



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

December 28, 2017

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. Jetway Transport, Inc. t/a Main Line Taxi
Docket No. C-2017-2634219
(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 ("I&E") of the Pennsylvania Public Utility Commission. I&E files the Amended Complaint as of course and in response to Respondent's Preliminary Objections, which should be deemed moot in accordance with 52 Pa. Code § 5.91(b).

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

Sincerely,

Kourtney L. Myers
Prosecutor
PA Attorney ID No. 316494

Prosecutor for the Bureau of
Investigation and Enforcement

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Enclosures

cc: As per Certificate of Service

NOTICE

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

Michael L. Swindler, Deputy Chief Prosecutor
Pennsylvania Public Utility Commission
Bureau of Investigation and Enforcement
P.O. Box 3265
Harrisburg, PA 17105-3265

Or, emailed to Mr. Swindler at: RA-PCCmplntResp@pa.gov

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

C. You may elect not to contest this Complaint by paying the past due assessment and civil penalty within 20 days. Send only a certified check or money order made payable to the "Commonwealth of Pennsylvania," with the docket number indicated, and mail 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 Complaint, the Bureau of Investigation and Enforcement will request the Commission to issue an Order imposing the requested relief set forth in this Complaint.

E. If you file an Answer which contests the 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 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

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Pennsylvania Public Utility Commission :
Bureau of Investigation and Enforcement :
v. : Docket No. C-2017-265219
Jetway Transport, Inc. t/a Main Line Taxi :

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 Jetway Transport, Inc. t/a Main Line Taxi (“Respondent”), pursuant to Section 701 of the Public Utility Code, 66 Pa.C.S. § 701. 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 pursuant to the Public Utility Code, 66 Pa.C.S. §§ 101, *et seq.*

2. 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). *See also Implementation of Act 129 of 2008; Organization of Bureaus and Offices*, Docket No. M-2008-2071852 (Order entered August 11, 2011) at 5 (transferring authority to prosecute assessment cases to I&E).

3. Complainant is represented by:

Kourtney L. Myers
Prosecutor
Pennsylvania Public Utility Commission
Bureau of Investigation and Enforcement
P.O. Box 3265
Harrisburg, PA 17105-3265
717.705.4366
komyers@pa.gov

Timothy K. McHugh
Prosecutor
Pennsylvania Public Utility Commission
Bureau of Investigation and Enforcement
P.O. Box 3265
Harrisburg, PA 17105-3265
717.772.8582
timchugh@pa.gov

Michael L. Swindler
Deputy Chief Prosecutor
Pennsylvania Public Utility Commission
Bureau of Investigation and Enforcement
P.O. Box 3265
Harrisburg, PA 17105-3265

4. Respondent is Jetway Transport, Inc. t/a Main Line Taxi and maintains its principal place of business at 538 Swedeland Road, King of Prussia, PA 19406, Attention: Yehuda Avraham.

5. Respondent is a "public utility" as that term is defined at 66 Pa.C.S. § 102, as it is engaged in transporting passengers in the Commonwealth of Pennsylvania for compensation.

6. The Commission issued Respondent a Certificate of Public Convenience on or about December 11, 2006, at A-00122951, for taxi authority and on or about January 19, 2007, at A-00122951F0002, for limousine authority.

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 public utilities 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. Section 3301(a)-(b) of the Public Utility Code, 66 Pa.C.S. § 3301(a)-(b), allows for the imposition of a separate civil penalty for each violation and each day's continuance of such violation(s).

10. Respondent, in transporting passengers as a common carrier for compensation, is subject to the power and authority of this Commission pursuant to Section 501(c) of the Public Utility Code, 66 Pa.C.S. § 501(c), which requires a public utility to comply with Commission regulations.

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

Factual Background

12. On or about September 7, 2016, the Commission mailed to Respondent, by certified mail, an assessment invoice for the July 1, 2016 to June 30, 2017 Fiscal Year (“2016-2017 Fiscal Year”). Respondent’s assessment was \$29,543. A copy of the assessment invoice is attached as Exhibit 1.

13. Accompanying the assessment invoice was a notice that informed Respondent that it was obligated to pay the amount listed on the assessment invoice within thirty (30) days or file objections within fifteen (15) days. A copy of the notice of assessment is attached as Exhibit 2.

14. On September 12, 2016, Respondent signed a certified mail card, which indicated that it received the assessment invoice and notice of assessment for the 2016-2017 Fiscal Year. A copy of the certified mail card is attached as Exhibit 3.

15. The Commission received no objections from Respondent to the assessment amount set forth in the 2016-2017 Fiscal Year Assessment Invoice.

16. Respondent failed to pay the amount of the 2016-2017 Fiscal Year Assessment Invoice.

17. The total outstanding assessment balance for Respondent is \$29,543.

Violation

18. That Respondent failed to satisfy its 2016-2017 Fiscal Year Assessment in that it did not pay the amount due within thirty (30) days of receipt of the invoice. If proven, this is a violation of Section 510(c) of the Public Utility Code, 66

Pa.C.S. § 510(c). The Bureau of Investigation and Enforcement's proposed civil penalty for this violation is 25% of the outstanding assessment balance or \$7,386.¹ This civil penalty, consistent with past Commission decisions,² is based on Respondent's unacceptable history of compliance with the Public Utility Code and Commission's regulations,³ the amount of Respondent's outstanding assessment balance related to the 2016-2017 Fiscal Year, and the need to deter future violations of the Public Utility Code and the Commission's regulations pursuant to 52 Pa. Code § 69.1201.⁴

¹ I&E anticipates that this level of penalty will provide a sufficient deterrent against future violations by Respondent.

² See *Pa. Pub. Util. Comm'n v. Juan Genet Enter., LLC t/a Safe Destinations*, Docket No. C-2014-2450660 (Order entered August 3, 2017); *Pa. Pub. Util. Comm'n v. Leo Movers & Storage, Inc.*, Docket No. C-2015-2494528 (Order entered August 3, 2017); *Pa. Pub. Util. Comm'n v. Hoffman Landscaping & Trucking, LLP*, Docket No. C-2015-2495061 (Order entered September 21, 2017); *Pa. Pub. Util. Comm'n v. Deer Haven, LLP*, Docket No. C-2015-2498095 (Order entered October 26, 2017); *Pa. Pub. Util. Comm'n v. Reach for the Stars Limousine Serv. Inc.*, Docket No. C-2015-2499276 (Order entered October 26, 2017).

³ A review of the Commission's records for a period of three (3) years prior to the date of the filing of this Amended Complaint demonstrates that Respondent has an unacceptable compliance history with the Commission. Respondent permitted a vehicle to be operated with an unclean trunk compartment in May 2014 at Docket No. C-2014-2420594, Respondent failed to affix a dome light to the roof of its taxi vehicle, failed to maintain a completed log sheet, and failed to post rates of fare in May 2014 at Docket No. C-2014-2420595, Respondent failed to maintain a completed log sheet in November 2014 at Docket No. C-2014-2450701, Respondent permitted its driver to operate a vehicle with a suspended license in December 2014 at Docket No. C-2014-2453523, Respondent failed to maintain a completed log sheet and provide safe and reliable service in April 2015 at Docket No. C-2015-2470361, and Respondent permitted its driver to operate a vehicle without obtaining and reviewing a criminal history record for that driver, who is a registered sex offender under Pennsylvania's Megan's Law, in August 2016, which resulted in the assault of a passenger at Docket No. C-2016-2563131.

⁴ The Commission promulgated a Policy Statement at 52 Pa. Code § 69.1201 as a guideline that sets forth ten factors that are to be considered when evaluating whether and to what extent a civil penalty for violating a Commission order, regulation, or statute is warranted. Among these factors are the compliance history of the regulated entity that committed the violation, the amount of the civil penalty necessary to deter future violations, and past Commission decisions in similar situations. 52 Pa. Code §§ 69.1201(c)(6), (8), (9).

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 total of \$36,929, which consists of its outstanding assessment balance of \$29,543 and a total civil penalty of \$7,386 for the above described violation. Said payment should be made by certified check or money order, made payable to the "Commonwealth of Pennsylvania" with the docket number of this proceeding listed, and mailed to the Secretary's Bureau of the Commission; and

(b) If payment of the assessment and civil penalty is not made, the Bureau of Investigation and Enforcement requests that:

(1) the Commission issue an Order to cancel the Certificates of Public Convenience issued to Respondent;

(2) this matter be referred to the Pennsylvania Office of Attorney General for appropriate action; and

(3) the Commission certify automobile registrations to the Pennsylvania Department of Transportation for suspension or revocation.

Respectfully submitted,



Kourtney L. Myers
Prosecutor

Pennsylvania Public Utility Commission
Bureau of Investigation and Enforcement
P.O. Box 3265
Harrisburg, PA 17105-3265
717.705.4366
komyers@pa.gov

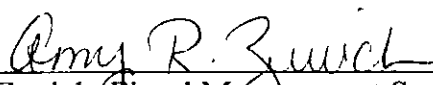
Date: December 28, 2017

Pennsylvania Public Utility Commission :
Bureau of Investigation and Enforcement :
v. : Docket No. C-2017-2634219
Jetway Transport, Inc. t/a Main Line Taxi :

VERIFICATION

I, Amy Zuvich, Fiscal Management Specialist, Bureau of Administrative Services, Finance and Assessment Section, 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: December 28, 2017



Amy Zuvich, Fiscal Management Specialist
Finance and Assessment Section
Bureau of Administrative Services
Pennsylvania Public Utility Commission
P.O. Box 3265
Harrisburg, PA 17105-3265

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PA PUBLIC UTILITY COMMISSION
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EXHIBIT 1

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PA PUBLIC UTILITY COMMISSION
SECRETARY'S BUREAU



Commonwealth of Pennsylvania
Pennsylvania Public Utility Commission
 Harrisburg, PA 17105-3265

GENERAL ASSESSMENT INVOICE

INVOICE DATE	INVOICE NUMBER
9/1/2016	16-632794

FISCAL YEAR
July 1, 2016 to June 30, 2017

JETWAY TRANSPORT INC
 YEHUDU AVRAHARM
 908 DEKALB STREET
 BRIDGEPORT PA 19405

- Read Carefully Notice of Assessment
- Use Return Envelope Provided
- Make Check Payable to:
Commonwealth of Pennsylvania

Pennsylvania Public Utility Commission	\$29,543.00
PAY THIS AMOUNT WITHIN 30 DAYS	\$29,543.00

TO RECEIVE PROPER CREDIT FOR YOUR
 PAYMENT, REMOVE THE BOTTOM PART OF
 THIS INVOICE AT THE PERFORATION AND
 RETURN WITH YOUR REMITTANCE

MAIL PAYMENT TO:
PA PUC PO BOX 61380 HARRISBURG, PA 17106-1380

FOLD AND CUT HERE

RETURN THIS PORTION WITH YOUR REMITTANCE

JETWAY TRANSPORT INC
 YEHUDU AVRAHARM
 908 DEKALB STREET
 BRIDGEPORT PA 19405

INVOICE DATE	INVOICE NUMBER
9/1/2016	16-632794
FISCAL YEAR	
July 1, 2016 to June 30, 2017	

Pennsylvania Public Utility Commission	\$29,543.00
PAY THIS AMOUNT WITHIN 30 DAYS	\$29,543.00

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PA PUBLIC UTILITY COMMISSION
SECRETARY'S BUREAU

EXHIBIT 2

PENNSYLVANIA PUBLIC UTILITY COMMISSION
Harrisburg, PA 17105-3265

NOTICE OF ASSESSMENT

EXPLANATION OF BILL FOR GENERAL ASSESSMENT
FOR FISCAL YEAR JULY 1, 2016 TO JUNE 30, 2017

In Section 510 of the Public Utility Code, 66 Pa. C.S. §510, the Pennsylvania General Assembly has authorized the Pennsylvania Public Utility Commission to assess all public utilities a percentage of their gross intrastate operating revenues for the preceding calendar year. Under Section 510, each public utility is required, on or before March 31 of each year to file with the Commission a statement of the utility's gross intrastate operating revenues for the preceding calendar year. After receiving the utilities' statements of gross intrastate operating revenues, the Commission sends general assessment invoices to all public utilities to advise each utility of the amount of assessment that utility owes based upon that utility's activity (gross intrastate operating revenues) in the preceding year. The enclosed assessment is for your proportionate share of the estimated expenses of the Public Utility Commission for the Commission's Fiscal Year July 1, 2016 to June 30, 2017.

YOU ARE REQUIRED TO PAY THIS BILL WITHIN THIRTY DAYS AFTER YOU RECEIVE IT. Objections to the assessment must be made in writing within 15 days and shall set out in detail the grounds upon which you regard the assessment to be excessive, erroneous, unlawful, or invalid. Objections may be filed only by the person, partnership, or corporation assessed. Filing an objection, however, does not eliminate your obligation to pay the assessment while your objection is being considered. **FAILURE TO PAY THE ASSESSMENT WHEN PAYMENT IS DUE WILL SUBJECT YOU TO PENALTIES.**

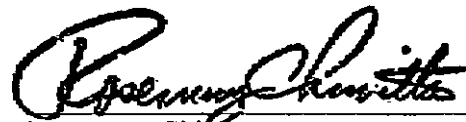
Be sure that your personal check or money order is written out in the same amount as your assessment invoice, and make your remittance payable to, "Commonwealth of PA". **DO NOT SEND CASH.** If you have reason to correspond with the Commission regarding your assessment invoice, please make reference to your invoice number. A receipt for payment will not be issued. Please mail your payment with the return portion of your invoice in the enclosed self-addressed envelope. Please note that rounding of your assessment to the nearest dollar has occurred. Your assessment for the PUC, including the OCA and the OSBA where applicable, has been combined into one invoice; one payment for all applicable assessments is acceptable. **A TWENTY (\$20.00) FEE WILL BE CHARGED FOR ALL DISHONORED OR BAD CHECKS REMITTED AS PAYMENT OF ASSESSMENTS.**

Your assessment has been computed by multiplying your gross intrastate operating revenues for the calendar year 2015 by the assessment factor for the public utility group of which you are a member. Your gross intrastate operating revenues for 2015 have been taken from the Assessment Reports Form GAO-15, AR-15-RR or AR-15-MC which you have filed with the Commission, or have been estimated by the Commission if you failed to file a timely report. Gross operating revenue reported to the Commission on the Assessment Reports may have been revised by the Commission to accurately reflect assessable revenue. The assessment factors for the various public utility groups are set forth in Schedule B enclosed herewith.

The approved estimate of expenditures of the Commission for the period July 1, 2016 to June 30, 2017 payable as a General Assessment by the public utilities which the Commission regulates has been determined as follows:

Estimate of the expenditures of the Commission for the Fiscal Year July 1, 2016 to June 30, 2017	\$71,947,000
Deduct:	
Pipeline Operators	\$624,260
Prior Years Returned Funds	\$5,517,642
Fee Collections	\$794,358
UCR/NGS/EGS	\$12,261,170
Total Deductions	<u>\$19,197,430</u>
Total Assessment allocated to Public Utility groups furnishing various types of public service	\$52,749,570

The way in which the total Public Utility Commission assessment of \$52,749,570 has been allocated to the various groups of public utilities is shown on Schedules A and B enclosed herewith.



Rosemary Chiavetta
Secretary
PA Public Utility Commission

MAKE INQUIRIES TO:

Pennsylvania Public Utility Commission
Bureau of Administrative Services/Assess
P.O. Box 3265
Harrisburg, PA 17105-3265

FOR CERTIFIED AND EXPRESS CARRIERS

Pennsylvania Public Utility Commission
Bureau of Administrative Services/Assess
400 North Street
Harrisburg, PA 17120

CONTACT INFORMATION:

Assessment Section Information - Telephone 717-265-7548

Allocation of Expenses based on percent of prior year Public Utility Group workload
Budget Fiscal Year 2016-17

SCHEDULE A

Group	Total Expenditures per Utility Group Calendar Year 2015	Percentage Distribution	Estimated Expenditures Fiscal Year 2016-2017 by Utility Group
Electric	\$21,161,551	46.0922%	\$24,313,438
Gas	\$9,976,477	21.7299%	\$11,462,429
Pipeline	\$139,468	0.3038%	\$160,253
Steam Heat	\$243,441	0.5302%	\$279,678
Tele./Tele.	\$5,760,929	12.5480%	\$6,619,016
Water/Sewer	\$4,302,861	9.3721%	\$4,943,742
Transportation - Passenger	\$2,329,083	5.0730%	\$2,675,986
Transportation - Property	\$618,690	1.3476%	\$710,853
Transportation - Rail	\$1,378,809	3.0032%	\$1,584,175
Total	\$45,911,309	100.00%	\$52,749,570

SCHEDULE B

Group	Estimated Expenditures Fiscal Year 2016-2017 by Utility Group (a)	Gross Intrastate revenues by utility group Calendar Year 2015 (b)	General Assessment Factor by Utility Group (Col. (a) / by Col. (b)) (c)
Electric	\$24,313,438	\$7,757,320,121	0.003134257401
Gas	\$11,462,429	\$3,419,595,396	0.003351983984
Pipeline	\$160,253	\$51,279,359	0.003125097566
Steam Heat	\$279,678	\$96,935,251	0.002885204269
Tele./Tele.	\$6,619,016	\$2,234,715,615	0.002961905289
Water/Sewer	\$4,943,742	\$1,124,065,085	0.004398092304
Transportation - Passenger	\$2,675,986	\$204,258,071	0.013101004954
Transportation - Property	\$710,853	\$385,233,400	0.001845252774
Transportation - Rail	\$1,584,175	\$120,150,044	0.013184972283
Total	\$52,749,570	\$15,393,552,342	0.003426731454

**SUPPLEMENTAL SCHEDULE
 FEDERAL SHORTFALL RELATED TO GAS SAFETY APPLICABLE TO GAS PUBLIC UTILITIES ONLY**

	Estimated Commission Federal Shortfall for Calendar Year 2015 and 6 Months of Calendar Year 2016	Actual Commission Federal Shortfall for Calendar Year 2015 and 6 Months of Calendar Year 2016	Estimated Commission Federal Shortfall for Calendar Year 2016 and 6 Months of Calendar Year 2017
Gas	(\$685,832)	\$329,532	\$356,300
	Net Estimated Commission Federal Shortfall for Fiscal Year 2016-17 Assessment	Reported Revenue for Gas Utility Group for Calendar Year 2015	Supplemental add-on Factor
Gas	\$0	\$3,419,595,396	0.000000000000

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EXHIBIT 3

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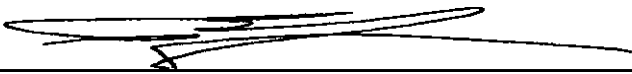
Status History ?

*** Tracking Number Information**

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Tracking Number:	9171969009350133738266	Sender:	
Current Status:	OK : Delivered	Recipient:	
Class of Mail	FC	Zip Code:	19612
Service:	ERR	City:	READING
Value	\$0.465	State:	PA

[Proof of delivery](#)

908 Dekalb St



*** Status Details**

▼ Status Date	Status
Mon, 09/12/16, 12:56:00 PM	OK : Delivered
Fri, 09/09/16, 08:42:00 PM	Dispatched from Sort Facility
Fri, 09/09/16, 03:30:00 PM	Processed (processing scan)
Fri, 09/09/16, 09:31:00 AM	Processed (processing scan)
Fri, 09/09/16, 05:02:00 AM	Dispatched from Sort Facility
Thu, 09/08/16, 09:14:00 PM	Processed (processing scan)
Thu, 09/08/16, 07:59:00 PM	Origin Acceptance
Thu, 09/08/16, 05:41:00 PM	OK: USPS acknowledges reception of info

Note: Delivery status updates are processed throughout the day and posted upon receipt from the Postal Service.

Pennsylvania Public Utility Commission
Bureau of Investigation and Enforcement

v.

Jetway Transport, Inc. t/a Main Line Taxi

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Docket No. C-2017-2634219

CERTIFICATE OF SERVICE

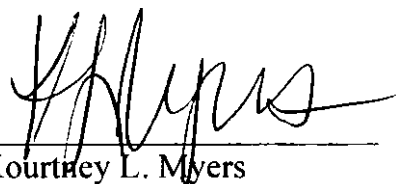
I hereby certify that I have this day served a true copy of the foregoing Complaint upon the parties, listed below, in accordance with the requirements of 52 Pa. Code § 1.54 (relating to service by a party).

Notification by Certified Mail and Electronic Mail:

Richard M. Meltzer, Esquire
150 Monument Road
Suite 207
Bala Cynwyd, PA 19004
rmmeltz@yahoo.com

Susan P. Halpern, Esquire
1420 Walnut Street
Suite 300
Philadelphia, PA 19102
sphalp@comcast.net

Counsel for Jetway Transport, Inc. t/a Main Line Taxi



Kourtney L. Myers
Prosecutor
PA Attorney ID No. 316494

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Dated: December 28, 2017