

PENNSYLVANIA PUBLIC UTILITY COMMISSION
Uniform Cover and Calendar Sheet

1. REPORT DATE: May 30, 2003	2. BUREAU AGENDA NO. DOCUMENT JUN-2003-TSM-0140* FOLDER
3. BUREAU: Transportation and Safety	5. PUBLIC MEETING DATE:
4. SECTION(S): MCS&E	June 26, 2003
6. APPROVED BY: Director: Hoffman 3-3849 Mgr/Spvr: Zeigler 7-1168 Legal Review:	DOCKETED JUL 22 2003
7. PERSONS IN CHARGE: Ehrhart 3-5945	
8. DOCKET NO.: A-00114384, F.3	

9. (a) **CAPTION** (abbreviate if more than 4 lines)
 (b) **Short summary of history & facts, documents & briefs**
 (c) **Recommendation**

- (a) Application of Herbert L. Joseph, II, t/d/b/a Jeune Noire Enterprises of Pennsylvania, Pittsburgh, Allegheny County, for the right to transport as a common carrier, by motor vehicle, persons in limousine service; between points in the county of Allegheny, and from points in said county, to points in Pennsylvania, and vice versa. RJD
- (b) The application was filed in conformance with our order at M-00021609, adopted April 11, 2002. That order established procedures to Implement HB 1402, which extended the Commission's regulatory jurisdiction in Allegheny County, to include motor carriers providing limousine service. Applicant currently operates pursuant to a grant of emergency temporary authority to provide limousine service between points in Allegheny County. The application was opposed by two carriers which later withdrew upon restrictive amendment. The application is supported by four (4) parties. Approval of the application, as amended, is necessary for the accommodation and convenience of the public.
- (c) The Bureau of Transportation and Safety recommends the Commission adopt the proposed order approving the application, as amended. A certificate to be issued to the applicant upon compliance with the requirements in the order.

10. **MOTION BY:** Commissioner Chm. Fitzpatrick Commissioner Wilson - Yes
 Commissioner Thomas - Yes
SECONDED: Commissioner Bloom Commissioner Pizzigrilli - Yes

CONTENT OF MOTION: Staff recommendation adopted.



COMMONWEALTH OF PENNSYLVANIA
PENNSYLVANIA PUBLIC UTILITY COMMISSION
P.O. BOX 3265, HARRISBURG, PA 17105-3265

BTL

JULY 1, 2003

IN REPLY PLEASE
REFER TO THIS FILE

DOCUMENT
FOLDER

A-00114384 F0003

HERBERT L JOSEPH II
T/A JEUNNE NOIRE ENTERPRISES OF PA
432 PARKWOOD ROAD
PITTSBURGH PA 15210

Application of Herbert L. Joseph, II, t/a Jeunne Noire
Enterprises of Pennsylvania

TO WHOM IT MAY CONCERN:

Enclosed is the compliance order issued by the Commission
in this proceeding.

The Certificate of Public Convenience evidencing the
Commission's approval of the right to operate will not be issued
until the applicant has complied with the following insurance and
tariff requirements:

- I. Arrange through an insurance agent to have an
insurance company file with the Commission a
FORM E as evidence of minimum public
liability and property damage insurance
coverage as shown on the back of this sheet.
- II. Prepare and file a tariff according to the
enclosed instructions except applicants for
transfer of authority must file a tariff
adoption supplement, which will be forwarded
by separate cover at a later date.

DOCKETED

JUL 15 2003

PERSONS

Minimum Limits for PA Public Utility Commission Authorized Service

PASSENGER CARRIERS:

15 passengers or less:

\$35,000 to cover liability for bodily injury, death or property damage incurred in an accident.

\$25,000 first party medical benefits, \$10,000 first party wage loss benefits and shall conform to 75 Pa. C.S. §§1701-1798 (relating to Motor Vehicle Financial Responsibility Law).

First party coverage of the driver of certificated vehicles shall meet the requirements of 75 Pa. C.S. §1711 (relating to required benefits).

16 to 28 passengers:

\$1,000,000 to cover liability for injury, death or property damage incurred in an accident.

29 passengers or more:

\$5,000,000 to cover liability for bodily injury, death or property damage incurred in an accident.

PROPERTY CARRIERS:

Bodily Injury:

\$300,000 per accident per vehicle to cover liability for bodily injury, death or property damage incurred in an accident.

Insurance coverage of motor carriers of property shall meet the requirements of 75 Pa. C.S. §1701-1798 (relating to Motor Vehicle Financial Responsibility Law).

Cargo:

\$5,000 for loss or damage to cargo carried on a motor vehicle.

No motor carrier shall operate or engage in any transportation until compliance with all of the above requirements and a certificate of public convenience has been issued authorizing actual operations. You are advised that any equipment to be used in rendering the service authorized under the certificate must be registered with the Bureau of Motor Vehicles, Department of Transportation, as a bus or taxi. Motor carriers operating without complying with the above requirements will be subject to the penalty provisions of the Public Utility Code.

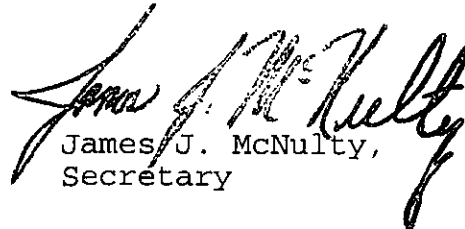
Commission regulations require compliance with all of the requirements within sixty (60) days of this letter. Failure to comply within the sixty- (60) day period will cause the Commission to rescind the action of June 26, 2003 and dismiss the application without further proceedings.

If you foresee problems in meeting these requirements, please direct your questions to the following contact persons:

INSURANCE FILINGS: Insurance Section
(717) 783-5933

TARIFF FILINGS: Tariff Section
(717) 787-5945

Very truly yours,


James J. McNulty,
Secretary

fg
Enclosures
Certified Mail
Receipt Requested

PENNSYLVANIA
PUBLIC UTILITY COMMISSION
Harrisburg, PA 17105-3265

Public Meeting held June 26, 2003

Commissioners Present:

Terrance J. Fitzpatrick, Chairman
Robert K. Bloom, Vice-Chairman
Aaron Wilson, Jr.
Glen R. Thomas
Kim Pizzingrilli

Application of Herbert L. Joseph, II, t/a Jeunne Noire Enterprises of Pennsylvania, for the right to transport, as a common carrier, by motor vehicle, persons in limousine service, between points in the county of Allegheny, and from points in said county, to points in Pennsylvania, and vice versa.

A-00114384
F. 3

William A. Gray for Kirk Livery, Inc., and Star Limousine Service, Inc.

DOCUMENT
FOLDER

ORDER

DOCKETED
JUL 15 2003

BY THE COMMISSION:

This matter comes before the Commission on an application filed August 22, 2002. Public notice of the application was given in the Pennsylvania Bulletin of November 9, 2002. Protests were filed by Kirk Livery, Inc. and Star Limousine Service, Inc. The protests were withdrawn predicated upon our acceptance of a restrictive amendment that eliminates service to or from points in Butler County. In addition, the proposed amendment contains the following restriction:

That no right, power or privilege is granted to provide service for funeral homes or to transport persons attending funerals.

DISCUSSION AND FINDINGS

The application was filed in conformance with our order at M-00021609, adopted April 11, 2002. That order established procedures to Implement HB 1402, which extended the Commission's regulatory jurisdiction in Allegheny County, to include motor carriers providing

limousine service. He currently operates pursuant to a grant of emergency temporary authority to provide limousine service between points in Allegheny County.

In reviewing the restrictive amendment, we find that the portion of the restrictive amendment relating to service for funeral homes or to transport persons attending funerals, does not serve any legitimate public purpose. Moreover, frivolous restrictions create enforcement difficulties for the Commission by establishing operating rights that are wholly unrelated to the Commission's statutory and regulatory responsibilities.

Herbert L. Joseph, II, t/d/b/a Jeunne Noire Enterprises of Pennsylvania (applicant or Joseph) maintains an office at his residence in Pittsburgh, Allegheny County. The applicant maintains a separate phone line for customers to call and make reservations. He also has a fax machine to receive reservations.

The applicant has a 2001 Cadillac Deville available for use. Joseph provided limousine service in Allegheny County for seven years prior to the extension of Commission jurisdiction into Allegheny County.

The applicant's most recently available balance sheet shows current assets of \$3,300.00 and a line of credit of \$22,000.00, long-term assets of \$60,800.00, current liabilities of \$17,135.00, long-term liabilities of \$24,251.00, leaving a net worth of \$22,714.00.

Support for the service comes from four (4) parties in the proposed service area that demonstrate a need for the service.

After complete review of the record, we find:

1. Applicant seeks an initial right to provide service between points in Allegheny County, and from points in said county, to points in Pennsylvania, and vice versa, excluding service to or from points in Butler County.
2. The application is supported by four (4) parties.
3. Applicant has the equipment, ability and fitness necessary to render the service.
4. The evidence of record is sufficient to establish necessity for the service.
5. That portion of the restrictive amendment that relates to service for funeral homes or to transport persons attending funerals is dismissed for not being in the public interest.
6. Approval of the application, as amended is necessary for the accommodation and convenience of the public; **THEREFORE,**

IT IS ORDERED: That the application, as amended, be and is hereby approved granting the following right:

To transport, as a common carrier, persons in limousine service, between points in the county of Allegheny, and from points in said county, to points in Pennsylvania, and vice versa;

subject to the following condition:

That no right, power or privilege is granted to provide service to or from points in Butler County.

IT IS FURTHER ORDERED: That applicant shall submit the following to the Commission:

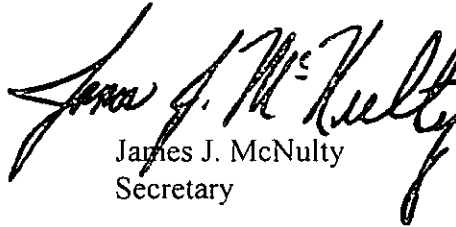
1. A Form E, as evidence of bodily injury and property damage liability insurance.
2. An acceptable tariff.
3. A description of the vehicles to be used in limousine service. The description must include the Make, Model, Year, VIN and mileage of each vehicle.

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 described.

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: June 26, 2003

ORDER ENTERED:

JUL 01 2003