

November 20, 2015

Via Electronic Filing

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

In re: Docket No. A-2015-2472506
Application of Andrews Transportation, LLC

Dear Secretary Chiavetta:

We are counsel for Protestants Homestead Taxi, LLC and Homestead Transportation, LLC in the above matter and are submitting via electronic filing and as directed by Ordering Paragraph 13 of Judge Jones' Prehearing Order dated November 13, 2015, their Legal Memorandum Clarifying Conflict with Proposed Authority. A copy of the Legal Memorandum 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.)
Nicholas Chermela (w/encl.)

151120-Chiavetta (Legal Memo).wpd

**Before The
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

The Honorable Angela T. Jones, Presiding

**In re: Application of Andrews : Docket No. A-2015-2472506
Transportation, LLC :**

**LEGAL MEMORANDUM OF PROTESTANTS HOMESTEAD TAXI, LLC
AND HOMESTEAD TRANSPORTATION, LLC CLARIFYING
CONFLICT WITH PROPOSED AUTHORITY**

This proceeding concerns the Application of Andrews Transportation, LLC (“Applicant”) for authority to transport persons in airport transfer service, from points in the Counties of Bucks, Delaware and Montgomery to the Philadelphia Airport, excluding service under the jurisdiction of the Philadelphia Parking Authority.

Homestead Taxi, LLC and Homestead Transportation, LLC (collectively, “Protestants”) timely filed a Joint Protest opposing the Application. Protestants hold call or demand authority, including call or demand authority in Bucks and Montgomery Counties.

Administrative Law Judge Angela T. Jones was assigned to the matter. A hearing is scheduled for December 30, 2015, in Philadelphia, with Judge Jones presiding.

By Prehearing Order dated November 13, 2015, Judge Jones noted, in Paragraph 13 of the Order, that the Philadelphia International Airport is in Delaware County and that Protestants have not indicated any authority to operate in Delaware County. Judge Jones directed Protestants to provide a legal memorandum clarifying how they have a conflict with the proposed authority of the Applicant.

In response to the Judge's directive, Protestants submit that the regulations of the Public Utility Commission at 52 Pa. Code Section 29.312(4), provide, in respect to call or demand service, that a call or demand vehicle may transport persons:

- (i) In the area authorized by the certificate.
- (ii) From a point in the area authorized by the certificate to a point in this Commonwealth.
- (iii) From a point in this Commonwealth to a point in the area authorized by the certificate, provided that the request for the transportation is received in the area authorized by the certificate.

Section 29.312(4)(ii), reproduced above, provides authority for Protestants to transport persons from any point within their authorized service territory in Bucks and Montgomery Counties to "a point in this Commonwealth." "A point" in this Commonwealth includes the Philadelphia International Airport in Delaware County.

Applicant's request for authority to transport persons from points in Bucks and Montgomery Counties to the Philadelphia International Airport is in direct conflict with Protestants existing authority, as interpreted by Commission Regulation, to transport persons from points within their authorized service territory in Bucks and Montgomery Counties to a point in this Commonwealth. As set forth above, "a point" in this Commonwealth includes the Philadelphia International Airport.

In sum, Protestants have the authority to transport persons from Bucks and Montgomery Counties to the Philadelphia International Airport. Protestants do, in fact, transport persons from Bucks and Montgomery Counties to the Airport. Protestants oppose the Application of Andrews Transportation, LLC at Docket No. A-2015-2472506.¹

Respectfully submitted,

By 

Thomas T. Niesen
Thomas, Niesen & Thomas, LLC
212 Locust Street
Suite 600
Harrisburg, PA 17101

Attorneys for Homestead Taxi, LLC and
Homestead Transportation, LLC

Dated: November 20, 2015

Homestead Taxi - Legal Memo Re Authority Conflict.wpd

¹ As stated in Paragraph 8 of their Joint Protest, Protestants' interests would be protected if Applicant would completely remove Protestants' authorized service territory from Applicant's proposed service territory.

**Before The
PENNSYLVANIA PUBLIC UTILITY COMMISSION**


**In re: Application of Andrews : Docket No. A-2015-2472506
Transportation, LLC :
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CERTIFICATE OF SERVICE

I hereby certify that I have this 20th day of November 2015 served a true and correct copy of the foregoing Legal Memorandum of Protestants Homestead Taxi, LLC and Homestead Transportation, LLC Clarifying Conflict with Proposed Authority, upon the persons listed below by email and/or first class mail, postage prepaid:

Administrative Law Judge Angela T. Jones
Pennsylvania Public Utility Commission
801 Market Street, 4th Floor, Suite 4063
Philadelphia, PA 19107
angeljones@pa.gov;

Dwayne Andrews
Andrews Transportation, LLC
151 East Main Street
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