

Law Offices

VUONO & GRAY, LLC

2310 Grant Building
Pittsburgh, PA 15219-2383

(412) 471-1800

November 21, 2002

Richard R. Wilson
of Counsel

Facsimile
(412) 471-4477

John A. Vuono
William A. Gray
Mark T. Vuono*
Dennis J. Kusturiss
Christine M. Dolfi
Louise R. Schrage
**Also Admitted in Florida*

Re: Herbert L. Joseph, II t/d/b/a Jeunne Noire Enterprises of Pennsylvania
Docket No. A-00114384, F. 3

Mr. James J. McNulty
Secretary
Pennsylvania Public Utility Commission
P. O. Box 3265
Harrisburg, PA 17105-3265

Dear Mr. McNulty:

We enclose for filing with the Commission the signed original of a protest to the above application.

Please acknowledge receipt and filing of the enclosed on the duplicate copy of this letter of transmittal and return it to the undersigned in the self-addressed stamped envelope provided.



Very truly yours,

VUONO & GRAY, LLC

William A. Gray

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2002 NOV 25 AM 9:42
SECRETARY'S BUREAU

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BUREAU OF
TRANSPORTATION & SAFETY
2002 NOV 27 PM 1:31

pz/23620

Enclosure

cc: Herbert L. Joseph, II t/d/b/a
Jeunne Noire Enterprises of Pennsylvania (By certified mail)
Kirk Livery, Inc.
Star Limousine Service, Inc.

Before the
PENNSYLVANIA PUBLIC UTILITY COMMISSION

DOCKET NO. A-00114384, F. 3

HERBERT L. JOSEPH, II t/d/b/a
JEUNNE NOIRE ENTERPRISES OF PENNSYLVANIA

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UTILITY COMMISSION
SECRETARY'S BUREAU

PROTEST AND REQUEST
FOR ORAL HEARING

The motor carriers shown on Appendix A hereof (herein called protestants) protest the above application and request that the application be assigned for oral hearing and in support thereof respectfully represent as follows:

1. By this application, notice of which has been published in the Pennsylvania Bulletin, applicant seeks authority as set forth in Appendix A.

2. Protestants hold authority from this Commission at the docket numbers shown in Appendix A and the relevant portions of the authority are attached to the protest. Unless otherwise indicated in Appendix A, protestants will withdraw the protest only in the event an amendment is made which will totally eliminate the conflict between the authority sought by the application and the authority presently held by protestants.

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3. Approval of this application is neither necessary nor proper for the service, accommodation, safety or convenience of the public since (a) protestants presently hold authority to provide service in the area affected by the application, (b) protestants and other existing carriers are providing adequate service to the public in the areas involved in the application, (c) there is no need for the service proposed by applicant and approval of the application will result in the diversion from existing carriers of revenue necessary to sustain their existing operations, and (d) approval of the application will adversely affect protestants and other existing carriers which have a substantial investment in facilities and equipment and are willing and able to provide service in the application area.

4. Protestants request that the application be set for oral hearing and that applicant be required to prove by competent evidence the elements of proof required by statute. If an oral hearing is held, protestants will appear and present evidence of protestants' own operations and particular interests unless this application is amended so as to eliminate those interests as set forth in this protest.

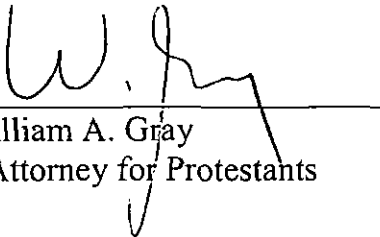
WHEREFORE, protestants request that the granting of the application be withheld; the proceeding be assigned for oral hearing with leave to protestants to participate fully therein; and applicant be required to make available at the hearing

competent witnesses for examination on all material and relevant facts bearing on the application.

Respectfully submitted,

STAR LIMOUSINE SERVICE, INC.
KIRK LIVERY, INC.

By: _____


William A. Gray
Attorney for Protestants

VUONO & GRAY, LLC
2310 Grant Building
Pittsburgh, PA 15219
(412) 471-1800
Of Counsel

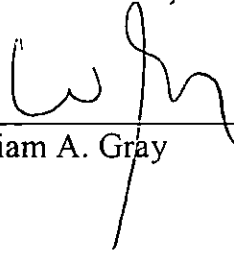
Dated: November 21, 2002

/23620

CERTIFICATE OF SERVICE

I hereby certify that I have this day served a copy of the above protest and request an oral hearing upon applicant or upon applicant's attorney or representative as shown in the Pennsylvania Bulletin notice.

Dated at Pittsburgh, PA, this 21st day of November, 2002.



William A. Gray

Re: Herbert L. Joseph, II t/d/b/a Jeunne Noire Enterprises of Pennsylvania
Docket No. A-00114384, F. 3

APPENDIX A

SCOPE OF AUTHORITY SOUGHT:

By application published in the Pennsylvania Bulletin on November 9, 2002,
applicant seeks authority to operate as a common carrier, transporting:

Persons in limousine service, between points in the
County of Allegheny, and from points in said county,
to points in Pennsylvania, and vice versa.

INTEREST OF PROTESTANTS:

1. Star Limousine Service, Inc., 910 Sheridan Drive, Mars, PA 16046-9414,
(714) 776-0044, holds authority at Docket No. A-0000106305. A copy of the relevant
authority of this company is attached hereto. As relevant to this application, Star
Limousine has authority to provide service between all points in Pennsylvania. Star
would withdraw its protest to this application if the application were amended to exclude
service to and from points in Butler County.

2. Kirk Livery, Inc., 126 McClelland Drive, Pittsburgh, PA 15236 (412) 920-
4500, holds authority at Docket No. A-00109668. A copy of the relevant authority is
attached hereto. As relevant to this application, Kirk Livery has authority to provide
service between all points in Pennsylvania. Kirk Livery would withdraw its protest to
this application if the application were amended as follows: that no right, power or
privilege is granted to provide service for funeral homes or to transport persons attending
funerals.

STAR LIMOUSINE SERVICE, INC.

Docket No. A-00106305, P. 5

To transport, as a common carrier, persons in limousine service:

(1) between points in the county of Butler, and from points in the county of Butler, to points in the county of Allegheny, and vice versa; and

(2) from points in the counties of Butler and Allegheny, to points in Pennsylvania, on and west of U.S. Highway Route 219, and return;

subject to the following condition:

That no right, power or privilege is granted to transport between points in the county of Allegheny.

KIRK LIVERY, INC.

DOCKET NO. A-00109668

To transport, as a common carrier, persons attending funerals, in limousine service, between points in the counties of Beaver, Washington and Westmoreland, and from points in the counties of Beaver, Washington and Westmoreland to points in the county of Allegheny, and vice versa.

FOLDER 1, AM-A

1. To transport, as a common carrier, persons, in limousine service, between points in the counties of Westmoreland, Fayette; and from said counties to points in the counties of Allegheny, Washington, Beaver, Venango, Butler, Crawford and those portions of the counties of Cambria and Somerset west of U.S. Route 219; and vice versa;
2. To transport, as a common carrier, persons, in limousine service, from points in the county of Allegheny to points in the counties of Washington, Fayette, Westmoreland, Beaver, Butler, Venango, Clarion, Crawford and those portions of the counties of Cambria and Somerset west of U.S. Route 219; and vice versa;

with the two rights immediately above subject to the following conditions:

- (1) That service from points in Westmoreland and Washington Counties to the Greater Pittsburgh International Airport in the township of Moon and Findlay, Allegheny County, and vice versa, shall be limited to service by means of six-door executive limousines equipped with luxury amenities including bar, television, communication system, etc.;
- (2) That no right, power or privilege is granted to transport persons and their baggage from points in the county of Crawford, to the Greater Pittsburgh International Airport in the townships of Moon and Findlay, Allegheny County, and vice versa; and

FOLDER 1, AM-B

To transport, as a common carrier, persons in limousine service, between points in the counties of Armstrong and Indiana, and from points in said counties to points in Pennsylvania, and return.

FOLDER 1. AM-C

To transport, as a common carrier, by motor vehicle, persons, attending funerals, in limousine service, between points in the county of Lawrence, and from points in said county, to points in Pennsylvania, and return.

FOLDER 1, AM-D

To transport, as a common carrier, persons, in limousine service, between points in the counties of Beaver, Cambria, Somerset and Washington, and from points in said counties, to points in Pennsylvania, and return.

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2002 DEC 27 AM 9:07

PA PUC
SECRETARY'S BUREAU

ORIGINAL

Herbert L. Joseph II
Jeunne Noire Enterprises
432 Parkwood Road
Pittsburgh, PA 15210
(412) 381-7321

December 24, 2002

Mr. James McNulty
Secretary of the P.U.C.
P.O. Box 3265
Harrisburg, PA 17105-3265

SRB

Mr. McNulty,

Kindly ammend PUC DOCKET NUMBER A-00114384, F.3

as follows:

"persons in limousine service, between points in the county of Allegheny, and frompoints in said county, to points in Pennsylvania, and vice versa... with the limitation that no right, power or privelege is granted to provide service for funeral homes or to transport persons attending funerals, and, that no right, power or privilage is granted to provide service to or from points in Butler County."

It is submitted that these ammendments should result in the withdrawal of protests filed by Kirk Livery, Inc. and Star Limousine Service, Inc. .

Thank you for your concern in furtherance of the above application.

With Utmost Sincerity,

Herbert L. Joseph II
Herbert L. Joseph II
Jeunne Noire Enterprises
of Pennsylvania

ccVuono & Gray, LLC
2310 Grant Building
Pgh., PA 15219-2383

(Hand Delivered 12/24/02)

DOCUMENT
FOLDER

DOCKETED
JAN 08 2003

Law Offices

VUONO & GRAY, LLC

John A. Vuono
William A. Gray
Mark T. Vuono*
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*Also Admitted in Florida

2310 Grant Building
Pittsburgh, PA 15219-2383
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Richard R. Wilson
of Counsel

Facsimile
(412) 471-4477

December 30, 2002

Re: Herbert L. Joseph II, t/d/b/a Jeunne Noire Enterprises of Pennsylvania
Docket No. A-00114384, F. 3

DOCKETED

FEB 05 2003

Mr. James J. McNulty
Secretary
Pennsylvania Public Utility Commission
P. O. Box 3265
Harrisburg, PA 17105-3265

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2003 JAN - 8 AM 10:24
PA PUBLIC
UTILITY
COMMISSION
SECRETARY'S
OFFICE

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Dear Mr. McNulty:

We represent Kirk Livery, Inc. and Star Limousine Service, Inc., which filed protests to the above application. We are in receipt of a letter dated December 24, 2002 which the applicant has represented to us was filed with the Commission, a copy of which is enclosed. This letter amend the application to provide that no right, power or privilege is granted (1) to provide service for funeral homes or to transport persons attending funerals, and (2) to provide service to or from points in Butler County.

Conditioned upon the Commission's acceptance of these amendments to the application and conditioned upon any grant of authority to applicant being consistent therewith, we hereby withdraw the protests of Kirk Livery, Inc. and Star Limousine Service, Inc. We request that we remain a party of record for purposes of receiving all future orders and notices issued by the Commission in this proceeding.

Please acknowledge receipt of this letter on the duplicate copy thereof and return it to the undersigned in the self-addressed, stamped envelope provided.

Very truly yours,

VUONO & GRAY, LLC

William Gray
William A. Gray

pz/24106
Enclosure

cc: Mr. Herbert L. Joseph, II
Kirk Livery, Inc.
Star Limousine Service, Inc.

5

COPY

Herbert L. Joseph II
Jeune Noire Enterprises
432 Parkwood Road
Pittsburgh, PA 15210
(412) 381-7321

December 24, 2002

Mr. James McNulty
Secretary of the P.U.C.
P.O. Box 3265
Harrisburg, PA 17105-3265

Mr. McNulty,

Kindly ammend PUC DOCKET NUMBER A-00114384, F.3


as follows:

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Thank you for your concern in furtherance of the above application.

With Utmost Sincerity,


Herbert L. Joseph II
Jeune Noire Enterprises
of Pennsylvania

ccVuono & Gray, LLC
2310 Grant Building
Pgh., PA 15219-2383

(Hand Delivered 12/24/02