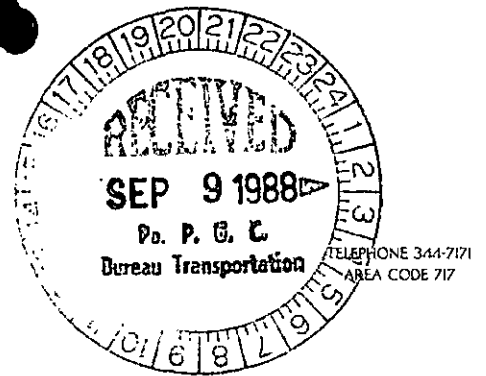


HUGHES & NICHOLLS  
ATTORNEYS AT LAW  
SUITE 603 ELECTRIC BUILDING  
507 LINDEN STREET  
SCRANTON, PENNSYLVANIA 18503

W. BOYD HUGHES  
ALBERT E. NICHOLLS, JR.  
BARBARA J. OHARA



September 6, 1988

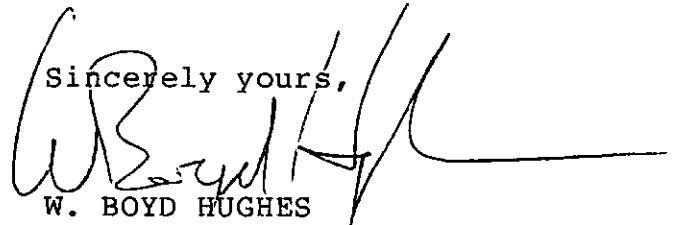
Mr. Jerry Rich, Secretary  
Pa Public Utility Commission  
P.O. Box 3265  
Harrisburg, Pa. 17120

RE: Application of James Danielewicz  
t/d/b/a Limousines For Less  
A-00108292

Dear Secretary Rich:

Enclosed herewith are an original and two (2) copies of a protest being filed to the above-captioned application by Pocono Limousine Service.

After filing the above-captioned protest, kindly serve all notices on me as attorney for the Protestant.

Sincerely yours,  
  
W. BOYD HUGHES

WBH/jm  
encl:

DOCUMENT  
FOLDER

RECEIVED

SEP 9 1988

SECRETARYS OFFICE  
Public Utility Commission

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SEP 9 1988

SECRETARYS OFFICE  
Public Utility Commission

BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION

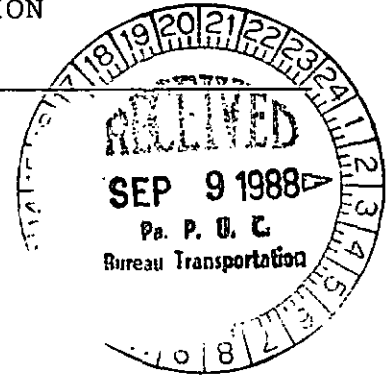
IN RE:

APPLICATION OF

JAMES DANIELEWICZ, t/d/b/a

LIMOUSINES FOR LESS

A-00108292



PROTEST ON BEHALF OF  
POCONO LIMOUSINE SERVICE, INC.

Due: September 12, 1988

W. Boyd Hughes, Esquire  
Hughes & Nicholls  
603 Electric Building  
Scranton, PA 18503  
717/344-7171

DOCUMENT  
FOLDER

DOCKETED  
APPLICATION DOCKET  
SEP 9 1988  
ENTRY No.

BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION

---

IN RE:

APPLICATION OF

JAMES DANIELEWICZ, t/d/b/a

LIMOUSINES FOR LESS

A-00108292

---

PROTEST ON BEHALF OF

POCONO LIMOUSINE SERVICE, INC.

AND NOW, comes Pocono Limousine Service, Inc. and protests this application representing as follows:

1. The name, business address and telephone number of the protestant are as follows:

Pocono Limousine Service, Inc.  
P.O. Box 340  
Mount Pocono, Pa. 18344  
717/839-2111

2. The name, business address and telephone number of the protestant's attorney are as follows:

W. Boyd Hughes, Esquire  
Hughes & Nicholls  
603 Electric Building  
Scranton, PA 18503  
717/344-7171

3. The authority sought by applicant is attached as Appendix "A".

4. The protestant possesses authority under Commission Docket No. A.103841, F. 2. A copy of said pertinent authority is attached hereto as Appendix "B".

5. The application will become competitive with and detrimental to existing services of Pocono Limousine Service, Inc., Protestant owns or has access to a full range of vehicles for the transportation of persons within the certificated area, Appendix "B", sought by applicant, has satisfactory maintenance facilities, skilled and experienced drivers and other employees.

6. Attached hereto as Appendix "C" is a suggested Restrictive Amendment which, if accepted by the Commission, will result in the withdrawal of the protest of the above-named carrier.

7. Protestant is holding out to perform service within the scope of this application, and the diversion of revenues presently being enjoyed by protestant would be detrimental and destructive of the public interest. Approval of this application is not necessary or proper for the service, accomodation, convenience or safety of the public in view of the existing and adequate services of protestant and other carriers.

8. This protest also goes to applicant's fitness.

WHEREFORE, Pocono Limousine Service, Inc., prays that this application be dismissed.

AND, it will ever pray.

POCONO LIMOUSINE SERVICE, INC.

By: 

W. BOYD HUGHES

Attorney for Protestant

A-00108292. James Danielewicz, t/d/b/a Limousines for Less (315 Clermont Avenue, Stroudsburg, Monroe County, Pa. 18360)—persons, in limousine service, between points in the borough of Stroudsburg, Monroe County, and within an airline distance of 60 statute miles of the limits thereof. *Attorney*: Salvatore P. J. Vito, 45 North Seventh Street, Stroudsburg, Pa. 18360.

APPENDIX "A"

PENNSYLVANIA  
PUBLIC UTILITY COMMISSION  
Harrisburg, PA 17120

Public Meeting held August 27, 1982

Commissioners Present:

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

Application of Pocono Limousine Service, Inc.,  
a corporation of the Commonwealth of Pennsylvania,  
for the right to begin to transport, as a common  
carrier, by motor vehicle, persons, in luxury  
limousine service, in vehicles, with a seating  
capacity of ten (10) passengers or less, excluding  
the driver, between points in the county of  
Monroe, and within an airline distance of five  
(5) statute miles of the limits thereof, and from  
points in said territory, to points in Pennsyl-  
vania, and vice versa.

A-00103841  
F. 2

---

Hughes, Nichols & Moran by W. Boyd Hughes for the applicant.

---

O R D E R

BY THE COMMISSION:

This matter comes before the Commission on an application filed April 19, 1982. Public notice of the application was given in the Pennsylvania Bulletin of May 8, 1982. Additional public notice was given in the Pocono Record, Monroe County, a newspaper of general circulation within the area sought by the instant application. No protests have been filed.

The application is unopposed and the record is certified to the Commission without an oral hearing. The record consists of verified statements submitted by the applicant and seven supporting parties.

James E. DeJoice, secretary-treasurer of the Pocono Limousine Service, Inc. (applicant), Box 250, Bartonsville, Monroe County, states that he is thoroughly familiar with the day-to-day operations of the applicant and that he is authorized to provide the following information in support of the application. The applicant is currently certificated at Folder 1 to provide call or demand service in approximately 50 percent of the area of Monroe County.

DISCUSSION AND FINDINGS

By the instant application, the applicant seeks to institute a luxury limousine service, between points in the county of Monroe, and from said points to points in Pennsylvania, and vice versa. Transportation to be provided in luxury limousines having a seating capacity of ten (10) passengers or less, excluding the driver.

The applicant in this proceeding currently provides call or demand service in a large portion of Monroe County. While operating said service, it has come to the applicant's attention that there exists a public need for a luxury limousine service within the application area. The applicant currently possesses two late-model automobiles, a Cadillac and a Lincoln, with which the proposed service will be provided.

It has been indicated by the supporting witnesses that there is no luxury limousine service available to vacationers utilizing facilities located in the area of the Pocono Mountains. Many guests of hotels and lodges travel to the Poconos by a combination of air and surface transportation. The surface transportation appears to lack the amenities desired by persons who would utilize the proposed luxury limousine service. It is evident from the evidence presented that there exists a definite need for the proposed service, and that the applicant is capable of meeting said need.

We find:

1. That the applicant possesses the necessary equipment, experience and fitness to provide the proposed transportation.
2. That the applicant has met its statutory burden of demonstrating that a public need exists for the proposed transportation.
3. That approval of the application will be an accommodation and convenience to the public; THEREFORE,

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

To transport, as a common carrier, by motor vehicle, persons, in luxury limousine service, in vehicles with a seating capacity of ten (10) passengers or less, excluding the driver, between points in the county of Monroe, and within an airline distance of five (5) statute miles of the limits thereof, and from points in said territory, to points in Pennsylvania, and vice versa.

subject to the following condition:

The applicant shall comply with Title 52,  
Pa. Code §29.332.

IT IS FURTHER ORDERED: That the applicant shall not engage in any transportation granted herein until it shall have complied with the requirements of the Pennsylvania Public Utility Law 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 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 hereinbefore set forth, the application shall be dismissed without further proceedings.

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.

BY THE COMMISSION,

A handwritten signature in cursive script, appearing to read "Jerry Rich". The signature is written in dark ink and is positioned above the printed name and title.

Jerry Rich  
Secretary

(SEAL)

ORDER ADOPTED: August 27, 1982

ORDER ENTERED: SEP 15 1982

PROPOSED RESTRICTIVE AMENDMENT

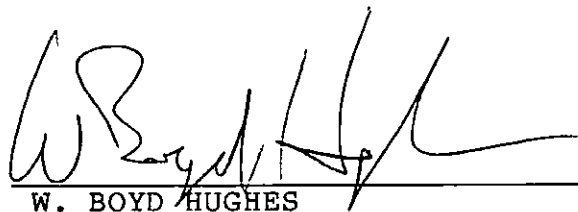
The only amendment which will satisfy the protestant is the exclusion of all conflicting authority from the application as submitted.

Appendix "C"

CERTIFICATE OF SERVICE

I hereby certify that I have this day served a copy of the foregoing document upon the Applicant, James Danielewicz, t/d/b/a, Limousines For Less, 315 Clearmont Avenue, Stroudsburg, Pennsylvania, 18360, and Applicants Attorney, Salvatore P.J. Vito, 45 North 7th Street, Stroudsburg, Pennsylvania 18360, by United States Mail, postage pre-paid.

Dated: September 6, 1988

  
W. BOYD HUGHES

LAW OFFICES

GREENSTEIN, GORELICK, PRICE & SILVERMAN

900 TWO PENN CENTER PLAZA

PHILADELPHIA, PA 19102

215-564-3880

FAX 215-636-0309

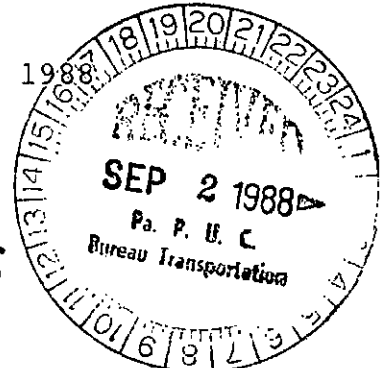
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SEP 2 1988

SECRETARYS OFFICE  
Public Utility Commission

RICHARD T. MULCAHEY, JR.

August 31, 1988



FILE

Pennsylvania Public Utility Commission  
P.O. Box 3265  
Harrisburg, Pennsylvania 17120

Attention: Jerry Rich, Secretary

Re: Application of James Danielewicz t/d/b/a  
Limosines For Less PUC Docket No.A-00108292

Dear Mr. Rich:

Kindly be advised that this office represents The House Scene, Inc. t/d/b/a Top Hat Chauffeur Limousine Service with regard to the above captioned matter.

Enclosed herein is a Protest to the Application, copies of which have been served upon the Applicant pursuant to the Certificate of Service attached thereto.

Kindly acknowledge receipt of the enclosures by signing the copy of this letter and returning it to the attention of the undersigned in the envelope provided.

Very truly yours,

RICHARD T. MULCAHEY, JR.

RTM:sr  
Enclosures

cc: The House Scene, Inc.  
All Parties of Record

DOCUMENT  
FOLDER

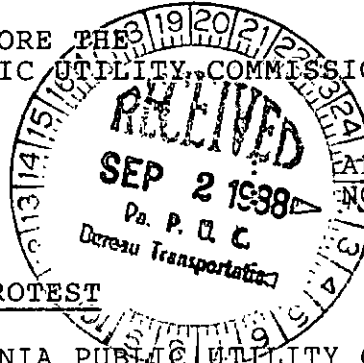
RECEIVED

SEP 2 1988

SECRETARYS OFFICE  
Public Utility Commission

BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION

IN RE: APPLICATION OF  
JAMES DANIELEWICZ, t/d/b/a  
LIMOUSINES FOR LESS



APPLICATION DOCKET  
NO. A-00108292

PROTEST

FILE

TO THE HONORABLE, THE PENNSYLVANIA PUBLIC UTILITY COMMISSION:

AND NOW, comes The House Scene, Inc. t/d/b/a Top Hat Chauffeured Limousine Service, (Protestant herein), by its attorneys, Richard T. Mulcahey, Jr., Esquire, Greenstein, Gorelick, Price & Silverman, and files its Protest to the instant Application and respectfully represents that:

1. The name, address and telephone number of the Protestant are:

The House Scene, Inc.  
t/d/b/a Top Hat Chauffeured Limousine Service  
R.D. 1, Box 205  
Greenview Drive  
Saylorsburg, PA 18353  
(717) 992-LIMO

2. The name, address and telephone number of the Protestant's attorneys are:

Richard T. Mulcahey, Jr., Esquires  
Greenstein, Gorelick, Price & Silverman  
900 Two Penn Center Plaza  
Philadelphia, PA 19102  
(215) 564-3880

DOCUMENT  
FOLDER

DOCKETED  
APPLICATION DOCKET  
SEP 6 1988  
ENTRY No.

3. Protestant is certificated by Your Honorable Commission at application docket No. A-00107980. A copy of the relevant portions of the Protestant's authority upon which its Protest is herein predicated is attached hereto as Exhibit "A" and incorporated by reference herein.

4. Applicant has not demonstrated its fitness to be granted a Certificate of Public Convenience by Your Honorable Commission.

5. Approval of the Application would create new and unwarranted competition to the detriment of Protestant and ultimately the public, tending to deprive Protestant of customers and to divert revenues from it which are essential to the maintenance of an adequate transportation system responsive to the needs of the public.

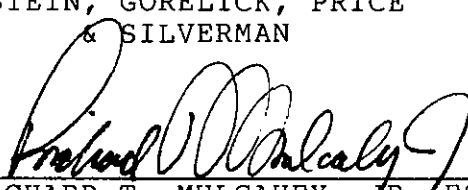
6. Approval of the Application would be contrary to the accommodation, convenience, service and safety of the public.

7. At the present time, there is no amendment to which Protestant is agreeable or would result in the withdrawal of the Protest.

Respectfully submitted,

GREENSTEIN, GORELICK, PRICE  
& SILVERMAN

BY:

  
RICHARD T. MULCAHEY, JR. ESQUIRE  
Attorney for Protestant

THE HOUSE SCENE, INC., t/d/b/a  
TOP HAT CHAUFFEUR LIMOUSINE SERVICE

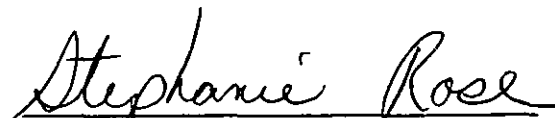
Persons in limousine service between points in the Counties of Carbon, Lehigh, Monroe, Northampton, Pike, Schulykill and Wayne and from points in said counties to points in Pennsylvania and return subject to the following conditions:

1. The service to be provided herein is subject to the conditions described at 52 Pa. Code §§29.13(4) and 29.332 through 29.334.
2. Provided, however, that no right, power or privilege be granted to Applicant to provide transportation originating from Schulykill, Wayne and Pike Counties.
3. Provided, however, that no right, power or privilege be granted to Applicant to provide transportation in Monroe County.

EXHIBIT "A"

CERTIFICATE OF SERVICE

I, Stephanie Rose, hereby certify that on August 31, 1988, I forwarded by regular mail, postage prepaid, one copy of the Protest filed on behalf of The House Scene, Inc. t/d/b/a Top Hat Chauffeur Limousine Service to the Applicant, James Danielewicz, t/d/b/a, Limousines For Less, 315 Clermont Avenue, Stroudsburg, Monroe County Pennsylvania 18360 and Applicant's attorney Salvatore P.J. Vito, 45 North Seventh Street, Stroudsburg, Pennsylvania 18360.

  
STEPHANIE ROSE

August 17, 1988

IN REPLY PLEASE  
REFER TO OUR FILE

Salvatore P.J. Vito  
Attorney at Law  
45 North 7th Street  
Stroudsburg, PA 18360

In re: A-00108292 - Application of James Danielewicz, t/d/b/a  
Limousines for Less.

Dear Sir:

Referring to the application docketed to the above number, you are advised that it has been captioned as attached and will be submitted for review provided no protests are filed on or before September 12, 1988. If protests are filed, you will be advised as to further procedure in the matter.

It will, however, be necessary to publish notice of the application following the form enclosed, marked "Form of Newspaper Publication of No Hearing", in a newspaper of general circulation published in Stroudsburg, Allentown, Scranton, Reading and Philadelphia, Pennsylvania, one day of the week of August 29, 1988.

Proof of such publication on the form enclosed, marked "Form of Proof of Publication of Notice of No Hearing", must be filed with the Commission on or before September 7, 1988.

Notice to be published must show the Commission's docket number referred to at the top of this letter. Same must also contain a statement that the application will be submitted for review without a hearing provided no protests are filed on or before September 12, 1988.

Very truly yours,

David Ehrhart  
Supervisor - Application Section  
Bureau of Transportation

Enclosure

DE:RP:np

cc: Applicant  
315 Clermont Avenue  
Stroudsburg, PA 18360

DOCUMENT  
FOLDER

<b>DOCKETED</b>
APPLICATION DOCKET
AUG 22 1988
ENTRY No. <u>                    </u>

A-00108292 JAMES DANIELEWICZ, t/d/b/a LIMOUSINES FOR LESS (315 Clermont Avenue, Stroudsburg, Monroe County, Pennsylvania 18360) - persons, in limousine service, between points in the borough of Stroudsburg, Monroe County, and within an airline distance of sixty (60) statute miles of the limits thereof. Attorney: Salvatore P. J. Vito, 45 North Seventh Street, Stroudsburg, Pennsylvania 18360.

**FOX, ROTHSCHILD,  
O'BRIEN &  
FRANKEL**

LAW OFFICES  
2000 MARKET STREET, TENTH FLOOR  
PHILADELPHIA, PENNSYLVANIA 19103  
(215) 299-2000

TWX (710) 670-1029 TELECOPIER (215) 299-2150

PRINCETON OFFICE  
103 CARNEGIE CENTER, CN 5206  
PRINCETON, NEW JERSEY 08543  
(609) 520-2110

ALEX SATINSKY  
ISADORE A. SHRAGER  
ROBERT P. FRANKEL  
WILLIAM A. WHITESIDE, JR.  
DONALD BROWN  
JAY G. OCHROCH  
LOUIS W. FRYMAN  
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MARTIN G. HECKLER  
PETER F. VAIRA  
STEPHEN P. WEISS  
GILBERT NEWMAN  
HENRY C. FADER \*  
SALVATORE M. DeBUNDA  
ABRAHAM C. REICH  
AARON JAY BEYER \*  
MARK L. FIRST \*  
STEVEN B. WAXMAN  
ROBERT C. JACOBS  
ANTOINETTE R. STONE  
EDWARD J. HAYES  
EDUARDO C. ROBRENO \*  
LEWIS J. HOCH \*  
JOSEPH V. SOUTHERN \*  
RONALD J. SHAFFER \*

A. ARTHUR MILLER  
MURRAY H. SHUSTERMAN  
HERBERT M. LINSERBERG  
SAMUEL E. DENNIS  
RAMON R. OBOD  
JEROME E. BOCUTZ  
WILLIAM T. TSICOURIS  
STANLEY S. COHEN  
OWEN A. KNOPPING  
E. GERALD DONNELLY, JR.  
HOWELL J. REEVES  
JEFFREY B. ALBERT  
JONATHAN D. WEINER \*  
BARNETT SATINSKY  
RICHARD W. KESSLER  
DAVID S. RASNER  
ROBERT H. LOUIS  
MARTIN J. SOBOL  
MITCHELL T. MORRIS  
ROBERT D. LANE, JR.  
SANFORD K. WOZES  
MARK L. SILOW  
ROBIN B. MATLIN  
ROTA E. LEE  
ELAINE N. MORANZ

CECIL MAIDMAN  
STEPHEN DAVID  
WENDY FLEISHMAN  
ALAN KONEFSKY  
GERALD M. HATFIELD  
MARK L. MORRIS  
GEORGE F. NAGLE  
ROBERT B. GIDDING \*  
GREGORY KLEIBER  
LYN EDLI EISNER  
ANN V. BOOTH-BARBARIN  
MARC E. NEEDLES  
VALLI F. BALDASSANO  
D. JEFFREY BENOLIEL  
STEVEN T. HANFORD \*  
KEVIN B. SCOTT \*  
PAMELA L. PENTIN \*  
KATHLEEN K. WESTON \*  
JEFFREY S. MICHELS  
ROBERT W. GUNDLACH \*  
LISA M. SMUKLER \*  
GEORGE S. KOUNOUPIS \*  
KATHY J. LANGLEY \*

LAWRENCE MICHAELS  
MARVIN L. WEINBERG  
JAY S. RUDER \*  
MARK D. NACHMIAS \*  
DUANE TYLER  
RONALD M. NEIFIELD  
DEBRA L. BROMSON  
EILEEN P. KELLY \*  
WILLIAM E. GRAMLICH  
HOWARD E. GOLDBERG  
CHERYL A. WHITE  
STEPHANIE RESNICK \*  
LOUIS J. CAPOZZI, JR. \*  
MARJORIE L. McMAHON  
JANET R. SELIGMAN \*  
PAUL J. BRENNAN  
SABINA BEG  
PATRICIA CARROLL \*  
JOHN M. STRAWN \*  
BARRY G. OBOD \*  
SCOTT L. VERNICK \*  
ADRIENNE J. PROVENZANO \*

SPECIAL COUNSEL  
GEORGE R. BURRELL, JR.  
BRIAN J. O'NEILL  
JAMES A. BACKSTROM

SENIOR COUNSEL  
NOCHEM S. WINNET  
LEONARD J. SCHWARTZ  
JEROME B. WEINSTEIN

OF COUNSEL  
HERBERT S. LEVIN  
HORACE A. STERN  
ROBERT A. MATTHEWS \*

\*ALSO ADMITTED TO PRACTICE IN NJ  
\*ADMITTED TO PRACTICE IN NJ ONLY

PA DIRECT DIAL (215) 299- 2088

September 9, 1988

FEDERAL EXPRESS

Jerry Rich, Secretary  
Pennsylvania Public Utility Commission  
North Office Building  
Room G-18  
Commonwealth Avenue & North Streets  
Harrisburg, PA 17120

Re: Protest to Application of James Danielewicz  
t/d/b/a Limousines for Less  
Application No. A-00108292

Dear Secretary Rich:

Enclosed please find for filing an original and two copies of the Protest of James Mitsos t/d/b/a Elegant Limousine Service to the above application. Service has been made upon the applicant pursuant to the attached Certificate of Service. I would appreciate your time stamping a copy of the enclosed letter and returning it to me in the envelope provided.

Sincerely,

*Barnett Satinsky*  
BARNETT SATINSKY

BS/dmd

Enclosures

cc: Mr. James Mitsos,  
t/d/b/a Elegant Limousine Service  
Salvatore P.J. Vito, Esquire  
Mr. James Danielewicz  
t/d/b/a Limousines for Less

**DOCUMENT  
FOLDER**

**RECEIVED**

**SEP 12 1988  
SECRETARY'S OFFICE  
Public Utility Commission**

**FILE**



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SEP 12 1988

SECRETARY'S OFFICE

BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION, Public Utility Commission

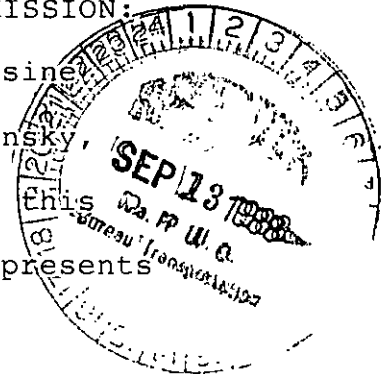
IN RE: APPLICATION OF JAMES DANIELEWICZ : APPLICATION DOCKET  
t/d/b/a LIMOUSINES FOR LESS : NO. A-00108292

PROTEST

FILE

TO THE HONORABLE, THE PENNSYLVANIA PUBLIC UTILITY COMMISSION:

AND NOW, comes James Mitsos, t/d/b/a Elegant Limousine Service ("Protestant"), by his attorneys, Barnett Satinsky, Esquire, Fox, Rothschild, O'Brien & Frankel, and files this Protest to the instant Application and respectfully represents that:



1. The name, address and telephone number of the Protestant are:

James Mitsos  
t/d/b/a Elegant Limousine Service  
6615 Sullivan Trail  
Wind Gap, PA 18091  
(215) 863-4086

2. The name, address and telephone number of the Protestant's attorneys are:

Barnett Satinsky, Esquire  
Fox, Rothschild, O'Brien & Frankel  
2000 Market Street, Tenth Floor  
Philadelphia, PA 19103  
(215) 299-2088

3. Protestant is an applicant for motor carrier passenger authority at application docket no. 00108291, filed August 1, 1988. A copy of Protestant's application, pursuant to

DOCUMENT  
FOLDER

DOCKETED  
APPLICATION DOCKET  
SEP 15 1988  
ENTRY No.

which this Protest is permitted, is attached hereto as Exhibit "A" and incorporated herein by reference.

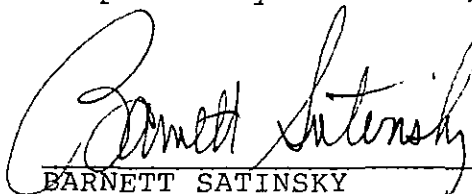
4. Applicant has not demonstrated its fitness to be granted a Certificate of Public Convenience by Your Honorable Commission.

5. Approval of the Application would create new and unwarranted competition to the detriment of Protestant and ultimately the public, tending to deprive Protestant of customers and to divert revenues from him which are essential to the maintenance of an adequate transportation system responsive to the needs of the public.

6. Approval of the Application would be contrary to the accommodation, convenience, service and safety of the public.

7. At the present time, there is no amendment to which Protestant is agreeable or which would result in the withdrawal of the Protest.

Respectfully submitted,



---

BARNETT SATINSKY  
FOX, ROTHSCHILD, O'BRIEN & FRANKEL  
2000 Market Street, Tenth Floor  
Philadelphia, PA 19103  
(215) 299-2088

Attorneys for Protestant  
James Mitsos,  
t/d/b/a Elegant Limousine Service

Dated: September 9, 1988

EXHIBIT A

**FOX, ROTHSCHILD,  
O'BRIEN &  
FRANKEL**

LAW OFFICES  
2000 MARKET STREET, TENTH FLOOR  
PHILADELPHIA, PENNSYLVANIA 19103  
(215) 299-2000

TW: (710) 670-1029 TELECOPIER: (215) 299-2150

PRINCETON OFFICE  
105 CARNEGIE CENTER, CN 520E  
PRINCETON, NEW JERSEY 08543  
(609) 520-2110

PA DIRECT DIAL (215) 299-

**2088**

ALEX SATINSKY  
ISADORE A. SHRAGER  
ROBERT P. FRANKEL  
WILLIAM A. WHITESIDE, JR.  
DONALD BROWN  
JAY G. OCHROCH  
LOUIS W. TRYMAN  
NORMAN LEIBOWITZ  
HERBERT BASE  
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STEPHEN P. WEISS  
GILBERT M. NEWMAN  
HENRY C. JADER  
SALVATORE M. OLBUND  
ABRAHAM C. REICH  
AARON JAY BEYER  
MARCO L. FIRST  
STEVEN R. WAXMAN  
ROBERT C. JACOBS  
ANTOINETTE R. STONE  
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EDUARDO C. ROBRENO  
LEWIS J. ROCH  
JOSEPH V. SOUTHERN  
RONALD J. SHAFFER

SPECIAL COUNSEL  
GEORGE R. BURRELL, JR.  
BRIAN J. O'NEILL  
JAMES A. BACKSTROM

A. ARTHUR MILLER  
MURRAY W. SHUSTERMAN  
HERBERT M. LINSNERBERG  
SAMUEL I. DENNIS  
RAYMOND E. OROD  
JEROME I. BOGUTZ  
WILLIAM I. TSIORIS  
STANLEY S. COHEN  
OWEN A. KNOXING  
E. GERALD DONNELLY, JR.  
HOWELL J. REEVES  
JEFFREY B. ALBERT  
JONATHAN D. WENGER  
BARNETT SATINSKY  
RICHARD W. KESSLER  
DAVID S. RASNER  
ROBERT H. LOUIS  
MARTIN J. SOBEL  
MITCHELL T. MORPIS  
ROBERT D. LANE, JR.  
SANTORIO A. MOZES  
MARCO L. GILOW  
ROBIN B. MATTIN  
ROTHA E. LEE  
ELAINE N. MORANZ

SENIOR COUNSEL  
NOCHM S. WINNETZ  
LEONARD J. SCHWARTZ  
JEROME B. WEINSTEIN

CELE MAIDMAN  
STEPHEN DAVID  
WENDY FLEISHMAN  
ALAN F. ONEFSKY  
GERALD M. HATFIELD  
MARK L. MORRIS  
GEORGE F. NAGLE  
ROBERT B. GIDDING  
GREGORY K. LEIREH  
LYN EGLE EISNER  
ANN V. BOOTH-BARBARIN  
MARC E. NEEDLES  
WALTER BALDASSANO  
D. JEFFREY BENOUIE  
STEVEN T. HANFORD  
KEVIN B. SCOTT  
PAMELA L. PENTIN  
KATHLEEN K. WESTON  
JEFFREY S. MICHELS  
ROBERT W. GUNDLACH  
LISA M. SMUKLER  
GEORGE S. KOURDUPIS  
KATHY J. LANGLEY

OF COUNSEL  
HERBERT S. LEVIN  
MORDECAI A. STERN  
ROBERT A. MATTINEWS

LAWRENCE MICHAELS  
MARNI L. WEINBERG  
JAY S. FUDER  
MARA D. NACHMIAS  
DUANE TYLER  
RONALD M. NEIFIELD  
DEBRA L. BROMSON  
EILEEN F. KELLY  
WILLIAM E. GRAMLICH  
HOWARD E. GOLDBERG  
CHERYL A. WHITE  
STEPHANIE RESHKA  
LOUIS J. CAROZZI, JR.  
MARJORIE L. MCMAHON  
JANET R. SELIGMAN  
PAUL J. BRENNAN  
SABINA BEG  
PATRICIA CARROLL  
JOHN M. STRAWN  
BARRY G. OROD  
SCOTT L. VERNIC  
ADRIENNE J. PROVENZANO

\*ALSO ADMITTED TO PRACTICE IN N.J.  
\*ADMITTED TO PRACTICE IN N.D.N.J.

**PLEASE DATE-  
STAMP AND RETURN**

July 27, 1988

**RECEIVED**

AUG 1 1988

SECRETARY'S OFFICE  
Public Utility Commission

Pennsylvania Public Utility Commission  
P.O. Box 3265  
North Office Building  
Harrisburg, PA 17120

Re: Application of James Mitsos t/a  
Elegant Limousine Service

Gentlemen:

Enclosed for filing is the application for motor carrier passenger authority of James Mitsos t/a Elegant Limousine Service. Also enclosed is a check for \$125 tendered as the filing fee for the application.

I have enclosed an additional copy of this cover letter to be time-stamped and returned to me in the enclosed self-addressed, stamped envelope as proof of filing.

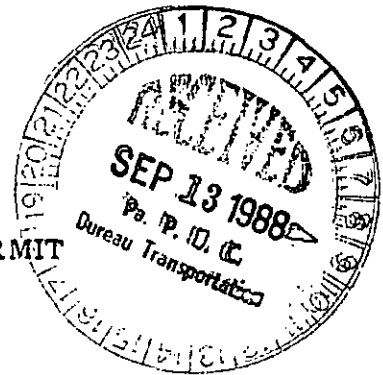
If you require additional information or have any questions regarding the enclosed application, please do not hesitate to call me. Thank you for your cooperation.

Sincerely,

**BARNETT SATINSKY**

DT/dmd  
Enclosure  
cc: Mr. James Mitsos  
Duane Tyler, Esquire

BEFORE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION



APPLICATION FOR MOTOR CARRIER CERTIFICATE OR PERMIT

**(SEE INSTRUCTIONS BEFORE PREPARING APPLICATION)**

James Mitsos t/a  
In re: Application of Elegant Limousine Service

APPLICATION DOCKET  
No.  
Folder No.

for a certificate of public convenience or a permit  
evidencing the Commission's approval of the right and  
privilege of operating motor vehicles as a motor  
carrier for the transportation of **PERSONS**.

(Check one only)

- |   |   |
|---|---|
| <input type="checkbox"/> Airport Transfer Service | <input type="checkbox"/> Call or Demand Service       |
| <input type="checkbox"/> Group & Party Service    | <input checked="" type="checkbox"/> Limousine Service |
| <input type="checkbox"/> Scheduled Route Service  | <input type="checkbox"/> Paratransit Service          |

**TO PENNSYLVANIA PUBLIC UTILITY COMMISSION:**

1. James Mitsos  
(Full and correct name of applicant)

2. Elegant Limousine Service  
(Trade name, if any)

The trade name has been registered with the Secretary of the  
(has or has not)

Commonwealth on June 20, 1988 (attach copy of stamped registration form).  
(date)

3. 6615 Sullivan Trail  
(Business Street Address) (P.O. Box, if any)

Wind Gap (Northampton) PA 18091 (215) 863-4086  
(City) (County) (State) (Zip) (Telephone)

4. Applicant's attorney (for this application) is:  
Barnett Satinsky, Esquire, 2000 Market St., 9th Floor, Phila., PA (215)299-2088  
(Name) (Address) (Telephone)

5. Any notice, process or order of the PUC should be served upon:  
James Mitsos 1079 Westbury Dr. Bethlehem, PA. 18017  
(Name) (Address)

6. Applicant does not hold Pa. PUC authority under Docket No. \_\_\_\_\_  
(does or does not)

and operates as a \_\_\_\_\_ carrier.  
(common or contract)

7. Applicant does not hold Interstate Commerce Commission authority  
(does or does not)

at Docket No. Applied for.

8. Applicant is (check one):

Individual.

Partnership. Attach copy of partnership agreement and list names and addresses of partners below (use additional sheet if necessary).

\_\_\_\_\_  
(Name)

\_\_\_\_\_  
(Address)

Corporation. Organized under the laws of the State of \_\_\_\_\_ and qualified to do business in Pennsylvania by registering with the Secretary of the Commonwealth on \_\_\_\_\_ (Attach copy of Certificate of Incorporation or Authority and statement of charter purpose). Include as an attachment a list of corporate officers and their titles and the names, addresses and number of shares held by each stockholder.

9. Attach the following, as appropriate (check those attached):

- A  Partnership Agreement.
- B  Trade Name registration form.
- C  Certificate of Incorporation or Authority.
- D  Statement of corporate charter purpose.
- E  List of corporate officers and stockholders.
- F  Map for Scheduled Route Service.

10. That the nature and character of the service to be rendered by applicant is the transportation of persons as a  Common  Contract carrier by means of motor vehicles as follows: In limousine service, between points within an airline distance of forty (40) statute miles of Doylestown, Doylestown Township, Bucks County, Pennsylvania, and return.

11. Applicant is not now engaged in any intrastate transportation of persons for compensation in Pennsylvania (except as authorized by the certificates of public convenience or permits specified in Paragraph 6) and will not engage in the transportation for which approval is herein sought unless and until authorization for such transportation shall be received.

**CORPORATE SEAL**

James Mitsos  
t/a Elegant Limousine Service  
(Print Name of Corporation, Partnership, Trade-Name  
or Individual)\*

By:

James Mitsos  
(Signature)  
\_\_\_\_\_  
(Signature)  
\_\_\_\_\_  
(Signature)

\*If a partnership, each partner must sign; if a corporation, at least one officer must sign, and corporate seal affixed.

CORPORATION BUREAU  
 DEPARTMENT OF STATE  
 308 NORTH OFFICE BUILDING  
 HARRISBURG, PENNSYLVANIA 17120

FILING FEE:  Corporat individual - \$65.00  
 Corporation \$40.00  
 Individual \$25.00  
 Check Enclosed  
 Charge Account # \_\_\_\_\_

In compliance with the requirements of Section 311 of Act 1982-295 (54 Pa. C.S. §311), this undersigned entity(ies) desiring to carry on or conduct a business in this Commonwealth under an assumed or fictitious name, style or designation, does (do) hereby certify that:

1. Fictitious Name: Elegant Limousine Service  
 2. Address of the principal place of business: (including street and number) 17645 Sullivan Trail Ward Gap, Pa. 18091 (County) Northampton

3. Brief statement of the character or nature of the business:  
Common Carrier LUXURIOUS LIMOUSINE SERVICE

4. Individual or individuals interested in the business: (name and address)  
 (NAME) (NUMBER) (STREET) (CITY) (STATE) (ZIP CODE)  
James Muters 1074 Westing Dr. Bethlehem, Pa. 18017

5. Entity other than an individual interested in the business:  
 (NAME) (FORM OF ENTITY) ORGANIZING ADDRESS IN JURIS. REGISTERED OFFICE (if any)  
N/A

6. I am familiar with the provisions of Section 332 of the Fictitious Names Act and understand that filing under the Act does not create an exclusive or other right to the fictitious name. James muters

7. Agent, if any, authorized to execute amendments, withdrawals, or cancellations. N/A

IN TESTIMONY WHEREOF, the undersigned have caused this registration to be executed this 1st day of April, 19 88

Individual \_\_\_\_\_  
 Individual \_\_\_\_\_  
 Corporate Seal \_\_\_\_\_  
 Secretary of Assistant Secretary \_\_\_\_\_  
 Corporate Seal \_\_\_\_\_  
 Secretary of Assistant Secretary \_\_\_\_\_

Individual James Muters  
 Individual \_\_\_\_\_  
 Name of Corporation \_\_\_\_\_  
 President or Vice President \_\_\_\_\_  
 Name of Corporation \_\_\_\_\_  
 President or Vice President \_\_\_\_\_

- FOR OFFICE USE ONLY -

030 FILED  JUN 20 1988  <u>James J. Ziegler</u>  Secretary of the Commonwealth Department of State Commonwealth of Pennsylvania	002 CODE	003 REV BOX	SEQUENTIAL NO.	100 MICROFILM NUMBER <u>88431322</u>	
	REVIEWED BY	004 SIC	AMOUNT	001 CORPORATION NUMBER <u>1041608</u>	
	DATE APPROVED		\$		
	DATE REJECTED	CERTIFY TO	INPUT BY	LOG IN	LOG IN IREFILE
	MAILED BY DATE	<input type="checkbox"/> REV <u>P.C</u> <input type="checkbox"/> L & I <input type="checkbox"/> OTHER	VERIFIED BY <u>S</u>	LOG OUT	LOG OUT IREF

CERTIFICATE OF SERVICE

I, Barnett Satinsky, hereby certify that on September 9, 1988, I forwarded by regular mail, postage prepaid, one copy of the Protest filed on behalf of James Mitsos, t/d/b/a Elegant Limousine Service, to the Applicant, James Danielewicz, t/d/b/a, Limousines for Less, 315 Clermont Avenue, Stroudsburg, Pennsylvania 18360, and to Applicant's attorney, Salvatore P.J. Vito, Esquire, 45 North Seventh Street, Stroudsburg, Pennsylvania 18360.

Dated: September 9, 1988

  
BARNETT SATINSKY

# PENNSYLVANIA PUBLIC UTILITY COMMISSION



## RECEIPT

The addressee named hereunder has paid Pennsylvania Public Utility Commission for the following bill, subject to final collection of check or money order tendered for such payment.

**Salvatore Vito**  
45 N. Seventh St.  
Stroudsburg, PA 18360

Date September 9, 1988

CR 130947 A

**DOCUMENT  
FOLDER**

**DOCKETED**  
SEP 09 1988

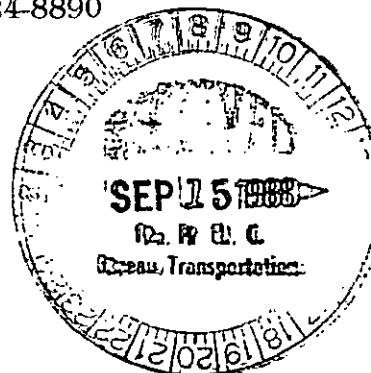
In re application of James Danieleqicz,  
t/a Limousines for Less  
A-00108292.....\$125.00

Revenue account 001780-017601-102 (ck)  
MO 04-160,808,213 \$125.00  
Checks \_\_\_\_\_ Currency \_\_\_\_\_  
Utility account 50126

**C. Joseph Meisinger**  
For Department of Revenue

SALVATORE P. J. VITO • ATTORNEY AT LAW

45 North Seventh Street Stroudsburg, PA 18360 717-424-8890



September 13, 1988

Commonwealth of Pennsylvania  
Pennsylvania Public Utility Commission  
Box 3265  
Harrisburg, PA 17120  
ATTN: David Ehrhart, Supervisor - Application Section

**FILE**

RE: A-00108292-Application for James Danielewicz,  
t/d/b/a Limousines for Less

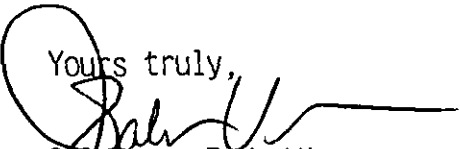
Dear Mr. Ehrhart,

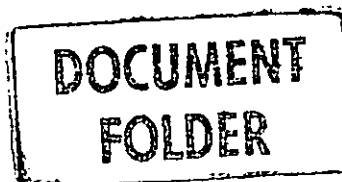
Enclosed herewith, please find 5 Proof of Publications of Notice from the 5 major newspapers that you requested in the areas of Stroudsburg, Allentown, Scranton, Reading and Philadelphia, Pennsylvania. This publication run one day during the week of August 29, 1988.

Attached to each Proof of Publication is the publication itself from the appropriate newspaper.

If you have any further questions, please contact my office, as I am aware that there is now a 15 day restriction period and then this file will be transferred to the ALJ and from there a hearing will be set up.

Yours truly,

  
Salvatore P.J. Vito  
SPJV/ck  
Enc.



No. .... Term, 19 .....

# Proof of Publication of Notice in The Philadelphia Inquirer

Under Act No. 160, P.L. 877, July 9, 1976



Commonwealth of Pennsylvania } ss.:  
County of Philadelphia

**FILE**

Leah Price ..... being duly sworn, deposes and says that THE PHILADELPHIA INQUIRER is a daily newspaper published at Broad and Callowhill Streets, Philadelphia County, Pennsylvania, which was established in the year 1829, since which date said daily newspaper has been regularly published and distributed in said County, and that a copy of the printed notice of publication is attached hereto exactly as the same was printed and published in the regular editions and issues of said daily newspaper on the following dates, viz.:

.....  
.....  
..... and the 29th day of August A. D. 19 88

Affiant further deposes that he is duly authorized by Philadelphia Newspapers, Inc., a corporation, publisher of THE PHILADELPHIA INQUIRER, a daily newspaper, to verify the foregoing statement under oath, and also declares that affiant is not interested in the subject matter of the aforesaid notice or publication, and that all allegations in the foregoing statement as to time, place and character of publication are true.

### Copy of notice or publication

*Leah Price*

NOTICE IS HEREBY given that application has been made to the Public Utility Commission of the Commonwealth of Pennsylvania under the provisions of the Public Utility Law by James Danielewicz, f/d/b/a Limousines for Less, 315 Clermont Avenue, Stroudsburg, Pennsylvania 18360 for a certificate of Public Convenience evidencing the Commission's requisite approval of: To transport, as a common carrier, by motor vehicle, persons, in limousine service, between points in the Borough of Stroudsburg, Monroe County, and within an air-line distance of 60 statute miles of the limits thereof.  
This application will be submitted to the Commission without a hearing provided no protests are filed prior to September, 12, 1988.

Sworn to and subscribed before me this 29th

day of August 19 88

*Phyllis D. Feagans*  
Notary Public.

**DOCKETED**  
APPLICATION DOCKET  
SEP 23 1988  
ENTRY No. *100*

My Commission Expires:

PHYLLIS E. FEAGANS  
Notary Public, Phila., Phila. Co.  
My Commission Expires Sept. 8, 1990

**DOCUMENT FOLDER**

No. Term, 19 .....

..... Court of

Philadelphia County, Pennsylvania

=====

.....

.....

.....

**PHILADELPHIA NEWSPAPERS, INC.**

**Proof of Publication  
OF**

.....

.....

Filed ..... 19 .....

**Attorney for**

RECORDED  
INDEXED

FILED  
MAY 17 1950  
PHILADELPHIA

# The Scranton Times

PENN AVENUE AT SPRUCE STREET • P.O. BOX 3311 • SCRANTON, PA 18505-3311

PHONE (717) 348-9100

9	ADVERTISER CLIENT
7	BILLED/ACCOUNT NO. 37714

5	BILLING PERIOD	
	8/29/88	8/29/89
3	INVOICE NO.	4
		BILLING DATE
		3/29/88

2	BILLED ACCOUNT
	VITO SALVATORE 45 NORTH 7TH AVE STROUDSBURG PA 18360

6	TERMS OF PAYMENT
	SEE OTHER SIDE



## LEGAL BILL

10	11	12	13	14	15	16	17	18	19	20
DATE	REFERENCE NUMBER	CHARGES OR CREDITS DESCRIPTION/PRODUCT CODE	SAU DIMENSIONS	TIMES	BILLED UNITS	RATE	GROSS AMOUNT	NET AMOUNT		
29	258538	NOTICE IS HEREB	21	1	21.00			37.59		
29	258538	AFF. AUGUST 29		1				1.00		

THE SCRANTON TIMES (UNDER ACT P.L. 877 NO. 160, JULY 9, 1976)  
COMMONWEALTH OF PENNSYLVANIA, COUNTY OF LACKAWANNA

DONNA McDONALD BEING DULY SWORN ACCORDING TO LAW DEPOSES AND SAYS THAT SHE IS ACCOUNTING CLERK FOR THE SCRANTON TIMES, OWNER AND PUBLISHER OF THE SCRANTON TIMES, A NEWSPAPER OF GENERAL CIRCULATION, ESTABLISHED IN 1870, PUBLISHED IN THE CITY OF SCRANTON, COUNTY AND STATE AFORESAID, AND THAT THE PRINTED NOTICE OR PUBLICATION HERETO ATTACHED IS EXACTLY AS PRINTED IN THE REGULAR EDITIONS OF THE SAID NEWSPAPER ON THE FOLLOWING DATES, VIZ.: AUGUST 29

AFFIANT FURTHER DEPOSES AND SAYS THAT NEITHER THE AFFIANT NOR THE SCRANTON TIMES IS INTERESTED IN THE SUBJECT MATTER OF THE AFORESAID NOTICE OR ADVERTISEMENT AND THAT ALL ALLEGATIONS IN THE FOREGOING STATEMENT AS TIME, PLACE AND CHARACTER OF PUBLICATION ARE TRUE

SWORN AND SUBSCRIBED TO BEFORE ME  
THIS 01 DAY OF SEPT. A.D. 1988.

*Romayne A. Washner*  
(NOTARY PUBLIC)

Romayne A. Washner, Notary Public  
Scranton, Lackawanna County  
My Commission Expires Sept. 23, 1991

24	AGING

29	CONTRACT PERFORMANCE			
EXPIRATION DATE	REQUIREMENT	CURRENT MONTH	CUMULATIVE	

Notice is hereby given that application has been made to the Public Utility Commission of the Commonwealth of Pennsylvania, under the provisions of the Public Utility Law by James Danielewicz, v/d/b/a Limousines for Less, 315 Clermont Avenue, Stroudsburg PA 18360 for a certificate of Public Convenience evidencing the Commission's requisite approval to transport as a common carrier, by motor vehicle, persons, in limousine service, between points in the Borough of Stroudsburg, Monroe County, and within an airline distance of 60 statute miles of the limits thereof. This application will be submitted to the Commission without a hearing provided no protests are filed prior to September 12, 1988.

22	CURRENT NET AMOUNT
	38.59

25	TOTAL NET AMOUNT DUE
----	----------------------

AMOUNT OF PAYMENT
-------------------

26	BILLED/ACCOUNT NO.	27	BILLED ACCOUNT NAME
----	--------------------	----	---------------------

**DOCUMENT FOLDER**

**DOCKETED**  
APPLICATION DOCKET  
SEP 23 1988

DETACH AND RETURN THIS PORTION WITH YOUR PAYMENT

**REMITTANCE ADVICE**

PENN AVENUE AT SPRUCE STREET • P.O. BOX 3311 • SCRANTON, PA 18505-3311  
PHONE (717) 348-9100

# TERMS OF PAYMENT

## MONTHLY

PAYABLE LAST DAY OF MONTH FOLLOWING BILLING DATE.  
A 1% PER MONTH FINANCE CHARGE WILL BE ADDED TO PAST  
DUE BALANCES. THIS IS AN ANNUAL PERCENTAGE RATE OF 12%

WEEKLY PAYABLE ON RECEIPT OF THIS INVOICE

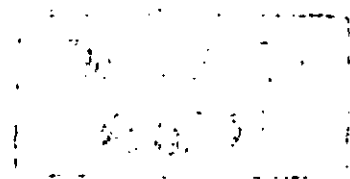
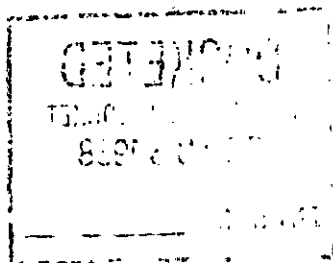
## LEGEND

The 29 elements of the Standard Advertising Invoice (SAI)

- |   |                                     |
|---|-------------------------------------|
| 1. Name and Address of Newspaper, and Phone No. | 15. SAU/Dimensions                  |
| 2. Billed Account Name and Address              | 16. Times Published                 |
| 3. Invoice/Document Number                      | 17. Billed Units                    |
| 4. Billing Date                                 | 18. Applicable Rate                 |
| 5. Billing Period                               | 19. Gross Amount                    |
| 6. Terms of Payment                             | 20. Net Amount                      |
| 7. Billed Account Number                        | 21. Current Gross Amount            |
| *8. Advertiser/Client Number                    | 22. Current Net Amount Due          |
| 9. Advertiser/Client Name                       | *23. Cash Discount                  |
| 10. Date of Insertion                           | 24. Aging of Past Due Amounts       |
| 11. Newspaper's Reference Number                | 25. Total Net Amount Due            |
| 12. Other Charges or Credits                    | 26. Billed Account Number           |
| 13. Description                                 | 27. Billed Account Name             |
| 14. Product/Service Code                        | 28. Name and Address for Remittance |
|   | 29. Contract Performance            |

*The elements shown above appear on the face of the invoice and are identified by number.*

\* NOT APPLICABLE



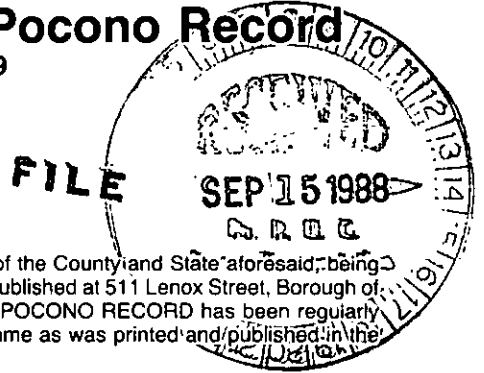
No. .... Term, 19.....

# Proof of Publication of Notice in The Pocono Record

Under Act No. 587, Approved May 16, 1929

State of Pennsylvania  
County of Monroe

ss:



Robert A. Fugh

An Executive of Pocono Record, of the County and State aforesaid, being duly sworn, deposes and says that THE POCONO RECORD, a newspaper of general circulation published at 511 Lenox Street, Borough of Stroudsburg, County and State aforesaid, was established April 2, 1894, since which date THE POCONO RECORD has been regularly issued in said County, and that the printed notice of publication attached hereto is exactly the same as was printed and published in the regular editions and issues of the said THE POCONO RECORD on the following dates, viz:—

and the 29th day of August, 19 88

Affiant further deposes that he is duly authorized by the POCONO RECORD, a newspaper of general circulation, to verify the foregoing statement under oath, and affiant is not interested in the subject matter of the aforesaid notice or advertisement, and that all allegations in the foregoing statements as to time, place and character of publication are true.

### COPY OF NOTICE OR PUBLICATION

**PUBLIC NOTICE**  
 NOTICE IS HEREBY GIVEN that application has been made to the Public Utility Commission of the Commonwealth of Pennsylvania, under the provisions of the Public Utility Law by James Danielewicz, f/d/b/a Limousines for Less, 315 Clermont Avenue, Stroudsburg, PA 18360, for a certificate of Public Convenience evidencing the Commission's requisite approval of to transport, as a common carrier, by motor vehicle, persons, in limousine service, between points in the Borough of Stroudsburg, Monroe County, and within an airline distance of 60 statute miles of the limits thereof. This application will be submitted to the Commission without a hearing provided no protests are filed prior to September 12, 1988.  
 James Danielewicz  
 P — Aug. 29

For The Pocono Record

Sworn to and subscribed before me this 7th day of September, 19 88

My Commission Expires:

Mary L. Bennett  
Notary Public

NOTARY PUBLIC

My Commission Expires June 24, 1991

## Statement of Advertising Costs

Salvatore P.J. Vito  
45 North 7th St.  
Stroudsburg, Pa. 18360

To POCONO RECORD

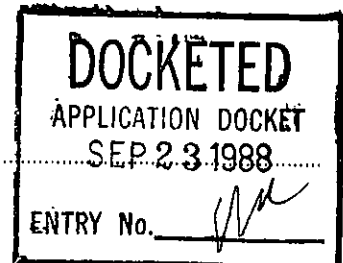
For publishing the notice or publication attached hereto on the above stated dates .....	\$ <u>11.25</u>
Probating Same.....	\$ <u>1.00</u>
<b>Total .....</b>	<b>\$ <u>12.25</u></b>

## Receipt for Advertising Costs

THE POCONO RECORD, a newspaper of general circulation, hereby acknowledges receipt of the aforesaid notice and publication cost and certifies that the same have been duly paid.

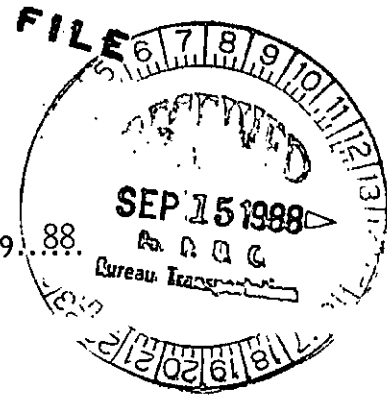
The Pocono Record  
a Newspaper of General Circulation

By .....



FORM OF PROOF OF PUBLICATION OF HEARING OR NO HEARING

Before PENNSYLVANIA PUBLIC UTILITY COMMISSION



In the matter of the application of (name of applicant) for a certificate of public convenience evidencing the Commission's approval of (nature of application).

Application Docket

No. A-00108292....., 19..88.

Folder No.

Commonwealth of Pennsylvania

ss:

County of Berks

On this 29th day of August, A. D. 1988 before me, the subscriber, a Notary Public in and for said county and state, personally appeared Irma Drackly

(Name of affiant)

who, being duly sworn according to law, deposes and says, that she is the

Assistant Secretary of the Reading Eagle-Times (publisher, editor, manager) (name of publication)

Reading (City or town) in the county of Berks, and state of Pennsylvania

and that the annexed is a true copy of a notice in the above matter published in said publication in the regular issues of August 29, 1988 (month and day)

1988, and 19 (month and day)

Irma Drackly (Signature of affiant)

Sworn and subscribed before me the day and year aforesaid.

Dawn N. Baumann Notary Public

My commission expires March 21, 1989

DOCUMENT FOLDER

DOCKETED APPLICATION DOCKET SEP 23 1988 ENTRY No.

FORM OF PROOF OF PUBLICATION OF HEARING OR NO HEARING

NOTICE IS HEREBY given that application has been made to the Public Utility Commission of the Commonwealth of Pennsylvania under the provisions of the Public Utility Law by James Danielewicz, f/d/b/a: Limousines for Less, 315 Clermont Avenue, Stroudsburg, Pennsylvania 18360 for a certificate of Public Convenience evidencing the Commission's requisite approval of: To transport, as a common carrier, by motor vehicle, persons, in limousine service, between points in the Borough of Stroudsburg, Monroe County, and within an air-line distance of 60 statute miles of the limits thereof. This application will be submitted to the Commission without a hearing provided no protests are filed prior to September 12, 1988.

Before PENNSYLVANIA PUBLIC UTILITY COMMISSION

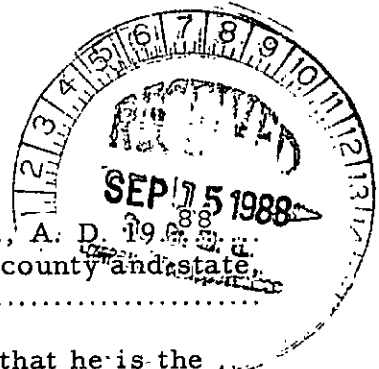
FILE

In the matter of the application of (name of applicant) for a certificate of public convenience evidencing the Commission's approval of (nature of application).

Application Docket No. A-00108292....., 19..88. Folder No.

Commonwealth of Pennsylvania County of Philadelphia

ss:



On this 29TH day of AUGUST before me, the subscriber, a Notary Public in and for said county and state, personally appeared Virginia D. Graham

(Name of affiant)

who, being duly sworn according to law, deposes and says, that he is the

Legal Advertising Clerk of the Philadelphia Inquirer (publisher, editor, manager) (name of publication)

Philadelphia

(City or town)

county of Philadelphia, and state of Pennsylvania; and that the annexed is a true copy of a notice in the above matter published in said publication in the regular issues of August 29

19..88, and AUGUST 29 19..88 (month and day) (month and day)

(Signature of affiant)

Sworn and subscribed before me the day and year aforesaid.

Phyllis E. Peagans Notary Public, Phila. Phila. Co. My Commission Expires Sept. 8, 1990

My commission expires....., 19.....

DOCUMENT FOLDER

DOCKETED APPLICATION DOCKET SEP 23 1988 ENTRY No.

September 15, 1988

IN REPLY PLEASE  
REFER TO OUR FILE

Salvatore P. J. Vito, Esquire  
45 North Seventh Street  
Stroudsburg, PA 18360

In re: A-00108292 - Application of James Danielwicz, t/a Limousines  
for Less

Dear Sir:

Please be advised that we have not received any/all of the  
proof of newspaper publications as directed in our letter of August  
17, 1988.

If we do not receive the proof of publication, within twenty  
days of the date of this letter, we will proceed to dismiss your ap-  
plication.

Should you have any questions regarding the above, please  
contact me at 717-787-5129.

Very truly yours,

David Ehrhart  
Supervisor - Application Section  
Bureau of Non-Rail Transportation

DE:nk  
cc: Applicant  
315 Clermont Avenue  
Stroudsburg, PA 18360

DOCUMENT  
FOLDER

DOCKETED  
APPLICATION DOCKET  
SEP 15 1988  
ENTRY No. \_\_\_\_\_

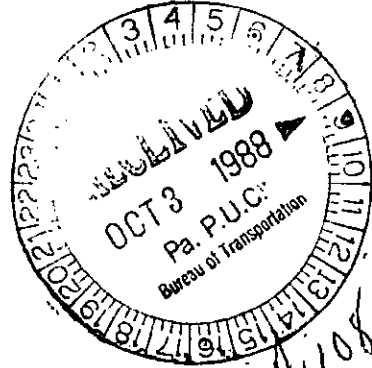
SALVATORE P. J. VITO • ATTORNEY AT LAW

45 North Seventh Street Stroudsburg, PA 18360 717-424-8890

September 30, 1988

Commonwealth of Pennsylvania  
Pennsylvania Public Utility Commission  
Box 3265  
Harrisburg, PA 17120

ATTN: David Ehrhart, Supervisor



RE: Limos for Less

**FILE**

Dear Mr. Ehrhart,

Enclosed herewith please find the last and final proof of publication that was omitted from my September 13, 1988 correspondence.

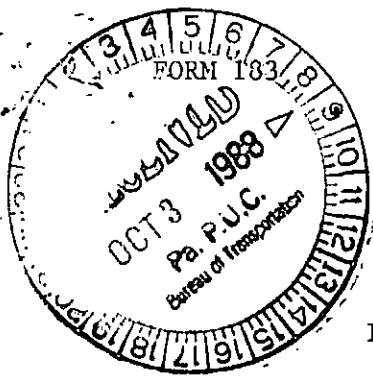
Thank you for extending my office the 20 days to receive that information.

Yours truly,

*Salvatore P. J. Vito* ck

Salvatore P.J. Vito  
SPJV/ck  
Enc.  
Federal Express

**DOCUMENT  
FOLDER**



FORM OF PROOF OF PUBLICATION OF HEARING OR NO HEARING

Before PENNSYLVANIA PUBLIC UTILITY COMMISSION

In the matter of the application of (name of applicant) for a certificate of public convenience evidencing the Commission's approval of (nature of application).

Application Docket No. A-00108292, 19.88. Folder No.

Commonwealth of Pa. County of Lehigh

ss: FILE

FORM OF NEWSPAPER PUBLICATION ON NO HEARING APPLICATION Notice is hereby given that application has been made to the Public Utility Commission of the Commonwealth of Pennsylvania, under the provisions of the Public Utility Law by James Danielewicz, t/d/b/a Limousines for Less, 315 Clermont Avenue, Stroudsburg, PA 18360 for a certificate of Public Convenience evidencing the Commission's requisite approval of to transport, as a common-carrier by motor vehicle, persons, in limousine service, between points in the Borough of Stroudsburg, Monroe County, and within an airline distance of 60 statute miles of the limits thereof. This application will be submitted to the Commission without a hearing provided no protests are filed prior to September 12, 1988. JAMES DANIELEWICZ #1256 - Aug. 30

On this 30th day of August, A. D. 19.88 before me, the subscriber, a Notary Public in and for said county and state, personally appeared Jonathan E. Best

(Name of affiant)

who, being duly sworn according to law, deposes and says, that he is the

Controller of the The Morning Call, Inc. (publisher, editor, manager) (name of publication)

Allentown (City or town) in the county of Lehigh, and state of Pa

and that the annexed is a true copy of a notice in the above matter published in said publication in the regular issues of August 30 (month and day)

19.88, and 19. (month and day)

(Signature of affiant)

Sworn and subscribed before me the day and year aforesaid.

Marie Bessette Notary Public

My commission expires 19. (month and day)

CLARK BROSOLINI, Notary Public, LEHIGH COUNTY, PA, COMMISSION EXPIRES MAY 13, 1989, Member Pennsylvania Association of Notaries

DOCUMENT FOLDER

DOCKETED APPLICATION DOCKET OCT 3 1988 ENTRY No.



September 15, 1988

IN REPLY PLEASE  
REFER TO OUR FILE

Salvatore P. J. Vito, Esquire  
45 North Seventh Street  
Stroudsburg, PA 18360

In re: A-00108292 - Application of James Danielwicz, t/a Limousines  
for Less

Dear Sir:

Please be advised that we have not received any/all of the  
proof of newspaper publications as directed in our letter of August  
17, 1988.

If we do not receive the proof of publication, within twenty  
days of the date of this letter, we will proceed to dismiss your ap-  
plication.

Should you have any questions regarding the above, please  
contact me at 717-787-5129.

Very truly yours,

David Ehrhart  
Supervisor - Application Section  
Bureau of Non-Rail Transportation

DE:nk  
cc: Applicant  
315 Clermont Avenue  
Stroudsburg, PA 18360

COMMONWEALTH OF PENNSYLVANIA  
PENNSYLVANIA PUBLIC UTILITY COMMISSION  
P.O. BOX 3265, HARRISBURG, PA 17120  
November 23, 1988

In Re: A-00108292

(See attached list)

Application of James Danielewicz, t/d/b/a Limousine for Less  
For the right to transport, as a common carrier, persons, in limousine service, between points in the borough of Stroudsburg, Monroe County, and within an airline distance of sixty statute miles of the limits thereof.

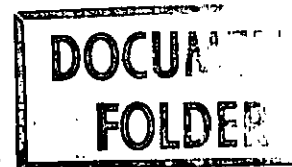
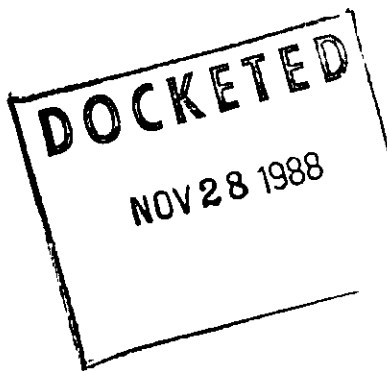
NOTICE

This is to inform you that an initial hearing on the above captioned case will be held Tuesday, January 17, 1989, at 10:00 a.m., in the First Floor Hearing Room, Scranton State Office Building, 100 Lackawanna Avenue, Scranton, Pennsylvania.

Administrative Law Judge Richard M. Lovenwirth will be the presiding officer in this case. Judge Lovenwirth's telephone number is (717) 963-4818. His address is Room 108, Scranton State Office Building, 100 Lackawanna Avenue, Scranton, Pennsylvania 18503.

If you intend to file exhibits, please be advised that two copies of all hearing exhibits to be presented into evidence must be submitted to the Reporter and an additional copy should be furnished to the presiding officer and each party of record.

cc: Judge Lovenwirth  
Mrs. Pappas  
Mrs. Howell  
Mr. Bramson  
File Room



Salvatore P. J. Vito, Esquire  
45 North Seventh Street  
Stroudsburg, PA 18360 ✓

James Danielewicz,  
t/a Limousine For Less  
315 Clermont Avenue ✓  
Stroudsburg, PA 18360

Richard T. Mulcahey, Jr., Esquire  
900 Two Penn Center Plaza ✓  
Philadelphia, PA 19102

Boyd W. Hughes, Esquire  
Hughes & Nichols ✓  
Suite 603 Electric Building  
507 Linden Street  
Scranton, PA 18503

Barnett Santinsky, Esquire ✓  
Fox, Rothschild, O'Brien & Frankel  
10th Floor, 2000 Market Street  
Philadelphia, PA 19103-3292

**FOX, ROTHSCHILD,  
O'BRIEN &  
FRANKEL**

LAW OFFICES  
2000 MARKET STREET, TENTH FLOOR  
PHILADELPHIA, PENNSYLVANIA 19103  
(215) 299-2000

TWX (710) 670-1028 TELECOPIER (215) 299-2150

PRINCETON OFFICE  
103 CARNEGIE CENTER, CN 5208  
PRINCETON, NEW JERSEY 08543  
(609) 520-2110

PA DIRECT DIAL (215) 299- 2151

ALEX SATINSKY  
ISADORE A. SHRAGER  
ROBERT P. FRANKEL  
WILLIAM A. WHITESIDE, JR.  
DONALD BROWN  
JAY G. OCHROCH  
LOUIS W. FRYMAN  
NORMAN LEIBOVITZ  
HERBERT BASS  
MARTIN G. HECKLER  
PETER F. VAIRA  
STEPHEN P. WEISS  
GILBERT NEWMAN  
HENRY C. FADER \*  
SALVATORE M. DeBUNDA  
ABRAHAM C. REICH  
AARON JAY BEYER \*  
MARK L. FIRST \*  
STEVEN R. WAXMAN  
ROBERT C. JACOBS  
ANTOINETTE R. STONE  
EDWARD J. HAYES  
EDUARDO C. ROBRENO \*  
LEWIS J. HOCH \*  
JOSEPH V. SOUTHERN \*  
RONALD J. SHAFER \*

A. ARTHUR MILLER  
MURRAY H. SHUSTERMAN  
HERBERT M. LINSSENBERG  
SAMUEL E. DENNIS  
RAMON R. OBOD  
JEROME E. BOGUTZ  
WILLIAM T. TSIOURIS  
STANLEY S. COHEN  
OWEN A. KNOPPING  
E. GERALD DONNELLY, JR.  
HOWELL J. REEVES  
JEFFREY B. ALBERT  
JONATHAN D. WEINER \*  
BARNETT SATINSKY  
RICHARD W. KESSLER  
DAVID S. RASNER  
ROBERT H. LOUIS  
MARTIN J. SOBOL  
MITCHELL T. MORRIS  
ROBERT D. LANE, JR.  
SANFORD K. MOZES  
MARK L. SILOW  
ROBIN B. MATLIN  
ROTAN E. LEE  
ELAINE N. MORANZ

SPECIAL COUNSEL  
GEORGE R. BURRELL, JR.  
BRIAN J. O'NEILL  
JAMES A. BACKSTROM

SENIOR COUNSEL  
NOCHEM S. WINNET  
LEONARD J. SCHWARTZ  
JEROME B. WEINSTEIN

DEBRA M. DRAH  
STEPHEN DAVID  
WENDY FLEISHMAN  
ALAN KONEFSKY  
GERALD M. HATFIELD  
MARK J. MORRIS  
GEORGE F. NAGLE  
ROBERT B. GIDDING \*  
GREGORY KLEIBER  
LYN EGLI EISNER  
ANN V. BOOTH-BARBARIN  
MARC E. NEEDLES  
VALLI F. BALDASSANO  
D. JEFFRY BENOLIEL  
STEVEN T. HANFORD \*  
KEVIN B. SCOTT \*  
PAMELA L. PENTIN \*  
KATHLEEN K. WESTON \*  
JEFFREY S. MICHELS  
ROBERT W. GUNDLACH \*  
LISA M. SMUKLER \*  
GEORGE S. KOUNOUPIS \*  
KATHY J. LANGLEY \*

LAWRENCE MICHAELS  
MARTIN L. WEINBERG  
JAY BRUDER \*  
MARK D. NACHMIAS \*  
DUANE TYLER  
RONALD L. NEIFIELD  
DEBRA L. BROMSON  
EILEEN P. KELLY \*  
WILLIAM E. GRAMLICH  
HOWARD E. GOLDBERG  
CHERYL A. WHITE  
STEPHANIE RESNICK \*  
LOUIS J. CAPOZZI, JR. \*  
MARJORIE L. McMAHON  
JANET R. SELIGMAN \*  
PAUL J. BRENNAN  
SABINA BEG  
PATRICIA CARROLL \*  
JOHN M. STRAWN \*  
BARRY G. OBOD \*  
SCOTT T. VERNICK \*  
ADRIENNE J. PROVENZANO \*

OF COUNSEL  
HERBERT S. LEVIN  
HORACE A. STERN  
ROBERT A. MATTHEWS \*

\*ALSO ADMITTED TO PRACTICE IN NJ  
\*ADMITTED TO PRACTICE IN NJ ONLY

December 7, 1988

Jerry Rich, Secretary  
Pennsylvania Public Utility Commission  
North Office Building, Room G-18  
Commonwealth Avenue and North Streets  
Harrisburg, PA 17120

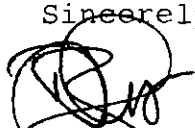
**RECEIVED**  
DEC 9 - 1988  
SECRETARY'S OFFICE  
Public Utility Commission

Re: Protest to Application of  
James Danielewicz t/d/b/a Limosines For Less  
Application No. A-00108292

Dear Secretary Rich:

This is to advise that James Mitsos, t/d/b/a Elegant Limosine Service withdraws his protest to the application of James Danielewicz t/d/b/a Limosines For Less, which was filed on September 9, 1988. Please retain Mr. Mitsos as a party of record on your file to receive notice of any activity in connection with the above application.

Sincerely,

  
DUANE TYLER

**DOCKETED**  
DEC 1 1988

DT:sw  
cc: Barnett Satinsky, Esquire  
Mr. James Mitsos  
Mr. James Danielewicz

**DOCUMENT**



COMMONWEALTH OF PENNSYLVANIA  
PENNSYLVANIA PUBLIC UTILITY COMMISSION  
P. O. BOX 3265, HARRISBURG, Pa. 17120

December 8, 1988

IN REPLY PLEASE  
REFER TO OUR FILE

Richard A. Gahr, Esquire  
Gahr & Sholder  
270 West Third Street  
Williamsport, PA 17701

RECEIVED

DEC 9 1988

SECRETARY'S OFFICE  
Public Utility Commission

DEC 1 1988

DOCUMENT  
FOLDER

RE: Application of John M. Confer  
A-00108282

Dear Mr. Gahr:

I have been assigned to preside over the above-captioned case. The purpose of this letter is to bring to the attention of all parties' representatives certain procedural rules, observation of which will serve to "secure the just, speedy and inexpensive determination" of this proceeding. 1 Pa. Code §1.2(a).

Motor carrier application proceedings are governed by, inter alia, 52 Pa. Code §3.381(f) and (g), which provide, in pertinent part:

(f) Scheduling hearings. The applications to which timely protests were filed will not be acted on by the Commission for a period of 20 days after the closing date for filing of protests, to permit the applicant to make restrictive amendments leading to the withdrawal of protests. In the event that all protests are withdrawn upon amendment, the Commission may dispose of the application in accordance with subsection (e). In the event that the application is still subject to protest, then after the expiration of the 20-day waiting period, the Commission will set the application for hearing and will notify all parties thereof. Absent good cause shown, no further amendments to the application will be considered after expiration of the 20-day period or the commencement of hearings.

(g) Requests for postponements. In the event that any scheduled hearing is postponed for any reason prior to the date thereof, notice of postponement and the date, time, and place of the continued hearing will be given by the presiding officer of the Commission to all parties. Requests for hearing postponements shall be submitted in writing to the Secretary of the Commission and the presiding officer with copies to parties of record, no later than 5 days prior to hearing. Hearings will not be postponed absent good cause. (Emphasis added.)

Richard A. Gahr, Esquire  
Page two  
December 8, 1988

In accordance with the foregoing, absent timely notice of settlement (i.e., no later than 5 days prior to the first scheduled hearing, on January 10, 1989), I anticipate that all parties to this proceeding shall be prepared to participate in the hearings scheduled to begin on January 10, 1989.

In connection with the foregoing, please bear in mind that restrictive amendments which result in undue and unreasonable fragmentation of authority have been held not to be in the public interest. Application of Central Valley Transportation, Inc., A-00103114 (Order adopted October 2, 1987, entered October 13, 1987); Application of Ace Motor Freight, Inc., A-00097068, F.1, Am-C (Order adopted May 17, 1978, entered May 24, 1978). Any amended authority will be expected to be clear, understandable and enforceable.

Finally, I would also like to bring to your attention 52 Pa. Code §5.331(b) which provides, inter alia, that "[p]articipants shall endeavor to initiate discovery as early in the proceedings as reasonably possible," and 52 Pa. Code §5.322 which encourages participants to exchange information on an informal basis. I urge all parties to cooperate in discovery. Such cooperation is preferable to numerous or protracted discovery disagreements which require the presiding officer's participation for resolution. Please be aware that there are limitations on discovery and sanctions for abuse of the discovery process. 52 Pa. Code §§5.361, 5.371-3.572.

For your convenience, I am enclosing a copy of the Commission's service list as of this date.

In closing, I hope for the cooperation of all parties in achieving a fair, prompt and efficient resolution of this case.

Very truly yours,



MICHAEL C. SCHNIERLE  
Administrative Law Judge

MCS:mem

Enclosure

cc: All parties of Record

APPEARANCE SHEET

ALJ HEARING REPORT

DOCKET NO. A-00108292  
CASE NAME Application of James  
Danielewicz, t/d/b/a Limousine for Less  
HEARING LOCATION Scranton, PA  
HEARING DATE January 17, 1989  
ALJ Lovenwirth

CHECK THOSE BLOCKS WHICH APPLY:

Hearing held YES  NO   
Testimony taken YES  NO   
Hearing concluded YES  NO   
Further hearing needed YES  NO   
\* Estimated add'l days one  
RECORD CLOSED YES  NO   
Briefs to be filed YES  NO   
BENCH DECISION YES  NO

1/17/89  
*Richard J. Lovenwirth*  
**JAN 20 1989**  
Office of A. L. J.  
Public Utility Commission

\* REMARKS: Please schedule  
one dot during the  
period 3/14/89 - 3/17/89!

NAMES, ADDRESSES AND TELEPHONE NUMBERS OF PARTIES OR COUNSEL OF RECORD  
PLEASE PRINT CLEARLY  
INCOMPLETE INFORMATION MAY RESULT IN DELAY OF PROCESS

NAME and TELEPHONE NUMBER	ADDRESS			APPEARING FOR
<u>SALVATORE P.J.</u> <u>V.P.T.</u> Telephone No. <u>(717) 424-8890</u>	<u>45 N. 7th St.</u> <del>Suburban</del>	<u>Pa</u>	<u>18360</u>	<u>James Danielewicz</u> <u>Limousine for Less</u>
<u>W. Boyd Graves</u> Telephone No. <u>(717) 3447171</u>	<u>603 Electric Bldg</u>	<u>Pa</u>	<u>18503</u>	<u>Protestant</u> <u>Process hereinafter</u> <u>Amicus, Inc</u>
Telephone No. ( )				

**DOCKETED**  
City Scranton State Pa Zip 18503  
**JAN 25 1989**

**DOCUMENT FOLDER**

CHECK THIS BOX IF ADDITIONAL PARTIES OR COUNSEL OF RECORD APPEAR ON BACK.

Tracy Thompson  
Reporter



COMMONWEALTH OF PENNSYLVANIA  
PENNSYLVANIA PUBLIC UTILITY COMMISSION  
P.O. BOX 3265, HARRISBURG, PA 17120  
January 18, 1989

In Re: A-00108292

(See letter dated 11/23/88)

Application of James Danielewicz, t/d/b/a Limousine for Less  
For the right to transport, as a common carrier, persons, in limousine service, between points in the borough of Stroudsburg, Monroe County, and within an airline distance of sixty statute miles of the limits thereof.

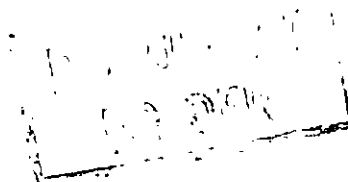
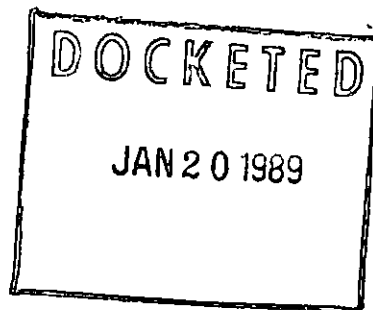
NOTICE

This is to inform you that a further hearing on the above captioned case will be held Friday, March 17, 1989, at 10:00 a.m., in the First Floor Hearing Room, Scranton State Office Building, 100 Lackawanna Avenue, Scranton, Pennsylvania.

All remaining testimony of all parties, including protestants, will be received at the hearing.

In addition, Mr. Mulcahey may cross examine Mr. Danielewicz; and Mr. Mulcahey and Mr. Hughes may cross examine Mr. Oliver.

cc: Judge Lovenwirth  
Mrs. Pappas  
Mrs. Howell  
Mr. Bramson  
File Room



APPEARANCE SHEET

ALJ HEARING REPORT

DOCKET NO. A-00108292  
 CASE NAME James Danielewicz, t/d/b/a  
Limousine for Less  
 HEARING LOCATION Scranton, PA.  
 HEARING DATE March 17, 1989  
 ALJ Lovenwirth

CHECK THOSE BLOCKS WHICH APPLY:  
 Hearing held YES  NO   
 Testimony taken YES  NO   
 Hearing concluded YES  NO   
 \*Further hearing needed YES  NO   
 Estimated add'l days one  
 RECORD CLOSED YES  NO   
 Briefs to be filed YES  NO   
 BENCH DECISION YES  NO   
 REMARKS: \* Please schedule  
for May, 1989 - one  
day. Thank you!

3/17/89  
  
**RECEIVED**  
 MAR 20 1989

Office of A. L. J.  
 Public Utility Commission

NAMES, ADDRESSES AND TELEPHONE NUMBERS OF PARTIES OR COUNSEL OF RECORD  
 PLEASE PRINT CLEARLY  
 INCOMPLETE INFORMATION MAY RESULT IN DELAY OF PROCESS

**DOCKETED**  
 MAR 29 1989  
 APPEARING FOR

**DOCUMENT FOLDER**

NAME and TELEPHONE NUMBER	ADDRESS	CITY	STATE	ZIP	APPEARING FOR
MARK S. Jernings 303 tenth st. Honesdale, PA. 18431 Telephone No. (717) 233-6110					Pocoyo Limousine Serv.
RICHARD T MULCAHEY JR Telephone No. (215) 564-3880	900 TWO PENN CENTER	PHILA	PA	19102	THE HOUSE SPINE INC t/d/b/a TOP HAT CHAUFFEURED LIMOUSINE SERVICE
✓ Salvatore Vito Telephone No. (717) 424-8880		Stroudsburg	Pa	18360	Limousines for LEAS

CHECK THIS BOX IF ADDITIONAL PARTIES  
 OR COUNSEL OF RECORD APPEAR ON BACK.

Tracy Thompson  
 Reporter

Address

City State Zip

Telephone No. ( )

Address

City State Zip

Telephone No. ( )

Address

City State Zip

Telephone No. ( )

Address

City State Zip

Telephone No. ( )

Address

City State Zip

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City State Zip

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City State Zip

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City State Zip

Telephone No. ( )

Address

City State Zip

Telephone No. ( )

COMMONWEALTH OF PENNSYLVANIA  
PENNSYLVANIA PUBLIC UTILITY COMMISSION  
P.O. BOX 3265, HARRISBURG, PA 17120  
April 13, 1989

In Re: A-00108292

(See letter dated 1/18/89)

Application of James Danielewicz, t/d/b/a Limousine for Less  
For the right to transport, as a common carrier, persons, in limousine service, between points in the borough of Stroudsburg, Monroe County, and within an airline distance of sixty statute miles of the limits thereof.

NOTICE

This is to inform you that a further hearing on the above captioned case will be held Tuesday, May 16, 1989, at 10:00 a.m., in the First Floor Hearing Room, Scranton State Office Building, 100 Lackawanna Avenue, Scranton, Pennsylvania.

cc: Judge Lovenwirth  
Mrs. Pappas  
Mrs. Howell  
Mr. Bramson  
File Room

DOCUMENT  
FOLDER

DOCKETED  
APR 14 1989



COMMONWEALTH OF PENNSYLVANIA  
 PENNSYLVANIA PUBLIC UTILITY COMMISSION  
 P. O. BOX 3265, HARRISBURG, Pa. 17120

RICHARD M. LOVENWIRTH  
 Administrative Law Judge  
 Room 108 State Office Building  
 100 Lackawanna Avenue  
 Scranton, Pennsylvania 18503

(717) 963-4818

IN REPLY PLEASE  
 REFER TO OUR FILE

May 16, 1989

**RECEIVED**

**MAY 17 1989**

SECRETARY'S OFFICE  
 Public Utility Commission

Salvatore Vito, Esquire  
 45 North Seventh Street  
 Stroudsburg, Pennsylvania 18360

Mark S. Jennings, Esquire  
 303 Tenth Street  
 Honesdale, Pennsylvania 18431

Richard Mulcahey, Esquire  
 900 Two Penn Center  
 Philadelphia, Pennsylvania 19102

In re: Application of James Danielewicz,  
 t/d/b/a Limousine for Less,  
 A-00108292

**DOCKETED**  
 MAY 23 1989

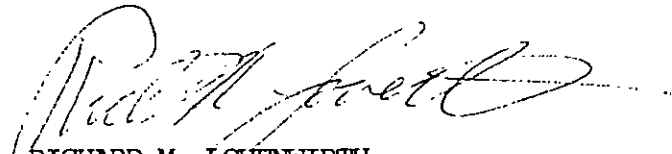
Gentlemen:

This is to confirm the scheduling of a further hearing, telephonically, at 4 P. M., Tuesday, May 23, 1989. The court stenographer is to remain in Harrisburg, and will transcribe telephonically.

Mr. Vito will inform Mrs. Mayer, my secretary, concerning the telephone number at which his witness may be contacted, and it will be done no later than Thursday, May 18, 1989.

**DOCUMENT  
 FOLDER**

Very truly yours,

  
 RICHARD M. LOVENWIRTH  
 Administrative Law Judge

RML/rmm

cc Jerry Rich, Secretary of Commission ✓  
 Nancy Pappas, Supervisor, OALJ Scheduling Staff

**Mark Samuel Jennings**

ATTORNEY AND COUNSELOR AT LAW

303 Tenth Street  
Honesdale, PA 18431

(717) 253-6110

May 16, 1989

**ORIGINAL**

**RECEIVED**

**MAY 22 1989**

**SECRETARY'S OFFICE  
Public Utility Commission**

Mr. Jerry Rich, Secretary  
Pennsylvania Public Utility Commission  
P.O. Box 3265  
Harrisburg, PA 17120

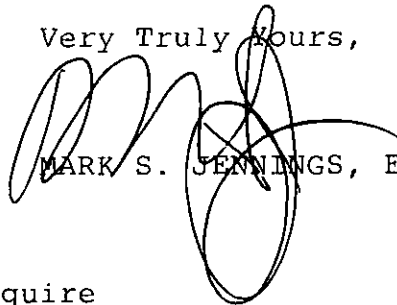
Re: Application of James Danielwicz,  
t/d/b/a Limousine for Less; A-00108292

Dear Secretary Rich:

This is to advise you that the undersigned attorney is taking up representation of Pocono Limousine Services in the above docketed matter. If there are any correspondence or questions regarding any of these case, please make sure that I am listed as the attorney of record. I am also notifying by this letter that Boyd Hughes will be withdrawing his entry of appearance on behalf of Pocono Limousine Service in the above matter.

If you have any questions, please call.

Very Truly Yours,



MARK S. JENNINGS, Esquire

MSJ:bc

CC: Salvatore P.J. Vito, Esquire

**DOCKETED**

**MAY 24 1989**

**DOCUMENT  
FOLDER**

APPEARANCE SHEET

ALJ HEARING REPORT

DOCKET NO. A-00108292

CASE NAME James Danielewicz, t/d/b/a

Limousine for Less

HEARING LOCATION Scranton, PA.

HEARING DATE May 16, 1989

ALJ Lovenwirth

CHECK THOSE BLOCKS WHICH APPLY:

Hearing held YES  NO

Testimony taken YES  NO

Hearing concluded YES  NO

Further hearing needed YES  NO

Estimated add'l days \_\_\_\_\_

RECORD CLOSED YES  NO

Date \_\_\_\_\_

Briefs to be filed YES  NO

Date \_\_\_\_\_

BENCH DECISION YES  NO

**RECEIVED**

**MAY 18 1989**

Office of A. L. J.  
Public Utility Commission

REMARKS:  
**DOCUMENT FOLDER**

**DOCKETED**  
**MAY 24 1989**

NAMES, ADDRESSES AND TELEPHONE NUMBERS OF PARTIES OR COUNSEL OF RECORD  
PLEASE PRINT CLEARLY  
INCOMPLETE INFORMATION MAY RESULT IN DELAY OF PROCESS

NAME and TELEPHONE NUMBER	ADDRESS			APPEARING FOR
<i>MARK S. JENNINGS Esq.</i>	<i>303 4<sup>th</sup> St 1</i>			<i>Pocano Lin.</i>
Telephone No. <i>(717) 533-6116</i>	<i>Horseshoe</i>	<i>PA</i>	<i>17431</i>	
<i>Selvatore Vito Esq.</i>	<i>48 W 7th St</i>			
Telephone No. <i>(717) 424 8890</i>	<i>Stbys</i>	<i>Pa</i>	<i>18360</i>	<i>Limos for Less</i>
Telephone No. ( )	City	State	Zip	

CHECK THIS BOX IF ADDITIONAL PARTIES OR COUNSEL OF RECORD APPEAR ON BACK.

*Michelle Fraser*  
Reporter


Telephone No. ( )	Address		
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Telephone No. ( )	Address		
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N

DATE: May 18, 1989

SUBJECT: A-00108292  
James Danielewicz, t/d/b/a Limousines For Less

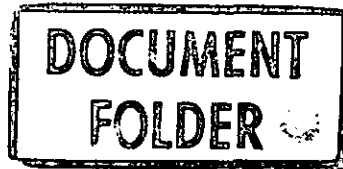
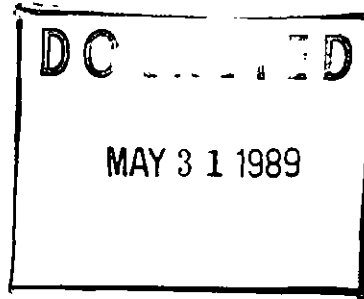
TO: The File

FROM: Bud Huntington   
Office of Administrative Law Judge

This is to inform the record that a hearing will be held Tuesday, May 23, 1989 telephonically, commencing at 4:00 p.m.

Parties have been notified.

cc: Nancy Pappas




APPEARANCE SHEET

ALJ HEARING REPORT

DOCKET NO. A-00108292  
 CASE NAME Application of James  
Danielewicz, t/d/b/a Limousine for Less  
 HEARING LOCATION Scranton  
 HEARING DATE May 23, 1989  
 ALJ Lovenwirth

CHECK THOSE BLOCKS WHICH APPLY:

Hearing held YES  NO   
 Testimony taken YES  NO   
 Hearing concluded YES  NO   
 Further hearing needed YES  NO   
 Estimated add'l days \_\_\_\_\_  
 RECORD CLOSED YES  NO   
 Briefs to be filed YES  NO   
 BENCH DECISION YES  NO

5/25/89  


RECEIVED  
 MAY 30 1989

Office of A. L. J.  
 Public Utility Commission  
 NAMES, ADDRESSES AND TELEPHONE NUMBERS OF PARTIES OR COUNSEL OF RECORD  
 PLEASE PRINT CLEARLY  
 INCOMPLETE INFORMATION MAY RESULT IN DELAY OF PROCESS

REMARKS:

DOCKETED  
 JUN 5 1989

FILED

NAME and TELEPHONE NUMBER	ADDRESS	APPEARING FOR
Salvatore P. J. Vito, Esquire Telephone No. (717) 424-8890	45 North Seventh Street City: Stroudsburg Pa. Zip: 18360	Applicant
Mark S. Jennings, Esquire Telephone No. (717) 253-6110	303 North Street City: Stroudsburg Pa. Zip: 18431	Protestant, Pocono Limousine Service, Inc.
Richard P. Mulvaney, Jr., Esquire Telephone No. (215) 564-3880	900 Two Penn Center Plaza City: Philadelphia Pa. Zip: 19102	Protestant, The House Scene, Inc., T/D/B/A Pop. Art Chausseur Limousine Service

CHECK THIS BOX IF ADDITIONAL PARTIES OR COUNSEL OF RECORD APPEAR ON BACK.

Pracy L. Thompson  
 Reporter  
 Holbert Associates

Address

City State Zip

Telephone No. ( )

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N



COMMONWEALTH OF PENNSYLVANIA  
PENNSYLVANIA PUBLIC UTILITY COMMISSION  
P. O. BOX 3265, HARRISBURG, Pa. 17120

FROM: Scranton Office of Administrative Law Judge  
Room 108, State Office Building  
100 Lackawanna Avenue  
Scranton, Pennsylvania 18503

IN REPLY PLEASE  
REFER TO OUR FILE

June 16, 1989

SEE ATTACHED SERVICE LIST

Re: Application of James Danielewicz,  
t/d/b/a Limousine for Less - A-00108292

Gentlemen:

The transcript of testimony in the above-entitled proceeding has been received and it is indicated that the parties will file briefs.

In accordance with the regulations of the Commission set forth in 52 Pa. Code Section 5.502, the initial brief will be filed within fifteen (15) days of the date of this letter by the participant(s) upon whom rests the burden of proof concerning the main issue(s) in this case, namely: Applicant.

Within ten (10) days after the time fixed for the filing of the initial brief, all other parties will file a responding brief. No other briefs shall be filed without special order, upon request first made, of the Administrative Law Judge.

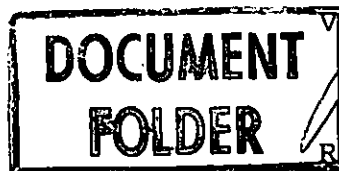
All briefs shall conform with the regulations of the Commission set forth in 52 Pa. Code Section 5.501 and shall contain: (1) a concise statement or counterstatement of the case; (2) a statement of the questions involved; (3) proposed findings of fact (with reference to transcript pages); (4) an argument preceded by a summary; (5) proposed conclusions of law; (6) a conclusion with requested relief; and (7) proposed ordering paragraphs. It is also requested that an impartial summary of testimony be included in the initial brief, with reference to the pages of the record or exhibits where referred evidence may be found; with any proposed modifications to the said summary of testimony to be included in the responding brief(s).

An original and (9) copies of each initial brief and responding brief shall be filed with the Commission, & the New Filing Section, Secretary's Bureau, Room B-18, North Office Building, Harrisburg, Pennsylvania 17120. One (1) copy must be served on the Presiding Administrative Law Judge and three (3) copies on each party of record.

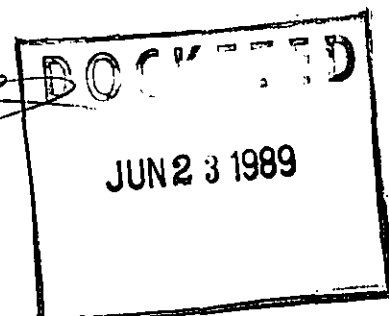
The record will be closed upon conclusion of the briefing schedule.

If there are any questions, kindly contact this office at (717) 963-4818. Thank you.

Very truly yours,



*[Signature]*  
RICHARD M. LOVENWIRTH  
Administrative Law Judge



RML/rmm

cc: Annette Shelley, ALJ Staff

Application of Danielewicz,  
t/d/b/a Limousine for Less  
A-00108292  
June 16, 1989

BRIEFING LETTER - SERVICE LIST

Salvatore P. Vito, Esquire  
45 North Seventh Street  
Stroudsburg, Pennsylvania 18360  
(Appearing on behalf of Applicant)

Mark S. Jennings, Esquire  
303 Tenth Street  
Stroudsburg, Pennsylvania 18431  
(Appearing on behalf of Pocono Limousine Service)

Richard T. Mulcahey, Jr., Esquire  
900 Two Penn Center Plaza  
Philadelphia, Pennsylvania 19102  
(Appearing on behalf of The House Scene, Inc.,  
t/d/b/a Top Hat Chauffered Limousine Service)

ORIGINAL

SALVATORE P. J. VITO • ATTORNEY AT LAW

45 North Seventh Street Stroudsburg, PA 18360 717-424-8890

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JUN 30 1989

SECRETARY'S OFFICE  
Public Utility Commission

June 29, 1989

Jerry Rich  
Pa. P.U.C.  
P.O. Box 3265  
Harrisburg, PA 16533

RE: Application of James Danielewicz  
t/d/b/a Limousine for Less - A-00108292

Dear Mr. Rich,

On this date, this letter is to confirm Judge Lovenwirth's extension to file Applicant's brief in the above referenced matter for a period of one (1) week.

Thank You.

Yours truly,

*Salvatore P. J. Vito/jck*

Salvatore P.J. Vito

SPJV/lm

cc: Richard M. Lovenwirth, Administrative Law Judge

Mark S. Jennings, Esquire

Richard T. Mulcahey, Jr., Esquire

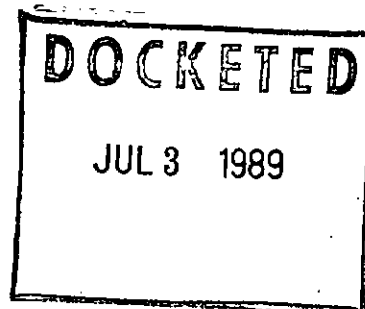
6/30/89 - above ltr circulated to: Chairman and Commissioners

Law

OSA

ALJ

mpk



## SALVATORE P. J. VITO • ATTORNEY AT LAW

45 North Seventh Street Stroudsburg, PA 18360 717-424-8890

**RECEIVED**

June 29, 1989

**JUN 29 1989**

Jerry Rich  
Pa. P.U.C.  
P.O. Box 3265  
Harrisburg, PA 18503

SECRETARYS OFFICE  
Public Utility Commission

RE: Application of James Danielewicz  
t/d/b/a Limousine for Less - A-00108292

Dear Mr. Rich,

On this date, this letter is to confirm Judge Lovenwirth's extension to file Applicant's brief in the above referenced matter for a period of one (1) week.

Thank You.

Yours truly,

*Salvatore P. J. Vito/jck*

Salvatore P.J. Vito  
SPJV/lm

cc: Richard M. Lovenwirth, Administrative Law Judge  
Mark S. Jennings, Esquire  
Richard T. Mulcahey, Jr., Esquire

## SALVATORE P. J. VITO • ATTORNEY AT LAW

45 North Seventh Street Stroudsburg, PA 18360 717-424-8890

FAX: 717-424-9260

DATE: 6-29-89TO: JERRY RICHFROM: SALVATORE P.J. VITO, ESQUIRERE: DANIELEWICZ - t/d/b/a LIMOUSINES FOR  
LESS A-00108292NO. OF PAGES: 2 (Including this page)

If there are any problems with this transmission, please call  
(717) 424-8890 and ask for LORA.

SALVATORE P. J. VITO • ATTORNEY AT LAW

45 North Seventh Street Stroudsburg, PA 18360 717-424-8890

July 7, 1989

Jerry Rich  
Pa. Public Utility Commission  
P.O. Box 3265  
Harrisburg, PA 17120

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JUL 7 1989

SECRETARY'S OFFICE  
Public Utility Commission

RE: Danielewicz, t/d/b/a Limousines for Less

A108292

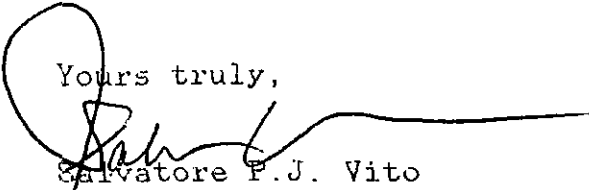
Dear Jerry,

Enclosed herewith, please find the original Brief in the above-captioned matter, a copy of which you are in receipt of by fax.

Accordingly, please file this Brief with the Pennsylvania Public Utility Commission.

Thank you.

Yours truly,

  
Salvatore P.J. Vito  
SPJV/lm  
Enc.

7/11/89 - ph'd Atty Vito's office for 9 copies of brief; his Secy advised copies would be mailed out today

7/12/89 - rec'd the additional copies brief.

mpk



ORIGINAL

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JUL 7 1989

SECRETARY'S OFFICE  
Public Utility Commission

BEFORE

THE PENNSYLVANIA PUBLIC UTILITY COMMISSION

HARRISBURG, PENNSYLVANIA 17120

---

IN RE: A-00108292 APPLICATION OF JAMES DANIELEWICZ,  
t/d/b/a LIMOUSINES FOR LESS

For the right to transport, as a common carrier,  
persons, in limousine service, between points in the borough of  
Stroudsburg, Monroe County, and within an airline distance of  
sixty statute miles of the limits thereof.

---

BRIEF FOR APPLICANT

---

Salvatore P.J. Vito  
Attorney I.D. No. 35963  
Attorney for Applicant  
James Danielewicz

DOCKETED

JUL 14 1989

DOCUMENT  
FOLDER

THE PENNSYLVANIA PUBLIC UTILITY COMMISSION

IN RE: A-00108292 James Danielewicz, t/d/b/a  
Limousine for Less For the right to transport, as  
a common carrier, persons, in limousine service,  
between points in the borough of Stroudsburg,  
Monroe County, and within an airline distance of  
sixty statute miles of the limits thereof.

HISTORY

On January 29, 1988, an application, March 2, 1988, was filed by the above referenced Applicant then resubmitted January 29, 1988. Wherein the Applicant seeks the right to transport, as a common carrier, by motor vehicle persons in a limousine service, between points in the borough of Stroudsburg, Monroe County, and within an airline distance of sixty statute miles of the limits thereof. Thereafter, due notice of the application was advertised in the Pennsylvania Bulletin on August 28, 1988; in the Morning Call, a newspaper of general circulation in Lehigh County on August 30, 1988; and in the Philadelphia Enquirer on August 29, 1988; and in the Scranton Times on August 29, 1988; in the Pocono Record in Stroudsburg on August 29, 1988; and in the Reading-Eagle Times on August 29, 1988.

Thereafter, protest were timely filed by the House Scene, Inc. on September 2, 1988; and Pocono Limousine Inc. on September 9, 1988; and by Elegant Limousine Service on September 13, 1988. The protest by Elegant Limousine was later withdrawn on December 9, 1988.

## ISSUE

Should a certificate of public convenience be granted the Applicant by the Pennsylvania Public Utility Commission for the reason that the totality of the evidence demonstrates that the granting of such certificate is necessary or proper for the service, accommodation, convenience, or safety of public pursuant to Section 1103 of the Public Utilities Regulation as set forth in 66 PA. C.S.A. Section 1103?

SUGGESTED ANSWER: Yes; a certificate of public convenience should be granted to your Applicant for the reason that it has demonstrated the necessary burden of proof as follows:

A. Fitness - your Applicant has demonstrated adequate fitness in the following manner:

- i) financial
- ii) technical
- iii) experience

B. Need

- i) by three shipper witnesses requiring use of the service
- ii) the inadequacy of the existing services

I. The Applicant has demonstrated substantial evidence of adequate financial fitness for the operation of a limousine service as required by the Pennsylvania Public Utility Commission.

The Applicant, James Danielewicz, stated at hearing that he

presently owns an 1985 Lincoln stretch limousine, 1985 Lincoln Town Car, 1984 Cadillac Sedan Deville, 1988 Lincoln Town Car (N.T. 16, 17). With respect to said vehicles, Mr. Danielewicz indicated that he had an equity in the Lincoln stretch limousine in an amount of Five Thousand Dollars and a Three Thousand Dollar equity in the 1985 Lincoln Town Car (N.T. 50). Additionally, Mr. Danielewicz indicated that he owns a home in south Stroudsburg, Pennsylvania, the value of which he approximated to be Two Hundred Thousand Dollars (N.T. 51).

With respect to insurance, the Applicant indicated on page 52 of the transcript that he carries insurance on said vehicles in an amount of a million and a half dollars liability on each car plus the collision and that his yearly premium was in the amount of Eight Thousand Dollars. Additionally, the Applicant demonstrated that monies were generated from his present operation of said limousine business to support both he and his family, which include his wife and his child living at home.

Mr. Danielewicz stated that he presently operates the business known as Limousines for Less as a luxury car service under ICC rights and has been operating the same for approximately three years. Said luxury limousine service is operating under ICC certificate number MC197034 and services, among others, the following corporate clients: M & M Mars, AT & T, Nabisco, Piccatinny Arsenal (N.T. 30). Presently, Applicant indicated he travels to Newark for the purpose of servicing his clientele, as many as eight or nine times a day (N.T. 18). Applicant further testified that he currently operates on a 24

hour per day basis and would continue to do so (N.T. 20).

With respect to the Applicant's background, he indicated that he was honorably discharged as a Korean Veteran and that he has prior business experience in a tire retreading service known as Stroudsburg Tire Service, which he operated for a period of twelve years. Said service was a custom tire retreading service (N.T. 17).

Additionally, the fitness of your Applicant has been demonstrated in his selection of employees, such as Nathan Oliver. Mr. Oliver testified that he had driven for a large limousine service known as Kimshar Limousine and in that capacity had driven for such celebrities as Frank Sinatra. Mr. Oliver also testified that he has over twenty years experience as a chauffeur (N.T. 57, 128).

The testimony of Nathan Oliver further revealed that the business operation known as Limousines for Less was run in a very efficient manor and that there were no over bookings or missed appointments of clients and that the automobiles were in excellent mechanical condition (N.T. 81, 82).

It is interesting to note that none of the Applicant's testimony with respect to his fitness or ability to operate was not controverted by the further testimony in this case.

Did the Applicant demonstrate need in the communities sufficient to warrant a certificate of public necessity?

SUGGESTED ANSWER: Yes.

Need in the community was demonstrated through the testimony of the three shipper witnesses, namely Hazel Cavanaugh, Beth Stevens, and Khris Wolfington. Testimony of Mrs. Cavanaugh revealed that she is a resident of Stroudsburg for nineteen years and that she has not used any other limousine service before because they were not local nature (N.T. 133). Mrs. Cavanaugh testified that she would use the services of the Applicant if he was permitted to operate. She testified that her needs usually involve being transported intrastate from Stroudsburg to the Allentown airport and that presently she has to "find somebody to take us when we go ..." and that she would have a potential need for travel to the Allentown airport once or twice a year (N.T. 135).

The next shipper witness called was Mrs. Stevens. Mrs. Stevens testified that she has used the service Limousines for Less on a prior occasion, that being to the Newark Airport. She testified that that service was very satisfactory to her and that the driver was excellent (N.T. 139). She stated that her impression of the driver was favorable because "her sister had been in a bad accident and when they arrived at the Newark Airport, he (driver) saw to it that a wheelchair assistant was promptly made available and further that the driver assisted with handling their parcels." She testified that her intrastate needs included flights from the Allentown Airport twice a year and that they would use the services of Limousines for Less. Mrs. Stevens further testified that she would object to being transported with other people in a vehicle such as would be furnished by airport

shuttle service (N.T. 141).

The third shipper witness to testify on behalf of the Applicant was Khris Wolfington. Mr. Wolfington testified that he is in the financial services business with a corporation known as Midlantic (N.T. 195). Mr. Wolfington indicated that he entertains business clients in a Pocono house that he has in Pocono Manor and that most of his clients are located in northern New Jersey and New York. On prior occasions he has used the limousine service pursuant to its ICC rights for entertaining clients and weekends of golf (N.T. 191). The witness indicated that he has "a need to use the summer months, approximately twice a month for the purpose of entertaining business guests." Additionally, he indicated that he had need to use the service from Newark on one occasion and that on short notice he was impressed with the service that was rendered (N.T. 192). Further he indicated that the luggage was handled well and that the car is always stocked with snacks and things of the like (N.T. 192). Mr. Wolfington indicated that he would use the services of the Applicant in the future (N.T. 192).

On direct examination the Applicant testified that requests were made for intrastate service approximately ten to fifteen times per week from the following Pocono resorts: Caesars World, which includes four resorts, Cove Haven, Pocono Palace, Mount Airy Lodge, Stricklands, Pocono Manor and Fernwood. All said resorts are within sixty statute miles of Stroudsburg. Most requests involved transportation to and from Allentown Airport and for the purpose of transporting honeymooners intrastate from

point to point within sixty statute miles (N.T. 23, 24, 25, 26, 27).

The testimony of Nathan Oliver, a chauffeur with over twenty years experience, testified on behalf of the Applicant. Mr. Oliver had testified that he had worked for Pocono Limousine, the Protestant, from March through May 1988 (N.T. 59). Mr. Oliver testified that the equipment at Pocono was old equipment and that it was run down and that he would go so far as to say that it was unsafe (N.T. 59);

- " Q: What sort of equipment did you -- were you able to utilize or were you given to utilize?  
A: The equipment was of a nature that was really not up to par with some equipment.  
Q: What do you mean by that?  
A: It was old. it was used equipment. It was run down equipment. I could go as far as to say it was unsafe equipment."

The witness relayed an incident wherein he was driving a limousine as a chauffeur on behalf of Pocono Limousine intrastate from point to point, originating at Caesars Brookdale in Monroe County to Scranton Airport. At that time the tread came off of a tire (N.T. 62, 63). The witness testified that the tire had appeared to lose its tread for he observed a "black strip of rubber lying down on the pavement (N.T. 64). The witness testified that he was familiar seeing retreaded tires and that is why he drew such a conclusion;

- " Q: What was the appearance of the tread that you saw laying on the pavement?  
A: It was torn.  
Q: What did it look like: I want you to describe what you saw that made you draw your conclusion.  
A: Well, what I saw is what I was familiar seeing. I know the difference between a recapped tire."

On cross examination at a later date by counsel for the Protestant, Pocono Limousine, the witness testified that he had experience as a mechanic and that use to operate a big garage.

- " Q: Mr. Oliver do you have any experience as a mechanic?  
A: I do.  
Q: You do?  
A: Yes.  
Q: What experience do you have?  
A: My background is from New York. I use to operate a garage.  
Q: What kind of garage?  
A: A mechanical garage.  
Q: How long were you in the business?  
A: Five years (N.T. 127).

Thereafter, witness testified that he was operating a vehicle on behalf of Pocono Limousine service. Said vehicle being a mini-van on interstate route 80 was veering from lane to lane. After several complaints by the passengers regarding the safety of the vehicle, he slowed down to a speed less than the speed limit (N.T. 64). The matter was brought to the attention of the owner of Pocono Limousine, Mr. Woods. At that time the witness testified that the owner of Pocono Limousine stated that there was nothing wrong with the van (N.T. 64). Thereafter, the witness was informed by the owner of Pocono Limousine, Mr. Woods, that the vehicle had been operating with improper air pressure in its tires (N.T. 65);

" THE WITNESS: Mr. Woods told me it was taken to a service station and that the problem with the veering or the drifting of the vehicle was caused by over-inflation of the tires on one side tire and an under inflation of tires on the other.

BY MR. VITO:

- Q: Did he tell you how many pounds per square inch?  
A: Yes.  
Q: What did he say?

A: One side was 70 pounds, and other side had 26 pounds."

Testimony of Nathan Oliver further indicated that the scheduling and routing was irregular. The witness testified that on one occasion that he was to pick a party up in Allentown and returned approximately 1:00 AM. Thereafter, he was to receive another vehicle to catch a flight at 6:00 AM. The 6:00 pick up rendered inadequate time for sleep. On another occasion the witness indicated that due to mis-scheduling a group of people for a 6:00 AM flight had been scheduled to be picked up by the witness for a 6:00 PM flight. He then received a call in the early morning hours to pick the people up and drive them to Kennedy Airport. Due to the mis-scheduling, the people missed their flight (N.T. 71).

On another occasion the witness cited a specific instance in which he was requested by a resort manager to transport the passengers to their suite. The witness testified that he had been told by his employer, Pocono Limousine, that if he did not have enough time he did not have to fulfill that function. On the particular occasion the witness testified that he was over booked and could not fulfill the function. The witness testified that he was over booked approximately twenty-five percent of the time (N.T. 73). Witness testified that approximately twenty five percent of the time he did not have a margin of at least fifteen minutes to transport the parties or receive that parties. The witness testified further that although he was employed in the capacity of a chauffeur he had on numerous occasions used the limousines as a taxi;

" A: Yes. The limousines -- if I may add? The limousines were not always used in the fashion that limousines are supposed to be.

JUDGE LOVENWIRTH: How do you mean that?

THE WITNESS: Well, as I said, Your Honor, to me, from my experience, a limousine is not supposed to be used as a taxi. These limousines were invariably used. They would transfer more than one party at one time to the same place.

JUDGE LOVENWIRTH: They were parties that weren't related?

THE WITNESS: Yes, sir.

JUDGE LOVENWIRTH: That didn't know each other?

THE WITNESS: Yes, sir.

JUDGE LOVENWIRTH: They were picked up at the same place?

THE WITNESS: Sometimes they were, and sometimes they weren't.

BY MR. VITO:

Q: How were they billed?

A: They were billed individually." (N.T. 75, 76)

The witness, Nathan Oliver, further testified that on the occasions immediately mentioned with respect to individual billing, he was providing a limousine service;

" Q: I'm asking you when people were charged individually.

A: I was in a limousine, a stretch limousine. I assume that I was supposed to be a chauffeur. As it turned out, I turned out to be a driver." (N.T. 78)

" Q: You stated that you thought you were a chauffeur, and you now think you were a driver?

A: According to that situation, I was supposed -- when I drive a limousine, I assume I'm a chauffeur, when it turns out that I'm a driver. I'm driving. I'm picking up more than one couple or more than one party, and I'm taking them to one or more different places. that is not, to me, limousine service." (N.T. 79)

With respect to the equipment, the witness, Nathan Oliver, testified;

" Q: With respect to limousines can you describe whether or not the maintenance provided

certain amenities that were apparently in the car such as a TV, et cetera?"

THE WITNESS: In regards to the vehicle that I drove the limousine that I drove -- generally the equipment was not operating well, if operating at all. On occasion on more than once, the VCR was not in operation at all. The cassette deck would not be operational. The air-conditioning in one particular vehicle is non-existent. It just makes for a very uncomfortable situation between driver and client.

BY MR. VITO:

Q: Was the fact that the vehicle was not operational in the respects that you just stated brought to attention of the owners?

A: Yes, it was.

Q: And how was it brought to their attention?

A: By myself.

Q: What was done about it?

A: Well, as far as I know, nothing." (N.T. 80)

The witness then stated;

"Up until the time that I left (Pocono Limousine), the condition of the equipment remained the same.

Q: The same as what?

A: It didn't function." (N.T. 80)

## DISCUSSION

In deciding whether or not a certificate for public convenience should issue, Courts have determined that the test is whether it is reasonably necessary or proper for the service, accommodation, convenience, or safety of the public. See Carl I. Bieber, Inc. vs Pennsylvania Public Utility Commission, 3 Pa.Cmwlth, 281 A.2d 351, 236 (1971). Pittsburgh & L. E. R. Company vs. Pennsylvania Public Utility Commission, 170 Pa.Super 411, 85 A.2d 646 (1952). Additionally, the Court may consider whether the proposed services would tend to correct or substantially improve the condition of service to the public. See D. F. Bast, Inc. vs Pennsylvania Public Utility Commission, 397 Pa. 246, 154 A.2d 505 (1959). With respect to fitness, the Applicant has demonstrated his ability to operate for a period of three years under ICC rights. He has further demonstrated assets sufficient to operate his business in that the working capital of the business is sufficient to provide insurance coverage of One Million Five Hundred Thousand Dollars plus collision. The Applicant is further demonstrated that the staff employed is experienced and makes great effort to provide a luxury service to its limousine passengers. Additionally, the Applicant is a veteran of the Korean War who is honorably discharged from military service and possesses prior business experience in a service orientated business, that of custom tire recapping.

The operation of Defendant's limousine business under ICC rights is indicative of his fitness to operate a limousine service. Courts of the Commonwealth have on prior occasion

considered even unauthorized operation of a passenger service where that operation was carried on in good faith as being indicative of an Applicant's ability to operate. See Dutchland Tours, Inc. vs Pennsylvania Public Utility Commission, 19 Pa.Cmwlth. 1, 337 A.2d 922 (1975). B. B. Motor Carriers, Inc. vs Pennsylvania Public Utility Commission, 36 Pa.Cmwlth. 26, 389 A.2d 210 (1978).

The Applicant demonstrated substantial evidence of his technical ability to operate, for the reason that he possesses a fleet of cars which testimony of the witness, Oliver, indicated were in excellent condition.

The Applicant demonstrated need in the community for additional limousine service by the testimony of his shipper witnesses, two of which had indicated that they had used his service on prior occasion and would continue to do so in the future. One shipper witness, Hazel Cavanaugh, testified that she would use the service, were it available, but she had not used it in the past. The Applicant testified that requests were made from major resorts in the Pocono's, to wit; Caesars World, Cove Haven, Pocono Palace, Mount-Airy Lodge, Stricklands, Pocono Manor, and Fernwood. He further testified that he receives as many as ten to fifteen requests per week to furnish the service. Of the shipper witnesses that have used the Applicant's service, both indicated that it was very satisfactory.

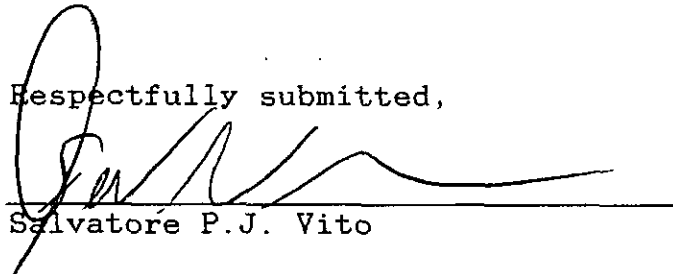
Lastly, the testimony of Nathan Oliver indicated that there was need in the community for additional service through his testimony of the problems which he encountered while working for

Pocono Limousine. The witness testified that he had worked for Pocono Limousine for the months of March through May of 1988 and in that relatively short period of time had encountered numerous problems. Some of the problems involved equipment while others involved what re referred to as over booking or over scheduling. In the case of Yellow Cab Company of Pittsburgh vs Pennsylvania Public Utility Commission, 161 Pa.Super. 41, 54 A.2d 301 (1947). The Court held that the Pennsylvania Public Utility Commission can authorize competition if necessary to compel adequate taxi cab service. Under the facts set forth in the instant brief it is clear that the service rendered by Pocono Limousine, the only certified carrier servicing the Monroe County area, is inadequate to service the demands of the community. The testimony reveled that the equipment was often operated in poor mechanical condition which is contrary to the public need for a safe transportation service. Further, the testimony of irregular dispatch scheduling indicates that public convenience is adversely affected by anything less than a prompt and efficient transportation service. The manner of operation of the existing certified carrier, Pocono Limousine, demonstrates substantial evidence of the need for additional carriers in the Monroe County area.

**CONCLUSION**

Based upon the arguments set forth above and the facts given in support thereof the Applicant, James Danielewicz t/d/b/a Limousine for Less respectfully requests this Honorable Court to make a recommendation granting unto him a certificate of public convenience.

Respectfully submitted,



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Salvatore P.J. Vito

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ORIGINAL

RICHARD T. MULCAHEY, JR.

July 12, 1989

RECEIVED

JUL 12 1989

SECRETARY'S OFFICE  
Public Utility Commission

Pennsylvania Public Utility Commission  
P.O. Box 3265  
Harrisburg, PA 17120

Attention: Jerry Rich, Secretary

Re: Application of James Danielewicz,  
t/d/b/a Limousine for Less  
PUC Docket No. A-00108292

DOCUMENT  
FOLDER

Dear Mr. Rich:

Please be advised that this office represents The House Scene, Inc., t/d/b/a Top Hat Chauffeured Limousine Service, Protestant in the above captioned Application.

On behalf of our client, we are enclosing herein original and nine copies of Initial Brief to the instant Application. A copy of the same has been forwarded this date to Applicant's attorney.

Kindly acknowledge receipt of the above by signing the enclosed copy of this letter and returning it to the attention of the undersigned in the envelope provided.

Sincerely,



RICHARD T. MULCAHEY, JR.

RTM/sm  
Encls.

cc: The House Scene, Inc.  
All parties of record

BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION

IN RE: APPLICATION OF JAMES DANIELEWICZ, : Docket No.  
t/d/b/a LIMOUSINE FOR LESS : A-00108292

RECEIVED

JUL 12 1989

SECRETARY'S OFFICE  
Public Utility Commission

INITIAL BRIEF OF PROTESTANT, THE HOUSE SCENE,  
INC., t/d/b/a TOP HAT CHAUFFEURED LIMOUSINE SERVICE

DOCUMENT  
FOLDER

DOCKETED  
JUL 17 1989

RICHARD T. MULCAHEY, JR.  
GREENSTEIN, GORELICK, PRICE  
& SILVERMAN  
Attorneys for Protestant, The  
House Scene, Inc., t/d/b/a Top  
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## I. HISTORY OF THE PROCEEDINGS

This matter comes before the Pennsylvania Public Utility Commission ("PUC" or "Commission") on the Application of James Danielewicz, t/d/b/a Limousine for Less ("Limousine for Less" or "Applicant") seeking Commission approval of the right to begin to transport, by motor vehicle, persons, in limousine service, between points in the Borough of Stroudsburg, Monroe County and within an airline distance of sixty (60) statute miles from the limits thereof.

Protests to the Application were filed by James Mitsos, t/d/b/a Elegant Limousine Service, Pocono Limousine, Inc. ("Pocono") and The House Scene, Inc., t/d/b/a Top Hat Chauffeured Limousine Service ("Top Hat" or "Protestant", collectively "Protestants"). James Mitsos withdrew his Application on December 9, 1988.

The initial hearing was scheduled and held before the Honorable Richard M. Lovenwirth, Administrative Law Judge ("ALJ") on Tuesday, January 17, 1989. Further hearings in consideration of the Application were scheduled and held on Friday, March 17, 1989, Tuesday, May 16, 1989, and Tuesday, May 23, 1989. At the hearings, testimony was received by the operating witness, public witnesses and a witness for Pocono.

At the conclusion of the hearings, the parties to the proceedings were directed by the ALJ to file Briefs. This Brief is filed in response to that directive.

## II. SUMMARY OF THE EVIDENCE

### INTRODUCTION

Applicant introduced the testimony of its operating witness, an employee, and testimony of only three other witnesses. Pocono introduced the testimony of its operating witness.

The testimony is summarized below:

1. James Danielewicz

Mr. Danielewicz testified that he has operated a limousine business for the past three years on an interstate basis under ICC authority. (N.T. 15). The witness identified the three vehicles that he has in connection with his business. (N.T. 16).

Previously, the witness operated a customer retreading service known as Stroudsburg Tire Service and served in the military. (N.T. 16).

The Applicant's present business involves transporting persons to Newark Airport, New York City, Kennedy, LaGuardia Airports and Atlantic City, New Jersey. (N.T. 17). Mr. Danielewicz testified as to the extent of his operations. (N.T. 17-19). The witness testified generally as to certain calls made by Pocono area resorts for service from the Allentown Airport. (N.T. 23).

Mr. Danielewicz identified some of his current clients. (N.T. 26).

On cross-examination, the witness could not recall

whether or not he filed a Fictitious Name Registration for Limosine for Less. Mr. Danielewicz identified the docket number identifying his authority before the Interstate Commerce Commission ("ICC"). (N.T. 29-30).

In the past, requests for service had been referred by Applicant to a local taxi company. (N.T. 32). Applicant maintains one leased vehicle and two purchased vehicles. (N.T. 34-35).

Applicant has been the subject of a Complaint by the Pennsylvania Public Utility Commission for providing intrastate service. (N.T. 37). Mr. Danielewicz stated that he paid a fine to the PUC. (N.T. 38).

On further cross-examination, the witness could not identify the extent of his authority before the Interstate Commerce Commission. However, he stated that originally the authority permitted him to transport persons between New Jersey, New York and Pennsylvania. Later, an Amendment was filed to the authority. (N.T. 41).

On redirect examination, this witness stated that he generates dollars from the business to pay the monthly obligations on one of the town cars. (N.T. 42). Further, Mr. Danielewicz stated that he was referred calls to and from the airport to a taxi service because of its reliability. (N.T. 43).

On recross-examination, this witness did not know the extent of authority held by Tica Taxicab Company, the carrier he

referred business to, nor did he know whether the cab company provided service to those callers. (N.T. 44-45).

On further redirection by advice of the ALJ, the witness approximated his income to be \$70,000.00 last year. (N.T. 47). Also, the witness gave an approximation as to the value of the real estate he owns jointly with his wife. (N.T. 48-49), and upon further questioning, Mr. Danielewicz gave approximate values of the assets in his business. (N.T. 49-50).

On cross-examination, the witness did state that there are mortgages on his property. (N.T. 52).

On cross-examination at a later date by Top Hat, the witness stated that he operates the business as a sole proprietorship. However, he has not registered the fictitious name, Limousine for Less. The witness also did not know whether he was required to register the name prior to advertising or holding himself out and doing business under that name. (N.T. 101).

The witness did not know what a tariff was (N.T. 102) and Mr. Danielewicz did not know whether a tariff was filed with the ICC. (N.T. 103).

The witness did not know of the ICC requirement concerning agents. (N.T. 104). The ALJ directed Applicant to produce the ICC Certificate. (N.T. 105).

Upon further cross-examination, the witness described his business as solely transportation to the airports in New Jersey and New York. (N.T. 105).

Mr. Danielewicz stated that he performs intrastate service in New Jersey and leases his vehicles to individuals for trips between points in Pennsylvania. (N.T. 107). The witness leases the vehicles and recommends drivers to those persons using his service on an intrastate basis in Pennsylvania. (N.T. 108). The witness identified two individuals that he recommends to persons using his service and was directed by the ALJ to provide the phone numbers and addresses of those persons. (N.T. 111).

Applicant leases its vehicles to individuals for weddings and proms on an intrastate Pennsylvania basis for \$35.00 an hour. (N.T. 112). During that time, Applicant maintained insurance on the vehicle and gave drivers the address of those to be picked up. (N.T. 113-114).

Mr. Danielewicz stated that he does not collect sales tax on the lease of the vehicle to individuals. (N.T. 115-116). The lease of the vehicles must be for a minimum of three hours resulting in a base price of \$105.00. (N.T. 117). No charge exists for mileage. (N.T. 117).

With respect to the ten to fifteen calls a week for service within Pennsylvania, the witness stated that he has absolutely no records of any of the requests. (N.T. 120).

Mr. Danielewicz stated that he did not recall two complaints against him before the Commission. However, he was aware of the one complaint involving illegal transportation where he paid a fine. (N.T. 121).

On redirect examination, the operating witness for the Applicant stated that the trips that involved the complaint before the PUC was engaged by a representative of Pocono. (N.T. 122-123).

2. Nathan Oliver

Mr. Oliver stated that he is currently employed as a limousine chauffeur for Applicant. (N.T. 55-56). In the past, the witness worked for a number of companies including Pocono. (N.T. 57). This witness testified extensively as to the operations of Pocono during his period of employment. (N.T. 58-79).

Mr. Oliver stated that he primarily drives out of state for Applicant, and the courtesies that he provides to Applicant's clientele. (N.T. 81-83).

Upon cross-examination, Mr. Oliver discussed further his duties in relationship at Pocono. (N.T. 126-131).

3. Hazel Cavanaugh

Mrs. Cavanaugh testified that she resides at 300 Claremont Avenue, Stroudsburg, PA. The witness stated that she has not used limousine service in the past. (N.T. 132). However, the witness stated that she would use Mr. Danielewicz to the airport because he was "close by". (N.T. 133).

On cross-examination, the witness described her intended use of the service to be to the airport. However, the witness did not know of any existing airport transfer service, nor did the witness check into any other transportation to the airport. (N.T.

134). Also, the witness did not express any particular desire for a certain vehicle. (N.T. 134).

On further cross-examination, the witness stated that her son takes her to the airport presently and that she does not plan to require transportation to the airport in 1989. (N.T. 135). Mrs. Cavanaugh testified that she would oppose using any other carrier because she would prefer to use her neighbor, Mr. Danielewicz. (N.T. 136-137).

4. Beth Stevens

Mrs. Stevens stated that she did have an occasion to use the services of the Applicant for transportation from her home in Stroudsburg to the Newark Airport. (N.T. 139). She testified that she was satisfied with the services provided by the Applicant on an interstate basis.

Further, this witness stated that she would use Applicant's service and that she travels to the Allentown Airport twice a year. (N.T. 140).

On cross-examination, this witness stated that in the past she would ask others to drive her to the airport. This witness did not make any inquiries as to existing service to the Allentown Airport. (N.T. 141). This year, this witness plans only one trip to the airport. (N.T. 142).

On further cross-examination, Mrs. Stevens stated that she knows that Pocono is in the limousine business. However, she never contacted them regarding charges to the Allentown Airport.

(N.T. 143).

5. Khris M. Wolfington

Mr. Wolfington testified that he is familiar with the business that Applicant runs and has used Applicant's service to transport clients from Northern New Jersey and New York to Pocono Manor. (N.T. 191). In addition, this witness used Applicant for transportation from Newark Airport to Pennsylvania. (N.T. 191-192).

Mr. Wolfington said that he would use the Applicant's services in the future. (N.T. 192).

Upon cross-examination, the witness stated that he resides in Rosemont, PA and has an address at Pocono Manor in Mt. Pocono, PA. This witness testified that his uncle owns Carey Limousine, one of the largest limousine companies in the nation. (N.T. 194). Mr. Wolfington stated that he engages the services of Applicant and pays for the service of transporting his New York and New Jersey customers to the Poconos. (N.T. 195-196). The witness has no clients in Northeastern Pennsylvania. (N.T. 196). Further, the witness has not engaged any limousine service between points in Northeastern Pennsylvania. (N.T. 196).

### III. ARGUMENT

#### A. INTRODUCTION

Applicant has the burden of proof in regard to an application for a certificate of public convenience and necessity. In the past, an applicant's burden of proof in such proceedings included: (a) proof of need for additional service, (b) proof of the inadequacy of the then existing service and the proposal of how the applicant's service would correct the inadequacy, and (c) the fitness of the applicant. Byerly v. Pennsylvania Public Utility Commission, 440 Pa. 521, 270 A.2d 186 (1970).

The issue of inadequacy of existing service becomes unnecessary according to Gettysburg Tours, Inc. v. Pennsylvania Public Utility Commission, 42 Pa. Commonwealth Ct. 399, 400 A.2d 945 (1979). Further, the Commission adopted a modified evidentiary criteria for deciding motor common carrier applications. The new regulations at 52 Pa. Code §41.14 provide that:

(a) An applicant seeking motor common carrier authority has a burden of demonstrating that approval of the application will serve a useful public purpose, responsive to a public demand or need.

(b) An applicant seeking motor common carrier authority has the burden of demonstrating that it possesses technical and financial ability to provide the proposed service, and, in addition, authority may be withheld if the record demonstrates the applicant lacks a propensity to operate safely and legally.

(c) The Commission will grant motor common carrier authority commensurate with the demonstrated public need unless it is established that the entry of a new carrier into the field would endanger or impair the operations of existing common carriers to such an extent that, on balance, the granting of authority would be contrary to the public interest.

In Application of Richard L. Kinard, Inc., Docket No. A-95829, (October 1984), the Commission interpreted that new policy as follows:

...We proposed to encourage competition through the proposed rulemaking by excluding the "inadequacy" evidentiary standard previously adhered to. However, we emphasized our continued adherence to the basic requirement that an applicant show affirmatively that public benefit will result from approval of the application.

The A.L.J. considered §41.14(a) to be the cornerstone of the new policy, which imposes, upon the applicant the "burden of demonstrating that approval of the application will serve a useful public purpose, responsive to a public demand or need." However, the A.L.J. assumed that mere shippers' support would not satisfy the §41.14(a) burden to be carried by the applicant. Therefore, A.L.J. turned to alternatives to "inadequacy" as criteria for establishing the §41.14(a) burden. The A.L.J.'s alternatives to "inadequacy" are listed below:

1. Different service,
2. Efficiency,
3. Lower rates,
4. Future need,
5. Back up service,
6. Shipper competition,
7. ICC authority,
8. Certification of authority, and
9. Benefit to applicant.

The mere introduction of shippers' support testimony would not be enough to satisfy solely on the basis of §41.14(a). While granting the

application may respond to "public demand or need" it would not necessarily "serve useful public purpose" or provide a "public benefit." York v. Pennsylvania Public Utility Commission, 449 Pa. 136 (1972). Therefore, we find ourselves in agreement with the A.L.J.'s interpretation of the §41.14(a) standard, which utilizes alternatives to "inadequacy" criteria for establishing that the "approval of the application will serve a useful public purpose." The A.L.J. stated that the common element to all alternatives is the best interest of the shipper and the public. (Emphasis added).

Following the requirements of proof as set forth by the Commission, Applicant has not shown that the grant of authority for limousine service will be responsive to a public demand or need. Applicant has not shown that he is fit to operate the proposed service in the area sought. More disturbing, Applicant did not show any of the alternatives in Kinard nor any evidence to show that additional need for limousine service is required by the public. Accordingly, this Application should be denied in its entirety.

**B. THE APPLICANT HAS NOT SUSTAINED HIS BURDEN OF DEMONSTRATING NEED**

Limousine for Less did not sustain his burden of demonstrating need for limousine service in the area sought by this Application. Only three witnesses representing the public appeared on behalf of this Application. Evidentiary requirements placed on an Applicant in accordance with 52 Pa. Code §41.14(a) is as follows:

An applicant seeking motor common carrier authority has a burden of demonstrating that

approval of the application will serve a useful public purpose, responsive to a public demand or need.

Applicant attempts to sustain his burden of proof by arguing in his Brief that Mr. Danielewicz has received requests from several Pocono area resorts and individuals to furnish service. Clearly, this testimony cannot be considered as competent by the ALJ. According to 52 Pa. Code §3.382, proper service request evidence may be offered and accepted by the ALJ as long as certain information is included in the request. The ALJ can give weight to testimony of request evidence if the following is provided:

1. The date of the request.
2. The name, address and phone number of the person or company requesting service.
3. The nature of the service requested on each occasion, including the commodities or persons to be transported, and the origin and destination of the requested transportation.
4. The disposition of the request, that is, whether the Applicant provided the service or, if not, whether the requesting shipper was referred to another carrier and, if there was a referral, to which carrier the shipper was referred.

52 Pa. Code 3.382(a).

No such information was provided to the ALJ or the Protestant when the operating witness testified at the hearing. Accordingly, the ALJ cannot give any weight to this testimony for request service.

It should be noted that Applicant is seeking a very

expansive territorial right from this Commission. What is sought by this Application include several Counties and several middle size cities in Northern, Western and Southern Pennsylvania. Nevertheless, only three witnesses appeared in support of the instant Application. Once the ALJ reviews the testimony of the three public witnesses, there can be no other conclusion that little or no weight can be given to their testimony.

Protestant recognizes that an Applicant for a Certificate of Public Convenience need not show a demand or need for service in every point within the proposed territory. Purolator Courier Corp. v. Pennsylvania Public Utility Commission, 51 Pa. Cmwlth. Ct. 377, 414 A.2d 450 (1980). However, it is incumbent upon an Applicant to show that substantial and representative public need exist throughout the territory. See, Modern Transfer Co. v. Pennsylvania Public Utility Commission, 179 Pa. Super. 46, 115 A.2d 887 (1955) wherein Applicant presented fifty-three witnesses and the authority was not granted to Applicant, despite the finding by the ALJ that some need was indicated by the evidence received. Also, see, Willow Grove Yellow Cab Company v. Pennsylvania Public Utility Commission (Pa. Cmwlth. Slip Opinion, No. 424, March 20, 1989).

All of Applicant's offered witnesses indicated an alleged need for transportation to an airport (emphasis added). No other testimony concerning luxury limousine service was provided by Applicant's witnesses. There can be no other finding by the ALJ

except that the testimony is merely supporting this Application. No indication of need for an additional carrier was brought forth by the witnesses' testimony. Applicant's first witness, Mrs. Cavanaugh, stated that she would use Applicant for transportation to the airport. However, this witness never used any common carrier to travel to the airport, does not plan to require transportation in 1989, and uses her son for trips to the airport. (N.T. 135). This witness is supporting the Application solely because the Applicant is a neighbor. (N.T. 136-137). Clearly, Mrs. Cavanaugh's testimony is mere support evidence. Applicant's second witness, Ms. Stevens, also stated that she would use Applicant's service to the Allentown Airport twice a year. However, this witness has not used any other common carriers and did not make a single inquiry as to existing service to the airport. (N.T. 141). Once again, the testimony does not indicate that there is a need for an additional carrier. Ms. Stevens' testimony is mere support evidence. Applicant's final witness, Mr. Wolfington, stated that he would support this Application and that he has used the services of Applicant on an interstate basis. However, Mr. Wolfington has no clients in Northeastern Pennsylvania, has never engaged any limousine service between points in Northeastern Pennsylvania, and resides outside the area sought by this Application. (N.T. 192-193, 196). Mr. Wolfington's testimony cannot be considered proper need testimony but merely support evidence.

It is well settled that an Applicant must show more than just mere support in attempting to sustain its burden under §41.14(a). Limousine for Less only presented support testimony. Such testimony is not sufficient to meet the burden placed upon Applicant by this Commission. See, generally, Samuel J. Lansbury v. Pennsylvania Public Utility Commission, 686 Pa. Cmwlth. Ct. 381, 444 A.2d 832 (1982) and D. S. Bast, Inc. v. Pennsylvania Public Utility Commission, 397 Pa. 246, 124 A.2d 505 (1959).

Aside from his introduction of some insufficient public "support" testimony, Applicant completely failed to address or produce any evidence to satisfy his burden of proof as set forth in Kinard. Accordingly, there can be no other finding but that Applicant has failed to show any evidence of need for an additional carrier.

**C. THE APPLICANT HAS NOT SUSTAINED ITS  
BURDEN OF PROVING THAT HE IS  
TECHNICALLY AND FINANCIALLY FIT**

In addition to not producing a scintilla of evidence to show that a genuine need for the service sought by this instant Application exists, Limousine for Less has failed to show that he possesses the technical and financial ability to serve the public as a certificated common carrier for limousine service.

According to PUC regulations at 52 Pa. Code §41.14(b), Applicant:

...has the burden of demonstrating that [he] possesses the technical and financial ability to provide the proposed service, and, in addition,

authority may be withheld if the record demonstrates that the applicant lacks a propensity to operate safely and legally.

The Commission has held that §41.14(b) regarding fitness merely restated established law. Thus, the Applicant must possess sufficient staff, facilities and operating skills to make the proposed service feasible, profitable and a distinct service to the public. Merz White Way Tours v. Pennsylvania Public Utility Commission, 204 Pa. Superior Ct. 43, 201 A.2d 446 (1964). He must also possess the financial ability to give reliable and responsible service, and have sufficient resources to obtain the equipment needed to perform the proposed service. Railways Express Agency v. Pennsylvania Public Utility Commission, 195 Pa. Superior Ct. 394, 171 A.2d 860 (1961). Further, Limousine for Less must show that it has not disregarded Commission Orders or Regulations. Hubert v. Pennsylvania Public Utility Commission, 118 Pa. Superior Ct. 128 (1935). The record supports a finding that Applicant is not fit to operate a limousine service.

Limousine for Less did not show that he is financially able to perform the proposed service as a certificated carrier. No financials were introduced into evidence. The witness testified only generally as to the assets he presently held. No testimony was offered with respect to current liabilities and expenses of the Applicant. Accordingly, Limousine for Less has not shown sufficiently that he is financially able to maintain a PUC regulated business. No evidence was shown that Applicant

could be able to obtain the necessary equipment in connection with the grant of the Certificate of Public Convenience - a burden which is required of an Applicant according to Application of William O'Conner, 54 P.U.C. 547 (1980).

Notwithstanding the fact that no financial documentation was produced by the Applicant in this proceeding, the ALJ, over objection of Protestants, questioned Applicant generally concerning certain values attributed to assets. Nevertheless, the testimony was insufficient to show fitness.

More disturbing to the Protestant, by failing to produce appropriate financial records in this proceeding, the Applicant has not given the Protestant an opportunity to cross-examine the financial condition and fitness of the operating witness. It is well established that the Protestant has the right to cross-examine a witness on these matters. (See, generally, 2 Pa. C.S. §505 and 1 Pa. Code §35.126(a)). Where the record before an administrative agency shows that a party was not given the right of reasonable cross-examination, the proceeding must be set aside as a denial of due process of law. State Board of Private Business Rules v. Thomasson, t/d/b/a Stenotype Institute of Pittsburgh, 66 Dauph. 110 (1954).

Recently, the PUC recognized this long held principle by denying an Application where sufficient financial records were not produced. Application of Care & Emergency, Inc., PUC Docket No. A-00102221, F. 3 (1988). The mere testimony of a certain dollar

figure representing total assets is not sufficient to show financial fitness of the Applicant and this Application must fail as did the Application in Care & Emergency.

It is important also to note that Applicant does not possess the requisite technical fitness required by this Commission for a certificated carrier. Limousine for Less has been a subject of a complaint for illegal service which resulted in a fine. (N.T. 37-38). Nevertheless, this witness stated that he "rents" vehicles to individuals who require limousines for intrastate purposes. The charge by Applicant is very close to what limousine operators charge for certificated service and Mr. Danielewicz does not collect any sales tax on the lease of the vehicle. (N.T. 112-116). Applicant's operation of his business presently reflects the lack of technical fitness required by this Commission. Limousine for Less has been engaged in the transportation business for approximately three years. However, the name has not been properly registered as a fictitious name with the Commonwealth of Pennsylvania. (N.T. 101). The operating witness did not know what was a tariff, nor did he know the tariff requirements of the Interstate Commerce Commission. (N.T. 103). Applicant did not know of the requirement concerning the designation of agents in connection with his business. (N.T. 104). Finally, the Applicant failed to produce his ICC Certificate although directed to do so by the ALJ. (N.T. 105).

The cavalier method of operations by Limousine for Less

is of a great concern to Top Hat and should be a concern to the ALJ. The operations of the Applicant clearly show that he does not possess the requisite technical fitness to warrant certification by this Commission.

D. PROTESTANT WAS NOT REQUIRED TO SHOW THAT THE ENTRY OF LIMOUSINE FOR LESS AS A NEW LIMOUSINE CARRIER WOULD SO ENDANGER EXISTING OPERATIONS AS TO BE CONTRARY TO THE PUBLIC INTEREST

Applicant has not shown a scintilla of evidence that need exists for an additional carrier. The testimony shows that Applicant is not technically or financially fit to be certified as a limousine service. Accordingly, Top Hat maintains that the ALJ need not reach the level of analysis under §41.14(c) in this proceeding in that Applicant clearly has failed to meet its burden of proof.

IV. REQUESTED FINDINGS OF FACT AND CONCLUSIONS OF LAW

1. Applicant has filed an Application for the right to begin to transport persons in limousine service between points in the Borough of Stroudsburg, Monroe County and within an airline distance of sixty (60) statute miles from the limits thereof.

2. Protests were filed by The House Scene, Inc., t/d/b/a Top Hat Chauffeured Limousine Service and Pocono Limousine Service, Inc.

3. Protestants hold authority from the PUC to transport persons in limousine service in the area sought by the instant Application.

4. Applicant produced only support witnesses and did not meet its burden to show that there exists a need for additional limousine service within the area sought by the instant Application.

5. Applicant has not shown that its proposed service falls within the several alternates set forth in the Kinard decision.

6. Applicant produced no evidence showing its financial ability to warrant issuance of a Certificate of Public Convenience by this Commission.

7. Applicant produced no evidence showing its technical ability to warrant issuance of a Certificate of Public Convenience by this Commission.

8. Applicant has failed to meet its burden of proof to show that it is technically and financially fit to operate as a common carrier in the Commonwealth of Pennsylvania.

9. The Commission need not reach the level of analysis to decide whether Protestant has met its burden of proof.

10. Considering all the circumstances, Applicant has not met its burden of proof and, therefore, this Application must be denied in its entirety.

V. PROPOSED ORDER

AND NOW, to wit, this                    day of                    ,  
1989, it is ORDERED:

That the Application of James Danielewicz, t/d/b/a  
Limousine for Less, at PUC Docket No. A-00108292, for the right to  
transport, as a common carrier, persons in limousine service,  
between points in the Borough of Stroudsburg, Monroe County and  
within an airline distance of sixty (60) statute miles from the  
limits thereof, be denied in its entirety.

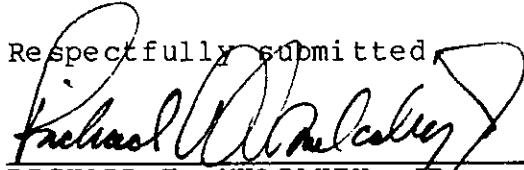
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RICHARD M. LOVENWIRTH  
ADMINISTRATIVE LAW JUDGE

VI. CONCLUSION

For the reasons set forth above, the Application should be denied in its entirety.

Respectfully submitted,



---

RICHARD T. MULCAHEY, JR.  
Greenstein, Gorelick, Price  
& Silverman  
Attorneys for Protestant, The  
House Scene, Inc., t/d/b/a Top  
Hat Chauffeured Limousine Service

Dated: July 12, 1989

CERTIFICATE OF SERVICE

I hereby certify that I have this day served a copy of this document upon the following parties in the manner indicated below:

Service by first class mail addressed as follows:

Honorable Richard M. Lovenwirth  
Administrative Law Judge  
Pennsylvania Public Utility Commission  
State Office Building, Room 108  
100 Lackawanna Avenue  
Scranton, PA 18503

Salvatore Vito, Esquire  
45 North Seventh Street  
Stroudsburg, PA 18360

Mark S. Jennings, Esquire  
303 Tenth Street  
Honesdale, PA 18431

  
\_\_\_\_\_  
SYLVIA MASHONSKY

Dated: July 12, 1989

**Mark Samuel Jennings**

ATTORNEY AND COUNSELOR AT LAW

303 Tenth Street

Honesdale, PA 18431

(717) 253-6110

ORIGINAL

July 17, 1989

RECEIVED

JUL 21 1989

SECRETARY'S OFFICE  
Public Utility Commission

Mr. Jerry Rich, Secretary  
Pennsylvania Public Utility Commission  
P.O. Box 3265  
Harrisburg, PA 17120

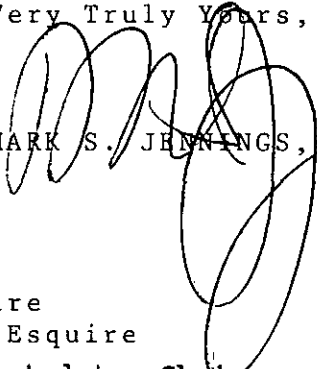
Re: Application of James Danielewicz  
A-00108292

Dear Secretary Rich:

This is to confirm my secretary's conversation with Judge Lovenwirth of this date, wherein the Protestant, Pocono Limousine, Inc., was granted a one (1) week extension to file its' Brief with reference to the above matter.

If you have any questions, please call.

Very Truly Yours,

  
MARK S. JENNINGS, Esquire

DOCKETED

JUL 26 1989

MSJ;bc

CC: Judge Lovenwirth  
Salvatore P.J. Vito, Esquire  
Richard T. Mulcahey, Jr., Esquire

7/21/89 - copy of above ltr circulated to: Chairman and Commissioners

OSA

ALJ

LAW

mpk

COPIES  
REMOVED

Mark Samuel Jennings

ATTORNEY AND COUNSELOR AT LAW

303 Tenth Street  
Honesdale, PA 18431

(717) 253-6110

ORIGINAL

FOLDER

July 24, 1989

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JUL 28 1989

SECRETARY'S OFFICE  
Public Utility Commission

Mr. Jerry Rich, Secretary  
Pennsylvania Public Utility Commission  
P.O. Box 3265  
Harrisburg, PA 17120

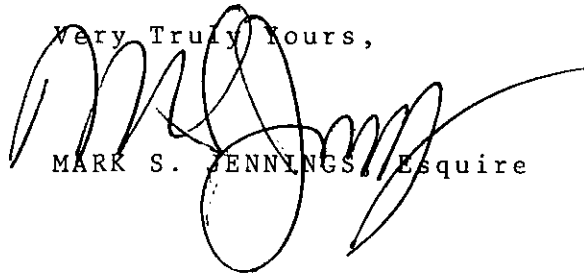
Re: Application of James Danielewicz t/d/b/a  
Limousine for Less; A-00108292

Dear Secretary Rich:

Enclosed please find three copies of the Brief on behalf of the protestant, Pocono Limousine Service, Inc. in this matter.

If you have any questions, please call.

Very Truly Yours,



MARK S. JENNINGS, Esquire

MSJ;bc

Enclosure

CC: Richard Lovenwirth, ALJ  
Richard T. Mulcahey, Jr., Esquire  
Salvatore P.J. Vito, Esquire

3 JUN 1989  
FOLDER

ORIGINAL

BEFORE THE PENNSYLVANIA PUBLIC UTILITY COMMISSION

DOCKETED  
JUL 28 1989

RECEIVED  
JUL 28 1989  
SECRETARY'S OFFICE  
Public Utility Commission

IN RE: APPLICATION OF JAMES DANIELEWICZ : Docket No.  
t/d/b/a LIMOUSINES FOR LESS : A-00108292

INITIAL BRIEF OF PROTESTANT,  
POCONO LIMOUSINE SERVICE, INCORPORATED

MARK S. JENNINGS, Esquire  
Attorney for Protestant,  
Pocono Limousine Service,  
Incorporated  
303 Tenth Street  
Honesdale, PA 18431  
(717) 253-6110

## I. STATEMENT OF THE CASE

Applicant filed an application for limousine service between points in the Borough of Stroudsburg, Monroe County and within an airline distance of sixty miles of the limits thereof. Various protests were filed in opposition to the application. The initial hearing was held on Tuesday, January 17, 1989. Further hearings on the application were held on March 17, 1989, May 16, 1989 and May 23, 1989. At which times, the applicant presented testimony regarding fitness, need for service and inadequacy of service, and protestant, Pocono Limousine Service, Inc., (Pocono) presented witnesses in opposition to the application.

## II. SUMMARY OF TESTIMONY

Applicant produced testimony of the owner and operator of applicant, James Danielewicz, an employee of applicant, Nathan Oliver, and supporting witnesses, Hazel Cavanaugh, Beth Stevens and Khris M. Wolfington.

Mr. Danielewicz testified that he has utilized three vehicles in connection with his limousine business which he has been operating for the past three years on an interstate basis (N.T. 15, 16). Applicant's prior experience in the business world consists of a retreading business in the Stroudsburg area (N.T. 16). Mr. Danielewicz further testified that he does receive calls from the Pocono

area resorts for service from the Allentown airport (N.T. 23). However, on cross examination, Mr. Danielewicz acknowledged that he has absolutely no records of any of the requests for service (N.T. 120). The applicant could also not recall whether he filed a fictitious name registration for "Limousines for Less" (N.T. 29). Mr. Danielewicz described his business as solely transportation to airports in New Jersey and New York (N.T. 105), however, the applicant admitted that he was aware of one complaint upon commission motion involving illegal transportation in Pennsylvania where he paid a fine (N.T. 121).

The applicant also presented testimony of Nathan Oliver, who is an employee of applicant (N.T. 55-56). Mr. Oliver testified as to the quality of service provided by protestant, Pocono Limousine Service, Inc. (N.T. 58-79).

Hazel Cavanaugh testified that she lives in Stroudsburg, Pennsylvania and that she has never used a limousine service in the past (N.T. 132). But that if she had a need of one, she would use the applicant because of his close proximity to where the witness lives (N.T. 133). The witness further indicated that she does not plan or require transportation in limousines for the year 1989 (N.T. 135).

Beth Stevens testified that she had used the applicant's service from Stroudsburg to the Newark airport

(N.T. 139). She stated that she would use the applicant's service to the Allentown airport twice a year (N.T. 140). However, the witness was not familiar with existing service to the Allentown airport (N.T. 141) and that she has never contacted protestant, Pocono Limousine Service, Inc., for transportation to the Allentown airport (N.T. 143).

Khris Wolfington testified that he is familiar with the applicant's business and that his transportation needs are essentially from New Jersey and New York to the Pocono area (N.T. 191). The witness stated however, that he has no clients in northeastern Pennsylvania and that he has not engaged any limousine service between points in northeastern Pennsylvania (N.T. 196).

### III. STATEMENT OF THE ISSUES INVOLVED

1. Has applicant shown a public need for the proposed service

Suggested Answer: No.

2. Has applicant proved its financial and legal ability to render the proposed service

Suggested Answer: No.

### IV. SUMMARY OF ARGUMENT

The evidence presented in the proceeding establishes that applicant has wholly failed to establish the existence of a public need for the proposed service.

The evidence presented by the applicant and its' supporting witnesses is an insufficient foundation upon which to base the required finding regarding the existence of a public need for the proposed service.

Applicant has also not satisfied its' burden relative to its' fitness to provide the proposed service. Applicant does not possess either the financial resources or the technical capacity required to render the service proposed in this application. Applicant provided no testimony in the form of financial statements, tax returns, bank accounts or the like which would substantiate a finding of financial fitness. Furthermore, the evidence indicates that the grant of the application, particularly in the absence of a public need for applicant's service, would have a severe adverse consequence for protestant, Pocono's, operations. Therefore, applicant's request for authority should be denied in its entirety.

#### V. ARGUMENT

1. Has applicant shown a public need for the proposed service

Suggested Answer: No.

#### A. Applicable Evidentiary Standard

This application is subject to provisions of 52 Pa. Code §41-14 which provides:

Evidentiary criteria used to decide motor carrier applications.

a. An applicant seeking motor common carrier authority has the burden of demonstrating that the approval of the application will serve a useful public purpose, responsive to a public demand or need.

b. An applicant seeking motor common carrier authority has the burden of demonstrating that it possesses the technical and financial ability to provide the proposed service and, in addition, authority may be withheld if the record demonstrates that the applicant lacks a propensity to operate safely and legally. (Emphasis added).

c. The Commission will grant motor common carrier authority commensurate with the demonstrate of public need unless it is established that the entry of a new carrier into the field will endanger or impair the operations of existing common carriers to such an extent that on balance, the granting of authority would be contrary to the public interest (52 Pa. Code §41.14).

It is applicant's burden to establish that the service it proposes will serve a useful public purpose, responsive to a public demand or need and that it possesses the technical and financial ability to provide it. If the Commission determines that the applicant has satisfied its' burden, (and we would emphasis only if) the application is to be granted commensurate with the demonstrate of the public need, unless the record indicates that applicant lacks the propensity to operate safely and legally or that the entry of applicant into the field would endanger the operations of existing common carriers, contrary to the public interest.

B. Applicant has failed to present substantial evidence for the need for the proposed service.

It is well established in Pennsylvania law that applicant for a certificate of public convenience has the burden of proving a need for additional service it proposes 52 Pa. Code 41.14; Foolmer Trucking Company v. Pa. P.U.C., 150 A2d 163 (1959); Motor Freight Express v. Pa. P.U.C., 146 A2d 323 (1958). While it is not necessary for an applicant to present proof of need relating to every point in the territory requested, the Commission still is duty bound to withhold issuing a favorable Order "without a basis in evidence having a rational probative force", Consolidated Edison Company v. National Labor Relations Board 305 U.S. 197 (1938), cited in Lehman Transportation Corporaiton v. PA. P.U.C., 33 A2d 721 (1943). Therefore, before a certificate of public convenience can be issued by the Commission, the applicant must present substantial evidence that a need for the proposed service exists in the application territory, Duffland Tours, Inc. v. Pa. P.U.C., 337 A2d 922 (1975).

An objective review of the testimony presented by the applicant clearly shows that applicant has fallen far short of establishing a public need for the service throughout the application territory. Applicant's public need evidence consists of various service requests testified to by applicant, (which because it does not conport with Commission requirements for said request testimony is

totally valueless in this matter), and the testimony of three public witnesses.

With respect to the service requests, Pocono, submits that they offer nothing of probative value relative to the existence of a public need for applicant's service. Request testimony does not comport with the Commission requirements as contained in 52 Pa. Code §3.382, and the lack of specificity of the request service evidence require that it be afforded little or no weight in evaluating the evidence of the public need contained in this record.

The testimony of supporting shipper, Hazel Cavanaugh, indicates that she has not used limousine service in the past (N.T. 132). And that her intended use would be for service to the Allentown airport. Futher, the witness did not know of any existing airport transport service, nor had she checked into any other transportation to the airport (N.T. 134). Absent evidence of a need for service within the application territory, Ms. Cavanaugh's testimony offers nothing of probative value to the record.

Ms. Stevens testified that she uses the applicant for transportation from her home in Stroudsburg to the Neward airport (N.T. 139) and that she would use this service for transportation to the Allentown airport twice a year (N.T. 140). However, the witness acknowledged that she did not make any inquiries as to existing service to the

Allentown airport (N.T. 141) and that this year the witness plans but one trip to the airport (N.T. 142). Ms. Stevens further testified that she is aware that Pocono Limousine Service, Inc. is in this business, however, she never contacted them in regard to service to the Allentown airport (N.T. 143).

Khris M. Wolfington, applicant's final supporting witness, gave perhaps the weakest testimony of all. Although he does indicate that he has used the applicant's service from northern New Jersey and New York to the Pocono Manor (N.T. 191) and that he would use applicant's services in the future (N.T. 192), Mr. Wolfington testified that he has no clients in northeastern Pennsylvania (N.T. 196) and that he has not engaged any limousine service between points in northeastern Pennsylvania (N.T. 196). Supporting shipper, Wolfington, did not even indicate any potential future need for limousine service between points in the applied for area to points in Pennsylvania, therefore, his testimony should be given little or no weight.

Applicant did produce the testimony of Nathan Oliver, his employee. Apparently Mr. Oliver was employed by protestant, Pocono Limousine Service, Inc., in the past and he testified to various problems with equipment and service regarding Pocono Limousine Service, Inc.'s service. Mr. Oliver did not indicate whether his employment for Pocono

Limousine Service, Inc. was in the limousine business or the para-transit business and Mr. Oliver apparently left the services of Pocono Limousine Service, Inc. under dubious circumstances. It is interesting to note that applicant produced no non-biased witnesses to testify regarding the inadequacy of protestant, Pocono's, service. For reasons cited above Mr. Oliver's testimony is of little or no weight in this matter and should be disregarded.

Although the Commission has lightened the burden placed upon an applicant. It is not lightened it to such an extent as to allow this type of support testimony to qualify as adequate proof that the service proposed will serve some public benefit. Simply put, this record does not contain enough to meet the statutorily required findings for the grant of any operating authority. Further, the mere preference for a particular carrier is insufficient to warrant approval without first establishing a need for the proposed service or inadequacy of existing service, Application of Chapman Johnson, S.R., t/a Johnson Trucking Company, 50 Pa. P.U.C. 696 (1977). Applicant has failed to present credible, let alone substantial, evidence of need for its' service and has fallen short of identifying any public benefit to be derived from the grant of this particular application.

2. Has applicant proved its financial and legal

ability to render the proposed service

Suggested Answer: No.

In accordance with 52 Pa. Code §41.14(b) as cited above, applicant has the burden of proving that he has the technical and financial ability to provide the proposed service. However, even if the same may be demonstrated approval is withheld where the record shows the applicant lacks propensity to operate safely and legally. It should be noted that Limousines for Less did not tender any financial records in support of its' application. Thus the applicant has failed to show that he is financially able to maintain the sought for authority. Furthermore, the applicant has been cited by the Commission for illegal service for which he paid a fine (N.T. 37-38). Nevertheless, the applicant continues to lease vehicles to individuals who require limousine services for intrastate purposes. The applicant testified that he supplies the name of drivers to drive the vehicle and drivers charge accordingly. However, it should be noted that applicant is not deducting any sales tax for the leasing of these vehicles and it is strongly suggested that these leases are a mere sham in order to avoid legitimate Commission regulations in this instance.

The continued pattern of operating outside the parameters of Public utility Commission rules coupled with

the admitted illegal move, clearly demonstrates that the applicant lacks the propensity to operate safely and legally 52 Pa. Code §41.14(b) and his application should therefore be dismissed.

It is noteworthy that the protestant, Pocono Limousine Service, Inc., cannot without any certitude, forecast the adverse affect of the grant of this application. The Commission's regulation 52 Pa. Code 41.14(c) requireing the protestant to prove adverse impact presumes the applicant has fleshed out its' proposal and either produced evidence regarding its' existing service levels and expectations, or forecast its' expected market penetration, so that the protestant, (not to mention the administrative law judge and the Commission), can judge the impact of a grant. Thus, where as here the applicant has not projected what he is going to do, given the dirth of evidence in this regard, it is impossible for protestant to forecast the competitive affect thereof. Thus, the key to this case is not the competitive affect, it is rather the applicant's failure to come close to carrying its' burden of proof.

#### CONCLUSIONS

The evidence of record is insufficient to support a finding that there is a public need for applicant's proposed service within the application territory. The

proported evidence of need consists of speculative transportation needs, at best, and cannot form the basis for the necessary statutory findings, therefore, the application must be denied for applicant's failure to satisfy its' burden of establishing its' burden of establishing the existence of a public need for the proposed service.

Applicant has similarly failed to establish that it possesses the requisite technical and financial capacity. Applicant has shown no financial records whatsoever that would support the conclusion of financial capacity and in addition, because of the repeated violations of the Public Utility Code as aforesaid, technical capacity is also lacking and therefore the applicant is unfit to receive the requested authority.

WHEREFORE, Pocono Limousine Service, Inc. requests the issuance of an Order denying the application of James Danielewicz t/d/b/a Limousine For Less at Docket No. A-00108292 in its' entirety.

PROPOSED FINDINGS OF FACT

1. Applicant has filed an application to transport persons in limousine service between points in the Borough of Stroudsburg, Monroe County and within an airline distance of sixty (60) statute miles of the limits thereof.

2. Protests were filed by Pocono Limousine Service, Inc. and the House Scene, Inc. t/d/b/a Top Hat

Chauffeured Limousine Service.

3. Commission has jurisdiction over the parties in the subject matter in this case.

4. Applicant produced no financial records to support its' application.

5. Applicant has been the subject of a Public Utility Commission complaint for which applicant paid a fine.

6. Applicant is "leasing" limousine vehicles and recommending drivers to provide limousine service in the certificated area.

7. Applicant's supporting witness, Hazel Cavanaugh, has not used limousine service in the past and has not expressed any desire for a certain vehicle and would prefer to use the applicant since he is her neighbor.

8. Applicant's supporting witness, Beth Stevens, has used applicant's service for interstate transportation and she would use him for transportation to the Allentown airport about twice a year, but she has not made any inquiries as to existing service to the Allentown airport.

9. Applicant's supporting witness, Khris M. Wolfington, has used applicant's service in interstate transportation and has no stated need for intrastate transportation.

10. Applicant's supporting witness, Nathan Oliver,

is currently employed by the applicant and was formerly employed by the protestant, Pocono Limousine Service, Inc., and left their employment under dubious circumstances.

PROPOSED CONCLUSIONS OF LAW

1. The Pennsylvania Public Utility Commission has jurisdiction over the parties and subject matter of this proceeding.

2. The applicant has failed to sustain its' burden of establishing a need for the proposed service.

3. Applicant has failed to sustain its' burden of establishing the technical and financial fitness required of an applicant for the Pennsylvania Public Utility Commission operating authority.

4. Approval of the instant application would needlessly risk and adversely affect the operations of Protestant, Pocono Limousine Service, Inc., contrary to the public interest.

5. Applicant has failed to sustain its' burden of proving that approval of its' application of its' application is necessary and proper for the accomodation and convenience of the public.

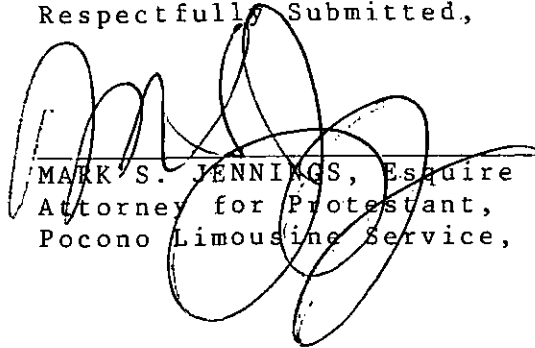
PROPOSED ORDER

Therefore, it is ORDERED that:

1. That the application of James Danielewicz t/d/b/a Limousine For Less, Docket No. A-00108292 be and is

hereby denied.

Respectfully Submitted,

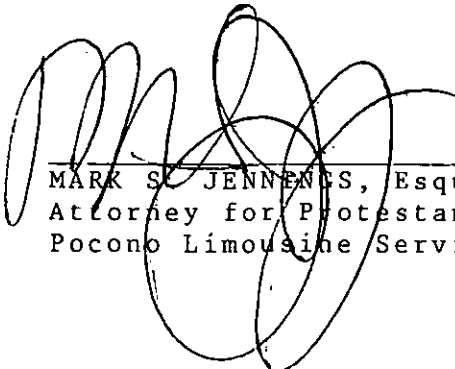


MARK S. JENNINGS, Esquire  
Attorney for Protestant,  
Pocono Limousine Service, Inc.

CERTIFICATE OF SERVICE

I, Mark S. Jennings, Esquire, hereby certify that I have this date served a copy of this document upon the following parties in the manner indicated below:

Service by first class mail addressed as follows; Honorable Richard M. Lovenwrith, Administrative Law Judge, Pennsylvania Public Utility Commission, State Office Building, Room 108, 100 Lackawanna Avenue, Scranton, Pennsylvania, 18503; Salvatore P.J. Vito, Esquire, 45 North Seventh Street, Stroudsburg, Pennsylvania, 18360; and Richard T. Mulcahey, Jr., Esquire, Greenstein, Gorelick, Price & Silverman, 900 Two Penn Center Plaza, Philadelphia, Pennsylvania, 19102.



MARK S. JENNINGS, Esquire  
Attorney for Protestant,  
Pocono Limousine Service, Inc.

PENNSYLVANIA PUBLIC UTILITY COMMISSION  
Uniform Cover and Calendar Sheet

1. <u>REPORT DATE:</u>	:	2. <u>BUREAU AGENDA NO.</u>
October 10, 1989	:	
3. <u>BUREAU:</u>	:	OCT-89-ALJ-153
ALJ	:	
4. <u>SECTION(S):</u>	:	5. <u>PUBLIC MEETING DATE:</u>
	:	
6. <u>APPROVED BY:</u>	:	
Chief ALJ: Allison K. Turner	:	October 19, 1989
Director: Ext. 7-6108	:	
Supervisor:	:	
7. <u>MONITOR:</u>	:	
	:	
8. <u>PERSON IN CHARGE:</u> ALJ Cocheres, ALJ Kashi and ALJ Lovenwirth	:	
9. <u>DOCKET NO:</u>	:	
See list below.	:	

10. (a) CAPTION (abbreviate if more than 4 lines)  
 (b) Short summary of history & facts, documents & briefs  
 (c) Recommendation

(a) A-00108299 J.E.T. Enterprises, Inc., t/d/b/a Londonderry  
Limousines, Ltd.  
 A-00070753, F007, Am-A Lyons Transportation Lines, Inc.  
 A-230065 Country Place Waste Treatment Company, Inc.  
 A-00108292 James Danielewicz, t/d/b/a Limousine for Less  
 C-892300 Philip D. Capobianco, et al. v. Pennsylvania-  
American Water Company

(b) In accordance with provisions of Act 1978-294 66 C.S.A., §332g. as summarized by Administrative Circular SEC-51, the ALJ must issue a decision within 90 days after the record is closed unless the Commission orders an extension for a period not to exceed an additional 90 days.

(c) The presiding Judges have requested an additional 90 days within which to issue decisions in the above cases after the records have been closed.



11. MOTION BY: Commissioner Chm. Shane Commissioner Fischl - Yes  
 Commissioner Smith - Yes  
 SECONDED: Commissioner Rhodes Commissioner

CONTENT OF MOTION: That the requests be granted.

