

BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION

APPLICATION OF EAST COAST : A-2014-2453533  
RESOURCES, LLC :

**JOINT PROTESTANTS' AMENDED MOTION TO COMPEL APPLICANT'S  
RESPONSE TO INTERROGATORY NUMBER 23**

NOW COMES, Joint Protestants Keystone Cab Service, Inc., United Cab, LLC, Good Cab, LLC, and EZ Taxi, LLC ("Joint Protestants" or "Protestants"), by and through their undersigned counsel, and pursuant to Pennsylvania Public Utility Commission ("Commission") Regulation 52 Pa. Code § 5.342(g), file this Motion to Compel Applicant East Coast Resources' ("Applicant") Response to Interrogatory Number 23, and in support thereof assert as follows:

1. On or about February 11, 2016, Joint Protestants served Interrogatories and Requests for Production of Documents upon Applicant East Coast Resources, LLC. The respective Certificates of Service was filed electronically with the Commission Secretary.
2. Among the Interrogatories served upon Applicant was Interrogatory Number 23 which requests the following:

*Has Applicant provided any Pennsylvania intrastate passenger transportation in the last 24 months? If so, please provide the number of such trips provided, the type of service provided (e.g. taxi, limo, etc.), the dates of the trips, and the amount of compensation received for each trip.*

3. On or about February 29, counsel for both parties made contact regarding Applicant's potential objections to discovery responses. Specifically, Applicant asserted two concerns. First, that certain interrogatories and document requests requested five years worth of records. Second, that Interrogatory Number 23's request for two years worth of log sheets would be unduly burdensome and in contravention of 52 Pa. Code § 5.361(a)(2) .

4. The parties subsequently came to a mutual agreement as to the first concern by limiting the documents requested to three years worth of record rather than five. However, the parties were unable to reach a mutually acceptable alternative regarding Interrogatory Number 23's request for two years worth of log sheets.

5. On or about March 4, 2016, Applicant filed an Objection to Interrogatory Number 23. In its Objection, Applicant asserts that producing the Log Sheets in question 4. Among the criteria for approval of a motor carrier application is 52 Pa. Code § 41.14(b)(5) which requires evaluation of the Applicant's record of compliance with the Public Utility Code. 52 Pa. Code § 41.14 also requires that the Applicant demonstrate that it is technically and financially fit to provide the proposed service, and that it has the propensity to operate safely and legally.

6. 52 Pa Code § 29.313(c) instructs:

*A driver of a vehicle in call or demand service shall keep a log sheet or manifest for each shift he operates unless some other method is, upon petition, specifically approved by the Commission. These log sheets shall be filled out contemporaneously with the trip, on a form supplied by the certificateholder. **The log sheets shall be retained by the certificateholder for at least 2 years.** Log sheets may be retained in electronic format. Log sheets, or comparable printouts from an electronic storage device, **shall be turned over upon request to an authorized representative of the Commission upon the rendering of a receipt.***

7. Thus, production of the information requested in Interrogatory Number 23 should not be unduly burdensome to Applicant, nor should it cause unreasonable annoyance, embarrassment, oppression, burden or expense, because Applicant is required to keep the information for two years and be ready to produce the information to the Commission upon demand.

8. Although it is Protestant's understanding that both parties are still open to negotiating a mutually acceptable resolution to this issue, 52 Pa. Code 5.342(g) requires that a party respond to a discovery objection within ten (10) days. Thus, protestant files this Motion to Compel in order to preserve its rights according to Commission Regulations.

WHEREFORE, Joint Protestants Keystone Cab Service, Inc., United Cab, LLC, Good Cab, LLC, and EZ Taxi, LLC respectfully request that the Honorable David A. Salapa dismiss Applicant East Coast Resources' Objection to Interrogatory Number 23 and compel that the interrogatory be answered.

Respectfully submitted,

Dated: March 14, 2016

/s/ JOHN W. SWEET ESQ.

John W. Sweet, Esq.

Supreme Court ID 320182

620 South 13th Street

Harrisburg, PA 17104

717-836-0229

john@sweetfirm.com

*Counsel for Joint Protestants*

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**CERTIFICATE OF SERVICE**

I hereby certify that I served the foregoing ***Amended Motion to Compel  
Discovery Responses*** by placing a true and correct copy thereof in the United States

Mail, first class postage prepaid, addressed as follows:

**VIA U.S. MAIL**

William E. Lehman  
Hawke McKeon & Sniscak, LLP  
100 North Tenth Street  
Harrisburg, PA 17101

Respectfully submitted,

Dated: March 14, 2016

/s/ JOHN W. SWEET ESQ.  
John W. Sweet, Esq.  
Supreme Court ID 320182  
620 South 13th Street  
Harrisburg, PA 17104  
717-836-0229  
john@sweetfirm.com  
*Counsel for Joint Protestants*