



620 South 13th Street
Harrisburg, PA 17104

John@SweetFirm.com
Phone: 717-836-0229

Via ELECTRONIC FILING

April 1, 2016

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

RE: Application of Reading City Cab, LLC, Commission No. A-2016-2524649

Secretary Chiavetta,

Please find attached, the Applicant's Motion to Dismiss the Protest of J & J Leasing & Rentals, Inc. in the above referenced application proceeding.

Thank you for your time and consideration. Should there be any questions or concerns please do not hesitate to contact me.

Sincerely,

A handwritten signature in blue ink that reads "John W. Sweet". The signature is written in a cursive style with a long horizontal stroke above the name.

John W. Sweet, Esq.
Counsel for Reading City Cab, LLC

JWS/jws

Encl.

Cc: Kenneth A. Olsen, Esq. (w/ encl.)

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Application of Reading City Cab, LLC : Docket No.
for call or demand authority from : A-2016-2524649
points in Berks and Lancaster Counties :
to points in Pennsylvania and return :

**APPLICANT'S MOTION TO DISMISS THE PROTEST OF J & J LEASING &
RENTALS, INC. FOR LACK OF STANDING**

NOTICE

A motion to dismiss the Protest of J & J Leasing & Rentals has been filed in the above referenced proceeding. Pursuant to Pennsylvania Public Utility Commission Regulations 52 Pa. Code 5.61, 5.102, and 5.103 you must file a response to this motion within twenty (20) days.

NOW COMES, Applicant Reading City Cab, LLC ("Applicant") by and through its undersigned counsel, and files this Motion to Dismiss the Protest of J & J Leasing & Rentals, Inc. ("Protestant"), pursuant to the Pennsylvania Rules of Civil Procedure, the Pennsylvania Rules of Administrative Practice and Procedure, and Regulations of the Pennsylvania Public Utility Commission (the "Commission"), and in support thereof avers as follows:

1. On or about January 14, 2016, Applicant filed with the Commission an Application for Motor Common Carrier of Persons Upon Call or Demand requesting authority to provide call or demand service from points in Berks and Lancaster Counties to points in Pennsylvania and return. (Attached as "Exhibit A"). The application was docketed at Commission No. A-2016-2524649.

2. On or about March 18, 2016, Protestant filed with the Commission a Protest to Applicant's Application. (Attached as "Exhibit B"). In its protest, Protestant asserts that it holds the following authorities:

- a. *Certificate No. A-00105282 Folder 1, Am-A and Am-C: "To transport as a common carrier, by motor vehicle, persons, in limousine service, between points in the Counties of Lehigh and Northampton, and from points in said counties to points in Pennsylvania, and return; and To transport as a common carrier, by motor vehicle, persons, in limousine service, between points in the Counties of Carbon, Luzerne and Monroe, and from points in said counties to points in Pennsylvania, and return."*
- b. *Certificate No. A-633859: "To transport as a common carrier, by motor vehicle, persons, in call or demand service, to and/or from points within Lehigh and Northampton Counties."*
- c. *Certificate No. A-00105282, Folder 3: "To transport as a common carrier, by motor vehicle, persons, in paratransit service between points in the Counties of Lehigh and Northampton, and from points in said counties to points in Pennsylvania, and return."*
- d. *Certificate No. A-00105282, Folder 4: "To transport as a common carrier, by motor vehicle, persons, in airport transfer service, from*

points in the Counties of Lehigh and Northampton, to the Lehigh Valley International Airport.”

3. The Commission has held that a person or entity has standing when the person or entity has a direct, immediate and substantial interest in the subject matter of a proceeding. *Joint Application of Pennsylvania American Water Co. and Evansburg Water Co.*, A212285F0046/47 and A210870F01 (July 9, 1998). In order to have standing to protest an application for a certificate of public convenience, a protestant should possess “some operating authority in actual or potential conflict, with the authority sought by an applicant.” *Application of Carriage Limousine Services, Inc.*, Docket No. A-00108361, Initial Decision (Dated: October 12, 1994; Served: December 23, 1994)).

4. Applicant's seeks authority only in Berks and Lancaster Counties. Protestant asserts that possesses authority in Northampton, Lehigh, Carbon, Luzerne, and Monroe Counties. Thus, Protestant has failed to assert that it possesses any authority within Applicant's requested territory and failed to assert that it has any applications pending for authority within the proposed territory. Therefore, Protestant lacks a direct, immediate and substantial interest in the subject matter of this proceeding.

WHEREFORE, Applicant Reading City Cab, LLC respectfully requests that this Honorable Commission dismiss the Protest of J & J Leasing & Rentals, Inc. for lack of standing.

Date: 4/1/16

Respectfully submitted,

A handwritten signature in blue ink, appearing to read "John W. Sweet", with a long horizontal stroke above it.

John W. Sweet, Esq.
Supreme Court ID 320182
620 South 13th Street
Harrisburg, PA 17104
(610) 248-7186
Counsel for Reading City Cab, LLC

CERTIFICATE OF SERVICE

I hereby certify that I have this day served original and true copies of the foregoing APPLICANT'S MOTION TO DISMISS THE PROTEST OF J & J LEASING & RENTALS, INC. FOR LACK OF STANDING upon the persons listed below:

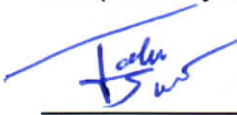
VIA REGULAR MAIL

Kenneth A. Olsen, Esq.
33 Philhower Road
Lebanon, NJ 08833

Respectfully submitted,

Date: _____

4/1/16



John W. Sweet, Esq.
Supreme Court ID 320182
620 South 13th Street
Harrisburg, PA 17104
(610) 248-7186
Counsel for Reading City Cab, LLC

Application for Motor Common Carrier of Persons upon Call or Demand (Taxi Service)

THIS APPLICATION IS TO BE USED FOR COMMON CARRIER PASSENGER SERVICE PROVIDING LOCAL TRANSPORTATION ON EITHER EXCLUSIVE OR NONEXCLUSIVE BASIS, AND SERVICE IS CHARACTERIZED BY PASSENGERS HIRING THE VEHICLE AND ITS DRIVER EITHER BY TELEPHONE CALL OR BY HAIL, OR BOTH. THIS APPLICATION CANNOT BE USED TO APPLY FOR TAXI SERVICE WITHIN THE CITY AND COUNTY OF PHILADELPHIA.

1. **Legal Name of Applicant** (Individual, Partnership or Corporation)

READING CITY CAB, LLC

- If you are an individual who has not formed any type of corporate entity, you should enter your name *as it will appear on your insurance documents*.
- If you are filing for a partnership, but *not a limited liability partnership*, the names of all partners must be entered on this line. Those names should be entered *as they will appear on your insurance documents*. This includes husbands and wives filing jointly.
- If you are filing for a corporate entity (corporation, limited liability company, or limited liability partnership), *even if you are the sole shareholder member*, you must enter the name exactly as it appears on the registration papers from the Corporation Bureau of the Pennsylvania Department of State.

2. **Trade Name** (Attach a copy of fictitious name registration if applicable)

This is any name which you will be operating under which differs from the **LEGAL NAME OF APPLICANT**. A **TRADE NAME** is considered a **FICTITIOUS NAME** if the identity of the applicant cannot be readily determined. *EXAMPLE: John Doe is the applicant and wants to use the name "Johnboy Trucking" as his trade name. People cannot readily determine that John Doe is the actual operator; therefore, the name is fictitious and must be registered as such. Trade names such as "John Doe Trucking" or "J. Doe Trucking" are not considered fictitious and would not have to be registered.*

3. **Do you currently hold PUC Authority?** X NO Previous Authority? X NO

If YES, at PUC No. A- _____

4. **Are you a business entity registered with the PA Dept. of State?** NO
If NO, you must register (see checklist on how to register)

If YES, provide your PA Corporation Bureau Entity ID Number 6341236
(see checklist and indicate type of business entity registered)

[Ex. A]

5. **Physical Address** (do not use PO Box)

620 SOUTH 13TH STREET

Street Address

HARRISBURG, PA 17104

City, State and Zip Code

717-773-5452

Telephone Number

DAUPHIN

County

The address entered here should be the actual location of the business. This is the address the Commission needs in order to dispatch Enforcement Officers to inspect equipment.

6. **Mailing Address** (if different from Physical Address)

2304 WALNUT STREET

Street Address

HARRISBURG, PA 17104

City, State and Zip Code

This is the address to which the Commission will send all official documents issued by the Commission. If left blank, it will be assumed that the **MAILING ADDRESS** is the same as the **PHYSICAL ADDRESS**.

7. **Attorney** (if applicable)

JOHN W. SWEET, ESQ; 717-836-0229; SUPREME COURT ID # 320182

Attorney's Name & Telephone Number for this Filing

620 SOUTH 13TH STREET, HARRISBURG, PA , 17104

Attorney's Address

An attorney's name should only be entered if an attorney is filing the application for a client and the application is being sent under the attorney's cover letter.

8. **Does applicant hold interstate operating authority?**

No Yes, at No. _____

9. **Describe the service area proposed by this application.**

(Use the space below or attach additional sheet if space provided is not sufficient).

To transport persons in call or demand service from points in Berks County to points in Pennsylvania and return.

Examples:

- *To transport people upon call or demand in the city of Reading, Berks County.*

- *To transport people upon call or demand in Spring Township, Centre County.*

10. Certification:

Applicant certifies that it is not now engaged in unauthorized intrastate transportation for compensation between points in Pennsylvania and will not engage in said transportation unless and until authorization is received from the Pennsylvania Public Utility Commission.

Applicant further certifies that it understands the requirements of the Pennsylvania Public Utility Commission, especially as they relate to safety and insurance and that it may be subject to civil penalties, suspension or cancellation of the Certificate for failure to comply with Commission requirements.

Applicant further certifies that it understands that it is subject to an annual assessment based upon its reported gross Pennsylvania intrastate revenues; said assessment to help defray expenses incurred in regulating Motor Common Carriers of Persons upon Call and Demand (Taxi Service); and acknowledges that failure to report revenue and pay its annual assessment may result in civil penalties, suspension or cancellation of the certificate.

Verification of Application

I/We hereby state that the statement(s) made in this application is/are true and correct to the best of my/our knowledge and belief.

The undersigned understands that false statements herein are made subject to the penalties of 18 Pa. C.S. Section 4904 relating to unsworn falsification to authorities.

HIBETALLAH OUSSAI

(Print Name)



(Signature)

1/14/16

(Date)

The verification of the application must be completed by the applicant appearing on Line 1 of the application by the named individual, all partners if a partnership, a member (if a limited liability company), or by the President or Secretary (if a corporation).

PENNSYLVANIA DEPARTMENT OF STATE
BUREAU OF CORPORATIONS AND CHARITABLE ORGANIZATIONS

Entity# : 6341236
Date Filed : 12/30/2015
Effective Date : 01/01/2016
Pedro A. Cortés
Secretary of the Commonwealth

Return document by mail to:
JOHN W. SWEET, ESQ.
Name
620 SOUTH 13TH STREET
Address
HARRISBURG PA 17104
City State Zip Code
 Return document by email to: john@sweetfirm.com

Certificate of Organization
Domestic Limited Liability Company
TML160105JD0738

Read all instructions prior to completing. This form may be submitted online at <https://www.corporations.pa.gov/>.

Fee: \$125

In compliance with the requirements of 15 Pa.C.S. § 8913 (relating to certificate of organization), the undersigned desiring to organize a limited liability company, hereby certifies that:

1. The name of the limited liability company (*designator is required, i.e., "company", "limited" or "limited liability company" or abbreviation*):
READING CITY CAB, LLC

2. The (a) address of the limited liability company's initial registered office in this Commonwealth or (b) name of its commercial registered office provider and the county of venue is:
(Complete (a) or (b) – not both)

(a) Number and Street	City	State	Zip	County
2304 WALNUT STREET,	HARRISBURG,	PA	17103	DAUPHIN

(b) Name of Commercial Registered Office Provider _____ County _____

c/o: _____

3. The name and address, including street and number, if any, of each organizer is (*all organizers must sign on page 2*):

Name	Address
JOHN W. SWEET, ESQ.	620 S. 13TH ST., HARRISBURG, PA 17104

READING CITY CAB, LLC

Pennsylvania Department of State Entity Number: 6341236

MEMBERS: Hibetallah Oussai – Owner 100%

MANAGERS: Maher Saber Ahmed

COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF STATE
BUREAU OF CORPORATIONS AND CHARITABLE ORGANIZATIONS
401 NORTH STREET, ROOM 206
P.O. BOX 8722
HARRISBURG, PA 17105-8722
WWW.CORPORATIONS.PA.GOV

John W. Sweet
620 South 13th Street
Harrisburg PA 17104

READING CITY CAB, LLC

THE BUREAU OF CORPORATIONS AND CHARITABLE ORGANIZATIONS IS HAPPY TO SEND YOU YOUR FILED DOCUMENT. THE BUREAU IS HERE TO SERVE YOU AND WANTS TO THANK YOU FOR DOING BUSINESS IN PENNSYLVANIA.

IF YOU HAVE ANY QUESTIONS PERTAINING TO THE BUREAU, PLEASE VISIT OUR WEBSITE LOCATED WWW.CORPORATIONS.STATE.PA.US/Search/CorpSearch OR PLEASE CALL OUR MAIN INFORMATION TELEPHONE NUMBER (717)787-1057. FOR ADDITIONAL INFORMATION REGARDING BUSINESS AND /OR UCC FILINGS , PLEASE VISIT OUR ONLINE "SEARCHABLE DATABASE" LOCATED ON OUR WEBSITE.

ENTITY NUMBER : 6341236

4. *Strike out if inapplicable term*

A member's interest in the company is to be evidenced by a certificate of membership interest.

5. *Strike out if inapplicable:*

Management of the company is vested in a manager or managers.

6. The specified effective date, if any is: 01/01/2016


(MM/DD/YYYY and hour, if any)

~~7. *Strike out if inapplicable:* The company is a restricted professional company organized to render the following restricted professional service(s):~~

8. For additional provisions of the certificate, if any, attach an 8½ x 11 sheet.

IN TESTIMONY WHEREOF, the organizer(s) has (have) signed this Certificate of Organization this

29TH day of DECEMBER, 2015

 (John W. Sweet, Esq.)

Signature

Signature

Signature

BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION

IN RE: APPLICATION OF	:	
READING CITY CABS, LLC	:	Docket No. A-2016-2524649
	:	(Amended)
	:	

PROTEST OF J & J LEASING & RENTALS, INC.

Comes now, Protestant, J & J Leasing & Rentals, Inc., with address and place of business as 445 Business Park Lane, Allentown, Pennsylvania 18109, by and through its attorney, and in accordance with the Rules of Practice of the Commission, submits this, its Protest, to the above captioned Application, for a certificate of public convenience, and states the basis of which is as follows:

1. Applicant's name and Application docket number are: Reading City Cab, LLC, 2304 Walnut St., Harrisburg, PA 17104, and Docket No. A-2016-2524649 (Amended).

2. Protestant's business name, address, and telephone are: J & J Leasing & Rentals, Inc., 445 Business Park Lane, Allentown, Pennsylvania 18109, telephone (610) 776-1516.

3. Protestant's attorney's name, address, and telephone are: Kenneth A. Olsen, Esq., 33 Philhower Road, Lebanon, NJ 08833, telephone (908) 832-9207, fax (908) 832-9207.

4. The name and address of Applicant's attorney is: John W. Sweet, Esq., 620 South 13 Street, Harrisburg, PA 17104.

5. The nature of Protestant's interests in the Application and statement of adverse impact upon Protestant and the public is as follows:

(A) The nature of Protestant's interests is the scope of authority sought in the application, with respect to Lehigh and Northampton Counties.

Applicant seeks authority to transport persons, upon call or demand, from

[EX. B]

points in Berks and Lancaster Counties, to points in Pennsylvania, and return. Protestant presently holds operating authority from this Commission under Certificate of Public Convenience issued in No. A-633859, and operates thereunder to transport as a common carrier, by motor vehicle, persons, in call or demand service, to and/or from points within Lehigh and Northampton Counties. Protestant presently also holds operating authority from this Commission under Certificate No. A-00105282, Folder 1, Am-A and Am-C, to transport as a common carrier, by motor vehicle, persons, in limousine service, between points in the counties of Lehigh and Northampton, and from points in said counties to points in Pennsylvania, and return; and from points in the counties of Carbon, Luzerne and Monroe, and from points in said counties to points in Pennsylvania, and return. Moreover, Protestant presently holds operating authority under Certificate No. A-00105282, Folder 3, to transport as a common carrier, by motor vehicle, persons in paratransit service between points in the Counties of Lehigh and Northampton, and from points in said counties to points in Pennsylvania, and return. Furthermore, Protestant presently holds operating authority under Certificate No. A-00105282, Folder 4, to transport persons in airport transfer service, from points in the Counties of Lehigh and Northampton, to the Lehigh Valley International Airport.

(B) The adverse impact of the Application on Protestant is that, if Applicant is granted the authority to transport persons, upon call or demand, in Lehigh and Northampton Counties, an area in which Protestant currently renders service, it will adversely affect Protestant's ability to render a call and demand service to

the public in its authorized territory. A grant of the Application will jeopardize Protestant's traffic in a substantial portion of its authorized territory, thereby jeopardizing its service to the public.

There is no need for the certificate of public convenience requested.

(C) Further, Protestant challenges the Applicant's fitness to perform the proposed service due to: (1) Applicant's failure to demonstrate that it has sufficient capital, equipment, facilities, and other resources necessary to safely and lawfully serve the requested territory; (2) Applicant's failure to demonstrate it and its employees have sufficient technical expertise and experience to serve the requested territory; (3) Applicant's failure to demonstrate its ability to secure adequate and continuous insurance coverage; and (4) Applicant's failure to demonstrate it has appropriate plans or policies required to comply with Commission orders and regulations, the Commission's driver and vehicle safety regulations and service standards, and the Commission's regulations regarding driver criminal and moral turpitude convictions history.

6. The Commission's docket numbers under which Protestant operates its authorized paratransit, limousine, call and demand service, and airport transfer service is Certificate No. A-633859; Certificate No. A-00105282, Folder 1, Am-A and Am-C; and Folders 3 and 4 (a extract of which is attached hereto as Exhibit A).

7. A restriction to the Application that would protect Protestant's interest herein and result in the withdrawal of the instant Protest would be for Applicant to restrict the

Application against providing call or demand services in Lehigh and Northampton Counties, as such would not adversely impact upon the present operations and authority of Protestant.

8. Pursuant to 66 Pa. C. S. § 333(c), demand is hereby made upon Applicant to provide Protestant's attorney with a list identifying the names, addresses, and group or company affiliation of any or all witnesses expected to testify at hearing in this Application proceeding, together with the subject matter of their expected testimony and supporting documents.

WHEREFORE, the above premises be considered, Protestant respectfully prays this (corrected) Application be dismissed and denied.

Dated: March 18, 2016

By: s/ Kenneth A. Olsen
Kenneth A. Olsen
Attorney for Protestant
33 Philhower Road
Lebanon, New Jersey 08833
Phone (908) 832-9207
Pennsylvania Attorney ID No. 29681

CERTIFICATE OF SERVICE

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

Rosemary Chiavetta, Secretary
Pennsylvania Public Utility Commission
Commonwealth Keystone Building
400 North Street
Harrisburg, PA 17120
(Via efileing)

John W. Sweet, Esq.
620 South 13 Street
Harrisburg, PA 17104
Attorney for Applicant
(Via First Class Mail, postage prepaid)

Dated: March 18, 2016

By: s/ Kenneth A. Olsen
Kenneth A. Olsen
Attorney for Protestant
33 Philhower Road
Lebanon, New Jersey 08833
Phone (908) 832-9207
Pennsylvania Attorney ID No. 29681

EXHIBIT A

Certificate No. A-00105282

Folder 1, Am-A and Am-C

To transport as a common carrier, by motor vehicle, persons, in limousine service, between points in the Counties of Lehigh and Northampton, and from points in said counties to points in Pennsylvania, and return; and

To transport as a common carrier, by motor vehicle, persons, in limousine service, between points in the Counties of Carbon, Luzerne and Monroe, and from points in said counties to points in Pennsylvania, and return.

Certificate No. A-633859

To transport as a common carrier, by motor vehicle, persons, in call or demand service, to and/or from points within Lehigh and Northampton Counties.

Certificate No. A-00105282, Folder 3

To transport as a common carrier, by motor vehicle, persons, in paratransit service between points in the Counties of Lehigh and Northampton, and from points in said counties to points in Pennsylvania, and return.

Certificate No. A-00105282, Folder 4

To transport as a common carrier, by motor vehicle, persons, in airport transfer service, from points in the Counties of Lehigh and Northampton, to the Lehigh Valley International Airport.