

BEFORE THE PENNSYLVANIA  
PUBLIC UTILITY COMMISSION

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Petition of Raiser-PA LLC for Issuance of : Docket No. P-2014-2449881  
Emergency Order :

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**PETITION TO INTERVENE  
AND TO DISMISS AMENDED PETITION FOR EMERGENCY ORDER**

Prospective Intervenors, 123 Cab Corp., A & H Diallo, Inc., Aanniya Transportation, Inc., Abaas Transportation, Inc., Abas Cab Corp., ABC Cab Corp., Abnick, Inc., AD Taxi, Inc., AF Taxi, Inc., Ake Noor, Inc., Akosombo Cab Co., Alba Cab Co., All Weather Cab Co., Allanna-Monique Cab Co., Inc., Aman & Brothers, Inc., Anmol Taxi, Inc., Anna Taxi, Inc., Annalee Cab Co., Inc., Asmara, Inc., Atma Cab Co., Aumbreen Transportation, Inc., Avinith Brothers Corp., Balan Cab Co., BAM ARG, Inc., BEG Taxi Inc, Best Service Cab Co., Billa Cab Co., Blue M, Inc., Bomba, Inc., Bond Taxi, Inc., BSP Trans, Inc., Ch. Razia Cab Co., Cheema Transport Inc., Chillo Cab Co., Inc., Chindawol, Inc., Corvues, Inc., Cristal Cab Co., D & W Cab Company, Dada Co., Dalia Cab Co., Dashmesh Cab Corp., David Javeed, Inc., Daya Enterprises, Inc., Daya Transportation, Dembros, Inc., Director FD Manufacture, Inc., E&S Trans, Inc., E.S.L. Cab Co., Eli Cab Co., FAD Trans, Inc., Fatou-Salif, Inc., Femson Cab Co., Inc., Fidelity Trans, Inc., Five Stars Cab Co., Florence Cab Co., G&V Cab Corp., Gafoure Cab Co., Gagan Cab, Inc., Gideon Cab Co., Inc., Global Cab, Inc., God Bless America Trans, Inc., Golden Temple Corp., GPS Cab Corp., Inc., GSD Cab Co., Guru Cab Co., H.A.T. Cab Company, Hafizar Transportation, Inc., Harbhjan Cab Co., Heher Cab, Inc., Howric, Inc., Ida Cab Company, Ilona Enterprises, Inc., Ilona, Inc., J&T Cab Co., J.B. Cab, Inc., J.K.P. Transport, Inc., J.R.K. Cab Co., Inc., James Theis, Jarrett Cab Co., Inc., Jassy Corp. Jenny Cab Company, Johal, Inc., Jones Cab Co., Joshua Cab Co., Junaid Cab Co., K&M Trans, Inc., KB Trans, Inc., Kamal

D., Inc., Karam Cab Co., Kejsi & Aulona Cab, Kfir Cab Co., Khadim Transportation, Inc., Khayyam, Inc., Khokhar Group USA, Inc., Klarida Trans, Inc., Koro Cab Co., Kulvir Cab Co., L&M Taxi, Inc., Labe Trans, Inc., Lagos Cab Co., Lamis Cab Co., LAN Trans Co., Inc., LMB Taxi, Inc., M&M Trans, Inc., M Sall, Inc., Magassa, I & S, Inc., Maher Cab, Inc., Manna S., Inc., Mannan, LLC, Manpreet Cab Co., Man-Tan Cab Co., Marassa Cab Co., Inc., M'Banza, Inc., Mehta Cab Corp., Melisa, Inc., Menard's Taxi, Inc., Mensa, Inc., Mimas, Inc., Mizar, Inc., Mo Taxi, Inc., Mohammed, Adam, A., Mourra Cab Co., Nasrine Transportation, Inc., Navid, Inc., Nijjar Cab Co., Oddy Transportation Service, Inc., One Cab, Inc., Oskar & Sofia, Inc., P.K. Cab Co., Pabla Cab Co., Pars Transport, Inc., Patiala, Cab Co., Pennysaver Cab, Inc., Philadelphia Transport, Inc., Pine Cab Co., Prime Cab Co., Punjab Corp., Ramtin, Inc., Rasul Corp., Reliance Group USA, Inc., Remo Trans, Inc., Rose Cab, Inc., S&H Cab Co., SAAS Cab Co., Sahota Cab Co., Said H. Ali, Inc., Saj Trans, Inc., Sakina Cab Co., Salgan, Inc., Sanaz, Inc., Sangare, Inc., Scorpion Cab, Inc., Serpens, Inc., Setareh Cab Co., Shaad Cab Co., Sharma Cab Co., Shawn Limo, Inc., Society Taxi, Inc., Sohal Brothers, Inc., Sonikara Cab Co., Steele Taxi, Inc., Sundeep Trans, Inc., Super Ride, Inc., T.S. Mahi Cab Co., TGIF Trans, Inc., Tongs Trans, Inc., V.V.V. Cab Company, Vegma, Inc., VT Taxi, Inc., Wil & Done Cab Co., Y.M.S. Taxi Co., Inc., Z&L Cab, Inc., Zadeh, Inc. Zahid Transportation, Inc., and Zari Cab Co. ("Prospective Intervenors"), by and through their attorney, Michael. S. Henry, Esquire, hereby petition this Honorable Commission to allow intervention in the present action, pursuant to 52 Pa. Code §5.75, and to dismiss the Petition of Raiser-PA, LLC for the following reasons:

I. BACKGROUND

1. The above Prospective Intervenors are the owners of 466 taxicab medallions and corresponding certificates of public convenience issued by the Philadelphia Parking Authority (“Authority”), which authorize them to provide call or demand service on a citywide basis in Philadelphia.

2. Prior to October 21, 2014, all of the Prospective Intervenors were insured by First Keystone Risk Retention Group (“First Keystone”) and had certificates of insurance on file with the Authority in compliance with the Authority’s regulations.

3. On October 21 2014, the South Carolina Court of Common Pleas for the Fifth Judicial Circuit in Richland County, South Carolina, initiated liquidation proceedings against First Keystone and, *inter alia*, ordered that all existing policies of insurance be cancelled as of November 20, 2014, as a consequence of First Keystone’s insolvency.

4. On October 22, 2014, the Authority notified all of the Prospective Intervenors that they should obtain replacement insurance coverage by October 24, 2014, at 5:00 p.m., or risk being placed out-of-service by the Authority.

5. Immediately upon receipt of the Authority’s notice, all of the Prospective Intervenors initiated the process of obtaining replacement coverage by submitting applications for insurance and necessary supporting documents, including loss runs, to licensed insurance carriers authorized to provide insurance coverage in this Commonwealth.

6. In order to protect themselves in the event the Authority placed them out-of-service for failing to obtain replacement coverage by the deadline, the Prospective Intervenors, October 24, 2014, filed a Petition for Issuance of Emergency Order Granting an Immediate

Hearing on Out-of-Service Designations to obtain an immediate hearing and to extend the time for obtaining replacement coverage.

7. Later that day, the Prospective Intervenors reported to the Authority that more than half of them had obtained replacement insurance coverage and the rest were awaiting approval by the underwriters.

8. In light of this development, the Authority elected not to place any of the Prospective Intervenors out-of-service and scheduled a status hearing on their petition for October 27, 2014.

9. Also on October 24, 2014, Raiser-PA, LLC (“Raiser”), filed an Application for Emergency Temporary Authority seeking authorization to provide experimental service in Philadelphia and its surrounding counties.

10. In its application, Raiser asserts that the initiation of liquidation proceedings against First Keystone is an emergency affecting public safety that requires immediate action by the Commission to approve its Application for Emergency Temporary Authority.

11. In its application, Raiser asserts that it is not currently engaged in unauthorized intrastate transportation for compensation between points in Pennsylvania and will not engage in such transportation unless and until such authorization is received from the Commission. See Paragraph 34 of Raiser’s Application for Emergency Temporary Authority.

12. This assertion is patently false.

13. Long before it filed its Application for Emergency Temporary Authority, Raiser was engaged in unauthorized intrastate transportation for compensation between points in the counties surrounding Philadelphia and, shortly after filing its application, Raiser began providing unauthorized intrastate transportation for compensation in Philadelphia.

14. On October 27, 2014, after receiving reports that a significant numbers of additional Prospective Intervenors had obtained replacement coverage, the Authority again elected not to place the small number of remaining Prospective Intervenors out-of-service and postponed the status hearing until October 30, 2014.

15. As of the filing of this Petition to Intervene, more than 90% of the Prospective Intervenors have obtained replacement coverage and, it is expected, that 100% of them will have obtained replacement coverage by the status conference on October 30, 2014.

## **II. GROUNDS FOR DENYING RAISER'S PETITION**

16. The procedure for obtaining an emergency order is set forth in 52 Pa. Code §3.2, which provides:

- (a) To the extent practicable, a petition for emergency order must be in the form of a petition as set forth in § 5.41 (relating to petitions generally) and shall be served on the persons directly affected by the application.
- (b) A petition for emergency order must be supported by a verified statement of facts which establishes the existence of an emergency, including facts to support the following:
  - (1) The petitioner's right to relief is clear.
  - (2) The need for relief is immediate.
  - (3) The injury would be irreparable if relief is not granted.
  - (4) The relief requested is not injurious to the public interest.

17. An "emergency" is defined under 52 Pa. Code §3.1 as follows: "A situation which presents a clear and present danger to life or property or which is uncontested and requires action prior to the next scheduled public meeting.

18. The Petition of Raiser-PA LLC for Issuance of Emergency Order must fail for the simple reason that no emergency exists.

19. The First Keystone liquidation does not present a clear and present danger to life or property because nearly all of the Prospective Intervenors have obtained replacement coverage

and the small number remaining will have replacement coverage before the Commission has a chance to act on Raiser's petition.

20. In addition, the small number that have not yet obtained replacement coverage remain insured by First Keystone until November 20, 2014.

21. To the extent it even matters at this point, Raiser exaggerates the financial condition of First Keystone.

22. Raiser has no evidence concerning the nature or extent of First Keystone's insolvency and therefore has no basis for asserting that First Keystone is not able to pay any insurance claims filed against the taxicab companies it insures.

23. More importantly, Raiser will suffer no harm as a consequence of First Keystone's insolvency and, therefore, has no standing to file the present petition nor is it entitled to any form of relief.

24. Raiser's petition is a thinly veiled attempt to profit from a non-existent crisis.

WHEREFORE, the Prospective Intervenors respectfully request that this Honorable Commission deny Raiser's Petition for Emergency Order for the reasons set forth above.

Respectfully submitted,

*Michael S. Henry*

Michael S. Henry  
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VERIFICATION

Understanding that false statements herein made subject to the penalties of 18 Pa. C.S. §4904, relating to unsworn falsification to authorities, I verify that the facts alleged in the foregoing Petition are true and correct to the best of my knowledge, information and belief, under penalty of applicable statutes.

Dated October 28, 2014

*Gene Sterin*  
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Gene Sterin

CERTIFICATE OF SERVICE

I, Michael S. Henry, Esquire, hereby certify that I have caused a copy of the foregoing petition to be served on the following via electronic mail in accordance with the Commission's regulations:

Karen O. Moury, Esquire  
Buchanan Ingersoll & Rooney, PC  
409 North Second Street  
Harrisburg, Pennsylvania 17101-1357

Dated: October 28, 2014

*Michael S. Henry*

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Michael S. Henry