



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

September 19, 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. The New Yellow Cab LLC
Docket No. C-2016-2556988

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,

Stephanie M. Wimer
Prosecutor
PA Attorney ID No. 207522

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.

The New Yellow Cab LLC,
Respondent

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Docket No. C-2016-2556988

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.



Stephanie M. Wimer
Prosecutor
PA Attorney ID No. 207522

Bureau of Investigation and Enforcement
Pennsylvania Public Utility Commission
P.O. Box 3265
Harrisburg, PA 17105-3265
(717) 772-8839
stwimer@pa.gov

Dated: September 19, 2016

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

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

v.

The New Yellow Cab LLC,
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Docket No. C-2016-2556988

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 The New Yellow Cab LLC (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 July 18, 2016 by filing a Complaint.
2. On July 18, 2016, the Complaint was served by certified mail to Respondent at 1118 North Third Street, First Floor, Harrisburg, PA 17102, Attention: Carmen Maldonado.
3. This is the last known mailing address that Respondent provided to the Commission for assessment purposes, which is the subject of I&E's Complaint.
4. On July 25, 2016, the Complaint was returned to the Commission by the United States Post Office and was marked as "Attempted - Not Known."
5. On July 28, 2016, the Complaint was served to Respondent by certified mail to 2633 Canby Street, Harrisburg, PA 17103.
6. This is the last known main mailing address that Respondent provided to the Commission.

7. On August 3, 2016, the Complaint was returned to the Commission by the United States Post Office and was marked as “Attempted - Not Known.”

8. I&E published the Complaint in the *Pennsylvania Bulletin* on August 20, 2016 pursuant to the Commission’s regulation at 52 Pa. Code § 1.53(e). *See 46 Pa. Bull.* 5171 (August 20, 2016).

9. Included with the Complaint was a Notice advising Respondent that it must file an Answer within twenty (20) days.

10. 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.

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

12. 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).

13. 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).

14. Respondent did not pay the outstanding assessment balance of \$123 for the July 1, 2015 to June 30, 2016 Fiscal Year (2015-2016 Fiscal Year) or the civil penalty of \$100 that was sought in the Complaint for Respondent’s failure to timely pay the assessment and apprise the Commission of a change of address.

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

- a. Directs Respondent to pay its outstanding assessment of \$123 for the 2015-2016 Fiscal Year and the requested civil penalty of \$100 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-2008-2034920 if the outstanding assessment and civil penalty set forth in subparagraph (a), above, for a total of \$223, 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 outstanding assessment and 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 outstanding assessment and civil penalty set forth in subparagraph (a), above, for a total of \$223, if that total is not paid within thirty (30) days of the entry date of the Commission's Order.

Respectfully submitted,



Stephanie Wimer
Prosecutor
PA Attorney ID No. 207522

Pennsylvania Public Utility Commission
Bureau of Investigation and Enforcement
P.O. Box 3265
Harrisburg, PA 17105-3265
stwimer@pa.gov
(717) 772-8839

Date: September 19, 2016

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PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Pennsylvania Public Utility Commission,
Bureau of Investigation and Enforcement,
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v.

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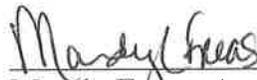
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Docket No. C-2016-2556988

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: September 19, 2016



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

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

v.

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Respondent

Docket No. C-2016-2556988

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:

Carmen Maldonado
The New Yellow Cab LLC
1118 North Third Street, First Floor
Harrisburg, PA 17102



Stephanie M. Wimer
Prosecutor
PA Attorney ID No. 207522

Pennsylvania Public Utility Commission
Bureau of Investigation and Enforcement
P.O. Box 3265
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Dated: September 19, 2016