



COMMONWEALTH OF PENNSYLVANIA  
PENNSYLVANIA PUBLIC UTILITY COMMISSION  
P.O. BOX 3265, HARRISBURG, PA 17105-3265

IN REPLY PLEASE  
REFER TO OUR FILE

June 5, 2015

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

Re: Pennsylvania Public Utility Commission, Bureau of Investigation  
and Enforcement v. Excellent Taxi Service LLC t/a Excellent Taxi  
Service  
Docket No. C-2014-2438358

Dear Secretary Chiavetta:

Enclosed for electronic filing is the **Petition for Leave to Withdraw the Bureau of Investigation and Enforcement's Complaint** in the above-referenced case.

Copies have been served on the parties of record in accordance with the Certificate of Service.

Sincerely,

Kourtney L. Myers  
Prosecutor  
PA Attorney I.D. No. 316494

Enclosure

cc: As per certificate of service

**BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

<b>Pennsylvania Public Utility Commission,</b>	:	
<b>Bureau of Investigation and Enforcement</b>	:	
	:	
v.	:	<b>Docket No. C-2014-2438358</b>
	:	
<b>Excellent Taxi Service LLC t/a Excellent</b>	:	
<b>Taxi Service</b>	:	

**PETITION FOR LEAVE TO WITHDRAW**  
**THE BUREAU OF INVESTIGATION AND ENFORCEMENT’S COMPLAINT**

AND NOW comes the Bureau of Investigation and Enforcement (I&E) of the Pennsylvania Public Utility Commission (Commission), by and through its prosecutor, Kourtney L. Myers, and files this Petition for Leave to Withdraw the Complaint in the above-captioned proceeding, pursuant to Section 5.94(a) of the Commission’s regulations, 52 Pa. Code § 5.94(a). In support thereof, I&E states as follows:

1. On August 26, 2014, I&E filed a Complaint against Excellent Taxi Service LLC t/a Excellent Taxi Service (Respondent) alleging that Respondent failed to maintain evidence of liability insurance on file with the Commission, in violation of 66 Pa.C.S. § 512, 52 Pa. Code § 32.2(c), and 52 Pa. Code §§ 32.11(a), 32.12(a), or 32.13(a).
2. I&E requested that Respondent pay a civil penalty in the amount of \$500 or file an Answer and cause its insurer to file evidence of insurance with the Commission within twenty (20) days of the date of service of the Complaint.
3. On September 26, 2014, Respondent filed an Answer to I&E’s Complaint.
4. The above-captioned case is scheduled for an Initial Hearing before

Administrative Law Judge (ALJ) Ember S. Jandebour on Tuesday, June 23, 2015, at 10:00 a.m. in Scranton, Pennsylvania.

5. After this case was scheduled for hearing, counsel for I&E was presented with evidence showing that Respondent was no longer operating in this Commonwealth and that its Certificate of Public Convenience (Certificate) at A-2013-2365114 had been cancelled on April 24, 2015 at docket no. C-2015-2465708. *See* Secretarial Cancellation Letter attached as Exhibit 1.

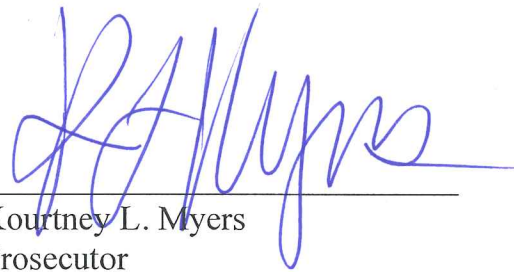
6. Respondent did not file a Petition for Reconsideration with the Commission regarding the cancellation of its Certificate.

7. Given that Respondent is no longer operating in this Commonwealth and that its Certificate has been cancelled, I&E petitions to withdraw its Complaint, without prejudice.

8. I&E respectfully requests that ALJ Jandebour cancel the Initial Hearing in light of the fact that I&E desires to withdraw its Complaint.

WHEREFORE, for the foregoing reasons, I&E respectfully requests that the Complaint in this proceeding be withdrawn, the Initial Hearing scheduled for Tuesday, June 23, 2015 be cancelled, and the matter marked closed.

Respectfully submitted,



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Kourtney L. Myers  
Prosecutor  
Attorney I.D. No. 316494

Public Utility Commission, Bureau of  
Investigation and Enforcement

P.O. Box 3265  
Harrisburg, PA 17105-3265  
(717) 705-4366

Date: June 5, 2015

# **EXHIBIT 1**



COMMONWEALTH OF PENNSYLVANIA  
PENNSYLVANIA PUBLIC UTILITY COMMISSION  
P.O. BOX 3265, HARRISBURG, PA 17105-3265

IN REPLY PLEASE  
REFER TO OUR FILE

April 24, 2015

~~C-2014-2465708~~  
A-2013-2365114  
A-6315241

CANCELLATION NOTICE

**EXCELLENT TAXI SERVICE LLC  
T/A EXCELLENT TAXI SERVICE  
75 NORTH KENNEDY DRIVE  
MCADOO, PA 18237**

**Re: Pennsylvania Public Utility Commission, Bureau of Investigation & Excellent Taxi  
Service LLC, t/a Excellent Taxi Service**

Respondent:

On **February 5, 2015**, the Bureau of Investigation and Enforcement instituted a Complaint against **Excellent Taxi Service LLC, t/a Excellent Taxi Service**, Respondent, for failure to maintain evidence of insurance on file with this Commission, a violation of 66 Pa. C.S. §512, 52 Pa. Code §32.2(c), and 52 Pa. Code §32.11(a).

In accordance with 52 Pa. Code §5.61, the Bureau of Investigation and Enforcement notified the Respondent that, an Answer to the Complaint must be filed within twenty (20) days of the date of service. The Notice further specified that, if Respondent failed to answer the Complaint within twenty (20) days, the Bureau of Investigation and Enforcement would request that the Commission cancel Respondent's Certificate of Public Convenience.

The Complaint was served on Respondent, **Excellent Taxi Service LLC, t/a Excellent Taxi Service** by certified mail on February 17, 2015. To date, more than twenty (20) days later, Respondent has failed to file an Answer to the Complaint.

Therefore, the allegations in the Complaint are deemed to be admitted. The Complaint is hereby sustained and the **Certificate of Public Convenience**, issued to Respondent at **A-2013-2365114** is hereby **CANCELLED**.

Respondent is assessed a fine of \$500 for failure to maintain evidence of insurance on file with this Commission as required at 52 Pa. Code §32, as well as a fine in the amount of \$100 for failing to file an answer to the Complaint as required by 52 Pa. Code §5.61, for a total fine of \$600. Payment must be made by certified check or money order payable to the Pa. Public Utility Commission, P.O. Box 3265, Harrisburg, PA 17105-3265.

Furthermore, this Commission will request the Pennsylvania Department of Transportation to put an administrative hold on Respondent's vehicle registrations. Respondent will **NOT** be able to register any new vehicles or renew any existing vehicle registrations until all past due assessments are paid, all past due fines are paid, all insurance filings are up to date, and it holds an active Certificate of Public Convenience issued by this Commission.

This Secretarial Cancellation Letter will also be served on:

The Department of Revenue  
Bureau of Audit Programs  
Sales and Use Taxes  
Tenth Floor, Strawberry Square  
Harrisburg, PA 17128-1061

Respondent is hereby notified to cease and desist from further violations of the Public Utility Code, 66 Pa. C.S. §§1.1 et seq. and the regulations of the Commission, 52 Pa. Code §§1.1 et seq. In view of the **cancellation of respondent's Certificate of Public Convenience**, it is specifically prohibited from rendering service as a common carrier by motor vehicle in intrastate commerce in the Commonwealth of Pennsylvania.

#### APPEAL RIGHTS

If you disagree with this determination, you may send a Petition for Reconsideration from Staff Action (Petition) to: Secretary, PA Public Utility Commission, P.O. Box 3265, Harrisburg, PA 17105-3265. Such a Petition is a written statement asking the Commission to change its determination.

The Petition must be filed with the Commission within twenty (20) days of the date of this letter. If no timely request for reconsideration is made, this action will be deemed to be the final action of the Commission.

The Petition MUST include: (1) a written statement (divided into numbered paragraphs) outlining the reasons for the request, (2) the case docket number(s) (they are provided for you at the top right hand corner of this letter), (3) the name of the person on whose behalf the petition is made, (4) copies of relevant documentation, and (5) a verification with original signature. See 52 Pa. Code §§1.31 and 5.44. Below is a sample Verification:

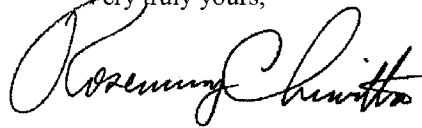
#### VERIFICATION

I, (YOUR NAME GOES HERE), hereby state that the facts above set forth are true and correct (or are true and correct to the best of my knowledge, information and belief) and that I expect to be able to prove the same at a hearing held in this matter. I understand that the statements herein are made subject to the penalties of 18 Pa.C.S. § 4904 (relating to unsworn falsification to authorities).

(SIGN AND DATE)

If you believe that you have received this letter in error, please contact the Compliance Office of the Motor Carrier Services and Enforcement Division in the Bureau of Technical Utility Services at 717-787-1227 within ten (10) days of the date of this letter.

Very truly yours,



Rosemary Chiavetta,  
Secretary

Cc: Bureau of Technical Utility Services  
PA Dept of Transportation  
PA Department of Revenue

## CERTIFICATE OF SERVICE

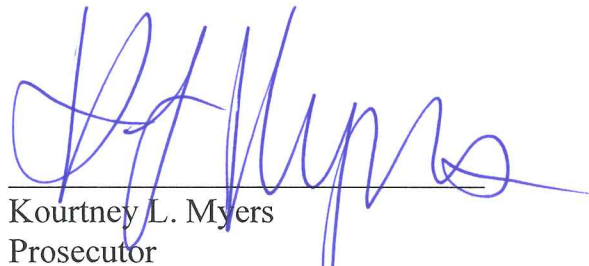
I hereby certify that I have this day served a true copy of the foregoing document upon the parties, listed below, in accordance with the requirements of 52 Pa. Code § 1.54 *et seq.* (relating to service by a party).

### Service by First Class Mail:

The Honorable Ember S. Jandebaur  
Pennsylvania Public Utility Commission  
Office of Administrative Law Judge  
Scranton State Office Building  
100 Lackawanna Avenue  
Scranton, PA 18503

Francisco Brito-Brito  
Excellent Taxi Service LLC  
t/a Excellent Taxi Service  
75 North Kennedy Drive  
McAdoo, PA 18237

Francisco Brito-Brito  
Excellent Taxi Service LLC  
t/a Excellent Taxi Service  
27 East Broad Street  
West Hazleton, PA 18202-3809



Kourtney L. Myers  
Prosecutor  
PA Attorney I.D. No. 316494

Public Utility Commission  
Bureau of Investigation and Enforcement  
P.O. Box 3265  
Harrisburg, PA 17105-3265  
(717) 705-4366

Dated: June 5, 2015