

January 4, 2017

**Via Electronic Filing**

Rosemary Chiavetta, Esquire  
Secretary  
PA Public Utility Commission  
Commonwealth Keystone Building, 2 North  
400 North Street  
Harrisburg, PA 17120

**Re: Docket Nos. A-6418775 and A-2016-2544790  
Application of B & M Limousine Services, Inc. (Airport Transfer Service)  
Petition for Rescission and Request to Reinstate Application**

Dear Secretary Chiavetta:

Attached for filing is B & M Limousine Services, Inc.'s Petition for Rescission and Request to Reinstate Application, in the above-captioned proceeding.

If there are any questions, please do not hesitate to contact me.

Very truly yours,

Reger Rizzo & Darnall LLP



Debra L. Roscioli

DLR/dim  
Enclosure  
cc: Robert Greer

**Re: Docket No. A-2016-2544790  
Application of B&M Limousine Services, Inc.  
Petition for Rescission and Request to Reinstate Application**

**CERTIFICATE OF SERVICE**

I hereby certify that a true and correct copy of the foregoing document has been served upon the following person(s), in the manner indicated, in accordance with the requirements of 52 Pa. Code §1.54 (relating to service by a participant).

**Via Electronic Filing**

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

  
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Debra L. Roscioli, Esquire

Counsel for B&M Limousine Services, Inc.

DATED: January 4, 2017

**BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

In Re: Application of B&M Limousine Services Inc. : Docket No. A-6418775  
to provide service in airport transfer service : A-2016-2544790

**PETITION FOR RESCISSION  
AND REQUEST TO REINSTATE APPLICATION**

NOW COMES, B&M Limousine Services, Inc. (“B&M” or “Petitioner”), by and through its undersigned counsel, and pursuant to the provisions of Section 703(g) of the Public Utility Code and 52 Pa. Code §5.44, respectfully requests that this Commission rescind the Secretarial Letter dated December 22, 2016, issued by its Staff which dismissed the above application for the failure to timely file a Form E (Evidence of Insurance) with the Commission. Petitioner further requests that as all the requirements of the conditional approval Secretarial letter issued October 12, 2016 have been met that the Commission reinstate the application and direct the issuance of a Certificate of Public Convenience enabling Petitioner to provide the proposed service. In support of this request, Petitioner states as follows:

1. By application filed May 12, 2016, B&M, an existing certificated carrier, filed an application to provide airport transfer service between points in Allegheny, Washington, Westmoreland, and Somerset Counties, to and from the Pittsburgh International Airport (PIT), the Allegheny County Airport (AGC), and the Arnold Palmer Regional Airport (LBE).
2. On or about June 9, 2016, a protest to the application was filed, which protest was withdrawn in accordance with a Restrictive Amendment between the parties filed June 27, 2016.
3. By Secretarial letter dated October 12, 2016, the Commission, after review by its Bureau of Technical Utility Services, approved the right to provide airport transfer service from points in Allegheny County to and from the Pittsburgh International Airport conditioned upon the filing of a tariff and a Form E filed by Petitioner’s insurance company within sixty (60) days.
4. The purpose of the Form E is to inform the Commission that a carrier has bodily injury and property damage insurance in place. The Form E does not specify the rights or type of service that a carrier is authorized to provide, the vehicles covered or the amount of insurance. This information is contained in the actual insurance policy and attachments to that policy.

5. On or about December 5, 2016, Petitioner filed a tariff with this Commission.
6. On December 22, 2016, a Secretarial Letter was issued dismissing the application for an alleged failure:

To have your insurance company/agent file evidence of bodily injury and property damage liability insurance (Form E) with this Commission.

7. As an existing carrier, B&M's insurance carrier, National Indemnity Company, issues a Uniform Motor Carrier Bodily Injury and property Damage Certificate of Insurance (Form E) on July 7, 2016. A copy of this Form E is attached hereto as Attachment 1, Exhibit "A".
8. The Form E clearly carries B&M's utility code of A-6418775 which was issued by the Commission to identify Petitioner. This Form E was on file with the Commission and valid at the time the conditional approval letter was issued.
9. In response to the Secretarial Letter, on or about December 28, 2016, Petitioner's insurance carrier filed an additional Form E carrying the designation A-2016-2544790 and the designation "Airport Transfer authority". A copy of this Form E is attached hereto as Attachment 2, Exhibit "B".
10. Pursuant to the provisions of 66 Pa. C.S. §703(g), the Commission has the authority to rescind or amend a prior Order.<sup>1</sup>
11. This Commission also has the general authority to fashion a remedy considering all of the circumstances presented in an individual proceeding.
12. A search of the Commission's regulations reveals no requirement that a new Form E be filed every time an existing carrier that has current evidence of insurance on file with the Commission either expands its service territory or provides a different type of passenger service.
13. Petitioner and its insurance agent was under the impression that the July 7, 2016 Form E was sufficient to meet the conditions contained in the October 12, 2016 Secretarial Letter.
14. The information contained in this Petition was not considered by the Staff in the issuance of the December 22, 2016 Dismissal Letter.

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<sup>1</sup>No traditional Order was issued in this proceeding as the matter never was presented to the Commission at a public meeting. Numerous decisions have held that a Secretarial Letter has the force and effect of an Order.

15. Petitioner submits that there is no requirement that new evidence be alleged for the Commission to consider and rescind a prior Order. *West Penn Power Co. v. Pennsylvania Public Utility Commission*, 659 A.2d 1055 (Cmwlth. 1995).

16. Petitioner submits that the granting of this Petition will promote the public interest. Absent the rescission of the December 22, 2016 Secretarial Letter and reactivation of its Application, Petitioner would be required to incur the additional expense of the preparation and filing of another application.

17. There are no other parties to this proceeding other than Petitioner and the Commission, so no rights of any other entity will be affected by the action requested in this Petition.

WHEREFORE, Petitioner respectfully requests that the Commission rescind the Secretarial Letter of December 22, 2016, reinstate Petitioner's Application and issue Petitioner a Certificate of Public Convenience.

Respectfully submitted,

Dated: January 4, 2016



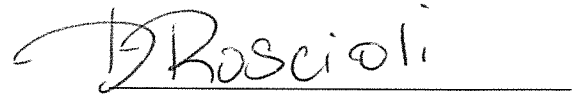
Debra L. Roscioli, Esquire  
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Counsel for B&M Limousine Services, Inc.

**Re: Docket No. A-2016-2544790**  
**Application of B&M Limousine Services, Inc.**  
**Petition for Rescission and Request to Reinstate Application**

**ATTORNEY'S VERIFICATION**

I, Debra L. Roscioli, Esquire, attorney for B&M Limousine Services, Inc. hereby verify that I have become acquainted with the facts and information set forth in the foregoing document which have been relayed to me by representatives of B&M Limousine Services, Inc.; that the same are true to the best of my knowledge information and belief; and that the foregoing verification is made subject to the penalties of 18 Pa. C.S. § 4904.

A handwritten signature in black ink, appearing to read "D Roscioli", written over a horizontal line.

Debra L. Roscioli, Esquire

DATED: January 4, 2017

**Re: Docket No. A-2016-2544790**  
**In re: Application of B&M Limousine Services, Inc.**  
**Airport Transfer Service**

Attachment 1

Form E filed July 7, 2016

A6418775  
1,000,000 CSL

M-5444 (01/2010)

**FORM E**  
**UNIFORM MOTOR CARRIER BODILY INJURY AND PROPERTY DAMAGE**  
**LIABILITY CERTIFICATE OF INSURANCE**

(EXECUTED IN TRIPLICATE)

Filed with Pennsylvania Public Utilities Commission (hereinafter called Commission)  
(Name of Commission)

This is to certify, that the National Indemnity Company  
(Name of Company)

(hereinafter called Company) of 1314 Douglas Street, Suite 1400, Omaha, NE 68102-1944  
(Home Office Address of Company)

has issued to B & M LIMOUSINE SERVICES INC  
(Name of Motor Carrier)

of 6 ALLEGHENY AVE, CUDDY, PA 15031  
(Address of Motor Carrier)

a policy or policies of insurance effective from 07/07/2016 12:01 A.M. standard time at the address of the insured stated in said policy or policies and continuing until cancelled as provided herein, which, by attachment of the Uniform Motor Carrier Bodily Injury and Property Damage Liability Insurance Endorsement, has or have been amended to provide automobile bodily injury and property damage liability insurance covering the obligations imposed upon such motor carrier by the provisions of the motor carrier law of the State in which the Commission has jurisdiction or regulations promulgated in accordance therewith.

Whenever requested, the Company agrees to furnish the Commission a duplicate original of said policy or policies and all endorsements thereon.

This certificate and the endorsement described herein may not be cancelled without cancellation of the policy to which it is attached. Such cancellation may be effected by the Company or the insured giving thirty (30) days' notice in writing to the State Commission, such thirty (30) days' notice to commence to run from the date notice is actually received in the office of the Commissioner.

Countersigned at 1314 Douglas Street, Suite 1400 Omaha NE 68102-1944  
(Street Address) (City) (State) (ZIP Code)

this 7th day of July, 20 16



Authorized Representative

Insurance Company File No. 70APS063402  
(Policy Number)

1,000,000 CSL

This form determined by the National Association of Regulatory Utilities Commissioners and promulgated pursuant to the provisions of Section 202(b)(2) of the Interstate Commerce Act (49 U.S.C. § 302[b][2]) and 49 CFR § 387.301

**FORM F**  
**UNIFORM MOTOR CARRIER BODILY INJURY AND PROPERTY DAMAGE**  
**LIABILITY INSURANCE ENDORSEMENT**

It is agreed that:

1. The certification of the policy, as proof of financial responsibility under the provisions of any State motor carrier law or regulation promulgated by any State Commission having jurisdiction with respect thereto, amends the policy to provide insurance for automobile bodily injury and property damage liability in accordance with the provisions of such law or regulations to the extent of the coverage and limits of liability required thereby; provided only that the insured agrees to reimburse the company for any payment made by the company which it would not have been obligated to make under the terms of this policy except by reason of the obligation assumed in making such certification.
2. This endorsement may not be canceled without cancellation of the policy to which it is attached. Such cancellation may be effected by the company or the insured giving thirty (30) days notice in writing to the State Commission with which such certificate has been filed, such thirty (30) days notice to commence to run from the date the notice is actually received in the office of such Commission.
3. The Uniform Motor Carrier Bodily Injury and Property Damage Liability Certificate of Insurance has been filed with the State Commission indicated below:

X – Indicated State Commission with whom Uniform Motor Carrier Bodily Injury and Property Damage Liability

Alabama		Illinois		Montana		Rhode Island	
Alaska		Indiana		Nebraska		South Carolina	
Arizona		Iowa		Nevada		South Dakota	
Arkansas		Kansas		New Hampshire		Tennessee	
California		Kentucky		New Jersey		Texas	
Colorado		Louisiana		New Mexico		Utah	
Connecticut		Maine		New York		Vermont	
Delaware		Maryland		North Carolina		Virginia	
District of Columbia		Massachusetts		North Dakota		Washington	
Florida		Michigan		Ohio		West Virginia	
Georgia		Minnesota		Oklahoma		Wisconsin	
Hawaii		Mississippi		Oregon		Wyoming	
Idaho		Missouri		Pennsylvania	X		

(The attaching clause need be completed only when this endorsement is issued subsequent to preparation of the policy.)

Attached to and forming part of policy No. 70APS063402

Issued by National Indemnity Company, herein called

Company, of 1314 Douglas Street, Suite 1400, Omaha, NE 68102-1944

To B & M LIMOUSINE SERVICES INC of CUDDY, PA

Dated at Omaha, NE this 7th day of July, 20 16

Countersigned by



Authorized Representative

**Re: Docket No. A-2016-2544790**  
**In re: Application of B&M Limousine Services, Inc.**  
**Airport Transfer Service**

Attachment 2

Form E filed December 28, 2016

A-2016-2544790  
Airport Transfer authority

1,000,000 CSL

M-5444 (01/2010)

**FORM E**  
**UNIFORM MOTOR CARRIER BODILY INJURY AND PROPERTY DAMAGE**  
**LIABILITY CERTIFICATE OF INSURANCE**

(EXECUTED IN TRIPLICATE)

Filed with Pennsylvania Public Utilities Commission (hereinafter called Commission)  
(Name of Commission)

This is to certify, that the National Indemnity Company  
(Name of Company)

(hereinafter called Company) of 1314 Douglas Street, Suite 1400, Omaha, NE 68102-1944  
(Home Office Address of Company)

has issued to B & M LIMOUSINE SERVICES INC  
(Name of Motor Carrier)

of 6 ALLEGHENY AVE, CUDDY, PA 15031  
(Address of Motor Carrier)

a policy or policies of insurance effective from 07/07/2016 12:01 A.M. standard time at the address of the insured stated in said policy or policies and continuing until cancelled as provided herein, which, by attachment of the Uniform Motor Carrier Bodily Injury and Property Damage Liability Insurance Endorsement, has or have been amended to provide automobile bodily injury and property damage liability insurance covering the obligations imposed upon such motor carrier by the provisions of the motor carrier law of the State in which the Commission has jurisdiction or regulations promulgated in accordance therewith.

Whenever requested, the Company agrees to furnish the Commission a duplicate original of said policy or policies and all endorsements thereon.

This certificate and the endorsement described herein may not be cancelled without cancellation of the policy to which it is attached. Such cancellation may be effected by the Company or the insured giving thirty (30) days' notice in writing to the State Commission, such thirty (30) days' notice to commence to run from the date notice is actually received in the office of the Commissioner.

Countersigned at 1314 Douglas Street, Suite 1400 Omaha NE 68102-1944  
(Street Address) (City) (State) (ZIP Code)

this 28th day of December, 20 16



Authorized Representative

Insurance Company File No. 70APS063402  
(Policy Number)

1,000,000 CSL

This form determined by the National Association of Regulatory Utilities Commissioners and promulgated pursuant to the provisions of Section 202(b)(2) of the Interstate Commerce Act (49 U.S.C. § 302[b](2)) and 49 CFR § 387.301