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BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION

2015 NOV 30 AM 10: 30

PA P.U.C.  
SECRETARY'S BUREAU

Pennsylvania Public Utility Commission  
Bureau of Investigation and Enforcement

: Answer

V.

Barnes Professional Limousine Service LLC  
3850 Walker Blvd  
Erie PA 16509

: Docket No: C-2015-2507087

ANSWER

For its Answer to the Formal Complaint ("Complaint") filed against it by The Pennsylvania Public Utility Commission Bureau of Investigation and Enforcement ("Complainant"), Barnes Professional Limousine Service LLC ("Respondent") hereby files this, their ANSWER.

1) Paragraph 1 of the complaint is admitted.

2) Paragraph 2 of the complaint is admitted.

3) Paragraph 3 of the complaint is denied. Barnes Professional Limousine Service LLC denies all violations A, B, C, and D.

4) Paragraph 4 of the complaint is denied. Respectfully, Officer Gill inspected the vehicle on October 8, 2015. At no point did he ask if the vehicle was pre trip inspected

and ready to go out for service. All vehicles go through pre trip inspections before they are sent on the road to insure safety. In the event there is an exhaust leak a vehicle is not permitted to leave the building as it would fail a pre trip inspection.

Officer Gill noted there was an exhaust leak that was in between the muffler and the pipe leading into the muffler due to him seeing black carbon film in the joint connecting the two. A mechanic back pressure tested it after the inspection and confirmed there was no leak. For an added safety precaution, the mechanic applied glue like material around the joint where the officer said it needed placed. The officer never back pressure tested the exhaust to determine there was a leak. We respectfully request that you dismiss this fine.

Barnes Professional Limousines Service LLC reserves the right to file a counter claim against the Public Utility Commission for costs associated for our company's mechanic completing unneeded repair work, lost revenue, potential lost revenue and any other damages sustained to our company during the period the vehicle was improperly taken out of service by the PUC. Our company was not able to rent the vehicle while the unnecessary repair work was completed, although we were forced to complete the unnecessary repair work in order to comply with the PUC guidelines in order place the vehicle back in service as it was improperly taken out of service.

5.) Paragraph 5 of the complaint is denied. The driver that drove this trip for the company stated to our company that he never used a cell phone while operating a commercial vehicle, unless he felt as though it was an emergency. No where in PA code does it define emergency.

The driver admits to using the phone for emergency services. We are requesting names of witnesses that witnessed this driver using a cell phone while operating the vehicle for purposes other than emergencies. An emergency is subjective. The client called the driver and requested his status prior to the pickup. She also provided him with directions. A call log between a client and a driver prior to pickup is not sufficient evidence that he was speaking to her while in motion. It is also not enough evidence that he did not use the phone in a hands free setting. If it is proven he was speaking to her in motion at anytime, we would view the client as an emergency service in order to fulfill our contractual obligation with the client. When we are transporting students that are under the age of 18 and the adult responsible for the children call the driver it is unclear if it is an emergency or not. Our company must error on the cautious side that it may be. Our drivers do not call anyone under any circumstances unless they feel it is an emergency as safety is one of the most important if not the most important thing at our company. Furthermore, we deny the driver used the phone while in motion in a "hand held" manor.

We do not understand the purpose of the client complaining that the driver used a cell phone, while the only person the driver ever talked to that evening was the client and the client was the one calling the drivers cell phone to begin with. If the client did not think it was an emergency and she was concerned with the driver "possibly" using the phone while driving she should not have been calling him to begin with. The driver was not making any calls that were not viewed as an emergency. The driver was not using the

phone in a carefree manor speaking to anyone irrelevant to the emergency situation. We respectfully request that you dismiss this fine.

Barnes Professional Limousines Services reserves the right to file a counter claim against Kim Money if found to be responsible to pay this fine. A person can not call someone asserting there is an emergency, but then file a complaint against the person asserting there was not an emergency.

6.) Paragraph 6 of the complaint is denied. The driver of this trip indicated to our company he did not smoke in the vehicle. We set in place safety guidelines that prohibit non emergency cell phone usage, excessive speeding, no smoking etc by our drivers prior to taking one of our vehicles out of our building. These guidelines were read and agreed to prior to, by Mark the driver, before taking the vehicle from our building. We request the names of the witnesses that saw this occur as well as any other proof. Our drivers are made aware that they are not permitted to smoke while operating a commercial vehicle. If at anytime the driver in question admitted to such he did not understand the question correctly and denies smoking in the vehicle during said trip. We respectfully request that you dismiss this fine.

7.) Paragraph 7 of the complaint is denied. It is not clearly defined how to determine how many passengers a bus will fit that does not have individual seating or seat belts. This bus is primarily set up with seating that has rows that run down the side of the vehicle. A bus is not required to have individual seating for each person or seat belts. When registering this bus as an 18 passenger bus we are only making an approximation

as to the average amount that will fit as there are no guidelines to follow for size per seat. Seating capacity in this type of vehicle is subjective to the size and shape of the individual(s) riding. Also, when the vehicle was registered as an 18 passenger bus it did not have the VIP seating in the rear. The VIP seating in the rear added later can accommodate another 4 passengers. The VIP seating was in this bus in the rear during the rental. The client said the passengers were sitting in the luggage area. This is not true. Clearly defined in our agreement with the client prior to rental as well it stated that, *“Purchaser agrees that the company is only estimating the amount of people that will fit in the limo for the max number of passengers and that it is subjective to the size of the individuals. Barnes Professional Limousine Service LLC does not guarantee any certain amount of people will fit in the limo that you reserve.”*

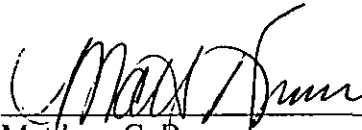
Furthermore, the coach builder did not place a sticker or stamp on the vehicle defining how many passengers the vehicle can accommodate. At 16 inches per person with the VIP seating in the rear this vehicle could technically hold 26 people.

When this vehicle that was in question was taken to do a road test for a passenger endorsement test at a Penn Dot facility, Penn Dot said they could not use the 18 person seating capacity on the registration to determine the number of seating since it is subjective and therefore denied us from taking the test. A Penn Dot representative stated they can not use the 18 person seating capacity on the registration because it is not necessarily accurate. This vehicle does not have a sticker or any indication on the vehicle from the manufacturer how many people the vehicle can hold. Our company expensed thousands of dollars in gas, depreciation, drivers expenses, cleanup and loss revenue that will not be able to be recouped when we were turned away when trying to use this vehicle to complete a road test to obtain a passenger endorsement with the proof it sat 18 people using the registration as proof it sat 18.

If it is determined based solely on the registration that this vehicle seats only up to 18, Barnes Professional Limousine Service reserves the right to seek reimbursement from Penn Dot for all damages and money expended every time an attempt was made to use this vehicle to take a road test and we were denied based upon the seating registration. It is not fair to use the seating registration against our company when convenient for Penn Dot or the PUC with no definite guidelines to follow. Please, we respectfully request this fine be dismissed and not continue to punish our company when there is no clear definition of what to do as confirmed with Penn Dots denial.

WHEREFORE, Barnes Professional Limousine Service LLC respectfully request that this complaint be dismissed.

Respectfully Submitted,

A handwritten signature in black ink, appearing to read "Matthew C. Barnes", written over a horizontal line.

Matthew C. Barnes  
Officer of Barnes Professional Limousine Service LLC

Walten Point Productions  
Barnes Limousine Est 1999

To whom this may concern –

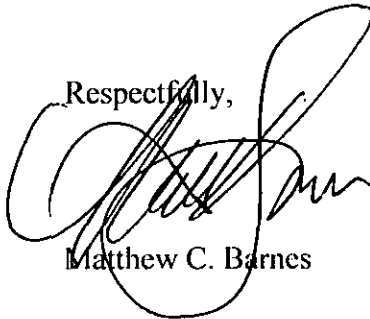
November 23, 2015

Safety is very important at our company. The complaint from Kim Money was initiated due to a contractual dispute and not due to safety. Kim will do anything in her power to lie and falsify information to try to get “revenge” on our company due to her being unhappy with our billing procedures and terms within our contract that she had agreed to but was later unsatisfied with after the fact.

Kim has gone as far as to contact our competitors, BBB, PUC and Attorney General’s Office, to name a few, in an attempt to cause unjustifiable harm to our small business through anyone that would entertain her accusations. Kim lied to the PUC and stated that the vehicle had bald tires when it arrived; when the vehicle just had new tires put on it within weeks prior to her contracted trip. Kim provided false information in an attempt to harm our company as proved above and her accusations can not be considered to be credible.

Please review our answer in its entirety and if you have any questions feel free to contact myself. I appreciate your willingness to hear our side of the story as well.

Respectfully,



Matthew C. Barnes

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Walter Point Productions  
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PITTSBURGH PA 150

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Rosemary Chiavette, Secretary  
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