

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Application of Fabian Transportation, Inc. :

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 : Commission Docket No.

 : A-2015-2471761

**PROTEST OF
EZ Taxi, LLC**

EZ Taxi, LLC (EZ) hereby files this protest to the Application of Fabian Transportation, Inc., for the right to transport, persons in airport transportation service, from points in Lebanon County to the Harrisburg International Airport, Lehigh Valley International Airport, and Philadelphia International Airport. EZ respectfully requests that this Commission deny the application for the reasons set forth below.

1. The name and business address of EZ are:

EZ Taxi, LLC
2304 Walnut Street
Harrisburg PA 17103

2. The name and address of Protestant's attorney is:

Justine L. Pate, Esq.

620 S. 13th Street

Harrisburg, PA 17104

3. Protestant possesses authority at A-00119741. Protestant's operating authority is attached hereto as Exhibit A.

4. Applicant has not attached to its application: a balance sheet, projected revenue and expense statement, or any other financial information that is indicative of its financial fitness to provide the proposed service in this area. Accordingly, EZ believes and therefore avers that Applicant does not possess the requisite financial fitness to provide the proposed service.

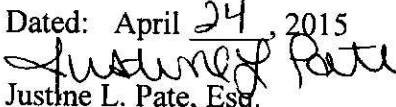
5. Applicant has attached no information to its application that would indicate how Applicant intends to operate. Accordingly, EZ believes and therefore avers that Applicant does not possess the requisite technical fitness to provide the proposed service in such huge area.

6. Approval of this application will not serve a useful public purpose or need, but will duplicate already existing service to the detriment of existing carriers.

7. There is no need for the proposed service.

8. It would authorize additional unnecessary and harmful competition into the area with the resulting loss of revenue to EZ and be detrimental to the traveling public.

WHEREFORE, Protestant, EZ Taxi, LLC respectfully requests that this Honorable Commission deny the application of Fabian Transportation, LLC.

Dated: April 24, 2015

Justine L. Pate, Esq.
620 S. 13th Street
Harrisburg, PA 17104

PENNSYLVANIA
PUBLIC UTILITY COMMISSION
Harrisburg, PA 17105-3265

Public Meeting held September 13, 2007

Commissioners Present:

Wendell F. Holland, Chairman
James H. Cawley, Vice Chairman
Tyrone J. Christy
Kim Pizzingrilli

Application of EZ Taxi, LLC, (originally filed as Maher Saber, t/d/b/a United Cab), Harrisburg, Dauphin County, for amendment to its common carrier certificate, which grants the right, inter alia, to transport, by motor vehicle, persons, upon call or demand in the counties of Cumberland, Dauphin and York: SO AS TO PERMIT the transportation of persons upon call or demand in the city of Lancaster, Lancaster County, and points within an airline distance of six statute miles of the limits of the said city.

A-00119741
F. 2, Am-A

Peter B. Foster, Esquire

ORDER

BY THE COMMISSION:

This matter comes before the Commission on an application filed September 16, 2005. Public notice of the application was given in the *Pennsylvania Bulletin* of October 1, 2005 with protests due by October 24, 2005. No protests were filed. The verified statements were requested by letter dated November 3, 2005 and due by December 5, 2005. The verified statement of applicant and nine statements in support were received on December 5, 2005. By Order entered February 27, 2006, the Commission denied the application under the premise that the record demonstrated that the applicant lacked a propensity to operate legally and safely.

On March 24, 2006, applicant filed a Petition for Review of the Commission's February 27, 2006 Order, in the Commonwealth Court of Pennsylvania. On May 18, 2006, the

Commission applied to the Court for a remand of the matter, pursuant to Pennsylvania Rule of Appellate Procedure 123. On May 19, 2006, the Commission's Petition was granted and the Court remanded the matter to the Commission for further proceedings and development of an evidentiary record. A hearing was held on November 28, 2006, before Administrative Law Judge (ALJ) Cocheres. By notice dated April 2, 2007, the ALJ in the instant proceeding was changed to Robert P. Meehan. An Initial Decision was issued May 18, 2007, by ALJ Meehan which determined that applicant has the technical, financial and legal fitness to hold the additional operating rights requested in its application. A final order was entered on June 21, 2007, which referred the proceeding to the Bureau of Transportation and Safety for review as an unopposed application and a determination as to whether the verified statements previously submitted in the proceeding established a need for the proposed service. The Bureau of Transportation and Safety was ordered to afford applicant the opportunity to submit supplemental verified statements in support of its application, if necessary. Since the applicant has been determined to be financially and legally fit by the ALJ, we will only address the need for the proposed service. The unopposed application is certified to the Commission for its decision without oral hearing.

DISCUSSION AND FINDINGS

EZ Taxi, LLC (applicant or EZ Taxi) trading and doing business as United Cab seeks to expand its call or demand operating territory. The application for amendment to its call or demand authority was originally filed and published as Maher Saber, t/a/d/a United Cab. Applicant successfully registered in the new name EZ Taxi, LLC. All relevant issues in the application as originally filed remain unchanged in the application now before us for consideration. The application is hereby considered as EZ Taxi, LLC.

By letter dated July 6, 2007, applicant was requested to submit current, updated verified statements. Thirty supporting statements were hand delivered on July 27, 2007. Together with the nine supporting statements submitted December 5, 2005, thirty-nine parties support the instant application. Each one supports a need for call or demand service in the requested territory. The frequency of use of the service varies from daily to four times a month. The supporting statements demonstrate that applicant has met its burden of proof regarding establishing a need for the proposed service.

We advise the applicant of the obligation to become familiar with the requirements of 52 Pa. Code as applicable to the operation of a motor carrier as authorized by this grant of authority. Failure to comply with all applicable requirements may subject the carrier to penalties, including fines, suspension of operating rights or cancellation of authority. Title 52 of the Pennsylvania Code may be accessed on the World Wide Web at www.pacode.com.

In particular, we urge the applicant to become familiar with the following regulation at 52 Pa. Code §29.314(d) with respect to vehicle age. By Commission Order entered June 1, 2007, at P-00072274, the effective date for vehicle age requirements was extended to January 1, 2008. Effective January 1, 2008, vehicles operated in call or demand service may not be more than eight model years old, unless otherwise permitted by the Commission.

After complete review of the record, we find:

1. The applicant has the equipment and financial fitness to provide the proposed service, as determined by Final Order entered June 21, 2007.
2. Thirty-nine parties support the application.
2. Approval of the application is necessary for the accommodation and convenience of the public; **THEREFORE,**

IT IS ORDERED: That the application is approved granting the following right:

To transport, as a common carrier, persons upon call or demand in the counties of Cumberland, Dauphin, and York: **SO AS TO PERMIT** the transportation of persons upon call or demand in the city of Lancaster, Lancaster County, and points within an airline distance of six statute miles of the limits of said city.

IT IS FURTHER ORDERED: That the applicant shall not provide any service granted in this order until the following is submitted to the Commission:

1. Form E evidence of Bodily Injury and Property Damage Liability Insurance.
2. A tariff establishing just and reasonable rates.

IT IS FURTHER ORDERED: That upon compliance with the requirements herein before set forth, a certificate shall issue evidencing the Commission's approval of the right to operate as above determined.

IT IS FURTHER ORDERED: That the authority granted herein, to the extent that it duplicates authority now held by or subsequently granted to the applicant, shall not be construed as conferring more than one operating right.

IT IS FURTHER ORDERED: That in the event said applicant has not, on or before sixty (60) days from the date of entry of this order, complied with the requirements hereinbefore set forth, the application shall be dismissed without further proceeding.

BY THE COMMISSION,

James J. McNulty
Secretary

(SEAL)

ORDER ADOPTED: September 13, 2007

ORDER ENTERED: September 14, 2007

Certificate of Service

I hereby certify that I served the foregoing Protest by placing a true and correct copy thereof in the United States Mail, first class postage prepaid, addressed as follows:

Fabian Transportation, Inc.

444 North 11th Street

Lebanon, PA 17046

Dated: 4/24/15

Justine L Pate