

SUSAN P. HALPERN

Attorney at Law

1420 WALNUT STREET

SUITE 300

PHILADELPHIA, PA 19102

ALSO ADMITTED TO NJ BAR

NJ PHONE: (609) 617-8064

TELEPHONE: (215) 545-2303

FACSIMILE: (215) 985-1666

E-MAIL: sphalp@comcast.net

December 19, 2017

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

**RE: Pennsylvania Public Utility Commission
Bureau of Investigation and Enforcement v
Jetway Transport, Inc. T/A Main Line Taxi
Docket C-2017-2634219**

Dear Ms. Chiavetta:

Enclosed is an original and one copy of Respondent Jetway Transport, Inc. T/A Main Line Taxi Preliminary Objections to the Bureau's Complaint, which has been electronically filed.

Very truly yours,

SUSAN P. HALPERN

SPH:DR

Enclosures

CC: Kourtney L. Myers, Esq. (Copies served via efile)

komyers@pa.gov

Michael Swindler, Esq. (Copies served via efile)

PCCmplnResp@pa.gov

4. Respondent sets forth Preliminary Objections to the Complaint in lieu of filing an Answer.
5. Respondent alleges that Complainant failed to adhere to the requirements set forth in Section 5.22 (a) (7).
6. The above section provides that a formal Complaint must include the following information and requirements: "(7): a document or material part or copy must be attached when the claim is based upon the document."
7. In this case the claim is based upon an assessment alleged to be owed and which was assessed by the Complainant.
8. Section 5.101 is entitled Preliminary Objections.
9. Section (2) provides that one basis is the "failure of a pleading to conform to rules of this chapter."
10. The failures to attach the assessment described in paragraph 12, the notice described in paragraph 13, or the document referenced in paragraph 14 violate the above provisions contained in Section 5.22 (a) (7).
11. Because the assessment is a material part of the Complaint its omission renders the Complaint insufficient.
12. The failure to attach the assessment in the Complaint forms the basis for a Preliminary Objection set forth in Section 5.101 (a) (3) insufficient specificity of a pleading.
13. Section 5.31 states:

A Commission bureau may commence a proceeding pursuant to statutory or regulatory authority or pursuant to delegation by the Commission by filing a complaint in accordance with § 5.22 (*relating to content of formal complaint*).
14. The Respondent should not be required to file its response in light of the above Preliminary Objections.

WHEREFORE, Respondent requests the Preliminary Objections be sustained.



RICHARD M. MELTZER, ESQUIRE



SUSAN P. HALPERN, ESQUIRE
Attorneys for Respondent

PENNSYLVANIA PUBLIC UTILITY :
COMMISSION BUREAU OF :
INVESTIGATION AND :
ENFORCEMENT :
V :
JETWAY TRANSPORT, INC. :
T/A MAIN LINE TAXI :

DOCKET NO. C-2017-2634219

ORDER

AND NOW, this day of , 2017 upon consideration of the Respondent's Preliminary Objections, it is hereby **ORDERED** that the Preliminary Objections are Sustained.

ALJ

VERIFICATION

YEHUDAH AVRAHAM, HEREBY STATES THAT HE IS PRESIDENT OF
RESPONDENT

AND IS AUTHORIZED TO MAKE THIS VERIFICATION ON ITS
BEHALF AND VERIFIES THAT THE STATEMENTS MADE IN THE FOREGOING
RESPONSE TO COMPLAINT ARE TRUE AND CORRECT TO THE BEST OF HIS
INFORMATION, KNOWLEDGE AND BELIEF. THE UNDERSIGNED
UNDERSTANDS THAT THE STATEMENTS ARE MADE SUBJECT TO
PENALTIES OF 18 PA. C.S. SECTION 4904 RELATING TO UNSWORN
FALSIFICATION TO AUTHORITIES.



YEHUDAH AVRAHAM

PENNSYLVANIA PUBLIC UTILITY COMMISSION
BUREAU OF INVESTIGATION AND ENFORCEMENT

V

DOCKET NO C-2017-2634219

JETWAY TRANSPORT, INC. T/A MAIN LINE TAXI

CERTIFICATE OF SERVICE

I HEREBY CERTIFY THAT I HAVE SERVED A TRUE COPY OF RESPONDENT JETWAY TRANSPORT, INC. T/A MAIN LINE TAXI'S PRELIMINARY OBJECTIONS TO THE BUREAU'S COMPLAINT UPON ALL INTERESTED PARTIES OR THEIR COUNSEL VIA ELECTRONIC FILING.

_____/s/_____

RICHARD M MELTZER, ESQ.

(ORIGINAL SIGNATURE ON FILE)