

**BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Application of Empty Pockets Whitetail Preserve, LLC : No. A-2015-2520130

**PROTEST OF CAPITAL CITY CAB SERVICE**

NOW COMES, Capital City Cab Service. (“Protestant”), pursuant to 52 Pa. Code § 3.381, files this Protest to the Application of Empty Pockets Whitetail Preserve, LLC (“Applicant”) for authority to provide call or demand service. In support thereof, Protestant submits the following:

1. The name and address of Protestant are:

Capital City Cab Service

362 South Front Street

Steelton, PA 17112

2. Applicant filed an Application with the Public Utility Commission (“Commission”) for the right to transport, as a common carrier, by motor vehicle, persons in call or demand service, from points in the Counties of Lancaster and York, to points in Pennsylvania, and return.

3. Protestant holds authority of the Commission in conflict with the authority sought by Applicant. Protestant’s authority is at Docket No. A-00113875 F.1 Am-A

5. Protestant submits that there is no need for the proposed service, thus

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approval of this application will not serve a useful public purpose or need, but will duplicate already existing service to the detriment of existing carriers.

6. Applicant failed to attach any financial information to its application that would indicate Applicant's financial fitness, thus Protestant believes and therefore avers that Applicant does not possess the requisite financial fitness to provide the proposed service.

7. Applicant failed to attach information to its application that would indicate how Applicant intends to operate, thus Protestant believes and therefore avers that Applicant does not possess the requisite technical fitness to provide the proposed service.

8. Applicant has submitted no evidence indicating that Applicant can meet the criteria in 52 Pa. Code § 41.14, thus approval of the Application is not necessary or proper for the service, accommodation, convenience, or safety of the public and would be contrary to public interest.

9. Protestant submits that entry of a new carrier would endanger or impair the operations of existing carrier to an extent that, on balance, the granting of authority would be contrary to public interest.

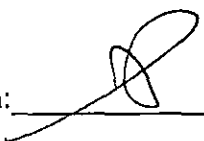
10. A restrictive amendment removing York County from the service area would protect Protestant's business interests to the point where it would be willing to withdraw its protests.

11. Regarding any hearing on this matter, pursuant to Pennsylvania Public Utility Code 66 Pa. C.S. § 333(c), demand is made upon Applicant to furnish to Protestant's counsel a list of the names and addresses of any witnesses, along with names and addresses of any entity that the witnesses may represent and the subject matter of the witness's testimony. This is a continuing request and is applicable to all witnesses to be called.

WHEREFORE, Protestant, Capital City Cab Service respectfully requests that this Honorable Commission deny the application of Empty Pockets Whitetail Preserve, LLC.

Respectfully submitted,

Dated: 2/12/16

Sign: 


Print: Ayda Salameh

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**VERIFICATION**

I hereby verify that the statements made in the foregoing *Protest* are true and correct to the best of my knowledge, information and belief. I understand that the statements in the foregoing document are made subject to the penalties of 18 Pa.C.S. §4909 relating to unsworn falsification to authorities.

Date: 2/12/16

Sign: 

Print Name: Agne Salame

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**PENNSYLVANIA  
PUBLIC UTILITY COMMISSION  
Harrisburg, PA 17105-3265**

**Public Meeting held February 21, 2002**

**Commissioners Present:**

**Glen R. Thomas, Chairman  
Kim Pizzingrilli  
Aaron Wilson, Jr.  
Terrance J. Fitzpatrick**

Application of Capital City Cab Service, Inc., a Pennsylvania Corporation, for amendment to its common carrier certificate, which grants the right to transport, by motor vehicle, persons upon call or demand in the county of Dauphin: **SO AS TO PERMIT** the transportation of persons upon call or demand, in the counties of Cumberland, Perry and York.

A-00113875  
F.1  
Am-A

Peter B. Foster for the applicant.

**ORDER**

**BY THE COMMISSION:**

This matter comes before the Commission on an application filed October 29, 2001. Public notice of the application was given in the Pennsylvania Bulletin of November 17, 2001. No protests were filed.

The unopposed application is certified to the Commission for its decision without oral hearing. The record consists of verified statements entered by the applicant and forty (40) supporting statements.

**DISCUSSION AND FINDINGS:**

Capital City Cab Service, Inc. (Capital or applicant) is domiciled at 362 South Front Street, Steelton, Dauphin County. Vehicles are stored, dispatched and repaired at this facility. The facility consists of a two bay garage, a dispatch office, the owner's office and a waiting room. Capital has six telephone lines running into the dispatch office and has radio telephones established in each taxicab vehicle.

Capital currently provides call or demand service in Dauphin County, pursuant to authority granted October 27, 1997. As a currently certificated carrier, there is a presumption of fitness.

Forty (40) statements from individuals and businesses in the proposed service area have been entered in support of the application. The statements support the need for call or demand service in the counties of Cumberland, Perry and York.

**After complete review of the record, we find:**

1. The applicant has the equipment, experience and financial fitness to provide the proposed service.
2. Approval of the unopposed application, is necessary for the accommodation and convenience of the public; **THEREFORE,**

**IT IS ORDERED:** That the unopposed application, be and is hereby approved so that the certificate issued October 27, 1997, shall be amended to include the following right:

To transport, as a common carrier, persons upon call or demand, in the counties of Cumberland, Perry and York.

**IT IS FURTHER ORDERED:** That the applicant shall not engage in any transportation authorized by this order until the following is submitted to the Commission:

1. A tariff establishing just and reasonable rates.

**IT IS FURTHER ORDERED:** That upon compliance with the requirements herein before set forth, a certificate shall issue evidencing the Commission's approval of the right to operate as above determined.

**IT IS FURTHER ORDERED:** That the authority granted herein to the extent that it duplicates authority now held by or subsequently granted to the applicant, shall not be construed as conferring more than one operating right.

**IT IS FURTHER ORDERED:** That in the event said applicant has not, on or before sixty (60) days from the date of the service of this order, complied with the requirements hereinbefore set forth, the application shall be dismissed without further proceedings.

**BY THE COMMISSION,**

James J. McNulty  
Secretary

**(SEAL)**

**ORDER ADOPTED:** February 21, 2002

**ORDER ENTERED:** February 28, 2002

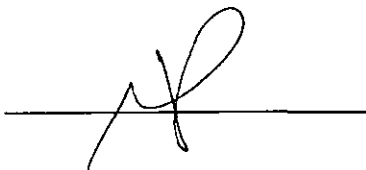
**CERTIFICATE OF SERVICE**

I hereby certify that I served the foregoing *Protest* by placing a true and correct copy thereof in the United States Mail, first class postage prepaid, addressed as follows:

**VIA U.S. MAIL:**

Empty Pockets Whitetail Preserve, LLC  
19 New Cut Road  
Airville, PA 17302

Dated: 2/12/16

A handwritten signature in black ink, consisting of a stylized 'R' followed by a loop, written over a horizontal line.

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