



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

IN REPLY PLEASE  
REFER TO OUR FILE  
C-2016-2544673

December 14, 2016

**Via E-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. Sabine U. Jacobs and James J. Jacobs  
Docket No. C-2016-2544673

Dear Secretary Chiavetta:

Enclosed for electronic filing, please find the Bureau of Investigation and Enforcement's Petition for Leave to Withdraw the Complaint and Amended Complaint in the above-referenced matter. In addition, I&E respectfully requests that the Initial Hearing scheduled for Wednesday, December 21, 2016 at 10:00 AM be cancelled.

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

Very truly yours,

Stephanie M. Wimer  
Prosecutor

Enclosures

cc: Honorable Conrad A. Johnson  
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-2016-2544673
	:	
Sabine U. Jacobs and James J. Jacobs,	:	
Respondents	:	

**PETITION OF THE BUREAU OF INVESTIGATION AND ENFORCEMENT  
FOR LEAVE TO WITHDRAW COMPLAINT**

TO THE HONORABLE CONRAD A. JOHNSON:

The Bureau of Investigation and Enforcement (I&E) of the Pennsylvania Public Utility Commission (Commission), by and through its prosecuting attorneys, pursuant to 52 Pa. Code § 5.94(a), petitions for leave to withdraw the Complaint and Amended Complaint in the above-captioned proceeding. I&E submits the following in support thereof:

1. On May 20, 2016, a Formal Complaint (Complaint) docketed at C-2016-2544673 was served upon Sabine U. Jacobs (Ms. Jacobs) alleging that she affixed a taxi dome light to the roof of her vehicle and held herself out to provide passenger transportation service without having operating authority from the Commission. The factual basis of the Complaint stemmed from the observations of I&E Enforcement Officers Ryan Balestra and Christopher Urey, who witnessed a vehicle registered to Ms. Jacobs operating with an illuminated dome light during the early morning hours on May

7, 2016, on Carson Street in the South Side of Pittsburgh. The Complaint alleged that Ms. Jacobs violated Section 1101 of the Public Utility Code (Code), 66 Pa.C.S. § 1101, and Section 29.314(d) of the Commission's regulations, 52 Pa. Code § 29.314(d), and sought relief in the form of a civil penalty of \$1,000 as well as suspension of the vehicle's registration.

2. On June 9, 2016, Ms. Jacobs filed an Answer to I&E's Complaint denying that she held herself out to provide passenger transportation service and affixing a *taxi* dome light to her vehicle.

3. On November 4, 2016, I&E filed an Amended Complaint and named James J. Jacobs, the husband of Ms. Jacob, as a respondent.<sup>1</sup> The Amended Complaint also updated the regulations to correspond with the Respondents' conduct as observed by the Enforcement Officers. The Amended Complaint alleges that the Respondents violated 66 Pa.C.S. 1101 for holding themselves out to provide passenger transportation service between points in the Commonwealth, and 52 Pa. Code § 29.402(1) and 67 Pa. Code § 175.66(h) for affixing an illuminated sign to the roof of the vehicle while it was in operation as an unauthorized motor carrier.

4. On November 23, 2016, the Respondents filed an Answer to the Amended Complaint admitting that their vehicle displayed a dome light, which was mounted on the roof. However, the Respondents denied holding themselves out to provide passenger transportation/ taxi service.

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<sup>1</sup> Ms. Jacobs and James J. Jacobs will be collectively referred to as the "Respondents."

5. An Initial Hearing is scheduled in this matter for Wednesday, December 21, 2016 at 10:00 AM in Pittsburgh.

6. Pursuant to Your Honor's Corrected Prehearing Order dated November 16, 2016, the parties were directed to distribute the documents and exhibits they intend to present at the Initial Hearing one (1) week prior to the scheduled hearing.

7. On December 13, 2016, I&E received a document from the Respondents entitled "Points for Consideration," as well as exhibits that the Respondents intend to present at hearing.

8. For the first time on December 13, 2016, I&E became aware of the exact nature of the Respondents' defense to affixing an illuminated sign on their vehicle, despite previous efforts made by I&E to discuss the matter with the Respondents, to which the Respondents never responded.

9. In their "Points for Consideration," the Respondents explained that the dome light stated "Go Pens" and that Mr. Jacobs affixed the dome light to the roof of his vehicle because he was selling Pittsburgh Penguins merchandise on Carson Street from the car.

10. The Respondents submitted notarized affidavits in support of their defense, including an affidavit from an individual who was selling the merchandise with Mr. Jacobs that evening on Carson Street.

11. Given that the allegations in the instant proceeding are based upon the premise that the Respondents were operating as an unauthorized motor carrier, and facts were recently revealed in a notarized affidavit<sup>2</sup> suggesting otherwise, I&E deems it appropriate to request that its Complaint and Amended Complaint in the instant proceeding be withdrawn.

12. In addition, in order not to unnecessarily expend the time and resources of Your Honor, the Respondents and court reporter, I&E requests that the Initial Hearing scheduled for December 21, 2016 at 10:00 AM be cancelled.

13. Lastly, since I&E is requesting a cancellation of the December 21, 2016 Initial Hearing, I&E also requests that it be relieved from the requirement set forth in the Corrected Prehearing Order to distribute in advance the exhibits I&E had intended to present at the evidentiary hearing.

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<sup>2</sup> Given that the factual basis for the Respondents' defense was set forth in a notarized affidavit, I&E will presume that it is true.

WHEREFORE, for all the foregoing reasons, the Bureau of Investigation and Enforcement respectfully requests that Your Honor issue an Order granting this Petition, cancelling the Initial Hearing and relieving I&E from the requirement to circulate the exhibits it had intended to present at hearing.

Respectfully submitted,



Stephanie M. Wimer  
Prosecutor  
PA Attorney ID No. 207522

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Dated: December 14, 2016

BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION

Pennsylvania Public Utility Commission  
Bureau of Investigation and Enforcement,  
Complainant

v.

Sabine U. Jacobs and James J. Jacobs,  
Respondents

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Docket No. C-2016-2544673

**CERTIFICATE OF SERVICE**

I hereby certify that I am this day serving a true copy of the foregoing document in accordance with the requirements of 52 Pa. Code §1.54 *et seq.* (relating to service by a party).

**Service by First Class Mail and Electronic Mail:**

Sabine U. Jacobs  
James J. Jacobs  
437 Kathleen Street  
Pittsburgh, PA 15211

savingsmax@yahoo.com



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Prosecutor  
Attorney I.D. No. 207522

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Dated: December 14, 2016