

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Debbie Reed	:	
	:	
v.	:	C-2017-2635853
	:	
Blue & White USA	:	

INITIAL DECISION

Before
Benjamin J. Myers
Administrative Law Judge

HISTORY OF THE PROCEEDING

On November 13, 2017, a complaint was filed with the Pennsylvania Public Utility Commission (Commission) in the name of Debbie M. Reed against Blue & White USA (Respondent) alleging certain issues relating to Respondent’s taxi service. The Respondent did not file an answer to this complaint.

A hearing notice dated February 13, 2018, scheduled this matter for an initial telephonic hearing on March 29, 2018 at 10:00 a.m.

A prehearing order was also issued on February 13, 2018, reminding the parties of the date and time of the scheduled hearing, informing them of the procedures applicable to this proceeding and directing the submission of documents, if any, prior to the hearing.

The telephone hearing convened as scheduled on Thursday, March 29, 2018, at 10:00 a.m. Ms. Reed and the manager/owner of Blue & White USA, Vincent Velez, participated in the hearing. The Respondent, Blue & White USA, is a corporation and therefore required

under the Commission's regulations to be represented by an attorney.¹ Mr. Velez was informed that because the Respondent was not represented by an attorney, his role would be limited to that of an observer in the hearing.

Ms. Reed was sworn in and provided testimony regarding the complaint filed with the Commission. She indicated that she did not fill out the complaint form or file it with the Commission. N.T. 10. Ms. Reed had been unaware a complaint had been filed in her name until the Respondent had contacted her about receiving the complaint. N.T. 10. The address listed for Ms. Reed on the complaint form was the address of her sister, Lisa Arend. N.T. 11. The Ms. Reed had no knowledge of the allegations made in the complaint and the signature appearing at the end of the complaint was not her own. N.T. 12. The record closed on March 29, 2018 at the conclusion of the hearing.

FINDINGS OF FACT

1. A complaint was filed in the name of Debbie M. Reed with an address of 124 Skidmore Lane, Altoona, PA 16602.

2. Debra Reed resides at 1013 Lexington Ave., Apt.1, Altoona, PA 16601.

3. The Respondent is Blue & White USA.

4. Ms. Reed did not file a complaint against the Respondent. N.T. 10.

5. The signature which appears on the complaint form is not Ms. Reed's.

N.T. 12

¹ 52 Pa.Code §§ 1.21 & 1.22.

DISCUSSION

Section 1.35 of the Commission’s regulations, 52 Pa. Code § 1.35, provides:

(a) *Signature.*

(1) *Paper filings.* A pleading, submittal or other document must be signed in ink by the party in interest, or by the party’s attorney, as required by subsection (b), and show the office and mailing address of the party or attorney. An original hard copy must be signed, and other copies filed shall conform thereto unless otherwise ordered by the Commission.

* * *

(b) *Signatory.*

(1) A pleading, submittal or other document filed with the Commission must be signed by one of the following:

(i) The person filing the documents, and severally if there is more than one person so filing.

* * *

(c) *Effect.*

(1) The signature of the individual signing a document filed with the Commission constitutes a certificate by the individual that:

(i) The individual has read the document being signed and filed, and knows the contents thereof.

* * *

(iii) The document is well grounded in fact and is warranted by existing law or a good faith argument for the extension, modification or reversal of existing law, to the best of the individual’s knowledge, information and belief formed after reasonable inquiry.

(iv) The document is not interposed for an improper purpose, such as to harass or to cause unnecessary delay or needless increase in the cost of litigation.

(2) If a document is signed in violation of this subsection, the presiding officer or the Commission, upon motion or upon its own initiative, may impose upon the individual who signed it, a represented party, or both, an appropriate

sanction, which may include striking the document, dismissal of the proceeding or the imposition of civil penalties under section 3301 of the act (relating to civil penalties for violations).

* * *

52 Pa. Code §1.35 (Emphasis added).

These provisions are phrased in mandatory terms. A complaint, as a pleading,² must be signed and verified by the person filing the complaint. The signature to a complaint constitutes a certificate, among other things, that a complainant has read the complaint, that the complaint is grounded in fact to the best of his or her knowledge, information and belief, and that the complaint is not being presented for any improper purpose, such as to harass, or to cause unnecessary delay or needless increase in the cost of litigation. If a complaint is signed in violation of this subsection, the presiding officer or the Commission may impose appropriate sanctions, including striking and dismissing the complaint, or imposing a civil penalty under 66 Pa.C.S. § 3301.

Ms. Reed has provided sworn testimony that she did not complete or file the complaint form with the Commission which initiated this matter.³ The address on the complaint is not her own. Ms. Reed is unaware of the allegations made in the complaint form against the Respondent and the address and signature appearing on the complaint are not hers. Therefore, I conclude that the complaint filed in Ms. Reed's name at Docket No. C-2017-2635853 fails to comply with the Commission's regulation at 52 Pa. Code § 1.35. The complaint will be dismissed as provided for under 52 Pa. Code § 1.35(c)(2).

The Commission's regulations address instances where an individual executes a pleading or other document knowing that it contains a false statement but causes it to be filed with the Commission. The regulation at 52 Pa. Code § 1.36(e) states that such an individual "shall be subject to prosecution for the commission of a misdemeanor of the second degree in

² 52 Pa. Code § 5.1(a) (2).

³ Ms. Reed advanced a theory that the complaint was possibly filed by the owner of another taxi service. Tr. 13.

violation of 18 Pa.C.S. § 4904(a).” While the Commission does not have the authority to adjudicate violations of the Pennsylvania Crimes Code, given the serious nature of the Complainant’s allegations surrounding the unauthorized filing of this complaint in her name, the Commission may wish to investigate those circumstances.

CONCLUSIONS OF LAW

1. The Commission has jurisdiction over the parties and the subject matter of this proceeding. 66 Pa.C.S. § 701.

2. The complaint in this matter does not conform to § 1.35 of the Commission’s regulations. 52 Pa. Code § 1.35.

ORDER

THEREFORE,

IT IS ORDERED:

1. That the complaint filed at Debbie Reed v. Blue & White USA at Docket No. C-2017-2635853 is dismissed.

2. That the record at Docket No. C-2017-2635853 is marked closed.

3. That the Bureau of Investigation and Enforcement be served with a copy of this Initial Decision for its consideration of any investigation into the alleged false statements made in the filed formal complaint.

Date: April 24, 2018

/s/
Benjamin J. Myers
Administrative Law Judge