



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

April 26, 2018

VIA ELECTRONIC FILING

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. Rosemont Taxicab Co. Inc.
Docket No. C-2018-2643872

Dear Secretary Chiavetta:

Enclosed for electronic filing please find the Bureau of Investigation and Enforcement's Motion for Default Judgment in the above-referenced proceeding. Copies have been served on the parties of record in accordance with the Certificate of Service.

Should you have any questions, please do not hesitate to contact me.

Sincerely,

A handwritten signature in black ink, appearing to read "K. Myers", written in a cursive style.

Kourtney L. Myers
Prosecutor
PA Attorney ID No. 316494

Prosecutor for the Bureau of
Investigation and Enforcement

Enclosures

cc: As per Certificate of Service

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Pennsylvania Public Utility Commission,	:	
Bureau of Investigation and Enforcement,	:	
Complainant	:	
	:	
v.	:	Docket No. C-2018-2643872
	:	
Rosemont Taxicab Co. Inc.,	:	
Respondent	:	

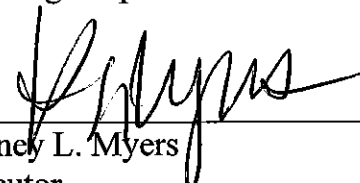
NOTICE TO PLEAD

The Bureau of Investigation and Enforcement (“I&E”) of the Pennsylvania Public Utility Commission (“Commission”) has filed a Motion for Default Judgment in the above-captioned matter, pursuant to the Commission’s regulations at 52 Pa. Code § 5.103. You are hereby notified to file a written response within twenty (20) days of the service of the Motion, consistent with 52 Pa. Code § 5.61.

Your Answer must be verified, pursuant to 52 Pa. Code § 1.36, and the original sent to:

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

Additionally, you must serve a copy on the undersigned prosecutor.



Kourtney L. Myers
Prosecutor
PA Attorney ID No. 316494

Bureau of Investigation and Enforcement
Pennsylvania Public Utility Commission
P.O. Box 3265
Harrisburg, PA 17105-3265
(717) 705-4366
komyers@pa.gov

Dated: April 26, 2018

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Pennsylvania Public Utility Commission,	:	
Bureau of Investigation and Enforcement,	:	
Complainant	:	
	:	
v.	:	Docket No. C-2018-2643872
	:	
Rosemont Taxicab Co. Inc.,	:	
Respondent	:	

MOTION FOR DEFAULT JUDGMENT

NOW COMES the Pennsylvania Public Utility Commission’s (“Commission”) Bureau of Investigation and Enforcement (“I&E”), by its prosecuting attorneys, and files this Motion for Default Judgment against Rosemont Taxicab Co. Inc. (“Respondent”) pursuant to Section 5.103 of the Commission’s regulations, 52 Pa. Code § 5.103. In support thereof, I&E respectfully represents as follows:

1. I&E commenced this action on January 22, 2018 by filing a Complaint.
2. On January 23, 2018, the Complaint was served by certified mail to Respondent at 102 Browning Lane, Building B, Cherry Hill, NJ 08003.
3. On February 28, 2018, the Complaint was returned to the Commission by the United States Postal Service and was marked as “Return to Sender; Unclaimed; Unable to Forward.”
4. On March 8, 2018, the Complaint was again served to Respondent by certified mail at 829 Conestoga Road, Bryn Mawr, PA 19010.
5. Attached to the Complaint was a Notice advising Respondent that it must file an Answer within twenty (20) days of service of the Complaint.

6. The Notice also advised Respondent that if it failed to answer the Complaint, I&E would request that the Commission issue an Order imposing the penalty set forth in the Complaint.

7. On March 10, 2018, Respondent received the Complaint. A true and correct copy of proof of delivery of the Complaint is attached as Exhibit 1.

8. The twenty (20) days to file an Answer to the Complaint expired on March 28, 2018.

9. Respondent did not file an Answer to the Complaint.

10. Pursuant to Section 5.61(c) of the Commission's regulations, a Respondent who fails to file an Answer to a Complaint within the 20-day response period may be deemed in default, and the relevant facts stated in the Complaint may be deemed admitted. 52 Pa. Code § 5.61(c).

11. The Commonwealth Court has upheld the Commission's authority to sustain complaints that are not answered within twenty days. *See Fusaro v. Pa. Pub. Util. Comm'n*, 382 A.2d 794, 797 (Pa. Cmwlth. 1978).

12. Respondent did not pay the outstanding assessment balance of \$3,957 for the July 1, 2016 to June 30, 2017 Fiscal Year (“2016-2017 Fiscal Year”) or the civil penalty of \$989¹ that was sought in the Complaint for Respondent’s failure to timely pay the assessment.

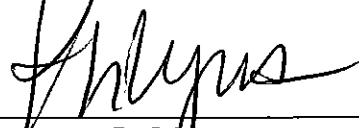
13. I&E respectfully requests that the Commission enter a Default Order against Respondent that:

- a. Directs Respondent to pay a total of \$4,946, which consists of its outstanding assessment of \$3,957 for the 2016-2017 Fiscal Year and the requested civil penalty of \$989, within thirty (30) days of the entry date of the Commission’s Order;
- b. Directs the Bureau of Technical Utility Services to cancel Respondent’s Certificate of Public Convenience at A-2008-2053668 if Respondent fails to pay the total set forth in subparagraph (a), above, within thirty (30) days of the entry date of the Commission’s Order;
- c. Notifies Respondent that a copy of this Order will be sent to the Pennsylvania Department of Transportation for the suspension or revocation of vehicle registrations that were used under Respondent’s operating authority if Respondent fails to pay the total set forth in subparagraph (a), above, within thirty (30) days of the entry date of the Commission’s Order; and

¹ This civil penalty is based on a review of Respondent’s history of compliance with the Public Utility Code and Commission regulations and orders for three years prior to the date that I&E filed its Complaint in this matter, the need to deter future violations, and prior Commission decisions in similar situations pursuant to 52 Pa. Code §§ 69.1201(c)(6), (8), and (9). Due to Respondent’s unacceptable compliance history, I&E requested that Respondent pay a civil penalty of \$989, which is 25% of Respondent’s outstanding assessment related to the 2016-2017 Fiscal Year.

- d. Directs the Bureau of Administrative Services, Assessment Section, to refer the matter to the Pennsylvania Office of Attorney General for collection of the total set forth in subparagraph (a), above, if Respondent fails to pay that total within thirty (30) days of the entry date of the Commission's Order.

Respectfully submitted,



Kourtney L. Myers

Prosecutor

PA Attorney ID No. 316494

Pennsylvania Public Utility Commission
Bureau of Investigation and Enforcement
P.O. Box 3265
Harrisburg, PA 17105-3265
(717) 705-4366
komyers@pa.gov

Date: April 26, 2018

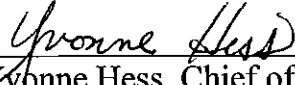
**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Pennsylvania Public Utility Commission,	:	
Bureau of Investigation and Enforcement,	:	
Complainant	:	
	:	
v.	:	Docket No. C-2018-2643872
	:	
Rosemont Taxicab Co. Inc.,	:	
Respondent	:	

VERIFICATION

I, Yvonne Hess, Chief of Finance and Assessments, 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: April 26, 2018



Yvonne Hess, Chief of Finance and Assessments
Finance and Assessment Section
Bureau of Administrative Services
Pennsylvania Public Utility Commission
P.O. Box 3265
Harrisburg, PA 17105-3265

EXHIBIT 1

ALERT: AS OF APRIL 30, USPS.COM WILL NO LONGER SUPPORT OUTDATED BROW...

USPS Tracking®

[FAQs > \(http://faq.usps.com/?articleId=220900\)](http://faq.usps.com/?articleId=220900)

Track Another Package +

Tracking Number: 9171969009350161172285

Remove X

Expected Delivery by

SATURDAY

10 MARCH 2018 ⓘ **by 8:00pm** ⓘ

 **Delivered**

March 10, 2018 at 11:00 am
Delivered, Left with Individual
BRYN MAWR, PA 19010

Return Receipt Electronic 

Tracking History 

Product Information 

See Less 

Pennsylvania Public Utility Commission,
Bureau of Investigation and Enforcement,
Complainant

v.

Rosemont Taxicab Co. Inc.,
Respondent


Docket No. C-2018-2643872

CERTIFICATE OF SERVICE

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

Notification by First Class Mail:

Jacob Gabbay, President
Rosemont Taxicab Co. Inc.
829 Conestoga Road
Bryn Mawr, PA 19010


Kourtney L. Myers
Prosecutor
PA Attorney ID No. 316494

Pennsylvania Public Utility Commission
Bureau of Investigation and Enforcement
P.O. Box 3265
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Dated: April 26, 2018