



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

February 10, 2016

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. Nasser Limousine, LLC  
Docket No.

Dear Secretary Chiavetta:

Enclosed for filing please find an original of 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.

Should you have any questions, please do not hesitate to contact me.

Sincerely,

Kourtney L. Myers  
Prosecutor  
PA Attorney ID No. 316494

Prosecutor for the Bureau of  
Investigation and Enforcement

Enclosures

cc: As per Certificate of Service

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## NOTICE

A. You must file an Answer within twenty (20) days of the date of service of this Complaint. The date of service is the mailing date as indicated at the top of the Secretarial Cover Letter for this Complaint and Notice, 52 Pa. Code §1.56(a). An Answer is a written explanation of circumstances wished to be considered in determining the outcome. The Answer shall raise all factual and legal arguments that you wish to claim in your defense and must include the reference number of this Complaint. Your Answer must be verified and the original **shall be mailed to:**

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

**Or may be sent by overnight delivery to:** 400 North Street, 2<sup>nd</sup> Floor  
Harrisburg, Pennsylvania 17120

**Additionally, please serve a copy on:** Michael L. Swindler, Deputy Chief Prosecutor  
Bureau of Investigation and Enforcement  
Pennsylvania Public Utility Commission  
P.O. Box 3265  
Harrisburg, Pennsylvania 17105-3265  
Or, e-mailed to Mr. Swindler at: [RA-PCCmplntResp@pa.gov](mailto:RA-PCCmplntResp@pa.gov)

B. If you fail to answer this complaint within twenty (20) days, the Bureau of Investigation and Enforcement will request that the Commission issue a Secretarial Letter imposing a penalty. The penalty could include a fine, the suspension or revocation of your certificate of public convenience or other remedy.

C. You may elect not to contest this complaint by paying the fine proposed in this Complaint by certified check or money order. Payment must be made to the **Commonwealth of Pennsylvania** and should be forwarded to:

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

Your payment is an admission that you committed the alleged violation and an agreement to cease and desist from further violations. Upon receipt of your payment, the complaint proceeding shall be closed.

D. If you file an Answer, which admits or fails to deny the allegations of the Complaint, the Bureau of Investigation and Enforcement will request that the Commission issue a Secretarial Letter imposing a penalty.

E. If you file an Answer which contests the Complaint, the matter will be assigned to an Administrative Law Judge for hearing and decision. The judge is not bound by the optional fine set forth above.

F. Alternative formats of this material are available for persons with disabilities by contacting the Commission's ADA Coordinator at 717-787-8714.

**BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Pennsylvania Public Utility Commission	:	
Bureau of Investigation and Enforcement,	:	
Complainant	:	
v.	:	Docket No.
	:	
Nasser Limousine, LLC,	:	
Respondent	:	
	:	

**COMPLAINT**

NOW COMES the Bureau of Investigation and Enforcement (“I&E”) of the Pennsylvania Public Utility Commission (“PUC” or “Commission”), by its prosecuting attorneys, pursuant to Section 701 of the Public Utility Code, 66 Pa.C.S. § 701 and files this Complaint against Nasser Limousine, LLC (“Nasser Limousine” or “Respondent”) alleging violations of the Pennsylvania Code and the Pennsylvania Public Utility Code. In support of its Complaint, I&E respectfully represents the following:

**Parties and Jurisdiction**

1. The Pennsylvania Public Utility Commission, with a mailing address of P.O. Box 3265, Harrisburg, PA 17105-3265, is a duly constituted agency of the Commonwealth of Pennsylvania empowered to regulate public utilities within the Commonwealth pursuant to the Public Utility Code, 66 Pa.C.S. §§ 101, *et seq.*
2. Complainant is the Commission’s Bureau of Investigation and Enforcement and is the entity established by statute to prosecute complaints against public utilities pursuant to 66 Pa.C.S. § 308.2(a)(11).

3. Complainant is represented by:

Kourtney L. Myers  
Prosecutor  
Pennsylvania Public Utility Commission  
Bureau of Investigation and Enforcement  
P.O. Box 3265  
Harrisburg, PA 17105-3265  
717.705.4366  
komyers@pa.gov

Michael L. Swindler  
Deputy Chief Prosecutor  
Pennsylvania Public Utility Commission  
Bureau of Investigation and Enforcement  
P.O. Box 3265  
Harrisburg, PA 17105-3265

4. Respondent, Nasser Limousine, LLC maintains its principal place of business at 137 West Market Street, Scranton, PA 18508.

5. Respondent is a “public utility” as that term is defined at 66 Pa.C.S. § 102, as it is engaged in transporting passengers in the Commonwealth of Pennsylvania for compensation.

6. The Commission issued Respondent a Certificate of Public Convenience (“Certificate”) on or about August 15, 2005, at A-00120555, for limousine and group and party 16 or greater authority.

7. Pursuant to its Certificate, Respondent is authorized to transport, as a common carrier by motor vehicle, persons in limousine service between points in the counties of Lackawanna, Wayne, and Wyoming, and from points in said counties to points in Pennsylvania, and return and persons in group and party 16 or greater service throughout the Commonwealth of Pennsylvania.

8. Section 501(a) of the Public Utility Code, 66 Pa.C.S. § 501(a), authorizes and obligates the Commission to execute and enforce the provisions of the Public Utility Code.

9. Section 701 of the Public Utility Code, 66 Pa.C.S. § 701, authorizes the Commission, *inter alia*, to hear and determine complaints against public utilities for a violation of any law or regulation that the Commission has jurisdiction to administer.

10. Section 3301 of the Public Utility Code, 66 Pa.C.S. § 3301, authorizes the Commission to impose civil penalties on any public utility, or any other person or corporation subject to the Commission's authority, for violation(s) of the Public Utility Code and/or Commission regulations.

11. Respondent, in transporting passengers as a common carrier for compensation, is subject to the power and authority of this Commission pursuant to Section 501(c) of the Public Utility Code, 66 Pa.C.S. § 501(c), which requires a public utility to comply with Commission regulations.

12. Pursuant to the provisions of the applicable Commonwealth statutes and regulations, the Commission has jurisdiction over the subject matter of this complaint and the actions of Respondent related thereto.

### **Background**

13. On or about October 6, 2015, an advertisement was posted on Nasser Limousine's Facebook page ("Facebook advertisement") offering a fifty dollar (\$50) off coupon ("coupon") related to Nasser Limousine services. A copy of the Facebook advertisement is attached as Exhibit 1.

14. The Facebook advertisement depicts an Excalibur limousine vehicle with a Nasser Limousine license plate and provides Respondent's website address at [www.nasserlimo.net](http://www.nasserlimo.net) and phone number at 570-341-1877.

15. The coupon offered in Nasser Limousine's Facebook advertisement provides for a limousine rate that is not based on time and such coupon is not contained in Respondent's limousine tariff that is currently on file with the Commission.

16. On or about November 10, 2015, Patrolman Carol Davenport of the Sugarloaf Township Police Department in Sybertsville, Pennsylvania contacted Nasser Limousine at the phone number provided in Respondent's Facebook advertisement, in an undercover capacity, to inquire into a rental of Respondent's Excalibur limousine vehicle and use of the coupon as advertised by Respondent.

17. On November 11, 2015, Nasser Limousine contacted Patrolman Davenport and offered to transport, as a common carrier by motor vehicle, persons in limousine service for compensation from Conyngham, Luzerne County, Pennsylvania to a golf course located in Luzerne County, Pennsylvania on May 14, 2016 ("May 14 Trip").

18. On November 11, 2015, Nasser Limousine offered to apply the coupon from its Facebook advertisement to the May 14 Trip, which involves passenger transportation service for compensation in Respondent's Excalibur limousine vehicle.

19. The scheduled pickup location for the May 14 Trip is in a different territory than that authorized by Nasser Limousine's Certificate.

**Violations**

**COUNT 1**

20. That Respondent, by offering a coupon that charges limousine rates other than the amount described in Respondent's tariff on file with the Commission violated Section 29.334 of the Commission's regulations, 52 Pa. Code § 29.334.

I&E's proposed civil penalty for this violation is \$100.

**COUNT 2**

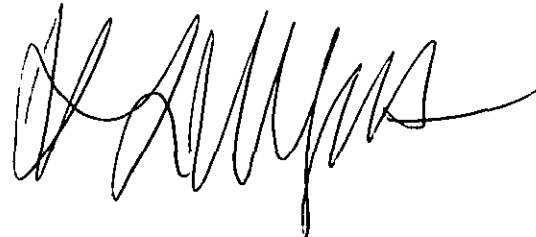
21. That Respondent, by offering to transport, as a common carrier by motor vehicle, persons in limousine service from a different territory than that authorized by its Certificate violated Section 1102 of the Public Utility Code, 66 Pa.C.S. § 1102.

I&E's proposed civil penalty for this violation is \$500.

**WHEREFORE**, for all the foregoing reasons, the Pennsylvania Public Utility Commission's Bureau of Investigation and Enforcement respectfully requests that:

- (a) Respondent be ordered to pay a total civil penalty in the amount of six hundred dollars (\$600);
- (b) Respondent be directed to cease offering limousine rates that do not correspond with the rates described in its tariff on file with the Commission;
- (c) Respondent be directed to cease operating in a territory different than that authorized by its Certificate; and
- (d) If payment of the civil penalty is not made, the Bureau of Investigation and Enforcement requests that:
  - (1) the Commission issue an Order to cancel the Certificate issued to Respondent at A-00120555; and
  - (2) the Commission certify Respondent's automobile registrations to the Pennsylvania Department of Transportation for suspension or revocation.

Respectfully submitted,



Kourtney L. Myers  
Prosecutor

Pennsylvania Public Utility Commission  
Bureau of Investigation and Enforcement  
P.O. Box 3265  
Harrisburg, PA 17105-3265  
717.705.4366  
komyers@pa.gov

Date: February 10, 2016

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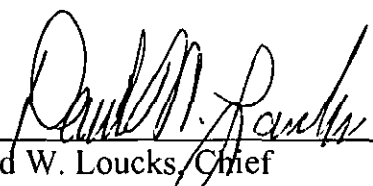
**BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Pennsylvania Public Utility Commission :  
Bureau of Investigation and Enforcement, :  
Complainant :  
v. : Docket No.  
: :  
Nasser Limousine, LLC, :  
Respondent :  
:

**VERIFICATION**

I, David W. Loucks, Chief of Enforcement, Bureau of Investigation and Enforcement, Motor Carrier Enforcement, hereby state that the facts above set forth are true and correct to the best of my knowledge, information, and belief and that I expect the Bureau will be able to prove the same at any 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.

Date: February 10, 2016

  
\_\_\_\_\_  
David W. Loucks, Chief  
Motor Carrier Enforcement  
Bureau of Investigation and Enforcement  
P.O. Box 3265  
Harrisburg, PA 17105-3265

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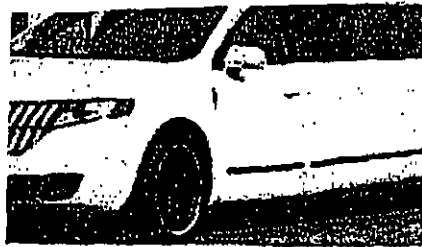
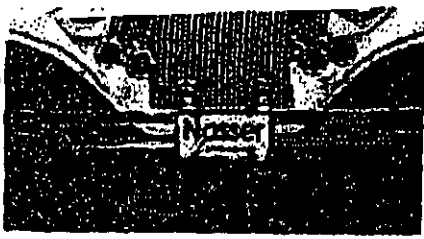
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# EXHIBIT 1



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## POSTS BY PAGE

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### Nasser Limousine Service

5 hrs · 🌐

Nasser Limousine. \$50.00 Off with this Ad. Northeast PA'S largest and most dependable limo service for over 10 years!  
[www.nasserlimo.net](http://www.nasserlimo.net) 570.341.1877



Likes

## CERTIFICATE OF SERVICE

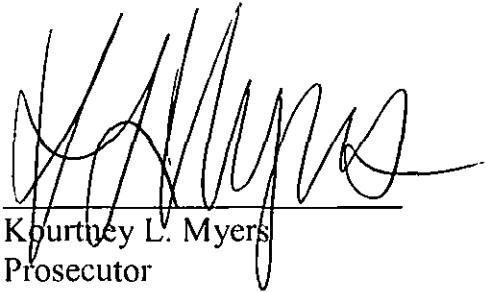
I hereby certify that I have this day served a true copy of the foregoing document upon the parties, listed below, in accordance with the requirements of 52 Pa. Code § 1.54 (relating to service by a party).

Notification by Certified Mail:

John Nasser, President  
Nasser Limousine, LLC  
137 West Market Street  
Scranton, PA 18508

Notification by First Class Mail:

John Nasser, President  
Nasser Limousine, LLC  
4751 Birney Avenue  
Moosic, PA 18507



Kourtney L. Myers  
Prosecutor  
PA Attorney ID No. 316494

Pennsylvania Public Utility Commission  
Bureau of Investigation and Enforcement  
P.O. Box 3265  
Harrisburg, PA 17105-3265  
717.705.4366  
[komyers@pa.gov](mailto:komyers@pa.gov)

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