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OCT 22 1997

BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION

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Application of Stacia H. Grove, : Docket Number OFFICE  
t/d/b/a Central Pennsylvania :  
Limousine Service : A-00114058

Order Granting Motions To Strike

On June 5, 1997, Stacia H. Grove, t/d/b/a Central Pennsylvania Limousine Service (applicant) filed an Application (Application) with the Pennsylvania Public Utility Commission (Commission) seeking a Certificate of Public Convenience authorizing her to render limousine service between points in York, Lancaster, and Dauphin Counties and from points in said territory to points in Pennsylvania, and return.

Notice of the filing of the Application was published in the Pennsylvania Bulletin on June 28, 1997, with Protests due not later than July 21, 1997.

On July 21, 1997, Protests (individually Protest, collectively Protests) were filed on behalf of Keystone Limousine, Inc. (Keystone), Salgals Inc., t/d/b/a Villa Limousine Service (Villa), Superior Transportation Services, Inc., t/d/b/a Superior Limousine Service of Harrisburg (Superior), Unique Limousine Service Inc. (Unique), and White Rose Limousine, Inc. (White Rose) (individually protestant, collectively protestants), all represented by the same attorney.

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On August 7, 1997, applicant filed Motions To Dismiss Or Strike (individually Motion, collectively Motions) each of the five filed Protests.

On August 18, 1997, protestants each filed an Answer (individually Answer, collectively Answers) to applicant's Motions.

By Notice dated August 28, 1997, an initial prehearing conference was scheduled for October 17, 1997, and the case was assigned to me.

By Prehearing Conference Order dated September 8, 1997, I directed the parties as to preparation for the prehearing conference, reminded them of the Commission's regulations pertaining to discovery and informal information exchange, and ordered that they submit prehearing conference memoranda at least three days before the scheduled prehearing conference.

Both applicant and protestants submitted their prehearing conference memoranda in a timely fashion.

The prehearing conference convened as scheduled on October 17, 1997. Applicant was represented by Benjamin C. Dunlap, Jr., Esquire, and protestants were represented by Scott W. Pohlman, Esquire.

At the prehearing conference, after hearing from both counsel, I announced that applicant's Motions would be granted and all five Protests stricken for failure to comply with the provisions of 52 Pa.Code §§3.381(c)(1)(iv) and 5.52(a).

Additionally, I advised counsel that Superior appeared to lack standing to protest the Application as the corporate entity (incorporated June 13, 1997) does not hold a Certificate of Public Convenience issued by the Commission.<sup>1</sup>

The applicable provisions of the Commission's regulations provide, in relevant part:

A person objecting to the approval of an application shall file with the Secretary of the Commission and serve upon the applicant and applicant's attorney, if any, a written protest which shall contain all of the following:

...  
A statement of the nature of the protestant's interest in the application, including a statement of any adverse impact which approval of the application can be expected to have on the protestant.

52 Pa.Code §3.381(c)(1)(iv).

A protest to an application shall on its face set out clearly and concisely ... the grounds of the protest ... .

52 Pa.Code §5.52(a).

All five of the Protests filed in this case, each in Paragraph 3, set forth that the protestant possesses authority at a specified Certificate of Public Convenience number (a copy of the applicable Certificate of Public Convenience being attached) and then merely states, "[t]hereunder, it may provide service sought by the applicant." This statement clearly does not set out the

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<sup>1</sup> The fictitious name Superior Limousine Service of Harrisburg is registered to Raymond D. Bensch, an individual. Mr. Bensch, trading and doing business as Superior Limousine Service of Harrisburg, holds Certificate of Public Convenience A-00110383, authorizing him to provide limousine service, in part, from points in Dauphin County to points in Pennsylvania, and return.

grounds of the protest nor is it a statement of any adverse impact which approval of the application can be expected to have on the protestant.

All five Protests are fatally defective on their face, and applicant's Motions must be granted.


Of course, in accordance with the provisions of 52 Pa.Code §5.101(f), protestants will have ten days from service of this Order to file an amended pleading.

THEREFORE,

IT IS ORDERED:

1. That the Motions To Dismiss Or Strike filed August 7, 1997, by Stacia H. Grove, t/d/b/a Central Pennsylvania Limousine Service in the above-captioned case regarding the Protests filed July 21, 1997, on behalf of Keystone Limousine, Inc., Salgals Inc., t/d/b/a Villa Limousine Service, Superior Transportation Services, Inc., t/d/b/a Superior Limousine Service of Harrisburg, Unique Limousine Service Inc., and White Rose Limousine, Inc. are granted and the Protests stricken.

Date: OCTOBER 17, 1997

  
Wayne L. Weismandel  
Administrative Law Judge