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January 9, 2015

Via eFiling

Rosemary Chiavetta, Secretary
Pennsylvania Public Utility Commission
PO Box 3265
Harrisburg, PA 17105-3265

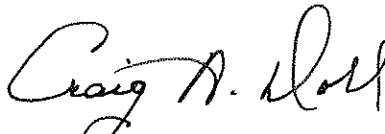
Re: Pennsylvania Public Utility Commission, Bureau of Investigation and
Enforcement v. Unique Limousine Service, Inc.
Docket No. C-2014-2459327

Dear Secretary Chiavetta:

Enclosed please find the Answer and New Matter of Unique Limousine Service, Inc. in the above captioned matter containing a Notice to Plead which was efiled with the Commission this date. In accordance with the instructions contained in your cover letter of December 24, 2014, a copy of this Answer and New Matter has been served upon all parties of record as well as Wayne T. Scott, Deputy Chief Prosecutor for the Commission.

If you have any questions, please feel free to contact this office.

Very truly yours,


Craig A. Doll

cc: J. Salinger

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Pennsylvania Public Utility Commission	:	
Bureau of Investigation and Enforcement	:	
	:	
v.	:	Docket No. C-2014-2459327
	:	
Unique Limousine Service, Inc.	:	

NOTICE TO PLEAD

The attached Answer and New Matter has been filed with the Pennsylvania Public Utility Commission in the above captioned proceeding. Pursuant to the regulations of the Pennsylvania Public Utility Commission at 52 Pa. Code §5.63, if you wish to respond to this pleading, you must take action within twenty (20) days after this Answer and New Matter is served by filing a response with the Secretary of the Pennsylvania Public Utility Commission and serving a copy of that response upon all parties of record. You are warned that if you fail to do so the case may proceed without you and an order or judgment may be entered against you by the Commission without further notice.

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Pennsylvania Public Utility Commission	:	
Bureau of Investigation and Enforcement	:	
	:	
v.	:	Docket No. C-2014-2459327
	:	
Unique Limousine Service, Inc.	:	

ANSWER AND NEW MATTER

Now Comes, Unique Limousine Service, Inc. (“Unique” or “Respondent”), by and through its undersigned counsel, and pursuant to the provisions of 52 Pa. Code §§ 5.61 and 5.62, hereby files its Answer and New Matter to the Complaint of the Bureau of Investigation and Enforcement (“I&E”). As set forth more fully below, Unique requests that the Commission dismiss the Complaint. In support of this request Unique states as follows:

1. Admitted.
2. Admitted.
3. Admitted.
4. Admitted.
5. Admitted.
6. Admitted.
7. Denied as stated. By 66 Pa. Pa. C.S. §501(a), the Legislature granted to the Commission the authority to carry out its intent as expressed in the Public Utility Code through the

promulgation of regulations. The Legislature retains the sole authority to execute or enact any changes to the Public Utility Code.

8. Admitted.

9. Admitted.

10. Admitted.

11. Admitted.

2010-2011 Fiscal Year

12. Admitted.

13. Denied. The allegation contained in this paragraph is based upon information in the sole and exclusive possession of I&E. Therefore the allegations are denied, strict proof being demanded at the time of trial of this matter.

14. Admitted in part, denied in part. It is admitted that the Commission's Notice informed Unique that payment was to be made within 30 days. Unique believes and therefore avers that this period was based upon the provisions of 66 Pa. C.S. §510. At the time that the Notice was issued, the applicability of §510 to UCR carriers such as Unique and the Commission's authority to impose an assessment at all upon a UCR carriers was under court challenge.

15. Denied. As set forth in the Commission's files, Unique filed formal Objections to its 2010-2011 Fiscal Year Assessment which Objections were docketed at M-2013-2346890.

16. Admitted in part, denied in part. It is admitted that Unique made a payment of \$4,000 on or about July 8, 2014. The allegation regarding the application of that payment by the Commission is based upon information in the sole and exclusive possession of the Commission. It is denied that the Commission correctly applied the amount paid. By way of further answer,

and as more fully set forth in New Matter, the \$4,000 payment represented the 7th and 8th payments of the outstanding balance of the 2010-2011 and 2011-2012 Assessments.

17. Admitted in part, and denied in part. It is admitted that Unique made a payment in the amount of \$3,136 on or about August 6, 2014. The allegation regarding the application of that payment by the Commission is based upon information in the sole and exclusive possession of the Commission. It is denied that the Commission correctly applied the amount paid. By way of further answer, and as more fully set forth in New Matter, the \$3,136 payment represented the final payment of the outstanding balance of the 2010-2011 and 2011-2012 Assessments.

18. Denied. The allegations contained in this paragraph are premised upon the correct application of the payments by the Commission which information is in the sole and exclusive possession of the Commission. Therefore it is denied and strict proof is demanded thereof at the time of trial in this matter. Unique believes and therefore avers that the Commission did not apply any of the additional \$12,000 in payments made by Unique.

2011-2012 Fiscal Year

19. Admitted.

20. Denied. The allegation contained in this paragraph is based upon information in the sole and exclusive possession of I&E. Therefore the allegations are denied, strict proof being demanded at the time of trial of this matter.

21. Admitted in part, denied in part. It is admitted that the Commission's Notice informed Unique that payment was to be made within 30 days. Unique believes and therefore avers that this period was based upon the provisions of 66 Pa. C.S. §510. At the time that the Notice was

issued, the applicability of §510 to UCR carriers and the Commission's authority to impose an assessment at all upon a UCR carrier was under court challenge.

22. Denied. As set forth in the Commission's files, Unique filed formal Objections to its 2011-2012 Assessment on February 7, 2013 at Commission Docket No. M-2013-2346889.

23. Denied. The allegations contained in this paragraph are premised upon the correct application of the payments by the Commission which information is in the sole and exclusive possession of the Commission. Therefore it is denied and strict proof is demanded thereof at the time of trial in this matter. Unique believes and therefore avers that the Commission did not apply and additional \$12,000 in payments made by Unique which should have been applied to both the 2010-2011 and 2011-2012 Assessments.

2012-2013 Fiscal Year

24. Admitted.

25. Admitted in part, denied in part. It is admitted that the Commission's Notice informed Unique that payment was to be made within 30 days. Unique believes and therefore avers that this period was based upon the provisions of 66 Pa. C.S. §510. At the time that the Notice was issued, the applicability of §510 to UCR carriers and the Commission's authority to impose an assessment at all upon a UCR carrier was under court challenge.

26. Denied. The allegations contained in this paragraph cannot be admitted or denied, as the information upon which this allegation is premised is within the sole and exclusive possession of I&E. Therefore it is denied, strict proof being required thereof at the time of trial in this matter.

27. Denied. The allegation contained in this paragraph is based upon information in the sole and exclusive possession of I&E. Therefore the allegations are denied, strict proof being demanded at the time of trial of this matter. By way of further answer the motivation and mental impressions and intention of the Commission is within the sole and exclusive possession of I&E and/or the Commission.

28. Denied. The allegations contained in this paragraph cannot be admitted or denied, as the information upon which this allegation is premised is within the sole and exclusive possession of I&E. Therefore it is denied, strict proof being required thereof at the time of trial in this matter.

29. Admitted in part, denied in part. It is admitted that the Commission's Notice informed Unique that payment was to be made within 30 days. Unique believes and therefore avers that this period was based upon the provisions of 66 Pa. C.S. §510. At the time that the Notice was issued, the applicability of §510 to UCR carriers and the Commission's authority to impose an assessment at all upon a UCR carrier was under court challenge.

30. Admitted in part, denied in part. It is admitted that no formal complaint was filed. By way of further answer, Unique maintains that the applicability of the entirety of §510 to UCR carriers, and the Commission's statutory authority to impose assessments upon UCR carriers was under judicial review. As such there was no statutory requirement to file Objections.

31. Denied. Unique believes and therefore avers that it paid its 2012-2013 assessment albeit under protest.

2013-2014 Fiscal Year

32. Admitted.

33. Denied. The allegations contained in this paragraph cannot be admitted or denied, as the information upon which this allegation is premised is within the sole and exclusive possession of I&E. Therefore it is denied, strict proof being required thereof at the time of trial in this matter.

34. Denied. The allegations contained in this paragraph cannot be admitted or denied, as the information upon which this allegation is premised is within the sole and exclusive possession of I&E. Therefore it is denied, strict proof being required thereof at the time of trial in this matter.

35. Admitted in part, denied in part. It is admitted that no formal complaint was filed. By way of further answer, Unique maintains that the applicability of the entirety of §510 to UCR carriers, and the Commission's statutory authority to impose assessments upon UCR carriers was under judicial review. As such there was no statutory requirement to file Objections.

36. Denied. Unique believes and therefore avers that it paid its 2012-2013 assessment albeit under protest.

37. Denied. As set forth in response to I&E's allegations and as set forth in New Matter, *ante*, the Commission has not properly applied the payments set forth in its Complaint nor has it reflected all payments made by Unique.

38. Denied. As set forth in response to the counts contained in I&E's Complaint and in New Matter, Unique has fully paid its obligations to the Commission. The remainder of the allegations contained in this paragraph constitutes a legal conclusion and proposed penalty for

which no response is necessary. Should a response be deemed necessary, Unique believes and avers that the imposition of any penalty is unfounded in fact or law.

NEW MATTER

39. The responses of Unique contained in paragraphs 1 through and including 38 are incorporated herein as if fully set forth.

40. On September 20, 2010 Unique filed formal Objections to the Commission's General Assessment for the fiscal year July 1, 2010 to June 30, 2011.

41. The Objections remained dormant until the filing, on February 11, 2013 when a Notice of Appearance was filed by I&E and the docket number of M-2013-2346890 was assigned by the Secretary's Bureau.

42. By Initial Decision issued May 24, 2013, the Objections were denied. Exceptions and Reply Exceptions to that Initial Decision were filed.

43. On September 29, 2011, Unique filed formal Objections to the Commission's General Assessment for fiscal year July 1, 2011 to June 30, 2012 and the Secretary's Bureau.

44. By Initial Decision dated June 25, 2013 Unique's Objections were dismissed. Exceptions and Reply Exceptions were filed.

45. By Order entered December 5, 2013, the Commission, in a decision dealing with both of the above docket numbers, dismissed Unique's Exceptions.

46. In its Ordering Paragraphs, the Commission found that Unique's liability for both the July 1, 2010 to June 30, 2011 and July 1, 2011 to June 30, 2012 fiscal years was \$10,224 and \$8,912 respectively (\$19,136 collectively).

47. On or about December 27, 2013, Unique issued check No. 43283 in the amount of \$2,000 made payable to the Commonwealth of Pennsylvania and forwarded to the Commission that date, representing the first payment of the \$19,136 due for both the fiscal years.

48. On or about June 1, 2014, Unique forwarded to the Commission, check number 43964 made payable to the Commonwealth of Pennsylvania in the amount of \$4,000 representing the second and third payments of the 2010-2011 and 2011-2012 fiscal years assessment.

49. On or about June 19, 2014 Unique forwarded to the Commission, check number 43964 made payable to the Commonwealth of Pennsylvania in the amount of \$6,000 representing the fourth, fifth, and sixth payments for the 2010-2011 and 2011-2012 fiscal years assessment.

50. On or about July 3, 2014, Unique forwarded to the Commission, check number 44158 made payable to the Commonwealth of Pennsylvania in the amount of \$4,000 representing the seventh and eighth payments for the 2010-2011 and 2011-2012 fiscal years assessment.

51. On July 29, 2014 Unique made its final payment of \$3,136.00 (check number 44266 made payable to the Commonwealth of Pennsylvania) to the Commission. This payment, in addition to other payments listed above fully paid the amounts due for the 2010-2011 and 2011-2012 assessments.

52. Each of these payments was accompanied by a cover letter which set forth the check number, the amount of the check and the docket numbers of the Commission's Order.

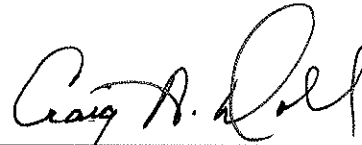
53. Payments made by Unique have fully satisfied the amount due the Commission as set forth in its December 5, 2013 Order.

54. Unique believes and therefore avers that it has made additional payments to the Commission in satisfaction of its obligations to the Commission. At the time of the filing of this

Answer and New Matter, Unique is reviewing its records to ascertain the precise date and amounts of all other payments made to the Commission.

WHEREFORE, Unique Limousine Service, Inc. respectfully requests that the Complaint of the Bureau of Investigation and Enforcement be dismissed. In the alternative, to the extent that any amount is found to be due, Unique Limousine Service, Inc. respectfully requests that it be permitted to make installment payments until such time as any indebtedness is satisfied.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Craig A. Doll". The signature is written in a cursive style and is positioned above a horizontal line.

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Hummelstown, PA 17036-0403
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(717) 566-9000

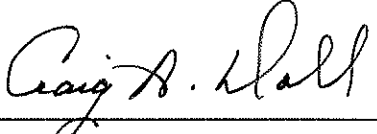
Attorney I.D. # 22814

Attorney for Unique Limousine Service, Inc.

Dated: January 9, 2015

Attorney's Certificate

Craig A. Doll, Esquire, Attorney for Unique Limousine Service, Inc., does hereby verify that he has been relayed the information contained in the foregoing document; has become acquainted with the facts and information set forth in the document; and that the same are true and correct to the best of his knowledge, information and belief. The foregoing verification is made subject to the penalties of 18 Pa. C.S. §4904.



Craig A. Doll, Esquire

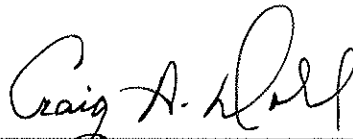
Dated: January 9, 2015

CERTIFICATE OF SERVICE

I hereby certify that I have this date served a copy of the Answer and New Matter of Unique Limousine Service, Inc. upon the persons listed below via eFiling with the Commission and first class mail, postage prepaid in accordance with the provisions of 52 Pa. Code §1.54.

Kourtney L. Myers, Prosecutor
Pennsylvania Public Utility Commission
Bureau of Investigation and Enforcement
P.O. Box 3265
Harrisburg, PA 17105-3265

Wayne T. Scott, First Deputy Chief Prosecutor
Pennsylvania Public Utility Commission
Bureau of Investigation and Enforcement
P.O. Box 3265
Harrisburg, PA 17105-3265



Craig A. Doll, Esquire

Attorney for Unique Limousine Service, Inc.

DATED: January 9, 2015