

PLEASE DOCKET

BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION

BTL

Janet L. Moore

v.

Capital City Cab Service, Inc.

Docket No. C-20030124

SECRETARY'S BUREAU

2003 JUL -7 AM 10:14

RECORDED

PREHEARING ORDER

On July 1, 2003, I was assigned to preside over this case. An initial hearing in this case is scheduled for September 16, 2003 at 1:00 p.m. at Hearing Room 5, Commonwealth Keystone Building, 400 North Street, Harrisburg, PA. Janet L. Moore need not be present in the hearing room; she will be contacted by telephone at (620) 221-9103. If Ms. Moore will be at a telephone number that is different than this one, she must notify me of that telephone number at least one week before the hearing.

The parties are directed to comply with the following requirements:

1. If you wish to offer into evidence at the hearing material in the form of documents (letters, bills, canceled checks and the like), you must bring with you the required number of copies (an original and two copies for the Commission, one copy for every other party in the case, and a copy for yourself). 52 Pa. Code §5.409. Additionally, Capital City Cab Service, Inc. must send one copy of any such documents to Ms. Moore one week before the hearing. If Ms. Moore wishes to offer such documents, she must send one copy to Capital City Cab Service, Inc. and three copies to me one week before the hearing.

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DOCKETED
JUL 17 2003

2. A request for a change of the scheduled hearing date must be submitted in writing no later than five (5) days prior to the hearing. 52 Pa. Code §1.15(b). Requests for changes of hearings must be sent to me and to all parties of record. The correct address is: Administrative Law Judge Michael C. Schnierle, Pennsylvania Public Utility Commission, P.O. Box 3265, Harrisburg, PA 17105-3265. Requests for a change of an initial hearing are granted only in rare situations where sufficient cause exists.

3. YOU MAY LOSE THIS CASE, IF YOU DO NOT TAKE PART IN THIS HEARING AND PRESENT EVIDENCE ON THE ISSUES RAISED.

4. Pursuant to 52 Pa. Code §§1.21 & 1.22, you may represent yourself, if you are an individual, or you may have an attorney represent you. However, if you are a partnership, corporation, trust, association or governmental agency or subdivision, you must have an attorney represent you in this proceeding. Unless you are an attorney, you may not represent someone else. It appears that Capital City Cab Service, Inc. is a corporation and is not now represented by an attorney. It must be represented by an attorney at the hearing.

5. The Complainant bears the burden of proof in this proceeding and must show by a preponderance of the evidence that the Respondent has violated the Public Utility Code or a regulation or an Order of this Commission so that the Complainant is entitled to the relief requested in the complaint.

6. If you intend to subpoena witnesses for the hearing, you should review the procedures established in 52 Pa. Code §5.421. You must submit your written application to me sufficiently in advance of the hearing date so the other parties will have the required ten (10) days' notice to answer or object, and so you will have enough time to receive the subpoena and serve it.

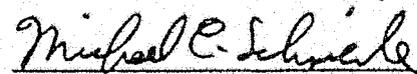
7. Any party may conduct discovery to learn the factual basis of another party's position in this case. However, 52 Pa. Code §5.331(b) provides, in relevant part, that "[a] participant shall endeavor to initiate discovery as early in the proceedings as reasonably possible."

Additionally, 52 Pa. Code §5.322 provides, in relevant part, that "participants are encouraged to exchange information on an informal basis." All parties are urged to cooperate in informal information exchanges and in conducting discovery. Cooperation is preferable to disagreements, which require my participation to resolve. There are limitations on discovery (52 Pa. Code §5.361) and sanctions for abuse of the discovery process (52 Pa. Code §§ 5.371 & 5.372).

8. Commission policy is to encourage settlements. 52 Pa. Code §5.231(a). Therefore, you are urged to discuss informally between yourselves the possible settlement of this case at least one week before the hearing. If you are unable to settle this case, you may still resolve as many questions or issues as possible during your informal discussion.

For your convenience, I am enclosing a copy of the Commission's service list as of this date.

Date: July 3, 2003



MICHAEL C. SCHNIERLE
Administrative Law Judge

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ORIGINAL

COMMONWEALTH OF PENNSYLVANIA
PENNSYLVANIA PUBLIC UTILITY COMMISSION

JANET L. MOORE

: IN RE: C-20030124

v.

CAPITAL CITY CAB SERVICE, INC.

: SERVICE DISPUTE

ENTRY OF APPEARANCE

DOCKETED

SEP 1 2003

TO: SECRETARY, PENNSYLVANIA PUBLIC UTILITY COMMISSION

Please enter my appearance for Capital City Cab Service, Inc., in this matter.

September 16, 2003

Peter B. Foster

Peter B. Foster, Esq.
Attorney for Capital City Cab
Service, Inc.

cc: Janet L. Moore

RECEIVED

RJP

SEP 16 2003

PA PUBLIC UTILITY COMMISSION
SECRETARY'S BUREAU

15

OALJ Hearing Report

Please Check Those Blocks Which Apply

Docket No.:	C-20030124		YES	NO
Case Name.:	Janet L. Moore v. Capital City Cab Service, Inc.	Prehearing Held:	<input type="checkbox"/>	<input checked="" type="checkbox"/>
		Hearing Held:	<input checked="" type="checkbox"/>	<input type="checkbox"/>
		Testimony Taken:	<input checked="" type="checkbox"/>	<input type="checkbox"/>
		Transcript Due:	<input checked="" type="checkbox"/>	<input type="checkbox"/>
		Hearing Concluded:	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Location:	HBG	Further Hearing Needed:	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Date:	September 16, 2003	Estimated Add'l Days:	1 day	
ALJ:	Michael C. Schnierle	RECORD CLOSED:	<input type="checkbox"/>	<input checked="" type="checkbox"/>
		DATE:		
Reporting Firm:	Sargents Court Reporting	Briefs to be Filed:	<input type="checkbox"/>	<input checked="" type="checkbox"/>
		DATE:		
		Bench Decision:	<input type="checkbox"/>	<input checked="" type="checkbox"/>
		REMARKS:	Sets in Nov or Dec, consistent with my schedule. Not on Friday or Monday.	

DOCUMENT FOLDER

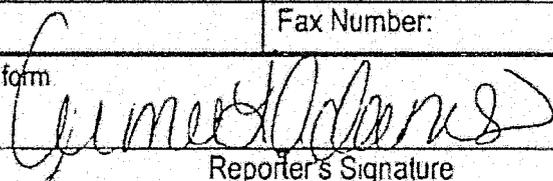
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 OFFICE OF C.A.L.
 03 SEP 29 AM 9:32
 PA PUC

PLEASE PRINT CLEARLY - Incomplete Information may result in delay of processing.

Name and Telephone Number	Address	Who are you representing?			
Peter B Foster	121 South St <table style="width: 100%; font-size: 0.8em;"> <tr> <td style="width: 33%;">City Harrisburg PA</td> <td style="width: 33%;">State PA</td> <td style="width: 33%;">Zip 17101</td> </tr> </table>	City Harrisburg PA	State PA	Zip 17101	Capital City Cab Service INC.
City Harrisburg PA	State PA	Zip 17101			
Telephone: 717 231-9321	E-mail Address:	Fax Number: 717 231-7830			
Janet L. Moore	1015 East Sixth St <table style="width: 100%; font-size: 0.8em;"> <tr> <td style="width: 33%;">City Windfield</td> <td style="width: 33%;">State KA</td> <td style="width: 33%;">Zip 67156</td> </tr> </table>	City Windfield	State KA	Zip 67156	Pro Se
City Windfield	State KA	Zip 67156			
Telephone: (620) 221-9103	E-mail Address:	Fax Number:			
Telephone:	E-mail Address:	Fax Number:			

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 2003 SEP 29 11:36
 SECRETARY'S BUREAU

Check this box if additional parties or attendees appear on back of form


 Reporter's Signature

Note: Completion of this form does not constitute an entry of appearance, see 52 Pa. Code §§1.24 and 1.25.



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

November 12, 2003

In Re: C-20030124

CAPITAL CITY CAB SERVICE INC
362 SOUTH FRONT STREET
STEELTON PA 17113

Janet L. Moore v. Capital City Cab Service, Inc.

Service dispute.

Hearing Notice

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

Type: Further Hearing
Date: Wednesday, December 10, 2003
Time: 10:00 a.m.
Location: Hearing Room 4
Plaza Level
Commonwealth Keystone Building
400 North Street
Harrisburg, Pennsylvania

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03 DEC -9 PM 1:28
F.A.P.U.C.
SECRETARY'S BUREAU

At the above date and time the presiding officer will contact the following party by telephone:

Janet L. Moore (620) 441-2153

Presiding: Administrative Law Judge Michael C. Schnierle
P.O. Box 3265
Harrisburg, PA 17105-3265
Telephone: (717) 783-5452
Fax: (717) 787-0481

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

If you intend to file exhibits, 2 copies of 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.

Individuals representing themselves do not need to be represented by an attorney. All others (corporation, partnership, association, trust or governmental agency or subdivision) must be represented by an attorney. An attorney representing you should file a Notice of Appearance before the scheduled hearing date.

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.

DALJ Hearing Report

Please Check Those Blocks Which Apply

Docket No.	C-20030124		YES	NO
		Prehearing Held:	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Case Name	Janet L Moore v Capital City Cab Service, Inc.	Hearing Held:	<input type="checkbox"/>	<input checked="" type="checkbox"/>
		Testimony Taken:	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
		Transcript Due:	<input checked="" type="checkbox"/>	<input type="checkbox"/>
		Hearing Concluded:	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Location:	HBG	Further Hearing Needed:	<input type="checkbox"/>	<input type="checkbox"/>
		Estimated Add'l Days:		
Date	November 12, 2003			
		RECORD CLOSED:	<input checked="" type="checkbox"/>	<input type="checkbox"/>
ALJ:	Michael C. Schnierle	DATE:	11/12/03	
		Briefs to be Filed:	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Reporting Firm:	Sargents Court Reporting	DATE:		
		Bench Decision:	<input type="checkbox"/>	<input checked="" type="checkbox"/>
		REMARKS:		

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NOV 19 2003

PA PUBLIC UTILITY COMMISSION
SECRETARY'S BUREAU

DOCUMENT FOLDER

PLEASE PRINT CLEARLY - Incomplete Information may result in delay of processing.

Name and Telephone Number	Address	Who are you representing?						
Janet L. Moore	1015 East Sixth St.	Pro Se						
	<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 33%; text-align: center;">City</td> <td style="width: 33%; text-align: center;">State</td> <td style="width: 33%; text-align: center;">Zip</td> </tr> <tr> <td style="text-align: center;">Winfield</td> <td style="text-align: center;">KA</td> <td style="text-align: center;">67156</td> </tr> </table>	City	State	Zip	Winfield	KA	67156	
City	State	Zip						
Winfield	KA	67156						
Telephone: (620) 221-9103	E-mail Address:	Fax Number:						
	<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 33%; text-align: center;">City</td> <td style="width: 33%; text-align: center;">State</td> <td style="width: 33%; text-align: center;">Zip</td> </tr> <tr> <td></td> <td></td> <td></td> </tr> </table>	City	State	Zip				
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Telephone:	E-mail Address:	Fax Number:						
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City	State	Zip						
Telephone:	E-mail Address:	Fax Number:						

Check this box if additional parties or attendees appear on back of form.

Reporter's Signature

Note: Completion of this form does not constitute an entry of appearance, see 52 Pa. Code §§1.24 and 1.25.



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

November 12, 2003

In Re: C-20030124

(See letter dated 07/01/2003)

Janet L. Moore v. Capital City Cab Service, Inc.

Service dispute.

Hearing Notice

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

Type: Further Hearing
Date: Wednesday, December 10, 2003
Time: 10:00 a.m.
Location: Hearing Room 4
Plaza Level
Commonwealth Keystone Building
400 North Street
Harrisburg, Pennsylvania

DOCUMENT
FOLDER

At the above date and time the presiding officer will contact the following party by telephone:

Janet L. Moore (620) 441-2153

Presiding: Administrative Law Judge Michael C. Schnierle
P.O. Box 3265
Harrisburg, PA 17105-3265
Telephone: (717) 783-5452
Fax: (717) 787-0481

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

If you intend to file exhibits, 2 copies of 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.

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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 Schnierle
Steve Springer, Scheduling Officer
Beth Plantz
Docket Section
Calendar File

COMMONWEALTH OF PENNSYLVANIA
PENNSYLVANIA PUBLIC COMMISSION

JANET L. MOORE,

v.

CAPITAL CITY CAB,
SERVICE, INC.

: In re:
: C-20030124
:
:
:
:
:

ORIGINAL

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RESPONDENT CAPITAL CITY CAB SERVICE
SERVICE, INC. PETITION FOR ACCESS TO AND
TO COPY ENFORCEMENT OFFICER KURT
KAUFFMAN'S INVESTIGATIVE REPORT

TO THE COMMISSIONERS OF THE PUBLIC UTILITY COMMISSIONERS:

AND NOW, this 21st day of November, 2003, comes Respondent Capital City Cab Service, Inc., by its attorney Peter B. Foster, Esquire, and requests permission for access to and to copy Kurt Kauffman's Investigate Report and, in support thereof, avers as follows:

1. Complainants Janet Moore and Leah McCombs filed a Complaint in this matter against Respondent with the P.U.C.
2. The essence of Complainant's Complaint is contained in the attached Memorandum from Complainant Leah McCombs marked Exhibit "A".
3. Following the filing of said Complaint with the P.U.C. Enforcement Officer Kurt Kauffman conducted an investigation of the Complaint and completed a report of his investigation which is on file with the Bureau of Transportation and Safety.
4. A hearing on the Complaint was held before Administrative Law Judge Michael C. Schnierle on September 16, 2003.

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ADMINISTRATIVE LAW JUDGE

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5. At said hearing the Complainants testified that they had contacted Enforcement Officer Kurt Kauffman and that he had told them that a number of complaints had been filed against Respondent, that employees of Respondent had been uncooperative relative to his investigation and that there was some basis to Complainants' Complaint.

6. A new hearing in this matter has been scheduled by Judge Schnierle for December 10, 2003

7. Respondent's President, Ayal Salam, has conducted an investigation of the matter since the first hearing and has determined that the taxicab identified by Complainants (A-38) was not in service on the date of the events in question.

8. Respondent intends to present a defense to the Complaint at the hearing scheduled for December 10, 2003 and desires to obtain a copy of Officer Kauffman's Investigative Report in order to refute the allegations by the Complainants.

9. In order to present a full defense at said hearing Respondent requires a copy of said Report.

10. Respondent has requested a copy of said Report from Director Michael E. Hoffman of the Bureau of Transportation and Safety but said request was denied.

11. Title 52 §1.74 of the Pennsylvania Code provides for a petition procedure with the Commissioners to gain access to such an investigative report which is not made public under the Rules of Administrative Practice and Procedure of the P.U.C.

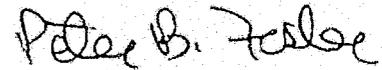
12. Due process requires that Respondent be permitted to obtain a copy of said Report

in order to present a defense to the allegations in the Complaint.

WHEREFORE, for all the foregoing reasons Respondent respectfully requests that the Commissioners order that Respondent be permitted access to and to copy Enforcement Officer Kurt Kauffman's Investigate Report in this matter.

Respectfully submitted,

November 21, 2003



Peter B. Foster
Attorney for Respondent
Pinsky & Foster
121 South St.
Harrisburg, PA 17101
(717) 234-9321

SECRETARY'S BUREAU
PA PUC

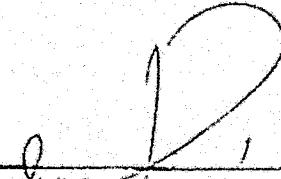
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VERIFICATION

I, Ayal Salam, hereby verify that the facts set forth in the foregoing Petition are true and correct to the best of my knowledge, information and belief and further state that false statements herein made are subject to the penalties of 18 Pa. C.S. Section 49045 relative to unsworn falsification to authorities

November 21, 2003



Ayal Salam
President of Capital City Cab
Service, Inc.

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PA PUC
SECRETARY'S BUREAU

Leah McCombs

From: Leah McCombs
Sent: Tuesday, October 08 2002 2:08 PM
To: 'wwaiborn@state.pa.us'
Subject: Bad cab experience

DATE: Sept. 25, 2002 TIME: approx 5:45pm

PASSENGERS: Janet Moore & Leah McCombs
Arkansas City, KS

FROM: Harrisburg Airport, Harrisburg, PA

CAB NO. A38
COMPANY: Capital City Cab

DESTINATION: Hampton Inn, Ritter Rd., Mechanicsburg, PA
ESTIMATED MILEAGE: 19 miles

Our cab driver was of the middle eastern decent. He could barely speak English, if any at all. Our first impression was that He didn't know where Mechanicsburg was.

After 30 minutes in route, he received a cell phone call in which he spoke in a foreign language. He was only on the phone for a minute or two. We assumed he was getting directions. He soon turned his cab radio off. He then turned his radio station to nasty rap music, very loud. After another 30 minutes or so, he became visibly upset. He made two cell phone calls, both short and in a foreign language. He started driving crazy! At one point, I saw his speedometer on 85 MPH on the freeway. He was doing u-turns, crossing the median and going the wrong way on exit ramps. We almost had two accidents. We did not say anything at this point to avoid further aggravation. After another hour or so, I asked for him to let us out. He said, NO. We asked politely another two times to be let out at businesses that we saw along the highways. Each time, he said, NO. It was then dark & about 2 hours and 15 minutes later. We were afraid to jump out because of the speed and not knowing where we were.

Finally, we noticed a Holiday Inn on the next exit. I demanded to be let out. He first said NO, then Janet demanded the same thing. He took the exit, squealing his wheels & pulled into the parking lot of the hotel. As I grabbed the door handle, he quickly sped up, but then abruptly stopped. We both got out right away. I noticed the total dollar amount of the ride was in excess of \$67.00. We walked to the back of the car, he followed & got out our luggage. We started to walk away without paying, but he was glaring at us. I suggested \$20.00, he said \$25.00. We paid him \$25.00 & quickly grabbed our Stuff & walked into the hotel, without waiting on a receipt. We then had to call another cab company to get us the 7-8 miles To our destination.

We called the Capital City Cab Co. last week. We turned in a short report to a lady that answered the phone. She was to tell Her boss. We have not received a return call. (ph #717-939-6363)

We feared the worst, wondering if we would ever get out of the car. Or have an accident first. We do not want this to happen to anyone else. It was frightening.

Leah R. McCombs
Trust Department
Home National Bank
877-811-4663 ext 2158
fax 620-442-3520

CERTIFICATE OF SERVICE

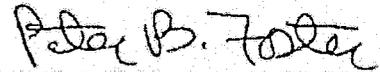
I hereby certify that on this date, November 21, 2003, I served a copy of the foregoing Petition on the Complainants and Judge Schnierle by mailing said copies by U.S. Mail at Harrisburg, PA to the following individuals at the following addresses:

Administrative Law Judge
Michael C. Schnierle
PO Box 3265
Harrisburg, PA 17105-3265

Janet L. Moore
1015 East 6th St.
Winfield, Kansas

Leah McCombs
723 West 10th St.
Newkirk, Oklahoma 74647

November 21, 2003



Peter B. Foster
Attorney for Respondent

SECRETARY'S BUREAU
PA PUC

2003 NOV 21 PM 1:33

RECEIVED

DATE: December 2, 2003
SUBJECT: C-20030124
TO: Office of Special Assistants
FROM: James J. McNulty, Secretary *Jr*

DOCUMENT
FOLDER

Janet L. Moore
v.
Capital City Cab Service, Inc.

Attached is a copy of a Petition for Access to and to copy Enforcement Officer Kurt Kauffman's Investigative Report, filed by Capital City Cab Service, Inc. in connection with the above docketed proceeding.

This matter is assigned to your Office for appropriate action.

Attachment

cc: ALJ
LAW

was

DOCKETED
DEC 09 2003



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

December 9, 2003

In Re: C-20030124

(See letter dated 11/12/2003)

Janet L. Moore v. Capital City Cab Service, Inc.

Service dispute.

Hearing Cancellation Notice

This is to inform you that the Further Hearing on the above-captioned case now scheduled to be held on Wednesday, December 10, 2003 at 10:00 a.m. has been canceled.

Presiding: Administrative Law Judge Michael C. Schnierle
P.O. Box 3265
Harrisburg, PA 17105-3265
Telephone: (717) 783-5452
Fax: (717) 787-0481

Please mark your records accordingly.

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

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DOCKETED

JAN 06 2004