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March 25, 2015

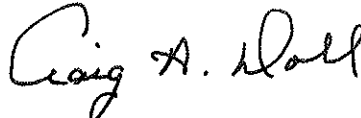
Rosemary Chiavetta, Secretary
Pennsylvania Public Utility Commission
P.O. Box 3265
Harrisburg, PA 17105-3265

Re: PUC v. Pocono Cab Company, LLC
C-2015-2428311

Dear Secretary Chiavetta:

Attached hereto is a copy of the Preliminary Objections of Respondent, Pocono Cab Company, LLC in the above-captioned proceeding which was eFiled this date. A copy of these Preliminary Objections has been served upon all parties of record. If you have any questions, please feel free to contact this office.

Very truly yours,



Craig A. Doll

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Pennsylvania Public Utility Commission,	:	
Bureau of Investigation and Enforcement	:	
	:	
v.	:	Docket No. C-2015-2428311
	:	
Pocono Cab Company, LLC	:	

NOTICE TO PLEAD

The attached Preliminary Objection has been filed with the Pennsylvania Public Utility Commission in the above captioned proceeding. If you wish to respond to the Preliminary Objections, you must, pursuant to the provisions of 52 Pa. Code § 5.101(f)(1) file, within ten (10) days after these Preliminary Objections are served a response with the Secretary of the Pennsylvania Public Utility Commission and serve 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 a 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-2015-2428311
	:	
Pocono Cab Company, LLC	:	

PRELIMINARY OBJECTIONS
OF
POCONO CAB COMPANY, LLC

Pocono Cab Company, LLC ("Pocono", by and through its undersigned counsel, and pursuant to the provisions of 52 Pa. Code §5.101, hereby files these Preliminary Objections to the Complaint of the Pennsylvania Public Utility Commission, Bureau of Investigation and Enforcement ("I & E") further requesting that the Complaint be dismissed. In support of these Preliminary Objections and request, Pocono states as follows:

1. On or about March 19, 2015, the Secretary of the Commission mailed to Pocono a Complaint signed and verified by Mr. David W. Loucks, Chief of Motor Carrier Enforcement at the Commission.

2. The Complaint avers in paragraph 3:

That on June 21, 2014, a passenger was charged \$25.00 for a \$19.25 fare and informed by Respondent's driver that the minimum credit card charge was \$25.00.

3. Pursuant to the provisions of 52 Pa. Code §5.101, a party to a proceeding may file preliminary objections limited to. *Inter alia*, the insufficiency of the pleading (52 Pa. Code §5.101(a)(3)) and the nonjoinder of a necessary party. 52 Pa. Code §5.101(a)(5).

4. The Complaint alleges that “a passenger” was requested to pay an amount in excess of the stated fare thus violating the provisions of Pocono’s tariff.

5. Nowhere within the Complaint is that passenger identified.

6. Unless Mr. Loucks, who verified the statements contained within the Complaint was the passenger, the actual passenger who has first-hand knowledge of the alleged transportation is a critical and necessary party to the action, as the true complainant.

7. As set forth previously in paragraph 2, *supra.*, the Complaint alleges:

That on June 21, 2014, a passenger was charged \$25.00 for a \$19.25 fare and informed by Respondent’s driver that the minimum credit card charge was \$25.00.

8. The complaint does not name the alleged passenger nor set forth the source of the information set forth in paragraph 3 of the complaint.

9. The complaint does not set forth the time of the alleged transportation.

10. The complaint does not set forth the point of origin and destination of the alleged transportation.

11. The complaint does not set forth the name of “Respondent’s driver” involved in the alleged incident.

12. The complaint does not identify the vehicle within which the alleged passenger was allegedly transported either by TX license plate number or any other identifying markings on the vehicle.

13. Without the name of the alleged passenger, Pocono is unable to ascertain whether the alleged passenger called its dispatcher for transportation or the alleged transportation was the result of a street hail. Without such information, Pocono is unable to verify within its logs

whether the alleged transportation ever took place and therefore cannot respond to the allegations. Without such information, Pocono is unable to admit or deny the allegations contained in Paragraph 3 of the complaint.

14. Without the name of the alleged passenger, it is impossible for Pocono to verify if the alleged passenger ever signed a charge slip indicating agreement to pay for the alleged transportation. Without such information, Pocono is unable to admit or deny the allegations contained in Paragraph 3 of the complaint.

15. Without the name of the alleged passenger, it is impossible for Pocono to ascertain whether the alleged passenger disputed the alleged credit card charge with the issuer of the credit card which dispute initiation would have resulted in a charge-back to Pocono by the issuer of the credit card. If such a charge-back occurred, Pocono would have not received payment for the alleged transportation and the alleged passenger would have received the alleged transportation for free. Without such information, Pocono is unable to admit or deny the allegations contained in Paragraph 3 of the complaint.

16. Without the approximate time of the alleged transportation, it is impossible for Pocono to verify through its driver and dispatcher logs whether the alleged transportation even occurred. Without such information, Pocono is unable to admit or deny the allegations contained in Paragraph 3 of the complaint.

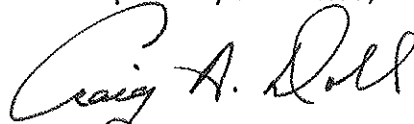
17. By failing to set forth the point or origin and destination in the Complaint, it is impossible for Pocono to determine whether the alleged fare of \$19.25 contained in the Complaint is accurate. Without such information, Pocono is unable to admit or deny the allegations contained in Paragraph 3 of the complaint.

18. By failing to identify "Respondent's driver", Pocono is unable to question that driver regarding that alleged transportation. Without such information, Pocono is unable to admit or deny the allegations contained in Paragraph 3 of the complaint.

19. By failing to identify the vehicle or set forth any identifying cab number or TX license plate number, Pocono is unable to ascertain whether the vehicle allegedly used in the alleged transportation belonged to it. As such it is impossible for Pocono to admit or deny that it actually performed the alleged transportation.

WHEREFORE, Pocono Cab Company LLC respectfully requests that this Commission grant its Preliminary Objections and dismiss the above-captioned complaint.

Respectfully submitted,



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Attorney I.D. # 22814

Attorney for Respondent
Pocono Cab Company, LLC

DATED: March 25, 2015

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Pennsylvania Public Utility Commission, Bureau of Investigation and Enforcement	:	
	:	
v.	:	Docket No. C-2015-2428311
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CERTIFICATE OF SERVICE

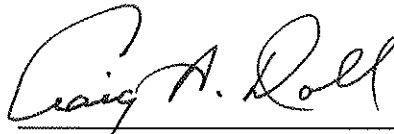
I hereby certify that I have this date served a copy of the Preliminary Objections of Pocono Cab Company, LLC upon the persons listed below in the manner set forth in accordance with the provisions of 52 Pa. Code §1.54.

eFiling

Rosemary Chiavetta, Secretary
Pennsylvania Public Utility Commission
P.O. Box 3265
Harrisburg, PA 17105-3265

Email and First Class Mail

Wayne T. Scott, Prosecutor
Bureau of Investigation and Enforcement
Pennsylvania Public Utility Commission
P.O. Box 3265
Harrisburg, PA 17105-3265
RA-PCCmplntResp@pa.gov



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Attorney for Respondent
Pocono Cab Company, LLC

DATED: March 25, 2015