



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

IN REPLY PLEASE
REFER TO OUR FILE

December 8, 2016

Rosemary Chiavetta
Pa. Public Utility Commission
2nd Floor, 400 North Street
P.O. Box 3265
Harrisburg, PA 17105

Re: Pennsylvania Public Utility Commission Bureau of Investigation and Enforcement
v. Tengiz Kalandadze t/a Philadelphia Limo; Docket No. C-2015-2458845

Dear Secretary Chiavetta:

Enclosed for filing is the Answer of the Bureau of Investigation and Enforcement
in the above-referenced proceeding.

Copies have been served on the parties of record in accordance with the Certificate
of Service.

Very truly yours,

A handwritten signature in black ink, appearing to read "Heidi L. Wushinske", is written over a horizontal line.

Heidi L. Wushinske
Senior Prosecutor
PA Attorney ID No. 93792

Encl.

RECEIVED
2016 DEC -8 PM 4:15
PA PUC
SECRETARY'S BUREAU

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

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

v. :

Tengiz Kalandadze t/a :
Philadelphia Limo, :
Respondent :

Docket No. C-2015-2458845

PA PUC
SECRETARY'S OFFICE

2016 DEC -8 PM 4:15

RECEIVED

**ANSWER TO RESPONDENT'S LETTER
OF THE
BUREAU OF INVESTIGATION AND ENFORCEMENT**

TO THE HONORABLE ANGELA T. JONES:

The Bureau of Investigation and Enforcement (I&E) of the Pennsylvania Public Utility Commission (Commission), Complainant in the above-docketed matter, by and through its prosecuting attorneys, and pursuant to 52 Pa. Code § 5.61, hereby files this Answer to the December 1, 2016 letter of Tengiz Kalandadze t/a Philadelphia Limo (Respondent or Philadelphia Limo). In support thereof, I&E avers as follows:

I. BACKGROUND

1. On February 24, 2015, I&E filed a Formal Complaint (Complaint) against Philadelphia Limo alleging, *inter alia*, that Philadelphia Limo permitted its vehicles to be operated while its insurance coverage had lapsed. The Complaint seeks civil penalties in the amount of \$5,000 and cancellation of Respondent's certificate of public convenience.

2. Philadelphia Limo filed an Answer to the Complaint on April 17, 2015.

3. In its Answer, Philadelphia Limo alleged that despite the trips in question appearing on its trip sheets, it did not perform these trips, but referred them to other carriers.

4. On August 30, 2016, I&E propounded Interrogatories and Requests for Production of Documents – Set I (I&E Set I) upon Philadelphia Limo in this proceeding. I&E’s Interrogatories requested information regarding the names, certificate numbers, and contact information for the carriers to whom the trips in question were allegedly referred. I&E also sought information regarding the customers who took the trips in question. Further, I&E requested the production of documents to substantiate the referrals that Philadelphia Limo alleges it made for the trips at issue in I&E’s Complaint.

5. Pursuant to the Commission’s regulations, if Philadelphia Limo objected to I&E’s discovery, it was required to file objections within 10 days of service of the interrogatories. 52 Pa. Code § 5.342(e).

6. Philadelphia Limo’s objections to I&E Set I would have been due no later than September 12, 2016.

7. Philadelphia Limo did not file objections to I&E Set I.

8. The Commission’s regulations require answers to interrogatories to be filed within 20 days after service of the interrogatories. 52 Pa. Code § 5.342(d).

9. Philadelphia Limo’s answers to I&E Set I were due no later than September 22, 2016.

10. Philadelphia Limo did not provide answers to I&E Set I by September 22, 2016.

11. On October 3, 2016, I&E filed a Motion for Sanctions (Motion) requesting that Philadelphia Limo be prohibited from asserting any claims or defenses that another carrier performed the trips at issue in I&E's Complaint. Motion at 4, ¶17.

12. In its Motion, I&E also requested that Administrative Law Judge Angela T. Jones (ALJ Jones) direct Philadelphia Limo to respond to the interrogatories and requests for production of documents and report in writing to ALJ Jones when it provided such responses. Motion at 4, ¶18.

13. In an Order dated November 7, 2016 (Order), ALJ Jones directed Philadelphia Limo to answer the outstanding discovery propounded by I&E Set I **no later than** close of business on November 14, 2016. Order at 6.

14. ALJ Jones informed Philadelphia Limo that if it failed to provide timely and sufficient answers to I&E's interrogatories and requests for production of documents, she would entertain a motion from I&E to prohibit Philadelphia Limo from providing evidence to support a finding that carriers and trips were allegedly referred by Respondent during the lapse of insurance coverage. Order at 6.

15. Philadelphia Limo failed to comply with ALJ Jones's Order and did not provide answers to I&E's interrogatories and requests for production of documents by November 14, 2016.

16. On November 23, 2016, I&E filed a Second Motion for Sanctions (Motion II), again requesting that Philadelphia Limo be prohibited from asserting any claims or defenses that another carrier performed the trips at issue in I&E's Complaint.

17. On December 2, 2016, in an Order Granting Second Motion for Sanctions (Order II), ALJ Jones granted I&E's request that Philadelphia Limo be prohibited from asserting any claims or defenses that another carrier performed the trips at issue in I&E's Complaint at Docket No. C-2015-2458845. Order II at 6.

18. Order II also ordered that the matter remain set for hearing as scheduled. Order II at 6.

19. A hearing in this matter is currently scheduled for December 21, 2016, in Philadelphia.

20. To date, Philadelphia Limo has ignored the Commission's regulations and ALJ Jones's Order, by failing to respond to I&E's discovery requests.

21. On December 6, 2016, I&E received via fax from ALJ Jones, a letter from Philadelphia Limo to ALJ Jones.

22. In its letter, Philadelphia Limo requests, "[p]lease re schedule prehearing order," which I&E interprets as a request for a continuance of the hearing scheduled for December 21, 2016, because Respondent "will need more time" to prepare the "necessary documents."

II. I&E'S OBJECTION TO RESPONDENT'S REQUEST

23. Pursuant to ALJ Jones's Prehearing Order, changes in in the scheduled hearing date are granted only in rare situations where good cause exists. Prehearing Order at 2.

24. I&E asserts that Respondent's letter does not establish good cause that would warrant rescheduling the hearing.

25. Respondent's letter merely states that it needs more time to collect information and prepare documents for the case.

26. I&E first requested information relevant to this case from Respondent on August 30, 2016, over three months ago.

27. Moreover, Your Honor directed Respondent to provide information sought by I&E **no later than** November 14, 2014. Order at 6.

28. To date, Respondent has not provided I&E with this information.


29. Respondent should not be rewarded with extra time after repeatedly ignoring both Your Honor and I&E, for over three months.

30. Therefore, I&E respectfully requests that, to the extent Respondent is requesting a continuation of the hearing, such request be denied.

III. CONCLUSION

WHEREFORE, the Bureau of Investigation and Enforcement respectfully requests, that the Honorable Angela T. Jones decline to continue the hearing in this matter currently scheduled for December 21, 2016.

Respectfully submitted,


Heidi L. Wushinske
Senior Prosecutor
PA Attorney ID No. 93792

Michael L. Swindler
Deputy Chief Prosecutor
PA Attorney ID No. 43319

Pennsylvania Public Utility Commission
Bureau of Investigation & Enforcement
P.O. Box 3265
Harrisburg, PA 17105-3265
(717) 214-9594
hwushinske@pa.gov

Dated: December 8, 2016

RECEIVED
2016 DEC - 8 PM 4: 15
PA PUC
SECRETARY'S BUREAU

Pennsylvania Public Utility Commission, :
Bureau of Investigation and Enforcement :
 :
v. : Docket No. C-2015-2458845
 :
Tengiz Kalandadze t/a :
Philadelphia Limo :

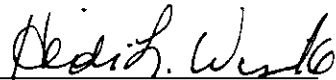
CERTIFICATE OF SERVICE

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).

Service by First Class Mail:

Tengiz Kalandaze,
T/A Philadelphia Limo
839 Selmer Road
Philadelphia, PA 19116

The Honorable Angela T. Jones
Pennsylvania Public Utility Commission
801 Market Street
Philadelphia, PA 19107


Heidi L. Wushinske
Senior Prosecutor
PA Attorney ID No. 93972

Pennsylvania Public Utility Commission
Bureau of Investigation and Enforcement
P.O. Box 3265
Harrisburg, PA 17105-3265
Phone: (717) 214-9594

Dated: December 8, 2016

RECEIVED
2016 DEC -8 PM 4: 15
PA PUC
SECRETARY'S BUREAU