



THOMAS, NIESEN & THOMAS, LLC

Attorneys and Counsellors at Law

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September 1, 2015

Via Hand Delivery

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

In re: Docket No. A-2015-2475776
Application of Amigo Cab, LLC

Dear Secretary Chiavetta:

We are counsel to Autocab, Inc. and are filing with this letter its Objection to the Application for Subpoena of John A. Schwartz. A copy of the Objection is being served upon the persons and in the manner set forth on the certificate of service attached to it.

Very truly yours,

THOMAS, NIESEN & THOMAS, LLC

By

Thomas T. Niesen

Enclosure

cc: Certificate of Service (w/encl.)
Timothy J. Schwartz (via email, w/encl.)

150901-Chiavetta (Obj to JSchwartz Sub).wpd

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BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION

Administrative Law Judge Dennis J. Buckley, Presiding

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Application of Amigo Cab, LLC for : Docket No. A-2015-2475776
Approval to Provide Taxi Service Between :
Points in the Counties of Berks and :
Lancaster to Points in Pennsylvania and :
return :

**OBJECTION OF AUTOCAB, INC. TO APPLICATION FOR
SUBPOENA OF JOHN A. SCHWARTZ**

AND NOW, comes Autocab, Inc., (“Protestant Autocab”) and, pursuant to 52 Pa. Code § 5.421(f), objects to the Application of Amigo Cab, LLC (“Applicant Amigo Cab”) for Subpoena of John A. Schwartz as follows:

1. This proceeding concerns the Application of Amigo Cab, filed with the Public Utility Commission (“Commission”) on or about March 16, 2015, to provide call or demand service in Berks and Lancaster Counties.

2. *Protestant Autocab provides call or demand service in Lancaster County and filed a timely Protest to the Application on June 3, 2015.*

3. On or about August 19, 2015, Applicant Amigo Cab filed an Application for Subpoena of John A. Schwartz to require his appearance at hearing on September 9, 2015.¹ In support of the Application, Applicant Amigo Cab avers as follows:

¹ The hearing of September 9, 2015 has been continued until a later date by Prehearing Order of Administrative Law Judge Buckley dated August 31, 2015.

Protestant Autocab asserts in its Protest that there is no public need for the service proposed by Applicant and that entry of Applicant's proposed service into the local market would endanger or impair the operations of existing carriers. The Applicant requests that Mr. Schwartz appear and testify to the sufficiency of call and demand service in the area and any alleged adverse effect that the entry of a new service would have on his business or other existing carriers. Mr. Schwartz's testimony is materially relevant to the proceeding because he is the owner of Autocab, the sole protestant in the proceeding, thus he is one of the only qualified individuals who has first hand knowledge of the effect of a new call or demand service on Autocab and other existing carriers.

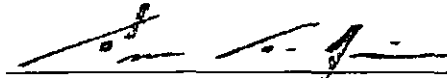
4. Applicant Amigo Cab also filed Applications for Subpoenas to require the appearance of Mr. Timothy J. Schwartz, President and a Co-Owner of Protestant Autocab, and Mr. Greg Vannucci, Chief Financial Officer of Protestant Autocab, at the hearing on September 9, 2015. The averred justification for their appearance is identical in all material respects to the averred justification for the appearance of Mr. John A. Schwartz.

5. Protestant Autocab intends to present Mr. Timothy J. Schwartz as a witness at the hearing.² With the appearance of Mr. Schwartz, who is the President and a Co-Owner of Protestant Autocab, the appearance of Mr. John A. Schwartz is not necessary for Applicant's purposes at hearing and Applicant Amigo Cab has presented nothing that suggests otherwise. The Application for Subpoena acknowledges that Mr. John A. Schwartz is "one of the only qualified individuals who has first-hand knowledge of the effect of a new call or demand service on Autocab and other carriers." Mr. Timothy J. Shwartz is another "one of the qualified individuals" and he will appear and testify and be available for cross examination. There is no reasonable basis for requiring Mr. John A. Schwartz to appear, along with Mr. Timothy J. Schwartz, and testify at the hearing.

² The date of the rescheduled hearing has not been noticed. If Mr. Timothy J. Schwartz is unavailable to appear on the rescheduled date, Protestant Autocab will substitute either Mr. Greg Vannucci or Mr. John A. Schwartz as witness for Protestant Autocab and notify Administrative Law Judge Buckley and Applicant Amigo Cab.

WHEREFORE, for the reasons set forth above, Protestant Autocab, Inc. requests that Administrative Law Judge Buckley deny the Application for Subpoena of John A. Schwartz.

Respectfully submitted,



By: Thomas T. Niesen, Esquire
PA Attorney ID No. 31379
THOMAS, NIESEN & THOMAS, LLC
212 Locust Street, Suite 600
Harrisburg, PA 17101

Attorney for Protestant Autocab, Inc.

DATE: September 1, 2015

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**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Administrative Law Judge Dennis J. Buckley, Presiding

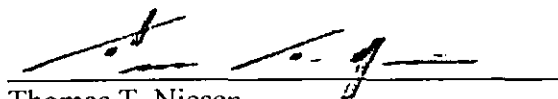
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I hereby certify that I have this 1st day of September, 2015 served a true and correct copy of the foregoing Objection of Autocab, Inc. to Application for Subpoena of John A. Schwartz upon the persons and in the manner set forth below:

VIA EMAIL AND FIRST CLASS MAIL, POSTAGE PREPAID

The Honorable Dennis J. Buckley
Administrative Law Judge
Pennsylvania Public Utility Commission
Post Office Box 3265
Harrisburg, PA 17105-3265
debuckley@pa.gov

John W. Sweet, Esquire
The Sweet Firm
620 South 13th Street
Harrisburg, PA 17104
John@SweetFirm.com
Counsel for Amigo Cab, LLC



Thomas T. Niesen
PA Attorney ID No. 31379

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