

BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION

IN THE MATTER OF:
APPLICATION OF
READING CITY CAB, LLC
NUMBER A-2016-2524649

ANSWER OF
J & J LEASING & RENTALS, INC.
TO THE
PRELIMINARY OBJECTION
(*styled as Motion To Dismiss*)
TO THE PROTEST OF
J & J LEASING & RENTALS, INC.

Comes now, Protestant, J & J Leasing & Rentals, Inc. (hereinafter referred to as J&J or Protestant), 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 Pennsylvania Public Utility Commission (hereinafter referred to as Commission) and the requirements of 52 Pa. Code §3.381(c), and of 52 Pa. Code § 5.101(f), submits this, its Answer to the Preliminary Objection (*styled as Motion To Dismiss*) To The Protest of J&J (hereinafter referred to as “Preliminary Objection”) of Applicant to the protest of J&J in the above captioned application proceeding.

ANSWER TO PRELIMINARY OBJECTION (*styled as Motion To Dismiss*) OF APPLICANT

1. The filing date and content of Applicant’s instant application set forth in Paragraph 1 of the Preliminary Objection is neither a legal nor factual basis for the Preliminary Objection to which J&J can respond herein, and, therefore, leaves Applicant to its proofs of same.

2. J&J admits its protest to the instant application was timely filed and avers its protest speaks for itself as a document in which J&J stated the basis of its protest was adverse impact,

conflicting authority held by J&J, lack of public need for the instant application, and a challenge to Applicant's fitness to perform the proposed operations in a lawful and safe manner.

3. As stated in Exhibit A to its protest, J&J asserted and demonstrated it holds operating authority from this Commission to transport persons in call and demand service, limousine service, paratransit service, and airport transfer service from, to, within, and between points in Lehigh and Northampton counties, and from points in said counties to points in Pennsylvania, and return. As such, J&J avers it has standing to protest the instant application, as its present operating authority encompasses a portion of the territory sought by Applicant herein, and is in conflict with a portion of the authority sought by Applicant herein.

4. Applicant does **not** seek authority **only** in Berks and Lancaster Counties, but, as published in the Pennsylvania Bulletin, seeks call and demand authority from points in Berks and Lancaster Counties to points in Pennsylvania and return. Accordingly, J&J avers that the portion of call and demand authority sought by Applicant, outside of Berks and Lancaster Counties, ie. to, from, within, and between points in Lehigh and Northampton Counties held by J&J, establishes J&J's direct, immediate, and substantial interest in the instant application.

5.. J&J also avers that its protest satisfied and contained all the requisites for a protest as set forth in 52 Pa. Code § 3.381(c), 52 Pa. Code § 5.51(a), and 52 Pa. Code § 5.52.

6. J&J's also avers that its protest, being legally sufficient, and meeting and satisfying all regulatory standards set forth in 52 Pa. Code § 3.381(c), 52 Pa. Code § 5.51(a), and 52 Pa. Code § 5.52, demonstrates that J&J has standing to protest the instant application.

In view of the lack of factual information supplied by Applicant in its application as to Applicant's present operations, or its technical and financial capabilities, and public need, J&J's

protest makes sufficient and relevant averments as to Applicant's fitness, no public need shown, conflicting operating authority held by J&J, all which are as specific as possible in addressing the paucity of information supplied in the application. Moreover, J&J's protest satisfied and contained all the requisites for a timely filed protest as set forth in 52 Pa. Code § 3.381(c), 52 Pa. Code § 5.51(a), and 52 Pa. Code § 5.52, and, as such is a legally sufficient pleading under this Commissions Rules of Practice and Procedure and demonstrates standing to protest.

CONCLUSION AND PRAYER FOR RELIEF

Wherefore, the above premises being considered, J&J seeks the relief set forth in this Commission's rules and regulations, and respectfully prays Applicant's Preliminary Objection, or Motion To Dismiss The Protest to J & J Leasing & Rentals, Inc., be stricken and denied.

Dated: April 11, 2016

By: s/Kenneth A. Olsen
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CERTIFICATE OF SERVICE

I hereby certify that I have this day served a true copy of the foregoing document,
Answer of J & J Leasing & Rentals, Inc. To Applicant's Motion To Dismiss The 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 eFiling)

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

Dated: April 11, 2016

By: s/ Kenneth A. Olsen
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