

Law Offices

VUONO & GRAY, LLC

John A. Vuono
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2310 Grant Building
Pittsburgh, PA 15219-2383
(412) 471-1800

Richard R. Wilson
of Counsel

Facsimile
(412) 471-4477

August 23, 2002

Re: City Lights, LLC
Docket No. A-00119028

Mr. James J. McNulty
Secretary
Pennsylvania Public Utility Commission
P. O. Box 3265
Harrisburg, PA 17105-3265

Dear Mr. McNulty:

We enclose for filing with the Commission the signed original of a protest to the above application.

Please acknowledge receipt and filing of the enclosed on the duplicate copy of this letter of transmittal and return it to the undersigned in the self-addressed stamped envelope provided.

Very truly yours,

VUONO & GRAY, LLC

William A. Gray

pZ/22331

Enclosure

cc: Brad N. Sommer, Esq. (By certified mail)
Kirk Livery, Inc.
Star Limousine Service, Inc.
Snow White Dove Limousine, Inc.
System of Services, Inc. t/d/b/a Fantasy Limo
Red Rose Limousine Service, Inc.

SECRETARIAT BUREAU

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Before the
PENNSYLVANIA PUBLIC UTILITY COMMISSION

DOCKET NO. A-00119028

CITY LIGHTS, LLC

DOCKETED
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PROTEST AND REQUEST
FOR ORAL HEARING

RECEIVED

2002 AUG 26 PM 3:55
ST. CHARLES COUNTY

The motor carriers shown on Appendix A hereof (herein called protestants) protest the above application and request that the application be assigned for oral hearing and in support thereof respectfully represent as follows:

1. By this application, notice of which has been published in the Pennsylvania Bulletin, applicant seeks authority as set forth in Appendix A.

2. Protestants hold authority from this Commission at the docket numbers shown in Appendix A and the relevant portions of the authority are attached to the protest.

Unless otherwise indicated in Appendix A, protestants will withdraw the protest only in the event an amendment is made which will totally eliminate the conflict between the authority sought by the application and the authority presently held by protestants.

2002 AUG 26 PM 3:24

**DOCUMENT
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3. Approval of this application is neither necessary nor proper for the service, accommodation, safety or convenience of the public since (a) protestants presently hold authority to provide service in the area affected by the application, (b) protestants and other existing carriers are providing adequate service to the public in the areas involved in the application, (c) there is no need for the service proposed by applicant and approval of the application will result in the diversion from existing carriers of revenue necessary to sustain their existing operations, and (d) approval of the application will adversely affect protestants and other existing carriers which have a substantial investment in facilities and equipment and are willing and able to provide service in the application area.

4. Protestants request that the application be set for oral hearing and that applicant be required to prove by competent evidence the elements of proof required by statute. If an oral hearing is held, protestants will appear and present evidence of protestants' own operations and particular interests unless this application is amended so as to eliminate those interests as set forth in this protest.

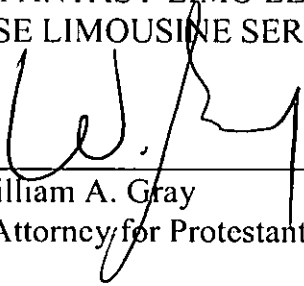
WHEREFORE, protestants request that the granting of the application be withheld; the proceeding be assigned for oral hearing with leave to protestants to participate fully therein; and applicant be required to make available at the hearing

competent witnesses for examination on all material and relevant facts bearing on the application.

Respectfully submitted,

STAR LIMOUSINE SERVICE, INC.
KIRK LIVERY, INC.
SNOW WHITE DOVE LIMOUSINE, INC.
SYSTEM OF SERVICES, INC.
t/d/b/a FANTASY LIMO LEASING
RED ROSE LIMOUSINE SERVICE, INC.

By: _____


William A. Gray
Attorney for Protestants

VUONO & GRAY, LLC
2310 Grant Building
Pittsburgh, PA 15219
(412) 471-1800
Of Counsel

Dated: August 23, 2002

/22331

Re: City Lights, LLC
Docket No. A-00119028

APPENDIX A

SCOPE OF AUTHORITY SOUGHT:

By application published in the Pennsylvania Bulletin on August 10, 2002,
applicant seeks authority to operate as a common carrier, transporting:

Persons in limousine service, (1) between points in Allegheny County, and from points in said county, to points in Pennsylvania, (2) between points in the Counties of Beaver, Butler, Fayette, Lawrence, Mercer, Washington and Westmoreland, and from points in said counties, to points in Pennsylvania, and return.

INTEREST OF PROTESTANTS:

1. Star Limousine Service, Inc., 910 Sheridan Drive, Mars, PA 16046-9414, (714) 776-0044, holds authority at Docket No. A-0000106305. A copy of the relevant authority of this company is attached hereto. As relevant to this application, Star Limousine has authority to provide service between all points in Pennsylvania.

2. Kirk Livery, Inc., 126 McClelland Drive, Pittsburgh, PA 15236 (412) 920-4500, holds authority at Docket No. A-00109668. A copy of the relevant authority is attached hereto. As relevant to this application, Kirk Livery has authority to provide service between all points in Pennsylvania. Kirk Livery would withdraw its protest to this application, if the application were amended as follows: that no right, power or privilege is granted to provide service for funeral homes or to transport persons attending funerals.

3. Snow White Dove Limousine, Inc., 312 Wendel Road, Irwin, PA 15642, (724) 446-8008 holds authority at Docket No. A-00117375. A copy of the relevant authority of this company is attached hereto. As relevant to this application, Snow White Dove has authority to provide service between all points in Pennsylvania. The protest of Snow White Dove Limousine, Inc. would be withdrawn if Westmoreland County was eliminated from the application.

4. System of Services, Inc., t/d/b/a Fantasy Limo Leasing, 28 Georgetown Lane, Beaver, PA 15009, (724) 775-3333, holds authority at Docket No. A-00108826. A copy of the relevant operating authority is attached hereto. As relevant to this application, System of Services, Inc. t/d/b/a Fantasy Limo has authority to provide service between all points in Pennsylvania. The protest of System of Services, Inc., t/d/b/a Fantasy Limo would be withdrawn if Beaver County was eliminated from the application.

5. Red Rose Limousine Service, Inc., 3633 North Hermitage Road, Transfer, PA 16154, (724) 646-3238, holds authority at Docket No. A-00115842. A copy of the operating authority of Red Rose is attached hereto. As relevant to this application, Red Rose Limousine Service, Inc. has authority to provide service between all points in Pennsylvania. The protest of Red Rose would be withdrawn if Mercer and Lawrence Counties were eliminated from the application.

STAR LIMOUSINE SERVICE, INC.

Docket No. A-00106305, P. 5

To transport, as a common carrier, persons in limousine service:

(1) between points in the county of Butler, and from points in the county of Butler, to points in the county of Allegheny, and vice versa; and

(2) from points in the counties of Butler and Allegheny, to points in Pennsylvania, on and west of U.S. Highway Route 219, and return;

subject to the following condition:

That no right, power or privilege is granted to transport between points in the county of Allegheny.

KIRK LIVERY, INC.

DOCKET NO. A-00109668

To transport, as a common carrier, persons attending funerals, in limousine service, between points in the counties of Beaver, Washington and Westmoreland, and from points in the counties of Beaver, Washington and Westmoreland to points in the county of Allegheny, and vice versa.

FOLDER 1, Am-A

1. To transport, as a common carrier, persons, in limousine service, between points in the counties of Westmoreland, Fayette; and from said counties to points in the counties of Allegheny, Washington, Beaver, Venango, Butler, Crawford and those portions of the counties of Cambria and Somerset west of U.S. Route 219; and vice versa;
2. To transport, as a common carrier, persons, in limousine service, from points in the county of Allegheny to points in the counties of Washington, Fayette, Westmoreland, Beaver, Butler, Venango, Clarion, Crawford and those portions of the counties of Cambria and Somerset west of U.S. Route 219; and vice versa;

with the two rights immediately above subject to the following conditions:

- (1) That service from points in Westmoreland and Washington Counties to the Greater Pittsburgh International Airport in the township of Moon and Findlay, Allegheny County, and vice versa, shall be limited to service by means of six-door executive limousines equipped with luxury amenities including bar, television, communication system, etc.;
- (2) That no right, power or privilege is granted to transport persons and their baggage from points in the county of Crawford, to the Greater Pittsburgh International Airport in the townships of Moon and Findlay, Allegheny County, and vice versa; and

FOLDER 1, Am-B

To transport, as a common carrier, persons in limousine service, between points in the counties of Armstrong and Indiana, and from points in said counties to points in Pennsylvania, and return.

FOLDER 1, AM-C

To transport, as a common carrier, by motor vehicle, persons, attending funerals, in limousine service, between points in the county of Lawrence, and from points in said county, to points in Pennsylvania, and return.

FOLDER 1, AM-D

To transport, as a common carrier, persons, in limousine service, between points in the counties of Beaver, Cambria, Somerset and Washington, and from points in said counties, to points in Pennsylvania, and return.



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

IN REPLY PLEASE
REFER TO OUR FILE

July 25, 2001

A-00117375

WILLIAM A GRAY
ATTORNEY AT LAW
2310 GRANT BUILDING
PITTSBURGH PA 15219-2383

To Whom It May Concern:

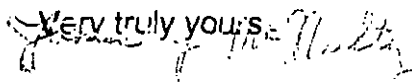
Your request for the change of entity from the sole proprietorship, Karen L. Peters, t/d/b/a Snow White Dove, to Snow White Dove Limousine, Inc., has been received and reviewed. The necessary documents have been submitted. It has been determined that approval should be granted upon compliance.

YOU ARE ADVISED THAT:

Your certificate of public convenience will be changed to stand in the name of Snow White Dove Limousine, Inc., upon the filing of a **Form E and /or Form H evidence of insurance and a tariff containing the new name.** You must contact your insurance agent/broker so that the required evidence of insurance will be filed with the Commission.

FAILURE TO FILE THE TARIFF AND FORM E AND/OR FORM H EVIDENCE OF INSURANCE CONTAINING THE NAME CHANGE WITHIN THIRTY (30) DAYS OF THE DATE THIS LETTER IS DATED WILL BE DEEMED AS DISMISSAL OF THE REQUEST.

Should you wish to have the original Certificate of Public Convenience endorsed to stand in the name of Snow White Dove Limousine, Inc., return it to the Secretary, Pennsylvania Public Utility Commission, PO Box 3265, Harrisburg, PA 17105-3265. **Upon compliance it will be endorsed and returned to you.**

Very truly yours,


James J. McNulty
Secretary

MALONE, LARCHUK & MIDDLEMAN, P.C.

ATTORNEYS AT LAW
NORTHRIDGE OFFICE PLAZA
117 VIP DRIVE, SUITE 510
WEXFORD, PENNSYLVANIA 15090

TEL. 724-954-6888 FAX. 724-954-6866
Writer's E-Mail Address: middleman@mlmpolaw.com

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DONNA W. BUCKISO
BRIAN SAMUEL MALKIN***
PAUL S. GUARNIERI
MICHAEL J. McSHEA
M. KATHLEEN CANTY
ALEXANDAR D. MALICH
LAURA W. HELBLING**

August 30, 2002

ROBERT F. WAGNER
STANFORD A. MIDDLEMAN
JOSEPH A. VERES
Of Counsel

STANLEY D. FERENCE III
Of Counsel - Patent Attorney

* Also Admitted in West Virginia
** Also Admitted in Ohio
*** U.S. Patent Attorney

VIA FEDERAL EXPRESS

Mr. James McNulty, Secretary
Pennsylvania Public Utility Commission
P.O. Box 3265
Harrisburg, PA 17105-3265

RE: Application of City Lights, LLC
Docket No.: A-00119028
Our File No.: 1087/04410

Dear Secretary McNulty:

Enclosed for filing with your office please find our Entry of Appearance on behalf of Airport Limousine Service, Inc., as well as the original and two copies of our Protest.

I have enclosed additional cover sheets for each document and ask that you date stamp same and return them to our office in the envelope provided.

Thank you for your attention to this matter.

Very truly yours,


Ray F. Middleman

RFM/car
Enclosures

cc: Brad N. Sommer, Esq. (w/encs.)

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AUG 30 2002
PA PUBLIC UTILITY COMMISSION
SECRETARY'S OFFICE

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TRANSPORTATION SECTION
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AUG 30 2002

BEFORE THE PENNSYLVANIA PUBLIC UTILITY COMMISSION
PUBLIC UTILITY COMMISSION SECRETARY'S BUREAU

IN RE: Application of City Lights, LLC

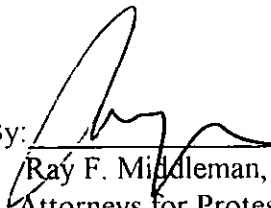
Docket No. A-00119028

ENTRY OF APPEARANCE

Kindly enter my appearance on behalf of Airport Limousine Service, Inc., t/d/b/a Airport Limousine Service and Embassy Coach in regard to the above-captioned matter.

Respectfully submitted,

MALONE, LARCHUK & MIDDLEMAN, P.C.

By: 
Ray F. Middleman, Esquire
Attorneys for Protestant
Airport Limousine Service, Inc., t/d/b/a
Airport Limousine Service and Embassy Coach

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CERTIFICATE OF SERVICE

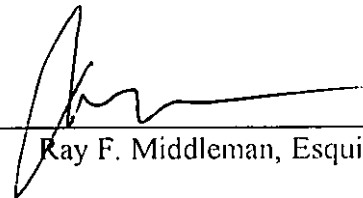
I hereby certify that a true and correct copy of the foregoing Entry of Appearance was served upon the following by first class, United States Mail, postage pre-paid this 30th day of August, 2002 addressed as follows:

Brad N. Sommer, Esquire
1801 Lawyers Building
428 Forbes Avenue
Pittsburgh, PA 15219-1603

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AUG 30 2002

PA PUBLIC UTILITY COMMISSION
SECRETARY'S BUREAU



Ray F. Middleman, Esquire

BEFORE THE PENNSYLVANIA
PUBLIC UTILITY COMMISSION

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AUG 30 2002

PA PUBLIC UTILITY COMMISSION
SECRETARY'S BUREAU
No. A-00119028

IN RE: Application of City Lights, LLC

DOCKETED
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PROTEST OF AIRPORT LIMOUSINE SERVICE, INC.

t/d/b/a AIRPORT LIMOUSINE SERVICE AND EMBASSY COACH

1. Protestant's name, address and telephone number is Airport Limousine Service, Inc., t/d/b/a Airport Limousine Service and Embassy Coach, 36 South Sixth Street, Pittsburgh, Pennsylvania 15203; telephone number (412) 381-4600.

2. The name, address and telephone number of Protestant's counsel are Ray F. Middleman, Esquire, Malone, Larchuk & Middleman, P.C., Northridge Office Plaza, 117 VIP Drive, Suite 310, Wexford, Pennsylvania 15090, (412) 934-6888.

3. The Applicant seeks certain authority published in the Pennsylvania Bulletin on August 10, 2002, as follows:

To transport, as a common carrier, persons in limousine service, (1) between points in Allegheny County, and from points in said county, to points in Pennsylvania, and return; (2) between points in the Counties of Beaver, Butler, Fayette, Lawrence, Mercer, Washington and Westmoreland, and from points in said counties, to points in Pennsylvania, and return.

4. Protestant is presently authorized to transport, as a common carrier, persons in limousine service from points in the county of Allegheny, to other points in Pennsylvania, and return. (See Docket No. A-00112577, F.5); and well as to transport, as a common carrier, persons in limousine service (1) between points in the counties of Beaver, Butler, Fayette, Washington and Westmoreland, and from points in said counties, to points in Allegheny County, and vice versa; (2) from points in Allegheny County to points in the counties of Armstrong, Indiana and Somerset, and return; (3) from points in the counties of Armstrong, Indiana and Somerset, to points in Allegheny County, and return; and (4) from points in the

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TRANSPORTATION

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counties of Allegheny and Westmoreland to other points in Pennsylvania, and return. See Docket No. A-00112577, F.5, Am-A).

5. Protestant's interest in the subject matter application is that it is presently engaged in the transportation of persons in limousine service in Allegheny County and other areas which may be sought for operation by the pending Application.

6. Upon information and belief, it is averred that Applicant has no meaningful safety program for the training of its drivers and, therefore, cannot operate safely and reliably.

7. Upon information and belief, it is averred that Applicant is underinsured, and therefore, fiscally unfit to undertake such service.

8. Upon information and belief, it is averred that Applicant has other financial shortcomings, which make it fiscally unfit to undertake such a service, including, but not limited to: (a) undercapitalization; (b) lack of a business plan; (c) failure to make provision for replacement parts and vehicles; and (d) failure to keep proper cash reserves.

9. Upon information and belief, it is averred that Applicant has no proper and meaningful program of vehicle inspection and maintenance.

10. Upon information and belief, it is averred that Applicant does not have sufficient funds to maintain its vehicles or business operations for the benefit of the public.

11. Applicant does not have appropriate personnel to conduct its business operations.

12. Upon information and belief it is averred that Applicant is fiscally unfit to undertake such service.

13. Upon information and belief it is averred that Applicant may otherwise be unfit to undertake such service.

14. The granting of the aforesaid Application will cause unrestrained and destructive competition.

15. There is no restrictive amendment, which would result in the withdrawal of this Protest.

WHEREFORE, the Application of City Lights, LLC should be denied.

Respectfully submitted,

MALONE, LARCHUK & MIDDLEMAN, P.C.

By: 

Ray F. Middleman, Esquire

Attorneys for Protestants

Airport Limousine Service, Inc., t/d/b/a

Airport Limousine Service and Embassy Coach

PENNSYLVANIA
PUBLIC UTILITY COMMISSION
Harrisburg, PA 17105-3265

Public Meeting held May 8, 1997

Commissioners Present:

John M. Quain, Chairman
Robert K. Bloom, Vice Chairman
John Hanger
David W. Rolka
Nora Mead Brownell

Application of Airport Limousine Service, Inc., t/d/b/a Airport Limousine Service and Embassy Coach, for the transfer of all of the operating right of Riemer's Limousine, Inc., under the certificate of public convenience issued at A-00106562, subject to the same limitations and conditions.

A-00112577
F. 5

EXTRA COPY

Pillar, Mulroy & Ferber by John A. Pillar for the applicant.
Carlota M. Bohm, Esquire for transferor.

O R D E R

BY THE COMMISSION:

This matter comes before the Commission on an application filed November 12, 1996. Public notice of the application was given in the Pennsylvania Bulletin of March 22, 1997. The unopposed application is certified to the Commission for its decision without oral hearing.

The application for transfer was brought about by transferor filing for bankruptcy protection in the United States District Court for the Western District of Pennsylvania. A Court Order attached to the application directs an order for the sale of transferor's (Riemer's Limousine, Inc.) P.U.C. operating rights to Airport Limousine Service, Inc., t/d/b/a Airport Limousine Service and Embassy Coach (transferee, applicant or Airport Limo). The majority stockholder of Airport Limo is the sole stockholder of The Yellow Cab Company of Pittsburgh.

Applicant currently operates pursuant to P.U.C. authority transporting persons in limousine, call or demand and also has a persons' broker's license and the right to transport

property. The vehicles operated by the applicant include 16 vehicles; some are buses and vans. It also operates six Cadillac Devilles and one Lincoln limousine which are late models. A comprehensive safety and maintenance program is in effect.

Applicant was granted emergency temporary authority to operate transferor's right at Public Meeting of March 13, 1997. A temporary authority application was received February 27, 1997, and concurrently published with the permanent application in the Pennsylvania Bulletin of March 22, 1997. No protests were filed to the temporary authority. The temporary authority application shall be dismissed as moot.

The unaudited balance sheet of the applicant as of September 30, 1996 shows total current assets of \$120,236.97, total assets of \$406,675.92, total liabilities of \$509,518.12 and a total stockholder's equity of \$(97,657.40).

The total consideration for the rights is \$20,000.

A review of the record before us indicates that the applicant possesses the requisite experience and equipment to provide the proposed service.

The authority to be transferred has been operated by the transferor, therefore, it is presumed that there is a continuing need, which may be overcome only by evidence to the contrary. In re: Byerly, 440 Pa. 521 (1970); Hostetter v. Pa. P.U.C., 160 Super. Ct. 94 (1947). Since the record is void of any such evidence, this presumption of continuing public need applies in this transfer proceeding.

We find:

1. The applicant is willing and able to provide the service proposed.

2. Transfer of the authority is in the public interest and is necessary for the continued accommodation and convenience of the public; THEREFORE,

IT IS ORDERED: That the transfer application be and is hereby approved and that a certificate be issued granting the following right:

To transport, as a common carrier, persons, in limousine service, from points in the county of Allegheny, to other points in Pennsylvania, and return.

subject to the following general conditions:

1. That the operating authority granted herein, or now held, or subsequently granted to the applicant to the extent that it is duplicative, shall not be construed as conferring more than one operating right.
2. That the approval hereby given is not to be understood as committing the Commission, in any proceedings that may be brought before it for any purpose, to fix a valuation on the property and/or rights to be acquired by applicant from the present certificate holder equal to the consideration to be paid therefor, or equal to any value that may be placed thereon by applicant, or to approve or prescribe rates sufficient to yield a return thereon.
3. That the applicant record in its Utility Account 1321 - Franchises, the actual cost of such rights recorded by the original holder thereof.
4. That the applicant charge to Account 1341 - Other Intangible Property, any amount of the consideration paid for the rights and going concern value attributable thereto in excess of the amounts recorded under condition(s) 3 above.
5. That the certificate holder shall not transfer, sell or in any way convey any of its outstanding capital stock to any individual, partnership, corporation or any other entity, without the prior filing of an application and approval thereof by the Commission under Section 1102(a)(3) of Title 66, PA C.S.A.

IT IS FURTHER ORDERED: That the applicant shall not engage in any transportation granted in this application until the following is submitted to the Commission:

1. Form E evidence of Bodily Injury and Property Damage Liability Insurance.
2. A tariff establishing just and reasonable rates.

IT IS FURTHER ORDERED: That upon compliance with the requirements above set forth, a certificate issue evidencing the Commission's approval of the right to operate as above-determined.

IT IS FURTHER ORDERED: That in the event said applicant has not, on or before sixty (60) days from the date of the service of this order, complied with the requirements hereinbefore set forth, the application shall be dismissed without further proceedings.

IT IS FURTHER ORDERED: That the temporary authority application be dismissed as moot.

IT IS FURTHER ORDERED: That upon compliance with this order, the rights granted the transferor, Riemer's Limousine, Inc. at A-00106562, be cancelled and the record be marked "CLOSED".

BY THE COMMISSION,



John G. Alford
Secretary

(SEAL)

ORDER ADOPTED: May 8, 1997

ORDER ENTERED: MAY 13 1997

**PENNSYLVANIA
PUBLIC UTILITY COMMISSION
Harrisburg, PA 17105-3265**

Public Meeting held January 12, 2000

Commissioners Present:

John M. Quain, Chairman
Robert K. Bloom, Vice-Chairman
Nora Mead Brownell
Aaron Wilson, Jr.
Terrance J. Fitzpatrick

Application of Airport Limousine Service, Inc., t/d/b/a Embassy Coach, for the transfer of all of the operating right(s) of Carriage Limousine Services, Inc., under the certificate issued at A-00108361, F. 1, F. 1, Am-A and F. 1, Am-B, subject to the same limitations and conditions.

A-00112577
F. 5, Am-A

Malone, Larchuk & Middleman, P.C. by Ray F. Middleman for the applicant.
Vuono & Gray, L.L.C. by William A. Gray for protestants, Personal Touch Limousine, Inc. and Absolute Limousine Service, Inc.

ORDER

BY THE COMMISSION:

This matter comes before the Commission on an application filed July 29, 1999. Public notice of the application was given in the Pennsylvania Bulletin of September 11, 1999. The application was protested by Personal Touch Limousine, Inc. and Absolute Limousine Service, Inc. Both protests were withdrawn upon reconsideration without restrictive amendment. The now unopposed application is certified to the Commission for its decision without oral hearing.

Applicant currently operates pursuant to a grant of emergency temporary authority (ETA). An application for temporary authority (TA) was filed concurrently with the ETA on September 13, 1999, and published in the Pennsylvania Bulletin of October 16, 1999. A single protest was filed to the TA by Personal Touch Limousine, Inc. The protest was withdrawn upon

reconsideration without restrictive amendment. As the protest for the temporary authority was withdrawn, the temporary authority will be dismissed as moot.

The total consideration for the right(s) and other assets, including real estate and equipment is \$86,150. The right(s) have been assigned a value of \$45,000.

A review of the record before us indicates that the applicant possesses the requisite experience, equipment and financial capacity to provide the proposed service.

The authority to be transferred has been operated by the transferor, therefore, it is presumed that there is a continuing need, which may be overcome only by evidence to the contrary. In re: Byerly, 440 Pa. 521 (1970); Hostetter v. Pa. P.U.C., 160 Super. Ct. 94 (1947). Since the record is void of any such evidence, this presumption of continuing public need applies in this transfer proceeding.

We find:

1. The applicant is fit, willing and able to provide the service proposed.
2. Transfer of the authority is in the public interest and is necessary for the continued accommodation and convenience of the public; **THEREFORE,**

IT IS ORDERED: That the transfer application be and is hereby approved and that the certificate issued on September 18, 1997, be amended to include the following rights:

To transport, as a common carrier, persons in limousine service:

- (1) between points in the counties of Beaver, Butler, Fayette, Washington and Westmoreland, and from points in said counties, to points in Allegheny County, and vice versa;
- (2) from points in Allegheny County to points in the counties of Armstrong, Indiana and Somerset, and return;
- (3) from points in the counties of Armstrong, Indiana and Somerset, to points in Allegheny County, and return; and
- (4) from points in the counties of Allegheny and Westmoreland to other points in Pennsylvania, and return;

subject to the following general conditions:

1. That the operating authority granted herein, or now held, or subsequently granted to the applicant to the extent that it is duplicative, shall not be construed as conferring more than one operating right.
2. That the approval hereby given is not to be understood as committing the Commission, in any proceedings that may be brought before it for any purpose, to fix a valuation on the property and/or right(s) to be acquired by applicant from the present certificate holder equal to the consideration to be paid therefor, or equal to any value that may be placed thereon by applicant, or to approve or prescribe rates sufficient to yield a return thereon.
3. That the applicant record in its Utility Account 1321 - Franchises, the actual cost of such right(s) recorded by the original holder thereof.
4. That the utility accounts of the transferee shall reflect the same book values for all utility property acquired as shown in the records of the transferor at the effective date of the transfer, any previously recorded depreciation having been deleted therefrom.
5. That the applicant charge to Account 1341 - Other Intangible Property, any amount of the consideration paid for the right(s) and going concern value attributable thereto in excess of the amounts recorded under condition(s) 2 and 3 above.
6. That the certificate holder shall not transfer, sell or in any way convey any of its outstanding capital stock to any individual, partnership, corporation or any other entity, without the prior filing of an application and approval thereof by the Commission under Section 1102(a)(3) of Title 66, PA C.S.A.

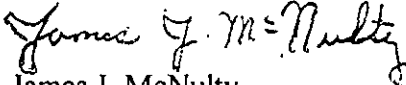
IT IS FURTHER ORDERED: That the applicant shall not engage in any transportation granted in this application until the following is submitted to the Commission:

1. A tariff establishing just and reasonable rates.
2. 1999 assessment of the transferor due in the amount of \$2,125.00.

IT IS FURTHER ORDERED: That in the event said applicant has not, on or before sixty (60) days from the date of the service of this order, complied with the requirements hereinbefore set forth, the application shall be dismissed without further proceedings.

IT IS FURTHER ORDERED: That upon compliance with this order, the right(s) granted the transferor, Carriage Limousine Services, Inc. at A-00108361, F. 1, F. 1, Am-A and F. 1, Am-B be canceled and the record be marked "CLOSED". Transferor holds no other active authority.

BY THE COMMISSION,


James J. McNulty
Secretary

(SEAL)

ORDER ADOPTED: January 12, 2000

ORDER ENTERED: JAN 13 2000

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing Protest of Airport Limousine Service, Inc., t/d/b/a Embassy Coach, was served upon counsel of record this 30th day of August, 2002 addressed as follows:

Brad N. Sommer, Esquire
1801 Lawyers Building
428 Forbes Avenue
Pittsburgh, PA 15219-1603
(via First Class mail)

RECEIVED

AUG 30 2002

PA PUBLIC UTILITY COMMISSION
SECRETARY'S BUREAU


Ray F. Middleman, Esquire

Vogue limousines

508 Route 30E
724-864-8533

Irwin, PA 15642
724-850-8767

August 31, 2002

RE: Docket No. A-00119028
City Lights, LLC

RECEIVED

AUG 31 2002

PA PUBLIC UTILITY COMMISSION
SECRETARY'S BUREAU

Mr. James J. McNulty, Secretary
PA Public Utility Commission
North Office Building
P.O. Box 3265
Harrisburg, PA 17105

Dear Mr. McNulty:

Enclosed for filing with the Commission is the signed original protest to the above application.

Please list protestant on record for the purpose of receiving copies of all notices and orders issued in this proceeding.

Thank you.

Respectfully,



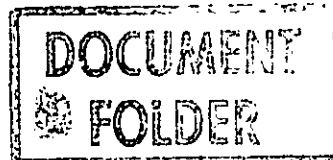
Terry J. Kovach
Vogue Limousines

2002 SEP 10 AM 2:53

TRACED

RECEIVED

CERTIFIED MAIL



Before the
PENNSYLVANIA PUBLIC UTILITY COMMISSION

DOCKET NO. A-00119028
CITY LIGHTS, LLC

PROTEST OF
TERRY J. KOVACH T/D/B/A VOGUE LIMOUSINES


DOCKETED
AUG 31 2002
TZ

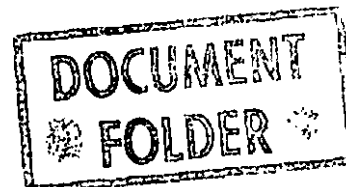
The motor carrier shown on Appendix A hereof (herein called protestant) protests the above application, and in support thereof respectfully represents as follows:

1. By this application, notice of which has been published in the Pennsylvania Bulletin, applicant seeks authority as set forth in Appendix A
2. Protestant holds authority from this Commission at Docket No. A-00111323, F.1, Am-A, which is in conflict with this application and the relevant portion of the authority upon which it's protest is predicated is attached to the protest in Appendix B.
3. Approval of this application is neither necessary nor proper for the service, accommodation, safety or convenience of the public since:
 - (a) protestant presently holds authority to provide service in the area affected by the application,
 - (b) protestant and other existing carriers are providing more than adequate service to the public in the areas involved in the application,
 - (c) there is no need for the service proposed by applicant and approval of the application will result in the diversion from existing carriers of revenue necessary to sustain their existing operations, and
 - (d) approval of the application will adversely affect protestant and other existing carriers which have a substantial investment in facilities and equipment and are will and able to provide service in the application area.
4. There is no restrictive amendment, which would result in the withdrawal of this protest.

WHEREFORE, the Application of Maybelline Limousine, Inc. should be denied.

Respectfully submitted,


Terry J. Kovach
PROTESTANT
T/d/b/a Vogue Limousines
508 Route 30E.
Irwin, PA 15642
724-864-8535



2002 SEP 10 AM 2:53
FRANCIS...
SAFETY

APPENDIX A

Docket No. A-00119028
City lights, LLC
443 Kathleen Street
Pittsburgh, Allegheny County, PA 15211

By application published in the Pennsylvania Bulletin of August 10, 2002,
applicant seeks authority of operate:

--- persons in limousine service, (1) between points in Allegheny County
and from points in said county, to points in Pennsylvania, and return; (2) between
points in the Counties of Beaver, Butler, Fayette, Lawrence, Mercer, Washington,
and Westmoreland, and from points in said counties, to points in Pennsylvania,
and return.

2002 SEP 10 AM 2:53

INTEREST OF PROTESTANT

Terry J. Kovach, t/d/b/a Vogue Limousines, 508 Route 30E. Irwin, PA 15642,
holds authority at Docket No. A-00111323, F. 1, Am-A. A copy of the relevant
operation authority is attached hereto. As relevant to this application, Vogue
Limousines can provide service in the area that the applicant is seeking.

Before the
PENNSYLVANIA PUBLIC UTILITY COMMISSION

DOCKET NO. A-00119028
CITY LIGHTS, LLC

CERTIFICATE OF SERVICE

This is to certify that on the 31st day of August 2002, a copy of the enclosed
Protest has been served to the applicant as shown in the PA. Bulletin Notice by
Certified Mail.


Terry J. Kovach

APPENDIX B

PENNSYLVANIA
PUBLIC UTILITY COMMISSION
Harrisburg, PA 17105-3265

Public Meeting held January 12, 2000

Commissioners Present:

John M. Quain, Chairman
Robert K. Bloom, Vice-Chairman
Nora Mead Brownell
Aaron Wilson, Jr.
Terrance J. Fitzpatrick

Application of Terry J. Kovach, t/d/b/a Vogue Limousines, for amendment to his common carrier certificate, which grants the right, to transport by motor vehicle, persons, in limousine service, between points in the county of Westmoreland, and from points in the county of Westmoreland, to points in the counties of Allegheny, Somerset, and Washington, and return; subject to the following conditions: (a) that no right, power or privilege is granted to transport persons attending funerals or to provide service for funeral homes; and (b) that no right, power or privilege is granted to provide service between points in Allegheny County: SO AS TO PERMIT the transportation of persons in limousine service:
(1) between points in the counties of Butler, Bedford, Westmoreland, Beaver, Armstrong, Cambria, Somerset, Fayette, Greene, Indiana, Lawrence and Washington, and from points in said counties, to points in Pennsylvania, and return; and; (2) from points in the county of Allegheny, to points in Pennsylvania, and return.

A-00111323
F. 1
Am-A

Pillar, Mulroy & Ferber by John A. Pillar for the applicant.
Malone, Larchuk & Middleman, P.C. by Ray F. Middleman for protestant, Airport Limousine Service, Inc., t/d/b/a Embassy Coach.
Vuono & Gray, LLC by William A. Gray for protestants, Kirk Livery, Inc.; Cranberry Limousine Services, Inc.; Donald W. Lemon and Joseph T. Berg, t/d/b/a Berg's Limousine Service.

Gregory C. Hook for Mary Lewis.
John Barlammas for Javy Enterprises.

This matter comes before the Commission on an application filed March 22, 1999. Public notice of the application was given in the Pennsylvania Bulletin of April 24, 1999. Seven (7) protests were filed by the following: Airport Limousine Service, Inc., t/d/b/a Embassy Coach, Kirk Livery, Inc.; Cranberry Limousine Services, Inc.; Donald W. Lemon; Joseph T. Berg, t/d/b/a Berg's Limousine Service; Mary Lewis and Javy Enterprises.

All protests were withdrawn upon restrictive amendment as follows:

To transport, as a common carrier, persons in limousine service:

- (1) between points in the counties of Bedford, Westmoreland, Beaver, Armstrong, Cambria, Somerset, Fayette, Indiana, and Washington, and from points in said counties, to points in Pennsylvania, and return; and;
- (2) from points in the county of Allegheny, to points in Pennsylvania, and return;

with rights numbered 1 and 2 immediately above subject to the following conditions:

- (a) That no right, power or privilege is granted to provide service in a sedan or in any vehicle with a seating capacity of less than four (4) passengers, including the driver.
- (b) That no right, power or privilege is granted to provide service from points in the county of Allegheny, to points in the county of Butler.

West Mayfield, all located in Beaver County, and from points in said territory, to points in Pennsylvania.

Applicant is currently certificated to provide limousine service and group and party service in vehicles seating 16 to 28 passengers, including the driver. Twenty (20) verified statements in support were presented.

The now unopposed application, as amended, is certified to the Commission for its decision without oral hearing.

After complete review of the record, we find:

1. Applicant seeks to amend its limousine authority.
2. The application was protested by seven (7) carriers and all protests were withdrawn upon restrictive amendment, as set forth supra.
3. The application is supported by twenty (20) statements.
4. The applicant has the equipment, ability and fitness necessary to render the service, as amended.
5. The evidence of record is sufficient to establish necessity for the service, as amended.
6. Approval of the application, as amended, is necessary for the accommodation and convenience of the public; **THEREFORE,**

IT IS ORDERED: That the certificate issued on May 3, 1995, be amended, to include the following rights:

To transport, as a common carrier, persons in limousine service:

- (1) between points in the counties of Bedford, Westmoreland, Beaver, Armstrong, Cambria, Somerset, Fayette, Indiana, and Washington, and from points in said counties, to points in Pennsylvania, and return; and
- (2) from points in the county of Allegheny, to points in Pennsylvania, and return;

with rights 1 and 2 subject to the following conditions:

- (a) That no right, power or privilege is granted to provide service in a sedan or in any vehicle with a seating capacity of less than four (4) passengers, including the driver.
- (b) That no right, power or privilege is granted to provide service from points in the county of Allegheny, to points in the county of Butler.
- (c) That no right, power or privilege is granted to provide service for persons attending funerals or for funeral homes in connection with funeral services.
- (d) That no right, power or privilege is granted to provide service between points in the townships of Darlington, Big Beaver, North Sewickley and Franklin, the city of Beaver Falls, and the boroughs of Darlington, New Galilee, Koppel, Homewood and West Mayfield, all located in Beaver County, and from points in said territory, to points in Pennsylvania.

IT IS FURTHER ORDERED: That the applicant shall not engage in any transportation authorized by this order until the following is submitted to the Commission:

1. A tariff establishing just and reasonable rates.

IT IS FURTHER ORDERED: That the authority granted herein to the extent that it duplicates authority now held by or subsequently granted to the applicant, shall not be construed as conferring more than one operating right.

IT IS FURTHER ORDERED: That in the event said applicant has not, on or before sixty (60) days from the date of the service of this order, complied with the requirements hereinbefore set forth, the application shall be dismissed without further proceedings.

BY THE COMMISSION,

James J. McNulty


James J. McNulty

Secretary

(SEAL)

ORDER ADOPTED: January 12, 2000

ORDER ENTERED: JAN 13 2000


**LAW OFFICES OF
JOHN A. PILLAR**
680 WASHINGTON ROAD
SUITE B101
PITTSBURGH, PENNSYLVANIA 15228

John A. Pillar
Karen S. Timko

(412) 343-0970
FAX (412) 343-0971
pillarlaw@stargate.net

September 3, 2002

Re: City Lights, LLC
Docket A-00119028

RECEIVED

Hon. James J. McNulty, Secretary
Pennsylvania Public Utility Commission
P. O. Box 3265
Harrisburg, PA 17105-3265

SEP 03 2002

PA PUBLIC UTILITY COMMISSION
SECRETARY'S BUREAU

Dear Mr. McNulty:

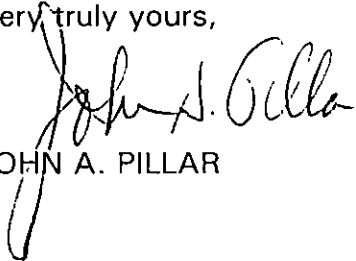
Enclosed is a protest filed on behalf of the following to the above-captioned application:

Gold Cross Limousine of Pa., Inc.

A copy of this protest has been served on applicant's representative named below in accordance with the Commission's Rules of Practice.

Please acknowledge receipt of the enclosures on the duplicate of this letter of transmittal and return it in the stamped, self-addressed envelope provided.

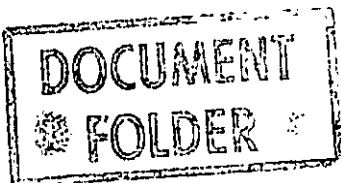
Very truly yours,


JOHN A. PILLAR

sw
Enclosure
cc: Brad N. Sommer, Esq. (w/encl.)

SEP 03 2002 11:46 AM
SECRETARY'S BUREAU

U. S. POSTAL SERVICE CERTIFICATE OF MAILING ENCLOSED



9/3/02
137

RECEIVED

SEP 03 2002

Before the
PENNSYLVANIA PUBLIC UTILITY COMMISSION
PUBLIC UTILITY COMMISSION
SECRETARY'S BUREAU

In re: Application of)
CITY LIGHTS, LLC) Docket No. A-00119028
)
)

PROTEST

In accordance with the Rules of Practice of the Pennsylvania Public Utility Commission, the carrier(s) named herein desire(s) to protest the above application and, in support thereof, state(s) as follows:

1. A copy of the application as published in the Pennsylvania Bulletin attached hereto as Appendix "A".
2. The name and address of the protestant(s) are set forth in Appendix "B" hereto.
3. The name, address and telephone number of protestant(s)' attorney:

JOHN A. PILLAR, ESQ.
680 Washington Road
Suite B101
Pittsburgh, PA 15228
(412) 343-0970

DOCKETED

SEP 03 2002
R

4. Protestant(s) hold(s) authority in conflict with this application as summarized in Appendix "B" attached hereto. A true and correct copy of the pertinent portions of authority held by protestant(s), or a summary thereof, is attached hereto as Appendix "C".

RECEIVED
TRANSPORTATION SECURITY
2002 SEP 10 AM 8:45

DOCUMENT
FOLDER

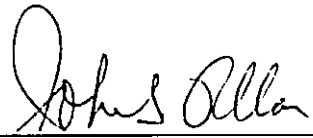
5. Protestant(s) is/are presently providing service in the application area and/or is/are willing and able to provide such service. To the extent of protestant(s) authority, there is no need or demand for additional service and the proposed service is not necessary or proper for the service, accommodation, convenience or safety of the public. Protestant(s) reserve the right to present evidence of destructive competition and/or adverse impact which would be contrary to the public interest depending on the nature and scope of the evidence presented by Applicant.

6. Protestant(s) hereby request(s) that the application be set for oral hearing. If an oral hearing is held, protestant(s) represent(s) that it/they will appear and present evidence pertinent to the application.

7. Pursuant to Section 333(c) of the Public Utility Code (66 Pa. C.S.A. Sec. 333(c)), protestant(s) hereby request(s) a list of the witnesses expected to testify in the above entitled proceeding, together with the subject matter of their anticipated testimony, and complaints, if any, or other evidence pertaining to the service of the protestant(s).

8. If a restrictive amendment will satisfy the interest(s) of protestant(s), a proposed amendment is attached hereto as Appendix "D".

Respectfully submitted,



JOHN A. PILLAR
Attorney for Protestant

Due Date: September 3, 2002

APPENDIX "A"

A-00119028. City Lights, LLC (443 Kathleen Street, Pittsburgh, Allegheny County, PA 15211)—persons in limousine service, (1) between points in Allegheny County, and from points in said county, to points in Pennsylvania, and return; (2) between points in the Counties of Beaver, Butler, Fayette, Lawrence, Mercer, Washington and Westmoreland, and from points in said counties, to points in Pennsylvania, and return. *Attorney:* Brad N. Sommer, 1801 Lawyers Building, 428 Forbes Avenue, Pittsburgh, PA 15219-1603.

PENNSYLVANIA BULLETIN

August 10, 2002

APPENDIX "B"

**Re: CITY LIGHTS, LLC
Docket A-00119028**

The foregoing protest to the above application is filed on behalf of:

GOLD CROSS LIMOUSINE OF PA., INC.

26 Sexton Street
Struthers, OH 44471

Gold Cross Limousine of Pa., Inc. holds authority from this Commission at Docket No. A-00107205. As pertinent to the application involved herein, Gold Cross Limousine is authorized to transport persons, in limousine service, between points in Mercer County, and from points in Mercer County to points in Pennsylvania, and return. Gold Cross Limousine also holds authority, at F.1-Am-B, to transport persons, in limousine service, between points in Lawrence County, and from points in Lawrence County to points in Pennsylvania, and return. The authority of Gold Cross Limousine of Pa., Inc. is attached hereto as Appendix "C".

**PENNSYLVANIA
PUBLIC UTILITY COMMISSION
Harrisburg, PA 17105-3265**

Public Meeting held June 5, 1997

Commissioners Present:

John M. Quain, Chairman
Robert K. Bloom, Vice-Chairman
John Hanger
David W. Rolka
Nora Mead Brownell

Application of Gold Cross Limousine of Pa., Inc., a corporation of the State of Ohio, for amendment to its common carrier certificate, which grants the right, to transport, by motor vehicle, persons, in limousine service, between points in the county of Mercer, and from points in said county to points in Pennsylvania, and return; subject to the following conditions: (1) That no right, power or privilege is granted to provide service to points in the borough of Monaca, Beaver County, (2) That no right, power or privilege is granted to transport employees of Consolidated Rail Corporation for said Corporation, from points in Mercer County, and (3) That no right, power or privilege is granted to render service from points in Mercer County that are located within an airline distance of twenty-five (25) statute miles of the limits of the borough of Slippery Rock, Butler County, to the Greater Pittsburgh International Airport in Allegheny County: SO AS TO PERMIT the elimination of the third restrictive condition which reads as follows: That no right, power or privilege is granted to render service from points in Mercer County that are located within an airline distance of twenty-five (25) statute miles of the limits of the borough of Slippery Rock, Butler County, to the Greater Pittsburgh International Airport in Allegheny County.

A-00107205

F. 1

Am-A

Pillar, Mulroy and Ferber by John A. Pillar for the applicant.

O R D E R

BY THE COMMISSION:

This matter comes before the Commission on an application filed February 7, 1997. Public notice of the application was given in the Pennsylvania Bulletin of February 22, 1997. No protests were filed and no hearings were held. The unprotested application is certified to the Commission for its decision without oral hearing. The record consists of verified statements entered by the applicant and four (4) supporting parties.

DISCUSSION AND FINDINGS

R. Grant Williams, general manager of Gold Cross Limousine of Pa., Inc. (applicant or Gold Cross) has been employed by the applicant for 11 years and is familiar with the day-to-day operations of the applicant, and is authorized to present the verified statement of the applicant.

Applicant holds authority from this Commission to transport persons in limousine and paratransit service. Applicant also holds authority from the Federal Highway Administration as a common carrier of passengers in charter and special operations. Gold Cross is not affiliated with any other carrier and no dual operations or duplication of rights will result from the grant of the instant application.

Gold Cross maintains facilities at 3625 East State Street, Hermitage, Mercer County. This facility has the capability of housing four limousines, has washing facilities and garage facilities and is a showroom area for parking of approximately eight to 10 cars. In addition, applicant has facilities located at 26 Sexton Street, Struthers, Ohio which is the main office used by the applicant. There are garage facilities for the remainder of the vehicles which include washing facilities. All phone calls are routed through this office and phones are answered 24 hours a day. Dispatching lines for the limousines are done at this facility. Applicant currently operates utilizing nine limousines and two Dodge Caravans. All vehicles are equipped with cellular phones with access for the drivers and also the clients. Contact for the drivers through the central dispatch is 24 hours per day. A comprehensive safety and maintenance program is in effect.

The unaudited balance sheet of the applicant as of August 31, 1996 shows total current assets of \$170,391, total assets of \$533,157, total current liabilities of \$111,460 and total liabilities of \$274,759 and stockholders' equity of \$146,938. The statement of operations shows total sales of \$654,085, less total operating expenses of \$659,010 resulting in a net loss from operations of \$(40,925).

David J. Krozier, treasurer of Sharon Tube Co. located at 134 Mill Street, Sharon, Mercer County, requires limousine service several times per year for its board members. Transportation would be between its plant located in Sharon and downtown Sharon. The service as requested here does not fall within the scope of the application presented by the removal of the restrictive conditioning and therefore, this support is without merit.

Carolyn Zigo of T & B-Reznor, domiciled at 150 McKinley Avenue, Mercer, Mercer County, makes this statement on behalf of visitors from out of the country (Mexico, Germany, United Kingdom and Belgium) that do not like to rent a car and drive to the facility in Mercer. The supporting party further states that an employee of the supporting party would have to leave his position and run back and forth, presumably to and from the airport. The type of service proposed here would require the applicant to possess vice versa service. Since it does not, pick up of customers at the (airport) is outside applicant's operating scope. The supporting party states that the points of origin would be Mercer and Hermitage, Mercer County. If these are the points of origin, applicant would be able to render the service from these points to the Greater Pittsburgh International Airport in Allegheny County.

Cluck U. Jones, general manager of Rural Metro Ambulance located at 318 McDowell Street, Grove City, Mercer County, supports the transportation of company executives to and from the airport from the supporting party locations in Grove City and Hermitage. Part of the proposed transportation here from the airport, presumably in Pittsburgh, would require applicant to possess vice versa authority. The pick-up of customers at the airport is outside the scope of the applicant's territory. The service proposed with the points of origin from Grove City and Hermitage, Mercer County to the Greater Pittsburgh International Airport in Allegheny County would be within the scope of the proposed application.

Vicki Micsky, travel consultant of Plaza Travel located at 2429 East State Street, Hermitage, Mercer County, states that the supporting party is getting requests from older citizens for transportation to the Pittsburgh Airport. She states that clients would be picked up from their residence or at the office of Plaza Travel. It also appears that Vicki Micsky also supports the application on her own behalf. She usually drives or has a friend take her to and from the airport, but she would prefer to leave her car at home. If the supporting parties require return service to their residences or businesses from the airport upon their return trip, applicant would require vice versa authority. Applicant only possesses "return" authority, which does not include the right to then pick up a client after taking them to the airport and several days, or a week later, return them to their residence or business. This is not anticipated by applicant's grant of limousine service and is outside the scope of its authority.

We find:

1. Applicant seeks to amend its common carrier limousine service to remove the restriction at No. 3.

2. Four (4) supporting parties have presented verified statements.

3. Some of the requested service is vice versa service not permitted by applicant's authority; some of the service is within the proposed application; and one of the statements shows support for between points in Sharon, Mercer County which is be without merit.

4. The three supporting parties presented minimal need for the service.

5. Approval of the application is necessary for the accommodation and convenience of the public; THEREFORE,

IT IS ORDERED: That the application be and is hereby approved, and that the certificate issued on October 27, 1987, be amended so that the right contained in the order adopted September 17, 1987 and entered September 28, 1987 shall now read as follows:

To transport, as a common carrier, persons, in limousine service, between points in the county of Mercer, and from points in said county to points in Pennsylvania, and return;

subject to the following conditions:

- (1) That no right, power or privilege is granted to provide service to points in the borough of Monaca, Beaver County.
- (2) That no right, power or privilege is granted to transport employees of Consolidated Rail Corporation for said Corporation, from points in Mercer County.

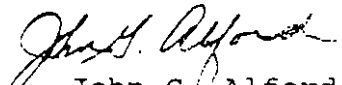
IT IS FURTHER ORDERED: That the applicant shall not engage in any transportation in this application until the following is submitted to the Commission:

1. A tariff establishing just and reasonable rates.

IT IS FURTHER ORDERED: That the authority granted herein to the extent that it duplicates authority now held by or subsequently granted to the applicant, shall not be construed as conferring more than one operating right.

IT IS FURTHER ORDERED: That in the event said applicant has not, on or before sixty (60) days from the date of the service of this order, complied with the requirements hereinbefore set forth, the application shall be dismissed without further proceedings.

BY THE COMMISSION,


John G. Alford
Secretary

(SEAL)

ORDER ADOPTED: June 5, 1997

ORDER ENTERED: JUN - 9 1997

PENNSYLVANIA
PUBLIC UTILITY COMMISSION
Harrisburg, PA 17105-3265

Application of Gold
Cross Limousine of Pa, Inc.

A-00107205,
F-1, Am-B (Amended)

F I N A L O R D E R

In accordance with the provisions of Section 332(h) of the Public Utility Code, 66 Pa. C.S. §332(h), the decision of Administrative Law Judge Fred R. Nene dated March 18, 1999, has become final without further Commission action; THEREFORE,

IT IS ORDERED:

1. That the Application of Gold Cross Limousine of Pa. Inc., docketed with the Pennsylvania Public Utility Commission at No. A-00107205, F-1, Am-B (Amended), be and is hereby approved and that the certificate issued to Applicant at Docket No. A-00107205, entered September 19, 1990, be amended to include the following rights:

To transport persons, in limousine service, between points in the County of Lawrence, and from points in said county, to other points in Pennsylvania, and return.

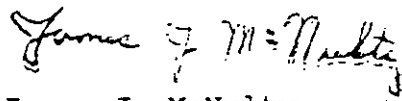
2. That the Applicant shall not engage in any transportation granted herein until it shall have paid all outstanding Public Utility Commission assessments and/or fines due.

3. That the Applicant shall not engage in any transportation granted herein until it shall have complied with the regulations of the Public Utility Commission and the rules and regulations of this Commission relative to the filing and acceptance of a tariff establishing just and reasonable rates.

4. That the authority granted herein, to the extent that it duplicates authority now held by or subsequently granted to the carrier, shall not be construed as conferring more than one operating right.

5. That in the event said Applicant has not on or before 60 days from the date of service of this Order, complied with the requirements set forth above, application shall be dismissed without further proceedings.

BY THE COMMISSION,



James J. McNulty
Secretary

(SEAL)

ORDER ENTERED: MAY 05 1999

APPENDIX "D"

**Re: City Lights, LLC
Docket A-00119028**

Protestant, Gold Cross Limousine of Pa., Inc., will consider withdrawing its opposition to the within application if the application is amended to exclude Mercer and Lawrence Counties.

ANDRACKI LAW OFFICES, P.L.L.C.

A PROFESSIONAL LIMITED LIABILITY COMPANY

BRAD N. SOMMER
Attorney at Law
(Admitted in PA & WV)

ATTORNEYS AT LAW
SERVING PENNSYLVANIA, OHIO AND WEST VIRGINIA

1801 Lawyers Building
428 Forbes Avenue
Pittsburgh, PA 15219-1603

T - 412-281-3330
F - 412-281-2922

Writer's email:
BNS@AndrackiLaw.com

WWW.ANDRACKILAW.COM

September 20, 2002

James J. McNulty, Secretary
Pennsylvania Public Utility Commission
P.O. Box 3265
Harrisburg, PA 17105-3265

RECEIVED

RE: CITY LIGHTS, L.L.C.
No. A-00119028

SEP 20 2002

PA PUBLIC UTILITY COMMISSION
SECRETARY'S BUREAU

Dear Mr. McNulty:

Enclosed for filing, please find the following relative to the Application of City Lights, L.L.C.:

1. Reply to Protest of Star Limousine, et. al.;
2. Reply to Protest of Vogue Limousines;
3. Reply to Protest of Gold Cross Limousine;
4. Reply to Protest of Airport Limousine, et. al.; and
5. Motion for Partial Dismissal of Protest of Airport Limousine, et. al.

I ask that you please time/date stamp the extra cover sheets, and return the same to my attention in the enclosed, self-addressed, stamped envelope.

With a copy of this letter, a true and correct copy of all filings has been served on all counsel of record.

Your consideration is appreciated.

Very truly yours,


BRAD N. SOMMER

BNS/dmw
Enclosures



77

cc: William A. Gray, Esquire
Ray F. Middleman, Esquire
Terry J. Kovach
John A. Pillar, Esquire

RECEIVED

SEP 20 2002

PA PUBLIC UTILITY COMMISSION
SECRETARY'S BUREAU

BEFORE THE PENNSYLVANIA PUBLIC UTILITY COMMISSION

CITY LIGHTS, L. L. C.

No. A-00119028

Applicant

REPLY TO PROTEST

v.

Filed on Behalf of:
Plaintiff, CITY LIGHTS, L. L. C.

STAR LIMOUSINE SERVICE, INC., KIRK
LIVERY, INC., SNOW WHITE DOVE
LIMOUSINE, INC., SYSTEM OF SERVICES,
INC, t/d/b/a FANTASY LIMO LEASING, AND
RED ROSE LIMOUSINE SERVICE, INC.,

Counsel of Record for this Party:

RICHARD F. ANDRACKI, ESQUIRE
Pa. I.D. #16301

BRAD N. SOMMER, ESQUIRE
PA. I.D. #87312

Protestants

ANDRACKI LAW OFFICES, P.L.L.C.
1801 Lawyers Building
428 Forbes Avenue
Pittsburgh, PA 15219
(412) 281-3330

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DOCKETED
SEP 20 2002

RE

**DOCUMENT
FOLDER**

BEFORE THE PENNSYLVANIA PUBLIC UTILITY COMMISSION

CITY LIGHTS, L. L. C.

No. A-00119028

Applicant

v.

STAR LIMOUSINE SERVICE, INC.,
KIRK LIVERY, INC., SNOW WHITE
DOVE LIMOUSINE, INC., SYSTEM
OF SERVICES, INC, t/d/b/a FANTASY
LIMO LEASING, AND RED ROSE
LIMOUSINE SERVICE, INC.,

Protestants

REPLY TO PROTEST

AND NOW, comes applicant, CITY LIGHTS, L. L. C. through its attorneys and hereby files this Reply to Protest under 52 Pa.Code §5.101(a)(2):

1. Paragraph 1 of STAR LIMOUSINE SERVICE, INC., KIRK LIVERY, INC., SNOW WHITE DOVE LIMOUSINE, INC., SYSTEM OF SERVICES, INC, t/d/b/a FANTASY LIMO LEASING, AND RED ROSE LIMOUSINE SERVICE, INC., is admitted.

2. Paragraph 2 of STAR LIMOUSINE SERVICE, INC., KIRK LIVERY, INC., SNOW WHITE DOVE LIMOUSINE, INC., SYSTEM OF SERVICES, INC, t/d/b/a FANTASY LIMO LEASING, AND RED ROSE LIMOUSINE SERVICE, INC., is admitted.

3. Paragraph 3 of STAR LIMOUSINE SERVICE, INC., KIRK LIVERY, INC., SNOW WHITE DOVE LIMOUSINE, INC., SYSTEM OF SERVICES, INC, t/d/b/a FANTASY LIMO LEASING, AND RED ROSE LIMOUSINE SERVICE, INC.,

is denied. Applicant's services will not result in destructive competition and/or adverse impact on Protestants or the public. To the contrary, Applicants services are proper for the service of the public, and are in fact needed in the requested counties. Applicant is prepared to produce witnesses to establish the necessity of its services in said protested counties at a Hearing to be scheduled by this Commission

4. Paragraph 4 of STAR LIMOUSINE SERVICE, INC., KIRK LIVERY, INC., SNOW WHITE DOVE LIMOUSINE, INC., SYSTEM OF SERVICES, INC, t/d/b/a FANTASY LIMO LEASING, AND RED ROSE LIMOUSINE SERVICE, INC., is admitted.

WHEREFORE, the application of CITY LIGHTS, L.L.C. should be admitted.

Respectfully submitted,



RICHARD F. ANDRACKI, ESQUIRE



BRAD N. SOMMER, ESQUIRE

(Counsel for Applicant City Lights, L.L.C.)

ANDRACKI LAW OFFICES, P.L.L.C.
1801 Lawyers Building
428 Forbes Avenue
Pittsburgh, PA 15219
Telephone No. (412) 281-3330
Fax No. (412) 281-2922

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and correct copy of the foregoing **REPLY TO PROTEST** was served on counsel of record by first-class U.S. mail, postage prepaid, this 20th day of September, 2002 as follows:

WILLIAM A. GRAY
VUONO & GRAY, L.L.C.
2310 GRANT BUILDING
PITTSBURGH, PA 15219-2383
(COUNSEL FOR PROTESTANTS)



RICHARD F. ANDRACKI, ESQUIRE



BRAD N. SOMMER, ESQUIRE

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SEP 20 2002

PA PUBLIC UTILITY COMMISSION
SECRETARY'S BUREAU

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PA PUBLIC UTILITY COMMISSION
SECRETARY'S BUREAU

BEFORE THE PENNSYLVANIA PUBLIC UTILITY COMMISSION

CITY LIGHTS, L. L. C.

Applicant

v.

VOGUE LIMOUSINES

Protestant

No. A-00119028

REPLY TO PROTEST

Filed on Behalf of:
Plaintiff, CITY LIGHTS, L. L. C.

Counsel of Record for this Party:

RICHARD F. ANDRACKI, ESQUIRE
Pa. I.D. #16301

BRAD N. SOMMER, ESQUIRE
PA. I.D. #87312

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Pittsburgh, PA 15219
(412) 281-3330

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SEP 20 2002

BEFORE THE PENNSYLVANIA PUBLIC UTILITY COMMISSION

CITY LIGHTS, L. L. C.

No. A-00119028

Applicant

v.

VOGUE LIMOUSINES

Protestant

REPLY TO PROTEST

AND NOW, comes applicant, CITY LIGHTS, L. L. C. through its attorneys and hereby files this Reply to Protest under 52 Pa.Code §5.101(a)(2):

1. Paragraph 1 of VOGUE LIMOUSINES' Protest is admitted.
2. Paragraph 2 of VOGUE LIMOUSINES' Protest is admitted.
3. Paragraphs 3, 3(a) – (d) of VOGUE LIMOUSINES' Protest are denied.

Applicant's services will not result in destructive competition and/or adverse impact on VOGUE LIMOUSINES. To the contrary, Applicants services are in fact needed in the requested counties, and Applicant is prepared to produce witnesses to establish the necessity of its services in said protested counties at a Hearing to be scheduled by this Commission.

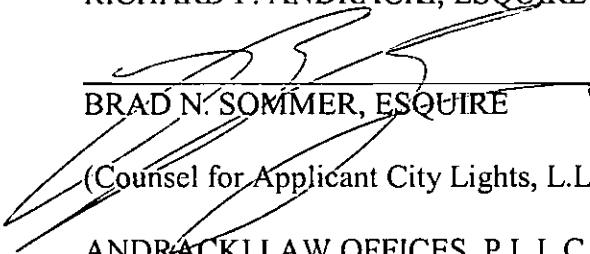
4. Paragraph 1 of VOGUE LIMOUSINES's Protest is admitted.

WHEREFORE, the application of CITY LIGHTS, L.L.C. should be admitted.

Respectfully submitted,



RICHARD F. ANDRACKI, ESQUIRE



BRAD N. SOMMER, ESQUIRE

(Counsel for Applicant City Lights, L.L.C.)

ANDRACKI LAW OFFICES, P.L.L.C.

1801 Lawyers Building

428 Forbes Avenue

Pittsburgh, PA 15219

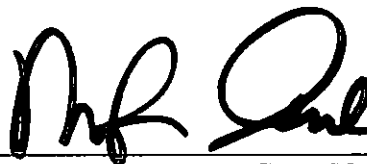
Telephone No. (412) 281-3330

Fax No. (412) 281-2922

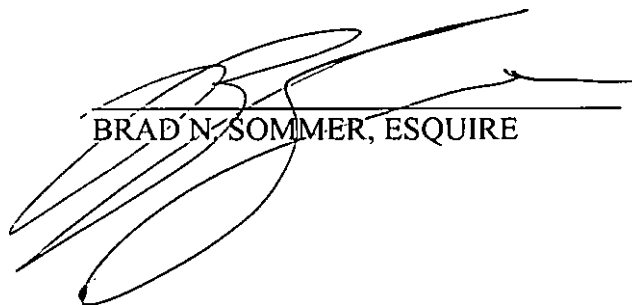
CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and correct copy of the foregoing **REPLY TO PROTEST** was served on counsel of record by first-class U.S. mail, postage prepaid, this 20th day of September, 2002 as follows:

TERRY J. KOVACH
VOGUE LIMOUSINES
508 ROUTE 30E
IRWIN, PA 15642



RICHARD F. ANDRACKI, ESQUIRE



BRAD N. SOMMER, ESQUIRE

RECEIVED

SEP 20 2002

PA PUBLIC UTILITY COMMISSION
SECRETARY'S BUREAU

BEFORE THE PENNSYLVANIA PUBLIC UTILITY COMMISSION

CITY LIGHTS, L. L. C.

No. A-00119028

Applicant

REPLY TO PROTEST

v.

Filed on Behalf of:
Plaintiff, CITY LIGHTS, L. L. C.

AIRPORT LIMOUSINE
SERVICES, INC AND
EMBASSY COACH

Counsel of Record for this Party:

RICHARD F. ANDRACKI, ESQUIRE
Pa. I.D. #16301

Protestant

BRAD N. SOMMER, ESQUIRE
PA. I.D. #87312

ANDRACKI LAW OFFICES, P.L.L.C.
1801 Lawyers Building
428 Forbes Avenue
Pittsburgh, PA 15219
(412) 281-3330

DOCKETED
SEP 20 2002

**DOCUMENT
FOLDER**

RE

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BEFORE THE PENNSYLVANIA PUBLIC UTILITY COMMISSION

CITY LIGHTS, L. L. C.

No. A-00119028

Applicant

v.

AIRPORT LIMOUSINE
SERVICES, INC AND
EMBASSY COACH

Protestant

REPLY TO PROTEST

AND NOW, comes applicant, CITY LIGHTS, L. L. C. through its attorneys and hereby files this Reply to Protest under 52 Pa.Code §5.101(a)(2):

1. Paragraph 1 of AIRPORT LIMOUSINE SERVICES, INC AND EMBASSY COACH 's protest is admitted.
2. Paragraph 2 of AIRPORT LIMOUSINE SERVICES, INC AND EMBASSY COACH 's protest is admitted.
3. Paragraph 3 of AIRPORT LIMOUSINE SERVICES, INC AND EMBASSY COACH 's protest is admitted.
4. Paragraph 4 of AIRPORT LIMOUSINE SERVICES, INC AND EMBASSY COACH 's protest is admitted.
5. Paragraph 5 of AIRPORT LIMOUSINE SERVICES, INC AND EMBASSY COACH 's protest is admitted.

6. Paragraph 6 of AIRPORT LIMOUSINE SERVICES, INC AND EMBASSY COACH 's protest is denied. To the contrary, Applicant has a meaningful safety program as required by the Public Utility Commission, and further, has already provided the Public Utility Commission evidence of the same.

7. Paragraph 7 of AIRPORT LIMOUSINE SERVICES, INC AND EMBASSY COACH 's protest is denied. To the contrary, Applicant has the required insurance coverage as provided by the Public Utility Commission requirements, and further, has already provided the Public Utility Commission evidence of the same.

8. Paragraph 8 of AIRPORT LIMOUSINE SERVICES, INC AND EMBASSY COACH 's protest is denied. To the contrary, Applicant has meets the fiscal requirements of the Public Utility Commission, and further, has already provided the Public Utility Commission evidence of the same.

9. Paragraph 9 of AIRPORT LIMOUSINE SERVICES, INC AND EMBASSY COACH 's protest is denied. To the contrary, Applicant has a proper and meaningful vehicle maintenance and inspection program as required by the Public Utility Commission, and further, has already provided the Public Utility Commission evidence of the same.

10. Paragraph 10 of AIRPORT LIMOUSINE SERVICES, INC AND EMBASSY COACH 's protest is denied. To the contrary, Applicant has meets the fiscal requirements of the Public Utility Commission, and further, has already provided the Public Utility Commission evidence of the same.

11. Paragraph 11 of AIRPORT LIMOUSINE SERVICES, INC AND EMBASSY COACH 's protest is denied. To the contrary, Applicant has appropriate personnel to conduct its business operations per the requirements of the Public Utility Commission, and further, has already provided the Public Utility Commission evidence of the same.

12. Paragraph 12 of AIRPORT LIMOUSINE SERVICES, INC AND EMBASSY COACH 's protest is denied. To the contrary, Applicant has meets the fiscal requirements of the Public Utility Commission, and further, has already provided the Public Utility Commission evidence of the same.

13. Paragraph 13 of AIRPORT LIMOUSINE SERVICES, INC AND EMBASSY COACH 's protest is denied. To the contrary, Applicant has meets the fitness requirements of the Public Utility Commission, and further, has already provided the Public Utility Commission evidence of the same.

14. Paragraph 14 of AIRPORT LIMOUSINE SERVICES, INC AND EMBASSY COACH 's protest is denied. Applicant's services will not result in unrestrained destructive competition and/or adverse impact on of AIRPORT LIMOUSINE SERVICES, INC AND EMBASSY COACH's To the contrary, Applicants services are in fact needed in the requested counties, and Applicant is prepared to produce witnesses to establish the necessity of its services in said protested counties at a Hearing to be scheduled by this Commission.

15. Paragraph 15 of AIRPORT LIMOUSINE SERVICES, INC AND EMBASSY
COACH's protest is admitted.

WHEREFORE, the application of CITY LIGHTS, L.L.C. should be admitted.

Respectfully submitted,



RICHARD F. ANDRACKI, ESQUIRE



BRAD N. SOMMER, ESQUIRE

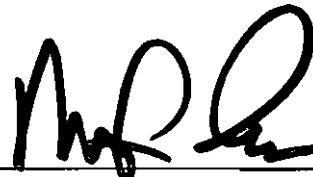
(Counsel for Applicant City Lights, L.L.C.)

ANDRACKI LAW OFFICES, P.L.L.C.
1801 Lawyers Building
428 Forbes Avenue
Pittsburgh, PA 15219
Telephone No. (412) 281-3330
Fax No. (412) 281-2922

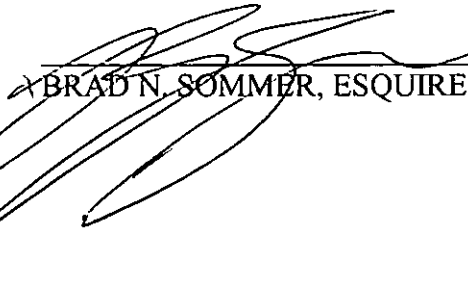
CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and correct copy of the foregoing **REPLY TO PROTEST** was served on counsel of record by first-class U.S. mail, postage prepaid, this 20TH day of September, 2002 as follows:

RAY F. MIDDLEMAN
MALONE, LARCHUK & MIDDLEMAN, P.C.
NORTHRIDGE OFFICE PLAZA
117 VIP DRIVE, STE 310
WEXFORD, PA 15090
(COUNSEL FOR AIRPORT LIMOUSINE SERVICES, INC
AND EMBASSY COACH)



RICHARD F. ANDRACKI, ESQUIRE



BRAD N. SOMMER, ESQUIRE

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SEP 20 2002

PA PUBLIC UTILITY COMMISSION
SECRETARY'S BUREAU

BEFORE THE PENNSYLVANIA PUBLIC UTILITY COMMISSION

CITY LIGHTS, L. L. C.

No. A-00119028

Applicant

REPLY TO PROTEST

v.

Filed on Behalf of:
Plaintiff, CITY LIGHTS, L. L. C.

GOLD CROSS LIMOUSINE OF PA. , INC

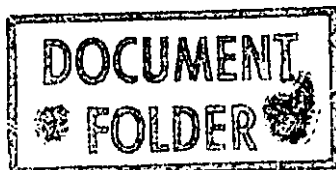
Counsel of Record for this Party:

Protestant

RICHARD F. ANDRACKI, ESQUIRE
PA. I.D. #16301

BRAD N. SOMMER, ESQUIRE
PA. I.D. #87312

ANDRACKI LAW OFFICES, P.L.L.C.
1801 Lawyers Building
428 Forbes Avenue
Pittsburgh, PA 15219
(412) 281-3330



DOCKETED
SEP 20 2002

A handwritten signature in dark ink, appearing to be the initials "TE" or similar, written in a cursive style.

BEFORE THE PENNSYLVANIA PUBLIC UTILITY COMMISSION

CITY LIGHTS, L. L. C.

No. A-00119028

Applicant

v.

GOLD CROSS LIMOUSINE OF PA. , INC

Protestant

REPLY TO PROTEST

AND NOW, comes applicant, CITY LIGHTS, L. L. C. through its attorneys and hereby files this Reply to Protest under 52 Pa.Code §5.101(a)(2):

1. Paragraph 1 of GOLD CROSS LIMOUSINE OF PA, INC.'S protest is admitted.
2. Paragraph 2 of GOLD CROSS LIMOUSINE OF PA, INC.'S protest is admitted.
3. Paragraph 3 of GOLD CROSS LIMOUSINE OF PA, INC.' S protest is admitted.
4. Paragraph 4 of GOLD CROSS LIMOUSINE OF PA, INC.'S protest is admitted.
5. Paragraph 5 of GOLD CROSS LIMOUSINE OF PA, INC.'S protest is denied.

Applicant's services will not result in destructive competition and/or adverse impact on GOLD CROSS LIMOUSINE OF PA. , INC. To the contrary, Applicants services are in fact needed in the requested counties, and Applicant is prepared to produce witnesses to establish the necessity of its services in said protested counties at a Hearing to be scheduled by this Commission.

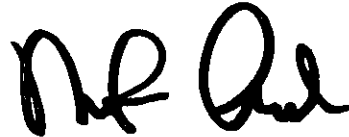
6. Paragraph 6 of GOLD CROSS LIMOUSINE OF PA, INC.' S protest is admitted.
7. Paragraph 7 of GOLD CROSS LIMOUSINE OF PA, INC.'S protest is admitted.

Applicant will provide a list of witnesses prior to the date of the oral hearing.

8. Paragraph 8 of GOLD CROSS LIMOUSINE OF PA, INC.'S protest is denied Applicant is unwilling to amend its application to exclude the counties of Lawrence and Mercer, since Applicant's services in said counties are a necessity. Accordingly, Applicant is prepared to produce witnesses to establish the necessity of its services in said protested counties at a Hearing to be scheduled by this Commission.

WHEREFORE, the application of CITY LIGHTS, L.L.C. should be admitted.

Respectfully submitted,



RICHARD F. ANDRACKI, ESQUIRE



BRAD N. SOMMER, ESQUIRE

(Counsel for Applicant City Lights, L.L.C.)

ANDRACKI LAW OFFICES, P.L.L.C.

1801 Lawyers Building

428 Forbes Avenue

Pittsburgh, PA 15219

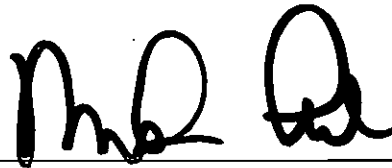
Telephone No. (412) 281-3330

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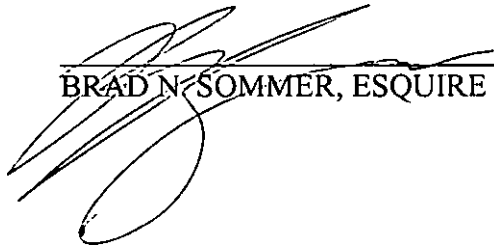
CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and correct copy of the foregoing
REPLY TO PROTEST was served on counsel of record by first-class U.S. mail,
postage prepaid, this 20TH day of September, as follows:

JOHN A. PILLAR, ESQUIRE
680 WASHINGTON ROAD
SUITE B101
PITTSBURGH, PA 15228
(COUNSEL FOR GOLD CROSS LIMOUSINE OF PA, INC)



RICHARD F. ANDRACKI, ESQUIRE



BRAD N. SOMMER, ESQUIRE

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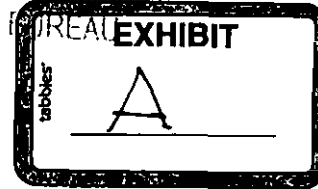
BEFORE THE PENNSYLVANIA
PUBLIC UTILITY COMMISSION

SEP 20 2002

PA PUBLIC UTILITY COMMISSION
SECRETARY'S OFFICE

IN RE: Application of City Lights, LLC

No. A-00119028



PROTEST OF AIRPORT LIMOUSINE SERVICE, INC.
t/d/b/a AIRPORT LIMOUSINE SERVICE AND EMBASSY COACH

1. Protestant's name, address and telephone number is Airport Limousine Service, Inc., t/d/b/a Airport Limousine Service and Embassy Coach, 36 South Sixth Street, Pittsburgh, Pennsylvania 15203; telephone number (412) 381-4600.
2. The name, address and telephone number of Protestant's counsel are Ray F. Middleman, Esquire, Malone, Larchuk & Middleman, P.C., Northridge Office Plaza, 117 VIP Drive, Suite 310, Wexford, Pennsylvania 15090, (412) 934-6888.
3. The Applicant seeks certain authority published in the Pennsylvania Bulletin on August 10, 2002, as follows:

To transport, as a common carrier, persons in limousine service, (1) between points in Allegheny County, and from points in said county, to points in Pennsylvania, and return; (2) between points in the Counties of Beaver, Butler, Fayette, Lawrence, Mercer, Washington and Westmoreland, and from points in said counties, to points in Pennsylvania, and return.
4. Protestant is presently authorized to transport, as a common carrier, persons in limousine service from points in the county of Allegheny, to other points in Pennsylvania, and return. (See Docket No. A-00112577, F.5); and well as to transport, as a common carrier, persons in limousine service (1) between points in the counties of Beaver, Butler, Fayette, Washington and Westmoreland, and from points in said counties, to points in Allegheny County, and vice versa; (2) from points in Allegheny County to points in the counties of Armstrong, Indiana and Somerset, and return; (3) from points in the counties of Armstrong, Indiana and Somerset, to points in Allegheny County, and return; and (4) from points in the

counties of Allegheny and Westmoreland to other points in Pennsylvania, and return. See Docket No. A-00112577, F.5, Am-A).

5. Protestant's interest in the subject matter application is that it is presently engaged in the transportation of persons in limousine service in Allegheny County and other areas which may be sought for operation by the pending Application.

6. Upon information and belief, it is averred that Applicant has no meaningful safety program for the training of its drivers and, therefore, cannot operate safely and reliably.

7. Upon information and belief, it is averred that Applicant is underinsured, and therefore, fiscally unfit to undertake such service.

8. Upon information and belief, it is averred that Applicant has other financial shortcomings, which make it fiscally unfit to undertake such a service, including, but not limited to: (a) undercapitalization; (b) lack of a business plan; (c) failure to make provision for replacement parts and vehicles; and (d) failure to keep proper cash reserves.

9. Upon information and belief, it is averred that Applicant has no proper and meaningful program of vehicle inspection and maintenance.

10. Upon information and belief, it is averred that Applicant does not have sufficient funds to maintain its vehicles or business operations for the benefit of the public.

11. Applicant does not have appropriate personnel to conduct its business operations.

12. Upon information and belief it is averred that Applicant is fiscally unfit to undertake such service.

13. Upon information and belief it is averred that Applicant may otherwise be unfit to undertake such service.

14. The granting of the aforesaid Application will cause unrestrained and destructive competition.

15. There is no restrictive amendment, which would result in the withdrawal of this Protest.

WHEREFORE, the Application of City Lights, LLC should be denied.

Respectfully submitted,

MALONE, LARCHUK & MIDDLEMAN, P.C.

By: 

Ray F. Middleman, Esquire
Attorneys for Protestant
Airport Limousine Service, Inc., t/d/b/a
Airport Limousine Service and Embassy Coach

PENNSYLVANIA
PUBLIC UTILITY COMMISSION
Harrisburg, PA 17105-3265

Public Meeting held May 8, 1997

Commissioners Present:

John M. Quain, Chairman
Robert K. Bloom, Vice Chairman
John Hanger
David W. Rolka
Nora Mead Brownell

Application of Airport Limousine Service, Inc., t/d/b/a Airport Limousine Service and Embassy Coach, for the transfer of all of the operating right of Riemer's Limousine, Inc., under the certificate of public convenience issued at A-00106562, subject to the same limitations and conditions.

A-00112577
F. 5

KJC

EXTRA COPY

Pillar, Mulroy & Ferber by John A. Pillar for the applicant.
Carlota M. Bohm, Esquire for transferor.

O R D E R

BY THE COMMISSION:

This matter comes before the Commission on an application filed November 12, 1996. Public notice of the application was given in the Pennsylvania Bulletin of March 22, 1997. The unopposed application is certified to the Commission for its decision without oral hearing.

The application for transfer was brought about by transferor filing for bankruptcy protection in the United States District Court for the Western District of Pennsylvania. A Court Order attached to the application directs an order for the sale of transferor's (Riemer's Limousine, Inc.) P.U.C. operating rights to Airport Limousine Service, Inc., t/d/b/a Airport Limousine Service and Embassy Coach (transferee, applicant or Airport Limo). The majority stockholder of Airport Limo is the sole stockholder of The Yellow Cab Company of Pittsburgh.

Applicant currently operates pursuant to P.U.C. authority transporting persons in limousine, call or demand and also has a persons' broker's license and the right to transport

subject to the following general conditions:

1. That the operating authority granted herein, or now held, or subsequently granted to the applicant to the extent that it is duplicative, shall not be construed as conferring more than one operating right.
2. That the approval hereby given is not to be understood as committing the Commission, in any proceedings that may be brought before it for any purpose, to fix a valuation on the property and/or rights to be acquired by applicant from the present certificate holder equal to the consideration to be paid therefor, or equal to any value that may be placed thereon by applicant, or to approve or prescribe rates sufficient to yield a return thereon.
3. That the applicant record in its Utility Account 1321 - Franchises, the actual cost of such rights recorded by the original holder thereof.
4. That the applicant charge to Account 1341 - Other Intangible Property, any amount of the consideration paid for the rights and going concern value attributable thereto in excess of the amounts recorded under condition(s) 3 above.
5. That the certificate holder shall not transfer, sell or in any way convey any of its outstanding capital stock to any individual, partnership, corporation or any other entity, without the prior filing of an application and approval thereof by the Commission under Section 1102(a)(3) of Title 66, PA C.S.A.

IT IS FURTHER ORDERED: That the applicant shall not engage in any transportation granted in this application until the following is submitted to the Commission:

1. Form E evidence of Bodily Injury and Property Damage Liability Insurance.
2. A tariff establishing just and reasonable rates.

**PENNSYLVANIA
PUBLIC UTILITY COMMISSION
Harrisburg, PA 17105-3265**

Public Meeting held January 12, 2000

Commissioners Present:

John M. Quain, Chairman
Robert K. Bloom, Vice-Chairman
Nora Mead Brownell
Aaron Wilson, Jr.
Terrance J. Fitzpatrick

Application of Airport Limousine Service, Inc., t/d/b/a Embassy Coach, for the transfer of all of the operating right(s) of Carriage Limousine Services, Inc., under the certificate issued at A-00108361, F. 1, F. 1, Am-A and F. 1, Am-B, subject to the same limitations and conditions.

A-00112577
F. 5, Am-A

Malone, Larchuk & Middleman, P.C. by Ray F. Middleman for the applicant.
Vuono & Gray, L.L.C. by William A. Gray for protestants, Personal Touch Limousine, Inc. and Absolute Limousine Service, Inc.

ORDER

BY THE COMMISSION:

This matter comes before the Commission on an application filed July 29, 1999. Public notice of the application was given in the Pennsylvania Bulletin of September 11, 1999. The application was protested by Personal Touch Limousine, Inc. and Absolute Limousine Service, Inc. Both protests were withdrawn upon reconsideration without restrictive amendment. The now unopposed application is certified to the Commission for its decision without oral hearing.

Applicant currently operates pursuant to a grant of emergency temporary authority (ETA). An application for temporary authority (TA) was filed concurrently with the ETA on September 13, 1999, and published in the Pennsylvania Bulletin of October 16, 1999. A single protest was filed to the TA by Personal Touch Limousine, Inc. The protest was withdrawn upon

1. That the operating authority granted herein, or now held, or subsequently granted to the applicant to the extent that it is duplicative, shall not be construed as conferring more than one operating right.
2. That the approval hereby given is not to be understood as committing the Commission, in any proceedings that may be brought before it for any purpose, to fix a valuation on the property and/or right(s) to be acquired by applicant from the present certificate holder equal to the consideration to be paid therefor, or equal to any value that may be placed thereon by applicant, or to approve or prescribe rates sufficient to yield a return thereon.
3. That the applicant record in its Utility Account 1321 - Franchises, the actual cost of such right(s) recorded by the original holder thereof.
4. That the utility accounts of the transferee shall reflect the same book values for all utility property acquired as shown in the records of the transferor at the effective date of the transfer, any previously recorded depreciation having been deleted therefrom.
5. That the applicant charge to Account 1341 - Other Intangible Property, any amount of the consideration paid for the right(s) and going concern value attributable thereto in excess of the amounts recorded under condition(s) 2 and 3 above.
6. That the certificate holder shall not transfer, sell or in any way convey any of its outstanding capital stock to any individual, partnership, corporation or any other entity, without the prior filing of an application and approval thereof by the Commission under Section 1102(a)(3) of Title 66, PA C.S.A.

IT IS FURTHER ORDERED: That the applicant shall not engage in any transportation granted in this application until the following is submitted to the Commission:

1. A tariff establishing just and reasonable rates.
2. 1999 assessment of the transferor due in the amount of \$2,125.00.

IT IS FURTHER ORDERED: That in the event said applicant has not, on or before sixty (60) days from the date of the service of this order, complied with the requirements hereinbefore set forth, the application shall be dismissed without further proceedings.

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing Protest of Airport Limousine Service, Inc., t/d/b/a Embassy Coach, was served upon counsel of record this 30th day of August, 2002 addressed as follows:

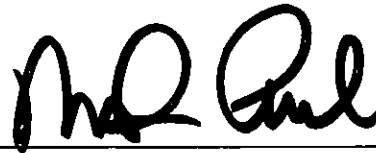
Brad N. Sommer, Esquire
1801 Lawyers Building
428 Forbes Avenue
Pittsburgh, PA 15219-1603
(via First Class mail)


Ray F. Middleman, Esquire

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and correct copy of the foregoing **MOTION FOR PARTIAL DISMISSAL** was served on counsel of record by first-class U.S. mail, postage prepaid, this 20TH day of September, 2002 as follows:

RAY F. MIDDLEMAN
MALONE, LARCHUK & MIDDLEMAN, P.C.
NORTHRIDGE OFFICE PLAZA
117 VIP DRIVE, STE 310
WEXFORD, PA 15090
(COUNSEL FOR AIRPORT LIMOUSINE SERVICES, INC
AND EMBASSY COACH)



RICHARD F. ANDRACKI, ESQUIRE



BRAD N. SOMMER, ESQUIRE

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SEP 20 2002

PA PUBLIC UTILITY COMMISSION
SECRETARY'S BUREAU

RECEIVED

SEP 20 2002

PA PUBLIC UTILITY COMMISSION
SECRETARY'S BUREAU

BEFORE THE PENNSYLVANIA PUBLIC UTILITY COMMISSION

CITY LIGHTS, L. L. C.

No. A-00119028

Applicant

**MOTION FOR PARTIAL
DISMISSAL**

v.

Filed on Behalf of:
Plaintiff, CITY LIGHTS, L. L. C.

AIRPORT LIMOUSINE
SERVICES, INC AND
EMBASSY COACH

Counsel of Record for this Party:

Protestants

RICHARD F. ANDRACKI, ESQUIRE
Pa. I.D. #16301

BRAD N. SOMMER, ESQUIRE
PA. I.D. #87312

ANDRACKI LAW OFFICES, P.L.L.C.
1801 Lawyers Building
428 Forbes Avenue
Pittsburgh, PA 15219
(412) 281-3330

SEP 24 2002

DOCUMENT
FOLDER

DOCKETED
SEP 20 2002

LE

BEFORE THE PENNSYLVANIA PUBLIC UTILITY COMMISSION

CITY LIGHTS, L. L. C.

No. A-00119028

Applicant

v.

AIRPORT LIMOUSINE
SERVICES, INC AND
EMBASSY COACH

Protestants

MOTION FOR PARTIAL DISMISSAL

AND NOW, comes applicant, CITY LIGHTS, L. L. C. through its attorneys and hereby files this Motion for Partial Dismissal under 52 Pa.Code §5.101(a)(2):


1. On August 30, 2002, AIRPORT LIMOUSINE SERVICES, INC AND EMBASSY COACH filed a protest to the application of CITY LIGHTS, L.L.C. (Attached hereto as exhibit A)
2. Paragraphs 6 through 13 of said Protest allege that CITY LIGHTS, L.L.C. is underinsured, is fiscally unfit, has an improper maintenance program, and does not have the appropriate personnel to conduct its business.
3. However, the protest authority provided in 52 Pa. Code 3.381 only permits a protest to stand which relates to the effect of the application of the protestant, i.e. destructive competition and/or adverse impact.

4. Moreover, Applicant has already provided to the Public Utility Commission evidence of its fitness in its original application, which included all items alleged in paragraphs 6-13 of AIRPORT LIMOUSINE SERVICES, INC AND EMBASSY COACH's protest.

5. Accordingly, Paragraphs 6-13 of AIRPORT LIMOUSINE SERVICES, INC AND EMBASSY COACH's protest should be dismissed with prejudice, leaving the remaining issue of destructive competition and/or adverse impact on Protestants' business for a Hearing to be scheduled by this Commission, at which time Applicant is prepared to produce witnesses to establish the necessity of its services in said protested counties.

WHEREFORE, Applicant respectfully requests that the PENNSYLVANIA PUBLIC UTILITY COMMISSION dismisses paragraphs 6-13 of AIRPORT LIMOUSINE SERVICES, INC AND EMBASSY COACH's protest.

Respectfully submitted,



RICHARD F. ANDRACKI, ESQUIRE



BRAD N. SOMMER, ESQUIRE

(Counsel for Applicant City Lights, L.L.C.)

ANDRACKI LAW OFFICES, P.L.L.C.
1801 Lawyers Building
428 Forbes Avenue
Pittsburgh, PA 15219
Telephone No. (412) 281-3330
Fax No. (412) 281-2922

I N T E R

O F F I C E

MEMO

October 7, 2002

Subject: Protested Motor Carrier Applications

To: Robert A. Christianson
Chief Administrative Law Judge

From: Tim Zeigler, Manager
Compliance Office

The following application(s) were advertised in the Pennsylvania Bulletin of 8/10/02 to be disposed of without hearing provided that no protests were filed on or before 9/3/02.

Since protests have been filed for approval of the application and the period of twenty-one (21) days for the filing of restrictive amendments has expired, it is necessary that the applications be set for hearing.

<u>Docket #</u>	<u>Carrier</u>
A-00119028	City Lights, LLC

cc: Document Folder
Bruce Bigelow

DOCUMENT
FOLDER

DOCKETED

OCT 07 2002

[Handwritten signature]

MALONE, LARCHUK & MIDDLEMAN, P.C.

ATTORNEYS AT LAW
NORTHRIDGE OFFICE PLAZA
117 VIP DRIVE, SUITE 310
WEXFORD, PENNSYLVANIA 15090

TEL. 724-934-6888 FAX. 724-934-6866
Writer's E-Mail Address: middleman@mlmpclaw.com

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BUREAU OF
TRANSPORTATION & SAFETY

2002 OCT 22 AM 9:01

JAMES F. MALONE, III
STEVEN B. LARCHUK
RAY F. MIDDLEMAN
JOHN E. NEDLIK
NORMAN A. COLIANE*
MICHAEL E. LANG*
DONNA W. BUCKISO
BRIAN SAMUEL MALKIN***
PAUL S. GUARNIERI
MICHAEL J. McSHEA
M. KATHLEEN CANTY
ALEXANDAR D. MALICH
LAURA W. HELBLING**

October 14, 2002

ROBERT F. WAGNER
SANFORD A. MIDDLEMAN
JOSEPH A. VERES
Of Counsel

STANLEY D. FERENCE III
Of Counsel - Patent Attorney

*Also Admitted in West Virginia
**Also Admitted in Ohio
***U.S. Patent Attorney

Mr. James McNulty, Secretary
Pennsylvania Public Utility Commission
P.O. Box 3265
Harrisburg, PA 17105-3265

RE: Application of City Lights, LLC
Docket No.: A-00119028
Our File No.: 1087/04410

DOCUMENT
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SECRETARY'S BUREAU

2002 OCT 17 AM 9:32

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Dear Secretary McNulty:

Enclosed for filing with your office please find Protestant's Reply to Motion for Partial Dismissal. Please date stamp the extra copy of the pleading and return it to our office in the envelope provided.

Thank you for your attention to this matter.

Very truly yours,


Ray F. Middleman

RFM/car
Enclosures

cc: Brad N. Sommer, Esq. (w/enc.)
William A. Gray, Esq. (w/enc.)
Terry J. Kovach (w/enc.)
John A. Pillar, Esq. (w/enc.)

8

BEFORE THE PENNSYLVANIA
PUBLIC UTILITY COMMISSION

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TRANSPORTATION & SAFETY

2002 OCT 22 AM 9:01
No. A-00119028

IN RE: Application of City Lights, LLC

REPLY TO MOTION FOR PARTIAL DISMISSAL

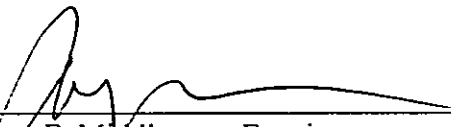
AND NOW, comes the Protestant, Airport Limousine Service, Inc., t/d/b/a Airport Limousine Service and Embassy Coach, by and through its Attorney, Ray F. Middleman, Malone, Larchuk & Middleman, P.C., and files the within Reply to Applicant's Motion for Partial Dismissal as follows:

1. Admitted.
2. Admitted
3. Denied. An Applicant has the burden to prove, under Section 41.14, that the application will serve a useful public purpose responsive to public demand or need, and that Applicant is financially fit.
4. Denied. Protestant is not aware of any evidence supplied to the Public Utility Commission and has not had an opportunity to review or cross-examine said evidence.
5. Denied. To the contrary, Applicant has the burden of proving that it is financially fit and Protestant has the right to cross-examine the Applicant on these issues.

WHEREFORE, Protestant respectfully requests that the Public Utility Commission deny Applicant's Motion for Partial Dismissal.

Respectfully submitted,

MALONE, LARCHUK & MIDDLEMAN, P.C.

By: 
Ray F. Middleman, Esquire
Attorneys for Protestant
Airport Limousine Service, Inc., t/d/b/a
Airport Limousine Service and Embassy Coach

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2002 OCT 17 AM 9:02
SECRETARY'S BUREAU
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* FOLDER

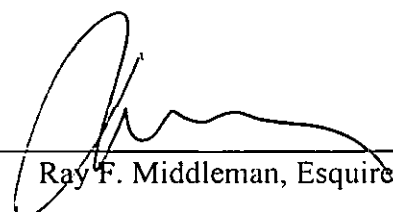
DOCKETED
OCT 17 2002



CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing Protest of Airport Limousine Service, Inc., t/d/b/a Embassy Coach, was served upon counsel of record this 14th day of Oct., 2002 addressed as follows:

Richard F. Andracki, Esquire
Brad N. Sommer, Esquire
ANDRACKI LAW OFFICES, P.L.L.C.
1801 Lawyers Building
428 Forbes Avenue
Pittsburgh, PA 15219-1603
(via First Class mail)


Ray F. Middleman, Esquire

2002 OCT 17 AM 9:32
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COMMONWEALTH OF PENNSYLVANIA
PENNSYLVANIA PUBLIC UTILITY COMMISSION

Office Of Administrative Law Judge
P.O. Box 3265, Harrisburg, PA 17105-3265

IN REPLY PLEASE
REFER TO OUR FILE

October 25, 2002

In Re: A-00119028

(See attached list)

Application of City Lights, LLC

For the right to begin to transport, by motor vehicle, persons in limousine service, (1) between points in Allegheny County, and from points in said county, to points in Pennsylvania, and return; (2) between points in the counties of Beaver, Butler, Fayette, Lawrence, Mercer, Washington, and Westmoreland, and from points in said counties, to points in Pennsylvania, and return.

Hearing Notice

This is to inform you that a hearing on the above-captioned case will be held as follows:

Type: Initial

Date: Monday, December 2, 2002

Time: 10:00 a.m.

Location: 11th floor hearing room
Pittsburgh State Office Building
300 Liberty Avenue
Pittsburgh, Pennsylvania

Presiding: Administrative Law Judge John H. Corbett, Jr.
1103 Pittsburgh State Office Building
300 Liberty Avenue
Pittsburgh, PA 15222
Telephone: (412) 565-3550
Fax: (412) 565-5692

Attention: You may lose the case if you do not come to this hearing and present facts on the issues raised.

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WCKETED
OCT 30 2002

If you intend to file exhibits, 2 copies all hearing exhibits to be presented into evidence must be submitted to the reporter. An additional copy must be furnished to the Presiding Officer. A copy must also be provided to each party of record.

Except for those individuals representing themselves, the Commission's rules require that all parties have an attorney; therefore, you should have an attorney of your choice file an entry of appearance before the scheduled hearing.

If you are a person with a disability, and you wish to attend the hearing, we may be able to make arrangements for your special needs. Please call the scheduling office at the Public Utility Commission:

- Scheduling Office: (717) 787-1399.
- AT&T Relay Service number for persons who are deaf or hearing-impaired: 1-800-654-5988.

pc: Judge Corbett
Steve Springer, Scheduling Officer
Beth Plantz
Docket Section
Calendar File