



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

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July 18, 2017

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SECRETARY'S BUREAU
FRONT DESK

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

Re: Pennsylvania Public Utility Commission, Bureau of Investigation
and Enforcement v. Christopher T. Stack
Docket No. C-2016-2544674
Amended Complaint

Dear Secretary Chiavetta:

Enclosed for filing please find the Amended Complaint in the above referenced case on behalf of the Bureau of Investigation and Enforcement of the Pennsylvania Public Utility Commission. The Amended Complaint updates the alleged violations.

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

Sincerely,

Stephanie M. Wimer
Prosecutor
PA Attorney ID No. 207522

Prosecutor for the Bureau of
Investigation and Enforcement

Enclosures

cc: As per Certificate of Service

NOTICE

A. You must file an Answer within 20 days of the date of service of this Amended Complaint.

The date of service is the mailing date as indicated at the top of the Secretarial Letter. *See* 52 Pa. Code § 1.56(a). The Answer must raise all factual and legal arguments that you wish to claim in your defense, include the docket number of this Amended Complaint, and be verified. You may file your Answer by mailing an original to:

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

Or, you may eFile your Answer using the Commission's website at www.puc.pa.gov. The link to eFiling is located under the Filing & Resources tab on the homepage. If your Answer is 250 pages or less, you are not required to file a paper copy. If your Answer exceeds 250 pages, you must file a paper copy with the Secretary's Bureau.

Additionally, a copy should either be mailed to:

Stephanie M. Wimer, Prosecutor
Pennsylvania Public Utility Commission
Bureau of Investigation and Enforcement
P.O. Box 3265
Harrisburg, PA 17105-3265

Or, emailed to Ms. Wimer at: stwimer@pa.gov

B. If you fail to answer this Amended Complaint within 20 days, the Bureau of Investigation and Enforcement will request that the Commission issue an Order imposing the penalty.

C. You may elect not to contest this Amended Complaint by paying the civil penalty within 20 days. Your certified check, cashier's check or money order should be payable to the "Commonwealth of Pennsylvania" and mailed to:

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

D. If you file an Answer which either admits or fails to deny the allegations of the Amended Complaint, the Bureau of Investigation and Enforcement will request the Commission to issue an Order imposing the penalty set forth in this Amended Complaint.

E. If you file an Answer which contests the Amended Complaint, the matter will be assigned to an Administrative Law Judge for hearing and decision. The Judge is not bound by the penalty set forth in the Amended Complaint, and may impose additional and/or alternative penalties as appropriate.

F. If you are a corporation, you must be represented by legal counsel. 52 Pa. Code § 1.21.

G. Alternative formats of this material are available for persons with disabilities by contacting the Commission's ADA Coordinator at 717-787-8714.

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Pennsylvania Public Utility Commission	:	
Bureau of Investigation and Enforcement,	:	
Complainant	:	
	:	
v.	:	Docket No. C-2016-2544674
	:	
Christopher T. Stack,	:	
Respondent	:	

AMENDED COMPLAINT

NOW COMES the Bureau of Investigation and Enforcement (“I&E”) of the Pennsylvania Public Utility Commission (“Commission”), by its prosecuting attorneys, and files this Amended Complaint against Christopher T. Stack (“Respondent”), pursuant to Section 701 of the Public Utility Code, 66 Pa.C.S. § 701. I&E’s Complaint has been amended to reflect the appropriate regulation corresponding to Respondent’s conduct. In support of its Amended Complaint, I&E respectfully represents the following:

Parties and Jurisdiction

1. The Pennsylvania Public Utility Commission, with a mailing address of P.O. Box 3265, Harrisburg, PA 17105-3265, is a duly constituted agency of the Commonwealth of Pennsylvania empowered to regulate public utilities within the Commonwealth and other entities acting within the scope of the Commission’s jurisdiction pursuant to the Public Utility Code, 66 Pa.C.S. §§ 101, *et seq.*

2. The Commission regulates the intrastate transportation of passengers for compensation, including passenger transportation service provided by common carriers by motor vehicle. 66 Pa.C.S. § 102.

3. Complainant is the Commission's Bureau of Investigation and Enforcement and is the entity established by statute to prosecute complaints against public utilities pursuant to 66 Pa.C.S. § 308.2(a)(11).

4. Complainant is represented by:

Stephanie M. Wimer
Prosecutor
Pennsylvania Public Utility Commission
Bureau of Investigation and Enforcement
P.O. Box 3265
Harrisburg, PA 17105-3265
717.772.8839
stwimer@pa.gov

5. Respondent is Christopher T. Stack, with a last known mailing address of 245 Albert Street, Pittsburgh, PA 15211. Respondent has also been known to reside at 3025 West Liberty Avenue, Apartment 5, Pittsburgh, PA 15216.

6. Respondent does not hold a Certificate of Public Convenience issued by this Commission.

7. Section 501(a) of the Public Utility Code, 66 Pa.C.S. § 501(a), authorizes and obligates the Commission to execute and enforce the provisions of the Public Utility Code.

8. Section 701 of the Public Utility Code, 66 Pa.C.S. § 701, authorizes the Commission to, *inter alia*, hear and determine complaints against persons and corporations for a violation of any law or regulation that the Commission has jurisdiction to administer.

9. Section 3301 of the Public Utility Code, 66 Pa.C.S. § 3301, authorizes the Commission to impose civil penalties on any public utility, or any other person or corporation subject to the Commission's authority, for violation(s) of the Public Utility Code and/or Commission regulations.

10. Pursuant to the provisions of the applicable Commonwealth statutes and regulations, the Commission has jurisdiction over the subject matter of this complaint and the actions of Respondent related thereto.

Factual Background

11. On May 6, 2016, at 10:31 PM, and on May 7, 2016, at 12:06 AM, I&E Motor Carrier Enforcement Officers Ryan Balestra and Christopher Urey twice observed Respondent's 2006 Lexus sedan, bearing Pennsylvania license plate number JSY-9561, operating on Carson Street in the South Side of Pittsburgh.

12. The vehicle had a dome light, as would generally be seen on taxis, mounted on the roof. The dome light was illuminated and the word "TAXI" appears on the light. Pictures of the vehicle, including the illuminated "TAXI" dome light, are attached hereto as Exhibit 1.

Violations

13. That Respondent, by holding out to provide passenger transportation service between points in Pennsylvania while not having operating authority with this Commission, as evidenced by operating a vehicle with an illuminated "TAXI" dome light affixed to the roof, violated Section 1101 of the Public Utility Code, 66 Pa.C.S. § 1101, in that Respondent offered unauthorized motor common carrier service.

Section 1101 of the Public Utility Code requires that a "certificate of public convenience [be] first had and obtained," prior to *offering*, rendering, furnishing or supplying public utility service within the Commonwealth. 66 Pa.C.S. § 1101 (emphasis added). Respondent does not have to actually be transporting a passenger to be found in violation of Section 1101 of the Public Utility Code, 66 Pa.C.S. § 1101.

14. That Respondent, by affixing an illuminated "TAXI" sign to the roof of his non-taxicab vehicle while the vehicle was in operation, violated 52 Pa. Code § 29.402(1) and 67 Pa. Code § 175.66(h).

Section 29.402(1) of the Commission's regulations requires vehicles used in common carrier service to "comply with applicable Department of Transportation equipment inspection standards as set forth in 67 Pa. Code Chapter 175 (relating to vehicle equipment and inspection) at all times when the vehicle is being operated." 52 Pa. Code § 29.402(1).

Section 175.66(h) of the Department of Transportation's equipment inspection standards states, in pertinent part, as follows:

(h) *Ornamental lamps.* A lamp not enumerated in this section and not located as described in Tables III, IV and V of this chapter, is prohibited unless it is available as original equipment. An illuminated sign is prohibited except on taxicabs, ambulances and trucks. . . .

52 Pa. Code § 175.66(h).

WHEREFORE, for all the foregoing reasons, the Pennsylvania Public Utility

Commission's Bureau of Investigation and Enforcement respectfully requests that:

- (a) Respondent be ordered to pay a civil penalty of \$1,000 for the above-described violations; and
- (b) That the Commission certify Respondent's automobile registration to the Pennsylvania Department of Transportation for suspension or revocation.

Respectfully submitted,



Stephanie M. Wimer
Prosecutor

Pennsylvania Public Utility Commission
Bureau of Investigation and Enforcement
P.O. Box 3265
Harrisburg, PA 17105-3265
717.772.8839
stwimer@pa.gov

Date: July 18, 2017

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Pennsylvania Public Utility Commission
Bureau of Investigation and Enforcement,
Complainant

v.

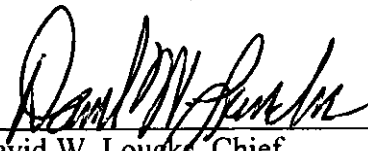
Christopher T. Stack,
Respondent

Docket No. C-2016-2544674

VERIFICATION

I, David W. Loucks, Chief, Motor Carrier Enforcement, Bureau of Investigation and Enforcement, hereby state that the facts above set forth are true and correct to the best of my knowledge, information, and belief and that I expect the Bureau will be able to prove the same at any hearing held in this matter. I understand that the statements herein are made subject to the penalties of 18 Pa.C.S. § 4904 relating to unsworn falsification to authorities.

Date: July 18, 2017



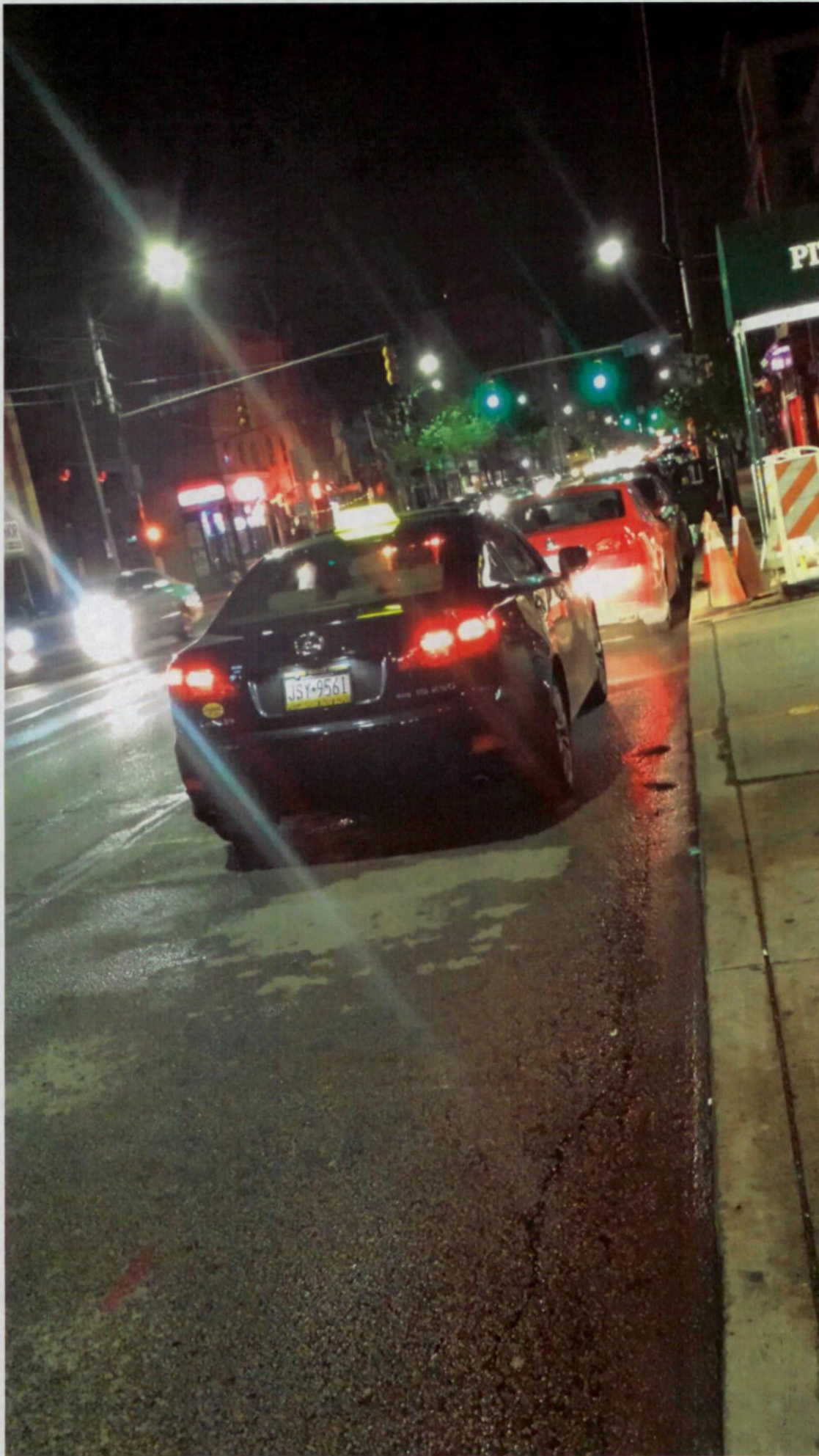
David W. Loucks, Chief
Motor Carrier Enforcement
Bureau of Investigation and Enforcement
PA Public Utility Commission
P.O. Box 3265
Harrisburg, PA 17105-3265

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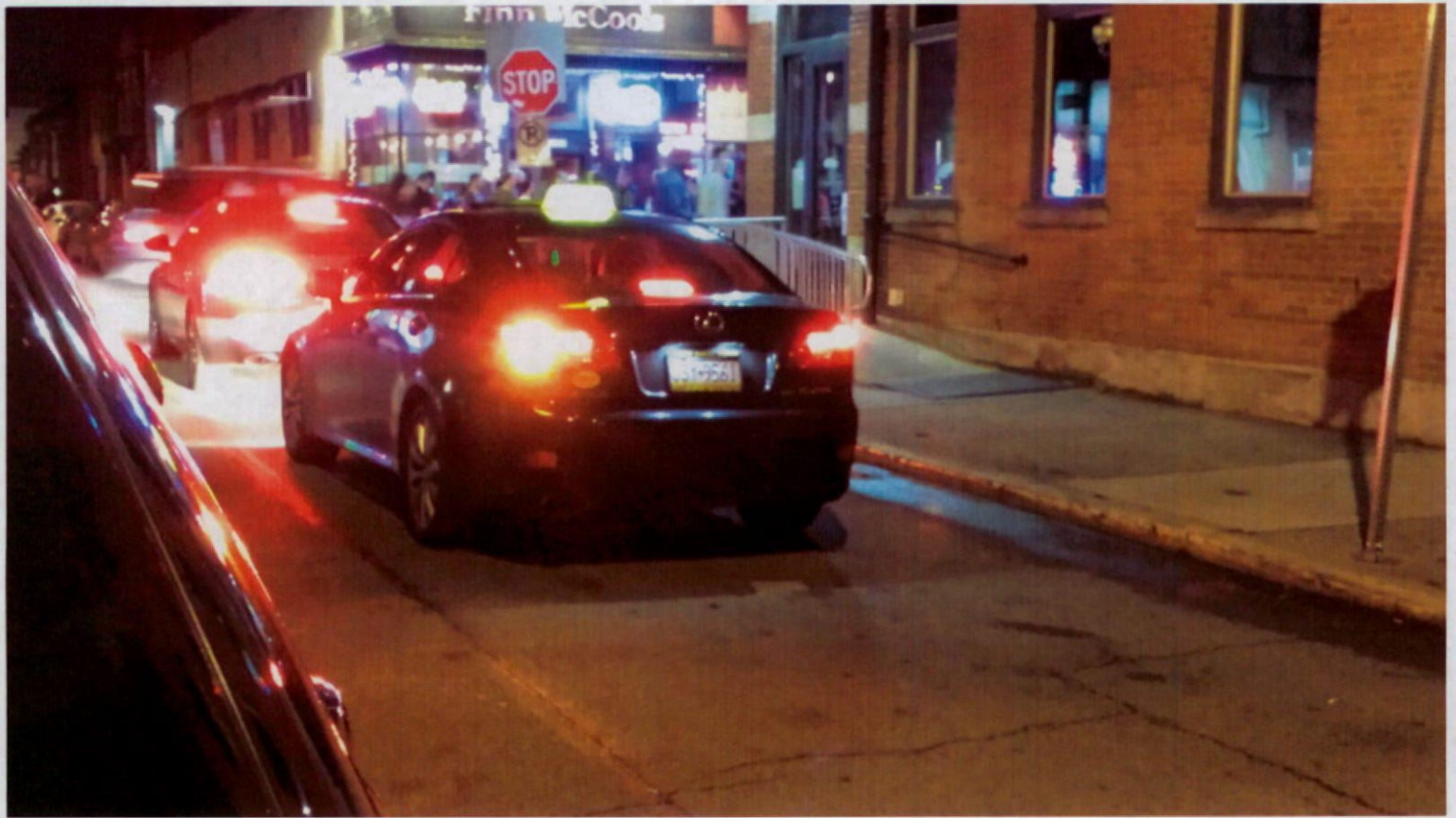
EXHIBIT 1







(Localization error 14 (index = 373) 1 Localization error 14 (index = 380) 1)



Pennsylvania Public Utility Commission :
Bureau of Investigation and Enforcement, :
Complainant :
v. : Docket No. C-2016-2544674
Christopher T. Stack, :
Respondent :

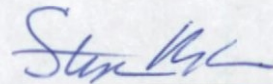
CERTIFICATE OF SERVICE

I hereby certify that I have this day served a true copy of the foregoing Amended Complaint upon the parties, listed below, in accordance with the requirements of 52 Pa. Code § 1.54 (relating to service by a party).

Notification by Certified Mail:

Christopher T. Stack
245 Albert Street
Pittsburgh, PA 15211

Christopher T. Stack
3025 West Liberty Avenue
Apartment 5
Pittsburgh, PA 15216



Stephanie M. Wimer
Prosecutor
PA Attorney ID No. 207522

Pennsylvania Public Utility Commission
Bureau of Investigation and Enforcement
P.O. Box 3265
Harrisburg, PA 17105-3265
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Dated: July 18, 2017