has, by its report and order made and entered, found and determined that the granting of the application is necessary or proper for the service, accommodation, convenience and safety of the public and hereby issues to the applicant this **CERTIFICATE OF PUBLIC CONVENIENCE** evidencing the Commission's approval to operate.

In Witness Whereof, The PENNSYLVANIA PUBLIC UTILITY COMMISSION has caused these presents to be signed and sealed, and duly attested by its Secretary at its office in the city of Harrisburg this 27<sup>th</sup> day of October, 2005.

  
Secretary

**DOCKETED**

NOV 2 2005



COMMONWEALTH OF PENNSYLVANIA  
PENNSYLVANIA PUBLIC UTILITY COMMISSION  
P.O. BOX 3265, HARRISBURG, PA 17105-3265

IN REPLY PLEASE  
REFER TO OUR  
FILE  
A-2010-2180703  
A-00120254

June 14, 2010

PITTSBURGH CAB COMPANY INC  
1825 LIVERPOOL STREET  
PITTSBURGH PA 15233

RE: A-00120254 -- Change or addition of a fictitious trade name from Pittsburgh Cab Company, Inc. to Pittsburgh Cab Company, Inc. t/a Metro Taxi.

To Whom It May Concern:

Your request for the change or addition of a fictitious trade name has been received and reviewed. It has been determined that approval shall be granted upon compliance as stated below:

**YOU ARE ADVISED THAT:**

The Certificate of Public Convenience will be changed to stand in the name of Pittsburgh Cab Company, Inc. t/a Metro Taxi upon the filing of a Form E and Tariff Adoption Supplement (contact your insurance agent/broker so that the required evidence of insurance will be filed with this Commission) containing the name of Pittsburgh Cab Company, Inc. t/a Metro Taxi.

Failure to file a Form E and Tariff Adoption Supplement containing the change of entity within sixty (60) days of the date of this letter will be deemed as dismissal of the request.

Very truly yours,

Rosemary Chiavetta,  
Secretary

RC/jrw



PENNSYLVANIA  
PUBLIC UTILITY COMMISSION  
Harrisburg, PA 17105-3265

Public Meeting held August 11, 2005

**Commissioners Present:**

Wendell F. Holland, Chairman  
James H Cawley, Vice Chairman  
Bill Shane  
Kim Pizzingrilli  
Terrance J. Fitzpatrick

Application of Pittsburgh Cab Company, Inc., a Corporation of the Commonwealth of Pennsylvania, for the transfer of the call or demand authority of Lenzner Transit, Inc., authorized under the certificates at A-00112257, Folders 1 and 2, subject to the same limitations and conditions.

A-00120254

\_\_\_\_\_  
Ray F. Middleman for the applicant.

\_\_\_\_\_  
**ORDER**

**BY THE COMMISSION:**

This matter comes before the Commission on an application filed August 23, 2003. Public notice of the application was given in the *Pennsylvania Bulletin* of November 8, 2003. No protests were filed and no hearings held. The unopposed application is certified to the Commission for its decision without oral hearing. The record consists of the application, verified statement of the applicant, and additional

information furnished by the applicant in response to a request by the Staff of the Bureau of Transportation and Safety.

**DISCUSSION AND FINDINGS:**

Pittsburgh Cab Company, Inc., (applicant), a corporation of the Commonwealth of Pennsylvania, is domiciled at 1301 Beaver Avenue, Pittsburgh, Allegheny County. James D. Campolongo, president, has many years of experience in the transportation business. He is also the sole shareholder of YC Holdings, Inc. which owns Airport Limousine Service, Inc. (A-00112577); Pittsburgh Transportation Company (A-00116130); and The Yellow Cab Company of Pittsburgh (A-00049926).

The intrastate call or demand authority is being transferred for the consideration of \$10,000.

The applicant is a new corporation and has submitted a balance sheet dated August 1, 2003 showing current assets of \$2,622,000, tangible assets of \$3,193,000, current liabilities of \$1,272,000, and long term liabilities of \$4,293,000, leaving an owner's equity of \$250,000.

The authority to be transferred has been operated by the transferor; therefore, it is presumed that there is a continuing need, which may be overcome only by evidence to the contrary. In re: Byerly, 270 A.2d 186 (Pa. 1970); Hostotter v. Pa. P.U.C., 49 A.2d 862 (Pa. Super 1947). Since the record is void of any such evidence, this presumption of continuing public need applies in this transfer proceeding.

**After complete review of the record, we find:**

1. The applicant has the experience, equipment and financial fitness to provide the proposed service.
2. Approval of the unopposed application is necessary for the continued accommodation and convenience of the public:  
**THEREFORE,**

**IT IS ORDERED:** That the unopposed application be and is hereby approved granting the following right:

To transport as a common carrier, persons upon call or demand:

1. from the Allegheny County Airport, in the township of Mifflin, Allegheny County;
2. from the Pittsburgh International Airport, in the township of Moon, Allegheny County;

3. in the city of Pittsburgh, Allegheny County;
4. in the townships of Ohio, Aleppo, McCandless, Franklin, Sewickley Heights, and Kilbuck, and the boroughs of Glenfield and Sewickley Heights, Allegheny County; and
5. in the boroughs of Bellevue, Avalon, Ben Avon, Ben Avon Heights, and Emsworth, Allegheny County;

subject to the following general conditions:

1. That the authority granted herein to the extent that it duplicates authority now held or subsequently granted to the applicant shall not be construed as conferring more than one operating right.
2. That the approval hereby given is not to be understood as committing the Commission, in any proceeding that may be brought before it for any purpose to fix a valuation on the property and/or rights to be acquired by applicant from the present certificate holder equal to the consideration to be paid therefore, or equal to any value that may be placed thereon by the applicant, or to approve or prescribe rates sufficient to yield a return thereon.
3. That the certificate holder shall not transfer, sell or in anyway convey any of its outstanding capital stock to any individual, partnership, corporation, or any other entity, without the prior filing of an application and approval thereof by the Commission under Section 1103(a)(3) of Title 66 PA C. S.

**IT IS FURTHER ORDERED:** That the applicants shall not provide any Service granted in this order until the following is submitted to the Commission:

1. Form E evidence of Bodily Injury and Property Damage Liability Insurance.
2. A tariff establishing just and reasonable rates.

**IT IS FURTHER ORDERED:** That upon compliance with the requirements herein before set forth, a certificate shall issue evidencing the Commission's approval of the right to operate as above determined.

**IT IS FURTHER ORDERED:** That in the event said applicants have not, on or before sixty (60) days from the date of entry of this order, complied with the requirements hereinbefore set forth, the application shall be dismissed without further proceedings.

**IT IS FURTHER ORDERED:** That upon compliance with the requirements of this order, the authority granted to Lenzener Transit, Inc., under the certificates issued at A-00112257, Folders 1 and 2, shall be cancelled and the records be marked closed.

**BY THE COMMISSION,**

James J. McNulty  
Secretary

(SEAL)

**ORDER ADOPTED: August 11, 2005**

**ORDER ENTERED: August 12, 2005**

DOCKET NO. A-2014-2421548

Application of Cindy's Carriages, LLC

**APPENDIX "A-7"**

PENNSYLVANIA  
PUBLIC UTILITY COMMISSION

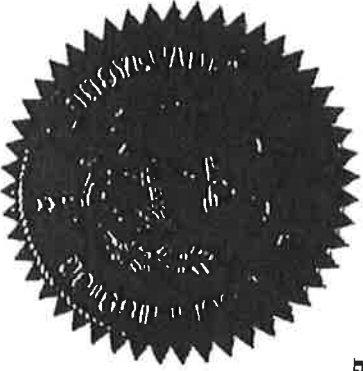
IN THE MATTER OF THE APPLICATION OF: A-6310022

*Application of Ray Roy Cab Company, LLC, a limited liability company of the Commonwealth of Pennsylvania, for the right to begin to transport, as a common carrier, by motor vehicle, persons, upon call or demand in the city of Pittsburgh, Allegheny County; which is to be a transfer of all the rights authorized under the certificate of public convenience issued at A-00120860, F. 2 to Transportation Information Enterprises, LLC, subject to the same limitations and conditions.*

A-2008-2036424

The Pennsylvania Public Utility Commission hereby certifies that after an investigation and/or hearing, it has, by its report and order made and entered, found and determined that the granting of the application is necessary or proper for the service, accommodation, convenience and safety of the public and hereby issues to the applicant this CERTIFICATE OF PUBLIC CONVENIENCE evidencing the Commission's approval to operate.

In Witness Whereof, The PENNSYLVANIA PUBLIC UTILITY COMMISSION has caused these presents to be signed and sealed, and duly attested by its Secretary at its office in the city of Harrisburg this 12<sup>th</sup> day of April, 2010.



*James J. McQuinn*  
Secretary



COMMONWEALTH OF PENNSYLVANIA  
PENNSYLVANIA PUBLIC UTILITY COMMISSION  
P.O. BOX 3265, HARRISBURG, PA 17105-3265

IN REPLY PLEASE  
REFER TO OUR FILE

April 12, 2010

A-6310022  
A-2008-2036424

RAY F MIDDLEMAN  
117 VIP DRIVE  
WEXFORD PA. 15090

Application of Ray Cab Company, LLC, a limited liability company of the Commonwealth of Pennsylvania, for the right to begin to transport, as a common carrier, by motor vehicle, persons, upon call or demand in the city of Pittsburgh, Allegheny County; which is to be a transfer of all the rights authorized under the certificate of public convenience issued at A-00120860, F. 2 to Transportation Information Enterprises, LLC, subject to the same limitations and conditions.

To Whom It May Concern:

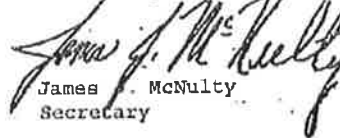
The records of the Commission show that the applicant has complied with the necessary insurance and tariff requirements.

Enclosed, is the CERTIFICATE OF PUBLIC CONVENIENCE evidencing the Commission's approval of the right to operate. Enclosed, is the CERTIFICATE OF PUBLIC CONVENIENCE evidencing the Commission's approval of the right to operate. The number on the Certificate, which is also the first A# at the top of this page, is the PA P.U.C. No. which should be used for identification markings on the vehicle(s).

Certificate holder is advised to become familiar with the requirements of 52 Pa. Code. Failure to comply with all applicable requirements may subject the carrier to penalties, including fines suspension of operating rights or cancellation of authority. Title 52 of the Pennsylvania Code may be accessed on the World Wide Web at [www.pacode.com](http://www.pacode.com).

Kindly attach the enclosures to the compliance order previously issued and mailed to you.

Very truly yours,

  
James J. McNulty  
Secretary

Jf

Certificate sent to attorney.

RAY RAY CAB COMPANY LLC  
1825 LIVERPOOL ST  
PITTSBURGH PA 15223

PENNSYLVANIA  
PUBLIC UTILITY COMMISSION  
Harrisburg, PA 17105-3265

Public Meeting held February 11, 2010

**Commissioners Present:**

**James H. Cawley, Chairman**  
**Tyrone J. Christy, Vice Chairman**  
**Kim Pizzingrilli**  
**Wayne E. Gardner**  
**Robert F. Powelson**

Application of Ray Ray Cab Company, LLC, a limited liability company of the Commonwealth of Pennsylvania, for the right to begin to transport, as a common carrier, by motor vehicle, persons, upon call or demand in the city of Pittsburgh, Allegheny County; which is to be a transfer of all the rights authorized under the certificate of public convenience issued at A-00120860, F. 2 to Transportation Information Enterprises, LLC, subject to the same limitations and conditions.

A-6310022  
A-2008-2036424

**ORDER**

**BY THE COMMISSION:**

This matter comes before the Commission on an application filed February 7, 2008. Public notice of the application was given in the *Pennsylvania Bulletin* of May 3, 2008 with protests due by May 19, 2008. Protests were filed by J.B. Taxi Service, Pettus Taxi Service and Classy Cab Company, Inc. The case was assigned to the Office of Administrative Law Judge. All protests were withdrawn by the protestants, and the case was referred back to the Bureau of Transportation and Safety on February 27, 2009 to be handled under modified procedures.

The verified statement of applicant was submitted with the initial application; however, updated information was required. This information was requested by letter dated May 15, 2009 with a due date of June 15, 2009. Applicant's attorney requested an extension to June 19, 2009 to file the verified statement and the information was received June 25, 2009. Upon review of transferor's assessment information on July 9, 2009, Commission records showed an outstanding amount. However, upon contact with the applicant, it was determined that this assessment had, in fact, been paid in January, 2009. However, additional information was required to process the application and the requested information was received January 8, 2010.

## DISCUSSION AND FINDINGS

Ray Ray Cab Company, LLC (applicant or Ray Ray) seeks to begin providing call or demand service by acquiring through transfer the call or demand right held by Transportation Information Enterprises, LLC. Ray Ray's application included the fictitious names of Peoples Cabs and Peoples Cab; however, no evidence was submitted to indicate that Ray Ray had ever applied for, and/or received approval, to use these names from the Pennsylvania Department of State. Therefore, the fictitious names of Peoples Cabs and Peoples Cab are not included at this time, but may be added at a later date, if requested. Applicant has no prior history of non-compliance with Commission regulations. Transferor has no outstanding assessments or fines at this time.

Applicant is a wholly owned subsidiary of YC Holdings, Inc. James Campolongo is the manager of Ray Ray Cab Company, LLC and is also the president of YC Holdings, Inc. He has been involved in the transportation business for more than 20 years. SuperTaxi, Inc. owns taxicab companies throughout the United States and also owns YC Holdings, Inc. which, in turn, owns the following PUC-certificated companies: Airlines Acquisition Company, Inc., Airport Limousine Service, Inc., Pittsburgh Cab Company, Inc., Pittsburgh Transportation Group Charter Services, Inc. and The Yellow Cab Company of Pittsburgh (Yellow Cab). Applicant has adequate facilities to house all of its cabs and employs the administrative services of Yellow Cab to manage all of its records. All relevant PUC records are retained on original paper copies and backed up on computer discs. Applicant's financial records will be maintained separately from other subsidiaries of YC Holdings, Inc. Requests for service are received via telephone and dispatched through mobile data terminals installed in the vehicles. Ray Ray plans to ensure that customers are aware they have reached Ray Ray Cab Company, LLC by employing a dedicated phone line staffed by dispatchers who will identify the company when answering. All forms of advertisement, including the telephone book and on the taxicabs, will contain/display this contact telephone number. Hours of operation will be 24 hours a day, 7 days a week.

Since applicant will be utilizing the administrative and vehicle maintenance resources of Yellow Cab, it will not have any employees. It intends to use four to six drivers daily. Drivers will be subject to a lease and will not be permitted to drive for any other cab company. Hiring standards require that each driver possess a valid, unsuspended Pennsylvania driver's license for at least five years. Criminal background checks are conducted by a private service. Applicant's manager will monitor the background checks and driver's license status regarding timely completion and results. Applicant has also contracted with Yellow Cab to provide driver training. Drug and alcohol use by drivers is strictly prohibited and grounds for termination.

Applicant currently has four vehicles to use in this service. Vehicles will be white with maroon lettering, which will distinguish them from any other local taxicab companies. Mechanics employed by Yellow Cab will perform monthly maintenance and repairs. Mr. Campolongo is familiar with all PUC requirements concerning taxicabs.

Financial information for Ray Ray Cab Company, LLC is incorporated into a consolidated financial statement of Veolia Environnement. Veolia Environnement, the parent company of SuperTaxi, Inc. is a foreign corporation based in France with more than 155 years of business experience. Veolia Environnement conducts worldwide operations, employs more than 319,000 employees globally, and trades on the New York Stock Exchange (VE). Veolia Environnement provides customized solutions to meet the needs of municipal and industrial customers in four complementary segments: water, environmental services, energy services, and passenger transportation. In 2008, Veolia Environnement recorded revenue of 3.62 billion Euros.

The corporation reports total current assets of \$224,208,000, total assets of \$560,992,000, and total liabilities of \$540,247,000, for total owner's equity of \$20,745,000.

The authority to be transferred has been operated by the transferor; therefore, it is presumed that there is a continuing need, which may be overcome only by evidence to the contrary. *In re: Byerly*, 270 A.2d 186 (Pa. 1970); *Hostetter v. Pa.P.U.C.*, 49 A.2d 862 (Pa. Super 1947). Since the record is void of any such evidence, this presumption of continuing public need applies in this transfer proceeding.

We advise the applicant to become familiar with the requirements of 52 Pa. Code as applicable to the operation of a common carrier as authorized by this grant of authority. Failure to comply with all applicable requirements may subject the carrier to penalties, including fines, suspension of operating rights or cancellation of authority. Title 52 of the Pennsylvania Code may be accessed at [www.pacode.com](http://www.pacode.com).

**After complete review of the record, we find:**

1. Applicant is fit, willing and able to provide the service proposed.
2. Transfer of the authority is in the public interest and is necessary for the continued accommodation and convenience of the public; **THEREFORE,**

**IT IS ORDERED:** That the application is hereby approved and that a certificate be issued granting the following right:

To transport, as a common carrier, by motor vehicle, persons, upon call or demand, in the city of Pittsburgh, Allegheny County.

subject to the following general conditions:

That the approval hereby given is not to be understood as committing the Commission, in any proceedings that may be brought before it for any purpose, to fix a valuation on the property and/or right(s) to be acquired by applicant from the present certificate holder equal to the consideration to be paid therefore, or equal

to any value that may be placed thereon by applicant, or to approve or prescribe rates sufficient to yield a return thereon.

**IT IS FURTHER ORDERED:** That the applicant shall not engage in any transportation authorized by this order until the applicant has received a certificate of public convenience from the Commission.

**IT IS FURTHER ORDERED:** That a certificate of public convenience shall not be issued until the following are submitted to the Commission and approved by the Commission:

1. Form E, as evidence of bodily injury and property damage liability insurance.
2. A tariff establishing just and reasonable rates.

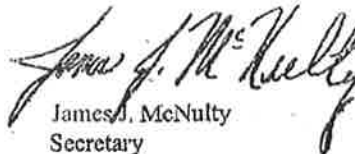
**IT IS FURTHER ORDERED:** That upon compliance with the requirements above set forth, a certificate shall issue evidencing the Commission's approval of the right to operate as above-determined.

**IT IS FURTHER ORDERED:** That the authority granted herein, to the extent that it duplicates authority now held by or subsequently granted to the applicant, shall not be construed as conferring more than one operating right.

**IT IS FURTHER ORDERED:** That in the event said applicant has not, on or before sixty (60) days from the date of entry this order, complied with the requirements hereinbefore set forth, the application shall be dismissed without further proceedings.

**IT IS FURTHER ORDERED:** That upon compliance with this order, the right granted the transferor, Transportation Information Enterprises, LLC, A-00120860, F. 2, be canceled and the record marked closed.

BY THE COMMISSION,

  
James J. McNulty  
Secretary

(SEAL)

**ORDER ADOPTED:** February 11, 2010

**ORDER ENTERED:** February 11, 2010



COMMONWEALTH OF PENNSYLVANIA  
PENNSYLVANIA PUBLIC UTILITY COMMISSION  
P.O. BOX 3265, HARRISBURG, PA 17105-3265

IN REPLY PLEASE  
REFER TO OUR FILE  
A-2010-2172015

May 12, 2010

PAUL S. GUARNIERI ESQUIRE  
MALONE MIDDLEMAN  
117 VIP DRIVE SUITE 310  
WEXFORD PA 15090

RE: A-6310022 - Change in name from Ray Ray Cab Company, LLC to Ray Ray Cab Company, LLC d/b/a Peoples Cabs.

Dear Paul S. Guarnieri, Esquire:

Your request for the change in your fictitious name has been received and reviewed. The necessary documents have been submitted. Approval is granted.

**YOU ARE ADVISED THAT:**

Your Certificate of Public Convenience has been changed to stand in the name of Ray Ray Cab Company, LLC d/b/a Peoples Cabs.

Should you desire the original Certificate of Public Convenience to be endorsed in the name of Ray Ray Cab Company, LLC d/b/a Peoples Cabs, please return your original Certificate of Public Convenience to:

PA Public Utility Commission  
Secretary's Bureau  
Order Entry/Service Section  
P.O. Box 3265  
Harrisburg, PA 17105-3265

Your original will be endorsed upon compliance and returned to you.

Very truly yours,

Rosemary Chiavetta  
Secretary

Cc: Secretary's Bureau - Docketing w/attachments  
Safety Office  
Insurance Unit w/attachments

**EXTRA COPY**



COMMONWEALTH OF PENNSYLVANIA IN REPLY PLEASE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION  
P.O. BOX 3265, HARRISBURG, PA 17105-3265

IN REPLY PLEASE  
REFER TO OUR FILE

April 18, 2012

A-6310022

RAY F MIDDLEMAN  
MALONE MIDDLEMAN  
117 VIP DRIVE SUITE 310  
WEXFORD PA 15090

Re: Change in name from Ray Ray Cab Company, LLC to Ray Ray Cab Company, LLC,  
d/b/a Pittsburgh City Cab (A-2008-2036424)

To Whom It May Concern:

The records of the Commission show that applicant has complied with the necessary requirements and the Commission's records are so noted showing the new name on the certificate of public convenience.

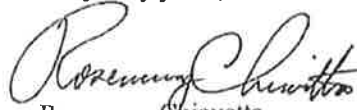
If you wish to have the original certificate changed to reflect the new name, you will have to send it to the Commission. Please send your request for an updated certificate and the original certificate to:

PA Public Utility Commission  
Secretary's Bureau  
Order Entry/Service Section  
P O Box 3265  
Harrisburg, PA 17105-3265

If you do not wish to have a different certificate, simply attach this letter to the Commission's Secretarial letter you received earlier, and keep these documents with your original certificate.

Thank you for your cooperation in this matter.

Very truly yours,

  
Rosemary Chiavetta  
Secretary

jf

DOCKET NO. A-2014-2421548

Application of Cindy's Carriages, LLC

**APPENDIX "A-8"**

49926

PENNSYLVANIA  
PUBLIC UTILITY COMMISSION

STENCED  
FORM CHECK             
RECORD CHECK             
EXAMINED AND APPROVED           

In the matter of the application of  
  
YELLOW CAB COMPANY OF PITTSBURGH

CERTIFICATE  
OF  
REGISTRATION

The Pennsylvania Public Utility Commission hereby certifies that after an investigation on the above entitled application, filed informally by letter dated September 18, 1937, and by formal application filed December 8, 1937, it finds and determines that a certificate of registration issue in the proceedings docketed at A. 49926, evidencing the rights of YELLOW CAB COMPANY OF PITTSBURGH to operate motor vehicles as a common carrier for the transportation of persons upon call and demand in the City of Pittsburgh, Allegheny County, and vicinity as follows:

That Yellow Cab Company of Pittsburgh shall operate motor vehicles as a common carrier for the transportation of persons upon call and demand within that area scribed by a circle, the radius of which shall be 10 miles and the center of which shall be the courthouse of the County of Allegheny, and within the limits of North Park of the County of Allegheny, located within Pine, McCandless and Hampton townships, Allegheny County;

and subject to the following conditions:

That the certificate holder shall comply with all the provisions of the Public Utility Law as now existing or as hereafter amended, and Bus and Taxicab Regulations, effective April 15, 1946, or as hereafter revised, and such other rules and regulations as may hereafter be prescribed by the Commission. Failure to comply shall be sufficient cause to suspend, revoke or rescind the rights and privileges conferred by the Certificate.

The Commission finds and determines that the applicant has been rendering service in the above described area continuously at least from January first, one thousand nine hundred fourteen, to date hereof, and this certificate is issued evidencing its registration as a common carrier, as above determined.

IN TESTIMONY WHEREOF, the Pennsylvania Public Utility Commission has caused these presents to be signed and sealed and duly attested by its Secretary at its office in the City of Harrisburg this 21st day of August, 1946.

PENNSYLVANIA  
PUBLIC UTILITY COMMISSION

ATT: ST:

*John S. [Signature]*  
Chairman

It appearing that the certificate holder in this proceeding has filed a petition stating that the Certificate of Registration as issued is not in the proper corporate name and that it should read "The Yellow Cab Company of Pittsburgh"

*Robertson L. [Signature]*  
Secretary

( O V E R )

DOCKET NO. A-2014-2421548

Application of Cindy's Carriages, LLC

**APPENDIX "A-9"**

UCSO-35

*Crow*  
*HAR*  
*ca*  
1952

PENNSYLVANIA  
PUBLIC UTILITY COMMISSION

A. 40926, P. 2

IN THE MATTER OF THE APPLICATION OF

YELLOW CAB COMPANY OF PITTSBURGH, a  
Corporation of the Commonwealth of  
Pennsylvania

CERTIFICATE  
OF  
PUBLIC CONVENIENCE

The Pennsylvania Public Utility Commission hereby certifies that after an investigation and/or hearing had on the above entitled application, it has, by its report and order made and entered, a copy of which is attached hereto and made a part hereof, found and determined that the granting of said application is necessary or proper for the service, accommodation, convenience and safety of the public, and this certificate is issued evidencing its approval of the said application as set forth in said report and order.

In Testimony Whereof, The PENNSYLVANIA PUBLIC UTILITY COMMISSION has caused these presents to be signed and sealed, and duly attested by its Secretary at its office in the city of Harrisburg this 13th day of June, 1952.

PENNSYLVANIA  
PUBLIC UTILITY COMMISSION

Attest:

*Harold A. Lewis*  
Chairman

*J. E. Walter*  
Secretary

RECEIVED  
PUBLIC UTILITY COMMISSION  
JUN 13 1952

RECEIVED  
FOLD

STENCH.  
MAY 16 1952

PENNSYLVANIA  
PUBLIC UTILITY COMMISSION

Application Docket No. 49926  
Folder 2

Application of YELLOW CAB COMPANY OF PITTSBURGH,  
a corporation of the Commonwealth of Pennsylvania

REPORT AND ORDER  
APPROVING PASSENGER SERVICE

BY THE COMMISSION:

This matter being before the Pennsylvania Public Utility Commission upon application of YELLOW CAB COMPANY OF PITTSBURGH, a corporation of the Commonwealth of Pennsylvania, dated November 15, 1951, to operate motor vehicles as a common carrier, and upon protests, and having been duly heard and submitted by the parties, and full investigation of the matters and things involved having been had, the Commission finds and determines that approval of the application, limited to the following right:

To transport, as a common carrier, persons upon call or demand from the Greater Pittsburgh Airport in the Township of Moon, Allegheny County;

and subject to the following condition, is necessary or proper for the service, accommodation or convenience of the public:

That the certificate holder shall comply with all the provisions of the Public Utility Law as now existing or as may hereafter be amended, and Bus and Taxicab Regulations, effective April 15, 1946, or as may hereafter be revised, and any other rules and regulations as may hereafter be prescribed by the Commission. Failure to comply shall be sufficient cause to suspend, revoke or rescind the rights and privileges conferred by the certificate.

NOW, to wit, May 12, 1952, IT IS ORDERED: That upon compliance with all requirements of the Public Utility Law relative to tariff and with the rules and regulations promulgated by the Commission thereunder, a certificate of public convenience issue evidencing the Commission's approval of the right to operate, as above determined.

IT IS FURTHER ORDERED: That in the event said applicant has not, on or before thirty days from the date of the service of this order, complied with the requirements hereinbefore set forth, the application shall be dismissed without further proceedings.

ATTEST:

*Joe Walter*  
Secretary

PENNSYLVANIA  
PUBLIC UTILITY COMMISSION  
MAY 16 1952

PENNSYLVANIA  
PUBLIC UTILITY COMMISSION

*Harold P. Scragg*  
Chairman

DOCKET NO. A-2014-2421548

Application of Cindy's Carriages, LLC

**APPENDIX "A-10"**

and Approved

PENNSYLVANIA  
PUBLIC UTILITY COMMISSION

A. 49926  
Folder 5

IN THE MATTER OF THE APPLICATION OF

THE YELLOW CAB COMPANY OF PITTSBURGH, a  
corporation of the Commonwealth of  
Pennsylvania

CERTIFICATE  
OF  
PUBLIC CONVENIENCE

The Pennsylvania Public Utility Commission hereby certifies that after an investigation and/or hearing had on the above entitled application, it has, by its report and order made and entered, a copy of which is attached hereto and made a part hereof, found and determined that the granting of said application is necessary or proper for the service, accommodation, convenience and safety of the public, and this certificate is issued evidencing its approval of the said application as set forth in said report and order.

In Testimony Whereof, The PENNSYLVANIA PUBLIC UTILITY COMMISSION has caused these presents to be signed and sealed, and duly attested by its Secretary at its office in the city of Harrisburg this 23rd day of October, 1969.

PENNSYLVANIA  
PUBLIC UTILITY COMMISSION

Attest:

*George L. Bloom*

Chairman

*John L. ...*

Secretary

RECORD  
FOLDER

DOCKETED  
APPLICATION DOCKET  
OCT 24 1969  
ENTRY No. *2*

PENNSYLVANIA  
PUBLIC UTILITY COMMISSION

Examined and Approved

Application Docket No. 49926  
Folder 5

Application of THE YELLOW CAB COMPANY OF  
PITTSBURGH, a corporation of the Commonwealth  
of Pennsylvania

REPORT AND ORDER  
APPROVING PASSENGER SERVICE

BY THE COMMISSION:

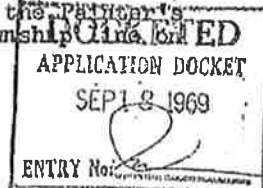
This matter being before the Pennsylvania Public Utility Commission upon application of THE YELLOW CAB COMPANY OF PITTSBURGH, a corporation of the Commonwealth of Pennsylvania, dated May 29, 1969, to operate motor vehicles as a common carrier, and having been duly presented in accordance with the rules of the Commission, and full investigation of the matters and things involved having been had, and it appearing that the rights granted herein are in effect a transfer of the rights which have been held by EDWARD D. WOLF AND GEORGE H. WOLF, trading and doing business as BRIDGEVILLE TAXI SERVICE, under report and order issued at A. 78448 on March 31, 1952 and the certificate of public convenience issued thereunder, which certificate will be subsequently cancelled as of the date of this order, upon compliance with the tariff requirements of the Commission by THE YELLOW CAB COMPANY OF PITTSBURGH, a corporation of the Commonwealth of Pennsylvania, the Commission finds and determines that approval of the application, limited to the following rights:

To transport, as a common carrier, persons upon call or demand in those portions of Upper St. Clair Township, Allegheny County, bounded and described as follows:

Beginning at a point on Painter's Run Road where the borough line of Bridgeville intersects the township line of Upper St. Clair Township; thence northeastwardly along Painter's Run Road to the village of Beadling; thence southwardly by State Highway Route 02050 to the Bridgeville Clifton Road; thence southeastwardly by the Clifton-Bridgeville Road to State Highway Route 052; thence southwestwardly by State Highway Route 052 to State Highway Route 054; thence southeasterly by State Highway Route 054 to an unnumbered road known as the Morton Road, thence southwardly by the Morton Road to State Highway Route 02046; thence westwardly by State Highway Route 02046 to the South Fayette Township line; thence northwardly by the South Fayette Township line to the Bridgeville Borough line at the place of beginning.

All that territory situated between the Painter's Run Road and the Upper St. Clair Township line to the north and northwest.

RECORD  
FOLDER



To transport, as a common carrier, persons upon call or demand in that portion of Scott Township, Allegheny County, bounded and described as follows:

Beginning at a point on Painter's Run Road where the township line of Upper St. Clair and Scott intersect; thence northwardly by Painter's Run Road to Vanadium Road in the Rockhill Plan; thence on northwardly by Vanadium Road to Bower Hill; and thence southwardly to the dividing line between Scott and Collier Township; thence northeastwardly in part by the dividing line between Collier and Scott Townships and in part by the dividing line between Upper St. Clair Township and Scott Township to the place of beginning.

To transport, as a common carrier, persons upon call or demand in that portion of Cecil Township, Washington County, bounded and described as follows:

Within a radius of five hundred (500) feet of the First National Bank in Cecil as the same is now located on the East, South and West Sides thereof, and within a radius of five hundred (500) feet of State Highway Route No. 28 north of the said bank extending to the Allegheny County line.

To transport, as a common carrier, persons upon call or demand in the townships of South Fayette and Collier, Allegheny County.

To transport, as a common carrier, persons upon call or demand in the borough of Bridgeville, Allegheny County;

and subject to the following conditions is necessary or proper for the service, accommodation or convenience of the public:

FIRST: That the approval hereby given is not to be understood as committing the Commission, in any proceedings that may be brought before it for any purpose, to fix a valuation on the rights to be acquired by applicant from the present certificate holder equal to the consideration to be paid therefor, or equal to any value that may be placed thereon by applicant, or to approve or prescribe rates sufficient to yield a return thereon.

SECOND: That applicant shall not record in its utility accounts any amount representing the rights herein granted, in excess of the actual cost of such rights to the original holder thereof.

THIRD: That the applicant charge to Account #1550, Other Intangible Property, \$6,000, being the amount of the consideration payable by it for the rights and going concern value attributable thereto, less any amount recorded under condition 2 above;

FOURTH: That the certificate holder shall comply with all the provisions of the Public Utility Law as now existing or as may hereafter be amended, and Bus and Taxicab Regulations effective April 15, 1946, or as may hereafter be revised, and any other rules and regulations as may hereafter be prescribed by the Commission. Failure to comply shall be sufficient cause to suspend, revoke or rescind the rights and privileges conferred by the certificate.

NOW, to wit, September 9, 1969, IT IS ORDERED: That upon compliance with the requirements of the Public Utility Law relating to the filing and acceptance of a tariff establishing just and reasonable rates, a certificate of public convenience issue evidencing the Commission's approval of the right to operate as above determined.

IT IS FURTHER ORDERED: That in the event said applicant has not, on or before thirty days from the date of the service of this order, complied with the requirements hereinbefore set forth, the application shall be dismissed without further proceedings.

PENNSYLVANIA  
PUBLIC UTILITY COMMISSION

ATTEST:

*George Blum*

*J. Reinhard*

Chairman

Secretary

DOCKET NO. A-2014-2421548

Application of Cindy's Carriages, LLC

**APPENDIX "A-11"**

PENNSYLVANIA  
PUBLIC UTILITY COMMISSION  
Harrisburg, PA 17120

Public Meeting held March 12, 1982

Commissioners Present:

Susan M. Shanaman, Chairman  
Michael Johnson  
James H. Cawley  
Linda C. Taliaferro  
Clifford L. Jones

Application of The Yellow Cab Company  
of Pittsburgh for amendment to permit  
the transportation of persons upon call  
or demand in the Borough of Coraopolis,  
the Townships of Moon, Crescent, Robinson  
and Findlay, Allegheny County.

A. 49926,  
F.5, Am-A

O R D E R

BY THE COMMISSION:

We adopt as our action the Bench Decision of Administrative Law Judge  
Clements dated December 24, 1981; THEREFORE,

IT IS ORDERED:

1. That the application of The Yellow Cab Company of Pittsburgh at  
A. 49926 be and is hereby approved and that the certificate issued to applicant  
at A. 49926, F.5 on October 23, 1969, as amended, be further amended to include  
the following rights:

To transport, as a common carrier, by motor vehicle, persons  
upon call or demand in the Borough of Coraopolis, Allegheny  
County, the Townships of Moon, Crescent and Robinson, Allegheny  
County, and the Township of Findlay, Allegheny County.

2. That the applicant shall not engage in any transportation granted  
herein until it shall have complied with the requirements of the Public Utility  
Code and the rules and regulations of this Commission relative to the filing and  
acceptance of a tariff establishing just and reasonable rates.

3. That the authority granted herein, to the extent that it duplicates  
authority now held by or subsequently granted to the carrier, shall not be construed  
as conferring more than one operating right.

4. That in the event said applicant has not, on or before sixty (60)  
days from the date of service of this order complied with the requirements set

DOCKETED

MAR 22 1982

AB

Forth above, the application shall be dismissed without further proceedings.

BY THE COMMISSION,



Jerry Rich  
Secretary

(SEAL)

ORDER ADOPTED: March 12, 1982

ORDER ENTERED: MAR 10 1982

DOCKET NO. A-2014-2421548

Application of Cindy's Carriages, LLC

**APPENDIX "A-12"**

PENNSYLVANIA  
PUBLIC UTILITY COMMISSION  
Harrisburg, PA 17105-3265

Public Meeting held December 3, 1998

Commissioners Present:

John M. Quain, Chairman  
Robert K. Bloom, Vice Chairman  
David W. Rolka  
Nora Mead Brownell  
Aaron Wilson, Jr.

Application of Yellow Cab Company of Pittsburgh for an amendment to its certificate of public convenience SO AS TO PERMIT: the transportation of persons, upon call or demand, (1) in the Boroughs of East Pittsburgh, Forest Hills, Monroeville, East McKeesport, Chalfont, Church Hill, Plum, Turtlecreek, Wilmerding, Wall, Pitcairn, North Braddock, and the Townships of Wilkins and Penn Hills, Allegheny County, and in the Borough of Export, Westmoreland County, and within an airline distance of five (5) statute miles of the Borough of Export; (2) in the cities of New Kensington, Arnold and Lower Burrell, Westmoreland County; and (3) in the Boroughs of Tarentum, Brackenridge, Oakmont, Springdale, Cheswick, and the Townships of East Deer, Frazier, Fawn, Harmar, Harrison, Indiana, and Springdale, Allegheny County.

A-00049926  
F0006  
Am-B

**OPINION AND ORDER**

**BY THE COMMISSION:**

Before the Commission for consideration is the Petition for Reconsideration (Petition) of our November 5, 1998 Order in the above-captioned proceeding. The Petition was filed by Legg Transportation (Legg) on November 17, 1998.

## Discussion

The Public Utility Code establishes a party's right to seek relief following the issuance of our final decisions pursuant to Subsections 703(f) and (g) of the Public Utility Code, 66 Pa. C.S. §703(f) and (g), relating to rehearings, rescission and amendment of orders. Such requests for relief must be consistent with Section 5.572(b) of our Regulations, 52 Pa. Code §5.572(b), relating to petitions for relief following the issuance of a final decision. The standards for a petition for relief following a final decision were addressed in *Duick v. PG&W*, 56 Pa. PUC 553 (1982), (*Duick*).

*Duick* held that a petition for rehearing under Subsection 703(f) of the Public Utility Code must allege newly discovered evidence not discoverable through the exercise of due diligence prior to the close of the record. (*Duick*, p. 558). A petition for reconsideration under Subsection 703(g), however, may properly raise any matter designed to convince us that we should exercise our discretion to amend or rescind a prior Order, in whole or in part. Furthermore, such petitions are likely to succeed only when they raise "new and novel arguments" not previously heard or considerations which appear to have been overlooked or not addressed by us. (*Duick*, p. 559). *AT&T v. Pa. PUC*, 568 A.2d 1362 (Pa. Cmwlth Ct. 1990), further elucidated the standards for rehearing, reconsideration, revision, or rescission.

The authority originally sought by the Applicant was as follows:

Persons, upon call or demand, (1) in the boroughs of East Pittsburgh, Forest Hills, Monroeville, East McKeesport, Chalfont, Churchill, Plum, Turtlecreek, Wilmerding, Wall, Pitcairn, North Braddock, and the townships of Wilkins and Penn Hills, Allegheny County, and in the borough of Export, Westmoreland County, and within an airline distance of five (5) statute miles of the borough of Export; (2) in the cities of New Kensington, Arnold and Lower Burrell, Westmoreland County; and (3) in the boroughs of Tarentum,

However, our November 5 Order did not accurately incorporate the terms of that Amendment. We shall, accordingly, amend our November 5 Order in order to properly reflect the terms of the Second Revised Restrictive Amendment. The correct language will be found in Ordering Paragraph No. 2 of this Opinion and Order.

We have inadvertently overlooked and failed to reflect the terms of the Second Revised Restrictive Amendment, upon which was premised the withdrawal of Legg's Protest to the subject Application. Accordingly, we shall grant the instant Petition, and we shall also make the necessary modifications to our Order entered herein on November 5, 1998; **THEREFORE,**

**IT IS ORDERED:**

1. That the Petition for Reconsideration filed by Legg Transportation on November 17, 1998, relative to the Order entered herein on November 5, 1998, is granted, consistent with this Opinion and Order.

2. That the Application of Yellow Cab Company of Pittsburgh, as amended, is hereby approved, and that the Certificate issued on January 12, 1978, as amended, be further amended to include the following right:

To transport, as a common carrier, by motor vehicle, persons upon call or demand: (1) in the boroughs of Monroeville and North Braddock, Allegheny County; (2) in the cities of New Kensington, Arnold and Lower Burrell, Westmoreland County, and (3) in the boroughs of Tarentum, Brackenridge, Springdale, Cheswick, and the townships of East Deer, Frazier, Fawn, Harmar, Harrison, Indiana and Springdale, Allegheny County.

subject to the following conditions:

DOCKET NO. A-2014-2421548

Application of Cindy's Carriages, LLC

**APPENDIX "A-13"**

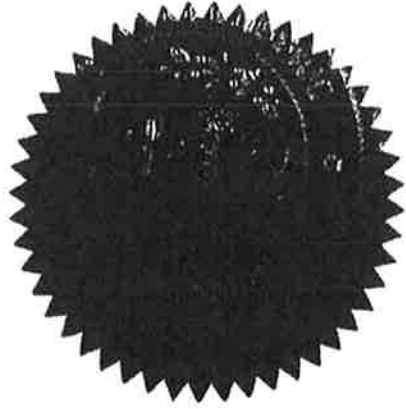
# PENNSYLVANIA PUBLIC UTILITY COMMISSION

IN THE MATTER OF : A-2010-2189197

Application of The Yellow Cab Company of Pittsburgh, a corporation of the Commonwealth of Pennsylvania, for an amendment to its common carrier certificate, which grants the right, to transport, as a common carrier, by motor vehicle, persons upon call or demand, in the Borough of Coraopolis, Allegheny County, the Townships of Moon, Crescent and Robinson, Allegheny County, and the Township of Findlay, Allegheny County, *inter alia*: **SO AS TO PERMIT** the transportation of persons upon call or demand service in: (1) the Boroughs of Mars and Seven Fields, Butler County; (2) the Townships of Adams and Cranberry, Butler County; (3) the Townships of Marshall and Pine, Allegheny County; and (4) the Boroughs of Bradford Woods and Franklin Park, Allegheny County.

**EFFECTIVE DATE: April 26, 2012**

The Pennsylvania Public Utility Commission hereby certifies that after an investigation and/or hearing, it has, by its report and order made and entered, found and determined that the granting of the application is necessary or proper for the service, accommodation, convenience and safety of the public and hereby issues to the applicant this **CERTIFICATE OF PUBLIC CONVENIENCE** evidencing the Commission's approval to operate.



In Witness Whereof, The PENNSYLVANIA PUBLIC UTILITY COMMISSION has caused these presents to be signed and sealed, and duly attested by its Secretary at its office in the city of Harrisburg this 26<sup>TH</sup> DAY OF APRIL 2012.

A handwritten signature in cursive script, reading "Rosemary Chinitz".

Secretary



COMMONWEALTH OF PENNSYLVANIA  
PENNSYLVANIA PUBLIC UTILITY COMMISSION  
P.O. BOX 3265, HARRISBURG, PA 17105-3265

April 26, 2012

11287

IN REPLY PLEASE  
REFER TO OUR FILE

A-2010-2189197

RAY F MIDDLEMAN ESQUIRE  
NORTHRIDGE OFFICE PLAZA  
117 VIP DRIVE  
SUITE 310  
WEXFORD PA 15090

Application of The Yellow Cab Company of Pittsburgh, a corporation of the Commonwealth of Pennsylvania, for an amendment to its common carrier certificate, which grants the right, to transport, as a common carrier, by motor vehicle, persons upon call or demand, in the Borough of Coraopolis, Allegheny County, the Townships of Moon, Crescent and Robinson, Allegheny County, and the Township of Findlay, Allegheny County, *inter alia*: **SO AS TO PERMIT** the transportation of persons upon call or demand service in: (1) the Boroughs of Mars and Seven Fields, Butler County; (2) the Townships of Adams and Cranberry, Butler County; (3) the Townships of Marshall and Pine, Allegheny County; and (4) the Boroughs of Bradford Woods and Franklin Park, Allegheny County.

To Whom It May Concern:

The records of the Commission show that the applicant has complied with the necessary requirements.

Enclosed, is the CERTIFICATE OF PUBLIC CONVENIENCE evidencing the Commission's approval of the right to operate. The number on the Certificate, which is also the first A# at the top of this page, is the PA P.U.C. No. which should be used for identification markings on the vehicle(s).

Certificate holder is advised to become familiar with the requirements of 52 Pa. Code. Failure to comply with all applicable requirements may subject the carrier to penalties, including fines suspension of operating rights or cancellation of authority. Title 52 of the Pennsylvania Code may be accessed on the World Wide Web at [www.pacode.com](http://www.pacode.com).

Kindly attach the enclosures to the compliance order previously issued and mailed to you.

Very truly yours,

Rosemary Chiavetta  
Secretary

**CERTIFICATE OF SERVICE**

I hereby certify that I have, this day served a true copy of the foregoing document upon the parties, listed below, in accordance with the requirements of § 1.54 (relating to service by a party):

Charles Shealey, t/a Uptown Taxi  
927 Oranmore Street  
Pittsburgh, PA 15201

Dated this 9<sup>th</sup> day of January 2014

A handwritten signature in black ink, appearing to read "Paul S. Guarnieri", is written over a horizontal line.

Paul S. Guarnieri Esquire  
Counsel for Protestants

**CERTIFICATE OF SERVICE**

I hereby certify that I have, this day served a true copy of the foregoing document upon the parties, listed below, in accordance with the requirements of § 1.54 (relating to service by a party):

Cindy's Carriages, LLC  
11 Sunridge Drive  
Coraopolis, PA 15108

Dated this 15<sup>th</sup> day of July 2014



---

Paul S. Guarnieri Esquire  
Counsel for Protestants