

BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION

In Re: :
East Coast Resources, LLC :
140 South 17th Street :
Harrisburg, PA 17104 :
: A-2014-2453533

CAPITAL CITY CAB'S ANSWER TO EAST COAST RESOURCES' MOTION TO
DISMISS CAPITAL CITY CAB'S PROTEST

Capital City Cab Service, through its attorney Joseph T. Sucec, Esq., hereby Answers the Motion at bar so described above as follows:

- 1 Admitted, to the extent same was published in the Pennsylvania Bulletin.
- 2 Admitted
- 3 Admitted
- 4 Denied, for the following reasons:

A As noted in the “INTERIM ORDER DENYING PRELIMINARY OBJECTIONS TO THE PROTEST OF EXECUTIVE TRANSPORTATION, INC., T/A LUXURY SEDAN,” submitted by the Office of Administrative Law Judge in the matter **Application of Rasier-PA LLC, et al. A-2014-2424608** on August 11, 2014, **at 6**:

“Accordingly, we reject the notion that only carriers holding experimental authority which uses “App-based” technology are in a position to challenge the application. By its very nature, the purpose of experimental authority is to provide the Commission with the flexibility to consider “innovative” transportation schemes that do not fit within the other types of service defined by the Commission’s regulations “ **Id., at 6**

B Despite Applicant's protestations to the contrary, the Commission's Decision to grant "Experimental Status" to Applicant Rasier-PA, LLC in that matter was merely dicta stating that the Commission had the power to grant such status, **not** a refutation of the existing Call-and-Demand operators' standing to mount a Protest to such an Application.

C The undersigned to the present Application is Lamont Palmer, who, based the attached letter, is a "one hundred percent" shareholder in Harrisburg City Cab (A-00122208). Aside from the propriety of an individual holding two different Certificates for service in the same market. Respondent Capital City Cab Service submits that Applicant is hiding behind the vaunted "experimental" label, and is attempting to commence a "gypsy cab" service, free from any of the regulations it (or its "sister" company" is bound to as a Certificated Call-and-Demand carrier.

5 In quoting from Commission regulations, Applicant makes conclusions of law, not required to be Answered under the Pennsylvania Rules of Civil Procedure.

6 In quoting from Commission regulations, Applicant makes conclusions of law, not required to be Answered under the Pennsylvania Rules of Civil Procedure. Notably, however, the regulation cited only states that the Commission may grant standing where

it sees fit, which it did in **Application of Rasier-PA LLC, et al. A-2014-2424608** .

7 Denied. The Commission held, at Applicant's citation, that it can grant a Certificate under the criteria therein, The Commission did not, however, dismiss standing on the part of the Protestants, who were primarily Common Carriers.

8 Denied. As Applicant reiterates the same it made in paragraph 7 of its Motion, see Capital City Cab Service's response to paragraph 7 above.

9 Denied. Despite the attempt at creating a “corporate veil,” giving the appearance that Applicant and Harrisburg City Cab are two separate entities, the fact that ownership is identical, and the current operation and the existing operation are going to be/are operated from the same location (140 South 17th Street, Harrisburg, PA), Respondent submits that Applicant is simply trying to either expand or convert his current operation into that which follows, ostensibly, a less restrictive set of regulations.

10 To the extent that the corresponding averment agrees with Protestants' pleadings, Admitted.

11 To the extent that the corresponding averment agrees with Protestants' pleadings, Admitted.

12 In quoting from caselaw, Applicant makes/infers conclusions of law, not required to be Answered under the Pennsylvania Rules of Civil Procedure.

13 Admitted. However, the “potential conflict” noted in the case cited by Applicant is based on the reasons set forth above in this Answer.

14 Denied, for the reasons set forth in paragraph 4A of this Answer.

15 Admitted as to the existence of Call and Demand authority. Denied as to the inference of lack of standing, for the reasons set forth in paragraph 4A of this Answer.

16 Denied, for the reasons set forth in paragraph 4A of this Answer. In fact, due to the obvious improprieties of the Application process, set forth above in paragraph 4C of this Answer, not only should Protestant Capital City Cab Service's Protest be upheld, but the present Application should be dismissed altogether.

WHEREFORE, Capital City Cab Service respectfully prays that its Protest be upheld, and that present Motion by Applicant be Dismissed.

Respectfully submitted,

Date: 5/4/2015

/s/ Joseph T. Sucec, Esq.

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