

BEFORE THE PENNSYLVANIA
PUBLIC UTILITY COMMISSION

In re: Application of Raiser-PA LLC for : Docket No. P-2014-2449795
Emergency Temporary Authority :

**PROTEST
PETITION TO INTERVENE
AND MOTION TO DISMISS
APPLICATION FOR EMERGENCY TEMPORARY AUTHORITY**

Protestants and Potential 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. ("Protestants"), by and through their attorney, Michael. S. Henry, Esquire, hereby protest the Application for Emergency Temporary Authority filed by Rasier-PA, LLC, pursuant to 52 Pa. Code §5.75, and to dismiss the Application for Emergency Temporary Authority of Raiser-PA, LLC for the following reasons:

I. BACKGROUND

1. The above Protestants 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 Protestants 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 Protestants 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 Protestants 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 Protestants, 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 Protestants 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 Protestants 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 Protestants had obtained replacement coverage, the Authority again elected not to place the small number of remaining Protestants 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 Protestants 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 PROTEST AND FOR DENYING RAISER'S APPLICATION FOR EMERGENCY TEMPORARY AUTHORITY

16. Emergency Temporary Authority is defined under 52 Pa. Code §3.383 as follows:

Limited duration operating authority issued under 66 Pa.C.S. § § 1103(d) and 2509 to authorize the transportation of passengers or household goods in use *to meet an emergency situation* and when time or circumstances do not reasonably permit the filing and processing of an application for TA.

17. The procedure for obtaining emergency temporary authority are set forth in 52 Pa. Code §3.383 which provides:

(4) *Procedures for filing ETA application.* Procedures for filing ETA applications are as follows:

- (i) An ETA application may normally be filed only when a corresponding application for permanent authority has been filed and emergency conditions exist which do not permit sufficient time to afford the notice required by paragraph (5)(i). If the application demonstrates the existence of emergency conditions, the Bureau of Transportation will make a reasonable effort to identify and communicate with those carriers who may hold the authority to provide the emergency service being sought by the applicant and those unions described in paragraph (3)(i)(H) and (ii)(K). An ETA application will be granted for an initial period not to exceed 60 days.
- (ii) If the urgency of the situation warrants, the supporting statement of those having the immediate need for service may be furnished by

telegram. The telegram shall contain substantially the factual information described in paragraph (3). The telegram shall be sent to the Director, Bureau of Transportation and Safety.

- (iii) The filing of ETA applications by telegram or telephone shall be acceptable in exigent circumstances. Confirmation shall be made by filing written application—Form C—with the supporting statements, within 5 working days from the filing by telephone or telegram.

18. 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.

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

20. The First Keystone liquidation does not present a clear and present danger to life or property because nearly all of the Protestants 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.

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

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

23. 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.

24. More importantly, no taxicabs have been placed out-of-service as a result of the First Keystone liquidation and, in all likelihood, none will.

25. There is no need for service on an emergency basis.
26. Raiser's petition is a thinly veiled attempt to profit from a non-existent crisis.
27. Furthermore, the application contains materially false representations concerning past unauthorized intrastate transportation service for compensation by Raiser-PA and its intent to wait for Commission authorization prior to beginning intrastate transportation service for compensation.

WHEREFORE, the Protestants respectfully request that this Honorable Commission deny Raiser's Application for Emergency Temporary Authority for the reasons set forth above.

Respectfully submitted,

Michael S. Henry

Michael S. Henry
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Date: October 28, 2014

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
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
Michael S. Henry