



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

August 29, 2016

VIA ELECTRONIC FILING

Rosemary Chiavetta, Secretary
Pennsylvania Public Utility Commission
P.O. Box 3265
Harrisburg, PA 17105-3265

Re: Pennsylvania Public Utility Commission, Bureau of Investigation
and Enforcement v. Blair Cab Inc. t/a Yellow Cab & Transfer
Company
Docket No. C-2016-2549565

Dear Secretary Chiavetta:

Enclosed for electronic filing please find the Bureau of Investigation and Enforcement's Motion for Default Judgment in the above-referenced proceeding. Copies have been served on the parties of record in accordance with the Certificate of Service.

Should you have any questions, please do not hesitate to contact me.

Sincerely,

Kourtney L. Myers
Prosecutor
PA Attorney ID No. 316494

Prosecutor for the Bureau of
Investigation and Enforcement

Enclosures

cc: As per Certificate of Service

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

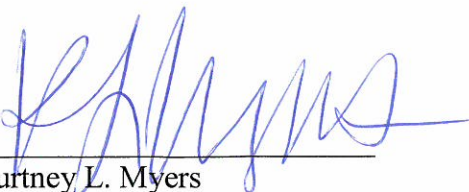
Pennsylvania Public Utility Commission,	:	
Bureau of Investigation and Enforcement,	:	
Complainant	:	
	:	
v.	:	Docket No. C-2016-2549565
	:	
Blair Cab Inc.	:	
t/a Yellow Cab & Transfer Company,	:	
Respondent	:	

NOTICE TO PLEAD

The Bureau of Investigation and Enforcement (I&E) of the Pennsylvania Public Utility Commission (Commission) has filed a Motion for Default Judgment in the above-captioned matter, pursuant to the Commission's regulations at 52 Pa. Code § 5.103. You are hereby notified to file a written response within twenty (20) days of the service of the Motion, consistent with 52 Pa. Code § 5.61.

Your Answer must be verified, pursuant to 52 Pa. Code § 1.36, and the original sent to:
Rosemary Chiavetta, Secretary
Pennsylvania Public Utility Commission
P.O. Box 3265
Harrisburg, PA 17105-3265

Additionally, you must serve a copy on the undersigned prosecutor.



Kourtney L. Myers
Prosecutor
PA Attorney ID No. 316494

Bureau of Investigation and Enforcement
Pennsylvania Public Utility Commission
P.O. Box 3265
Harrisburg, PA 17105-3265
(717) 705-4366
komyers@pa.gov

Dated: August 29, 2016

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Pennsylvania Public Utility Commission,	:	
Bureau of Investigation and Enforcement,	:	
Complainant	:	
	:	
v.	:	Docket No. C-2016-2549565
	:	
Blair Cab Inc.	:	
t/a Yellow Cab & Transfer Company,	:	
Respondent	:	

MOTION FOR DEFAULT JUDGMENT

NOW COMES the Pennsylvania Public Utility Commission’s (Commission) Bureau of Investigation and Enforcement (I&E), by its prosecuting attorneys, and files this Motion for Default Judgment against Blair Cab Inc. t/a Yellow Cab & Transfer Company (Respondent) pursuant to Section 5.103 of the Commission’s regulations, 52 Pa. Code § 5.103. In support thereof, I&E respectfully represents as follows:

1. I&E commenced this action on June 6, 2016 by filing a Complaint.
2. On June 7, 2016, the Complaint was served by certified mail to Respondent at P.O. Box 813, Altoona, PA 16603-0813.
3. Attached to the Complaint was a Notice advising Respondent that it must file an Answer within twenty (20) days of service of the Complaint.
4. The Notice also advised Respondent that if it failed to answer the Complaint, I&E would request that the Commission issue an Order imposing the penalty set forth in the Complaint.
5. On June 17, 2016, Respondent received the Complaint. A true and correct copy of proof of delivery of the Complaint is attached as Exhibit 1.

6. The twenty (20) days to file an Answer to the Complaint expired on June 27, 2016.

7. Respondent did not file an Answer to the Complaint.

8. Pursuant to Section 5.61(c) of the Commission's regulations, a Respondent who fails to file an Answer to a Complaint within the 20-day response period may be deemed in default, and the relevant facts stated in the Complaint may be deemed admitted. 52 Pa. Code § 5.61(c).

9. The Commonwealth Court has upheld the Commission's authority to sustain complaints that are not answered within twenty days. *See Fusaro v. Pa. PUC*, 382 A.2d 794, 797 (Pa. Cmwlth. 1978).

10. Subsequent to the filing of I&E's Complaint, on or about July 7, 2016, the Commission received payment from Respondent in the amount of \$1,131, which satisfies its outstanding assessment for the July 1, 2015 to June 30, 2016 Fiscal Year (2015-2016 Fiscal Year).

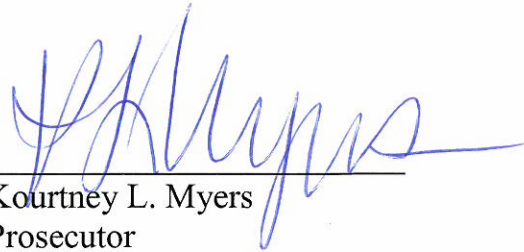
11. Respondent did not pay the civil penalty of \$1,170 that was sought in the Complaint for Respondent's failure to timely pay its 2015-2016 Fiscal Year Assessment and file an assessment report demonstrating revenues earned during the 2014 calendar year.

12. I&E respectfully requests that the Commission enter a Default Order against Respondent that:

- a. Directs Respondent to pay the requested civil penalty of \$1,170 within thirty (30) days of the entry date of the Commission's Order;
- b. Directs the Bureau of Technical Utility Services to cancel Respondent's Certificate of Public Convenience at A-00106294 if the civil penalty set forth in subparagraph (a), above, is not paid within thirty (30) days of the entry date of the Commission's Order;
- c. Notifies Respondent that a copy of this Order will be sent to the Pennsylvania Department of Transportation for the suspension or revocation of vehicle registrations that were used under Respondent's operating authority if the civil penalty is not paid within thirty (30) days of the entry date of the Commission's Order; and

- d. Directs the Bureau of Administrative Services, Assessment Section, to refer the matter to the Pennsylvania Office of Attorney General for collection of the civil penalty set forth in subparagraph (a), above, if the civil penalty is not paid within thirty (30) days of the entry date of the Commission's Order.

Respectfully submitted,



Kourtney L. Myers
Prosecutor
PA Attorney ID No. 316494

Pennsylvania Public Utility Commission
Bureau of Investigation and Enforcement
P.O. Box 3265
Harrisburg, PA 17105-3265
(717) 705-4366
komyers@pa.gov

Date: August 29, 2016

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Pennsylvania Public Utility Commission,	:	
Bureau of Investigation and Enforcement,	:	
Complainant	:	
	:	
v.	:	Docket No. C-2016-2549565
	:	
Blair Cab Inc.	:	
t/a Yellow Cab & Transfer Company,	:	
Respondent	:	

VERIFICATION

I, Mandy Freas, Accountant, Bureau of Administrative Services, Assessment Section, hereby state that the facts above set forth are true and correct to the best of my knowledge, information, and belief and that I expect the Bureau will be able to prove the same at any hearing held in this matter. I understand that the statements herein are made subject to the penalties of 18 Pa.C.S. §4904 relating to unsworn falsification to authorities.

Date: August 29, 2016




Mandy Freas, Accountant
Assessment Section
Bureau of Administrative Services
Pennsylvania Public Utility Commission
P.O. Box 3265
Harrisburg, PA 17105-3265



USPS Tracking®

Still Have Questions?
Browse our FAQs ›

 Get Easy Tracking Updates ›
Sign up for My USPS.

Tracking Number: 9171969009350106907262

Product & Tracking Information

Postal Product:
First-Class Mail®

Features:
Certified Mail™

Available Actions

Return Receipt Electronic

DATE & TIME	STATUS OF ITEM	LOCATION
June 17, 2016 , 2:59 pm	Delivered	ALTOONA, PA 16601
Your item was delivered at 2:59 pm on June 17, 2016 in ALTOONA, PA 16601.		
June 9, 2016 , 9:28 am	Available for Pickup	ALTOONA, PA 16603
June 9, 2016 , 5:46 am	Departed USPS Facility	DUNCANSVILLE, PA 16635
June 9, 2016 , 12:01 am	Arrived at USPS Destination Facility	DUNCANSVILLE, PA 16635
June 8, 2016 , 5:37 pm	Departed USPS Facility	JOHNSTOWN, PA 15904
June 8, 2016 , 10:26 am	Arrived at USPS Destination Facility	JOHNSTOWN, PA 15904
June 8, 2016 , 4:52 am	Departed USPS Facility	HARRISBURG, PA 17107
June 7, 2016 , 8:28 pm	Arrived at USPS Origin Facility	HARRISBURG, PA 17107
June 7, 2016 , 7:13 pm	Accepted at USPS Origin Facility	HARRISBURG, PA 17120
June 7, 2016	Pre-Shipment Info Sent to USPS, USPS Awaiting Item	

Track Another Package

Tracking (or receipt) number

Track It

Manage Incoming Packages

Track all your packages from a dashboard.
No tracking numbers necessary.

Sign up for My USPS ›



Pennsylvania Public Utility Commission,
Bureau of Investigation and Enforcement,
Complainant

v.

Blair Cab Inc.
t/a Yellow Cab & Transfer Company,
Respondent

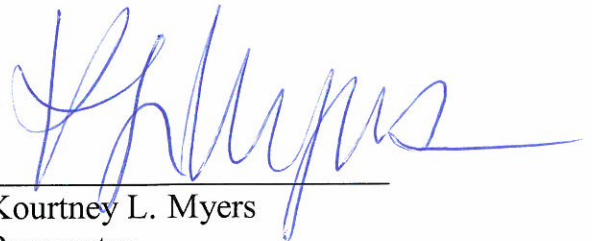
Docket No. C-2016-2549565

CERTIFICATE OF SERVICE

I hereby certify that I have this day served a true copy of the foregoing document upon the parties, listed below, in accordance with the requirements of 52 Pa. Code § 1.54 (relating to service by a party).

Notification by First Class Mail:

Harry Pelton, President
Blair Cab Inc. t/a Yellow Cab & Transfer Company
P.O. Box 813
Altoona, PA 16603-0813



Kourtney L. Myers
Prosecutor
PA Attorney ID No. 316494

Pennsylvania Public Utility Commission
Bureau of Investigation and Enforcement
P.O. Box 3265
Harrisburg, PA 17105-3265
(717) 705-4366
komyers@pa.gov

Dated: August 29, 2016