



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

ISSUED: February 23, 2001

REFER TO OUR FILE  
 IN REPLY PLEASE

A-00116951

VINCENT CRUZ  
 P O BOX 42  
 ANALOMINK PA 18320

Application of Vincent Cruz

**DOCUMENT  
 FOLDER**

TO WHOM IT MAY CONCERN:

Enclosed is a copy of the Initial Decision of Administrative Law Judge Ky Van Nguyen. This decision is being issued and mailed to all parties on the above specified date.

If you do not agree with any part of this decision, you may send written comments (called Exceptions) to the Commission. Specifically, an original and nine (9) copies of your signed exceptions **MUST BE FILED WITH THE SECRETARY OF THE COMMISSION, 2<sup>ND</sup> FLOOR, KEYSTONE BLDG, 400 NORTH STREET, HARRISBURG, PA OR MAILED TO P.O. BOX 3265, HARRISBURG, PA 17105-3265, within twenty (20) days of the issuance date of this letter.** The signed exceptions will be deemed filed on the date actually received by the Secretary of the Commission or on the date deposited in the mail as shown on U.S. Postal Service Form 3817 certificate of mailing attached to the cover of the original document (52 Pa. Code §1.11(a)) or on the date deposited with an overnight express package delivery service (52 Pa. Code 1.11(a)(2), (b)). If your exceptions are sent by mail, please use the address shown at the top of this letter. A copy of your exceptions must also be served on each party of record. 52 Pa. Code §1.56(b) cannot be used to extend the prescribed period for the filing of exceptions/reply exceptions. A certificate of service shall be attached to the filed exceptions.

If you receive exceptions from other parties, you may submit written replies to those exceptions in the manner described above within ten (10) days of the date that the exceptions are due.

Exceptions and reply exceptions shall obey 52 Pa. Code 5.533 and 5.535 particularly the 40-page limit for exceptions and the 25-page limit for replies to exceptions. Exceptions should clearly be labeled as "EXCEPTIONS OF (name of party) - (protestant, complainant, staff, etc.)".

If no exceptions are received within twenty (20) days, the decision of the Administrative Law Judge may become final without further Commission action. You will receive written notification if this occurs.

law  
 Encls.  
 Certified Mail  
 Receipt Requested

Very truly yours,

James J. McNulty  
 Secretary

RICHARD T MULCAHEY &  
 MARK PFEIFFER ESQUIRES  
 SCHUBERT BELLWOAR CAHILL & QUIINN  
 1500 JOHN F KENNEDY BLVD  
 TWO PENN CENTER PLAZA  
 SUITE 1400  
 PHILADELPHIA PA 19102

JOSEPH P HANYON ESQUIRE  
 MERWINE HANYON & KASPSZYK  
 118 POCONO BOULEVARD  
 MT POCONO PA 18344

JAMES D CAMPBELL JR ESQUIRE  
 CALDWELL & KEARNS  
 3631 NORTH FRONT STREET  
 HARRISBURG PA 17110-1533

A-00116951 Application of Vincent Cruz

VINCENT CRUZ  
PO BOX 42  
ANALOMINK PA 18320  
(570) 619-7934

RICHARD T MULCAHEY JR ESQUIRE  
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HARRISBURG PA 17110-1533  
(717) 232-7661

BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION

Application of : Docket No.  
Vincent Cruz : A-00116951

INITIAL DECISION

Before  
Ky Van Nguyen  
Administrative Law Judge

History of the Proceedings

DOCUMENT  
FOLDER

DOCKETED  
FEB 26 2001

On June 7, 2000, Vincent Cruz (the Applicant) filed with the Commission an application seeking to acquire a certificate of public convenience to transport persons in limousine service between points in the counties of Monroe and Pike, and from points *in said counties, to points in Pennsylvania, and vice versa.*

A notice of the application was published in the Pennsylvania Bulletin on June 24, 2000. Protests were due on or before July 17, 2000.

James Danielewicz, t/d/b/a Limousines for Less (on June 28, 2000); Pocono Limousine Service, Inc. (on July 3, 2000); and Corporate Livery, Inc.; Elite Industries, Inc., t/d/b/a Elite Limo and J & J Leasing & Rentals, Inc., t/d/b/a J & J Limousine Service, t/d/b/a J & J Luxury Bus and Van Service (on July 13, 2000) (Protestants), filed protests to the application.

On December 6, 2000, I issued a Prehearing Order to advise the parties of the availability of the Commission's rules on discovery and of the corporate parties' being represented by attorneys.

On January 30, 2001, a hearing was scheduled on the application. Counsel for the Protestants were present at the hearing, but the Applicant was not. I delayed the hearing until 10:20 a.m. for a possible late arrival by the Applicant. Still, he did not appear. Counsel for the Protestants moved to dismiss the case.

DISCUSSION

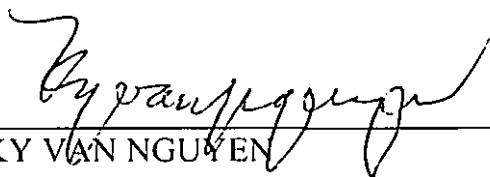
The Applicant did not appear at the scheduled hearing and is deemed to have waived the opportunity to participate in the hearing. Therefore, I will dismiss his application for lack of prosecution under 52 Pa. Code §5.245(a).

ORDER

THEREFORE,  
IT IS ORDERED:

1. That the Application of Vincent Cruz at Docket No. A-00116951 is dismissed.

Date: February 14, 2001

  
\_\_\_\_\_  
KY VAN NGUYEN  
Administrative Law Judge

Act 294

Case Identification: A-00116951; Application of Vincent Cruz

Initial Decision By: ALJ Ky Van Nguyen

Deadline for Return to OSA: March 9, 2001

This decision has not been reviewed by OSA.

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SECRETARY'S BUREAU

RECEIVED

MAR 08 2001

OFFICE OF SPECIAL ASSISTANTS

\* \* \* \* \*

I want full Commission review of this decision.

\_\_\_\_\_  
Commissioner

\_\_\_\_\_  
Date

I ~~do not~~ want full Commission review of this decision.

005219  
*[Signature]*  
\_\_\_\_\_  
Commissioner

*3-9-01*  
\_\_\_\_\_  
Date

DOCUMENT  
FOLDER

DOCKETED  
MAR 12 2001

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MAR 08 2001

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OFFICE OF SPECIAL ASSISTANTS

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\_\_\_\_\_  
Commissioner

\_\_\_\_\_  
Date

I do not want full Commission review of this decision.

  
\_\_\_\_\_  
Commissioner

  
\_\_\_\_\_  
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MAR 1 2001

OFFICE OF SPECIAL  
ASSISTANTS

\* \* \* \* \*

I want full Commission review of this decision.

\_\_\_\_\_  
Commissioner

\_\_\_\_\_  
Date

I do not want full Commission review of this decision.

Nora Mae Crowell  
Commissioner

3-1-01  
Date

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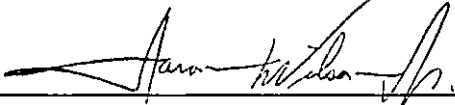
\* \* \* \* \*


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\_\_\_\_\_  
Commissioner

\_\_\_\_\_  
Date

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\_\_\_\_\_  
Commissioner

3/02/01  
\_\_\_\_\_  
Date 

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OFFICE OF SPECIAL ASSISTANTS

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\_\_\_\_\_  
Commissioner

\_\_\_\_\_  
Date

I do not want full Commission review of this decision.

Terrance J. Fitzpatrick  
Commissioner

3/08/01  
Date

DATE: March 21, 2001

SUBJECT: A-00116951

TO: Office of Administrative Law Judge  
Beth Plantz

FROM: James J. McNulty  
Secretary  
nvl

DOCUMENT  
FOLDER

DOCKETED

MAR 22 2001

APPLICATION OF VINCENT CRUZ

The Initial Decision has been served upon all parties of interest.

Neither exceptions nor requests for review from the Commissioners have been received by the Commission. This matter is referred to your office for whatever action you deem necessary.

cc: Office of Special Assistants

P.S. Please note that exceptions or reply exceptions may come in timely with certificates of mailings. A second memo will not be released for these exceptions.