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

August 2, 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. Justin Joseph Jalbert t/a Skookie Rides Referral Service  
Docket No. C-2018-\_\_\_\_\_

Dear Secretary Chiavetta:

Enclosed for electronic filing please find the Complaint in the above referenced case on behalf of the Bureau of Investigation and Enforcement of the Pennsylvania Public Utility Commission. Copies have been served on the parties of record in accordance with the Certificate of Service.

Sincerely,

A handwritten signature in blue ink, appearing to read "SML", is positioned above the typed name of the sender.

Stephanie M. Wimer  
Senior Prosecutor  
PA Attorney ID No. 207522

Prosecutor for the Bureau of  
Investigation and Enforcement

Enclosures

cc: Michael L. Swindler, Deputy Chief Prosecutor  
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](http://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, Senior 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](mailto:stwimer@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 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.



4. Complainant is represented by:

Stephanie M. Wimer  
Senior 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 Justin Joseph Jalbert, with an address of 265 Wallace Street, Pottsville, PA 17901.

6. Respondent does not hold a Certificate of Public Convenience to operate as a motor carrier, a license to operate as a transportation network company (“TNC”) or a transportation brokerage license 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. Skookie Rides is an unauthorized ride referral service that connects passengers to independent drivers in Schuylkill County, Pennsylvania. Any member of the public may request a ride through a simple phone call or text message to Skookie Rides and Respondent then pairs the customer with a driver in its network and collects a referral fee for each trip.<sup>1</sup>

12. Upon information and belief, Skookie Rides has been in operation since at least February 2017. *See* I&E Exhibit 1.

### **A. Incidents of Unauthorized Transportation**

13. After becoming aware of Skookie Rides' unauthorized transportation activities, I&E's Motor Carrier Enforcement Division personnel contacted Skookie Rides without identifying themselves as enforcement officers and requested passenger transportation for compensation on three separate occasions.

14. Regarding the first incident, I&E Motor Carrier Enforcement Officer Thomas Kepping ("Officer Kepping") sent a text message to Skookie Rides on April 26, 2017, and requested a ride from High Point Manor at 101 East Chestnut Street, Frackville, PA to the Lehigh Valley Hospital – Schuylkill in Pottsville, PA for a trip scheduled in advance that was to take place on May 3, 2017 at 10:00 AM. Skookie Rides replied to the text message indicating that it would schedule Officer Kepping for this trip at a cost of \$12.30 each way.

15. On May 3, 2017, a driver from Skookie Rides' network, Stephen J. Martin, Jr., arrived at High Point Manor to transport Officer Kepping to the hospital and reiterated that the cost was going to be \$12.30. Mr. Martin was driving his own vehicle.

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<sup>1</sup> *See* <https://www.republicanherald.com/news/ride-services-available-for-schuylkill-residents-1.2167798>. A copy of this newspaper article is attached as I&E Exhibit 1.

Pursuant to 66 Pa.C.S. § 3310 (related to unauthorized operation by carriers and brokers), I&E charged Mr. Jalbert with a summary offense for operating as an unlicensed transportation broker. Following an evidentiary hearing before Magisterial District Judge Christina E. Hale, Respondent was found guilty of a summary offense on June 7, 2017 at Docket No. MJ-21201-NT-0000235-2017.

16. Also, pursuant to 66 Pa.C.S. § 3310, I&E charged Mr. Martin with a summary offense for operating as an uncertificated motor carrier. Following an evidentiary hearing before Magisterial District Judge Hale, Mr. Martin was found guilty of a summary offense on June 7, 2017 at Docket No. MJ-21201-NT-0000234-2017.

17. Despite a summary offense conviction, Mr. Jalbert did not stop operating Skookie Rides. On March 9, 2018, Enforcement Officer Barry Packovsky (“Officer Packovsky”) called Skookie Rides and left a voice mail at approximately 6:01 PM requesting a ride to transport Officer Kepping and him from the Stadium Bar & Grill at 337 Peacock Street, Pottsville, PA to Romans Bar at 101 South Broad Mountain Avenue, Frackville, PA.

18. At approximately 6:10 PM, Skookie Rides returned Officer Packovsky’s phone call and quoted a price for the trip to be \$18 to \$20. At approximately 6:19 PM, a driver, Ian Darrell Short, arrived to transport Officers Packovsky and Kepping and reiterated that the trip would cost \$18. Mr. Short was operating a 2009 Toyota Sienna van bearing Pennsylvania license plate number KMG8966, which is registered to Mr. Jalbert.

19. Pursuant to 66 Pa.C.S. § 3310, I&E charged Mr. Jalbert with a misdemeanor of

the third degree for this second offense of operating as an unlicensed transportation broker. This matter is docketed at Docket No. MJ-21307-CR-0000126-2018.

20. Mr. Jalbert waived the preliminary hearing that was scheduled in that matter for April 23, 2018, and the charges were held over to the Schuylkill County Court of Common Pleas at Docket No. CP-54-CR-0000660-2018, at which time Mr. Jalbert applied for the Accelerated Rehabilitative Disposition (“ARD”) program.

21. Also, pursuant to 66 Pa.C.S. § 3310, I&E charged Mr. Short with a summary offense for operating as an uncertificated motor carrier, Docket No. MJ-21307-NT-0000107-2018. Mr. Short pled guilty to a summary offense on April 4, 2018.

22. Despite being charged with a misdemeanor of the third degree and agreeing to enter the ARD program on the condition that he would stop offering unauthorized transportation, Mr. Jalbert did not stop operating Skookie Rides.

23. On June 20, 2018, Enforcement Officer Enid Scharl (“Officer Scharl”), accompanied by Officer Kepping, called Skookie Rides at approximately 4:33 PM and left a message requesting a ride from Boscovs at the Fairlane Village Mall in Pottsville, PA to the Minersville housing authority on Sunbury Street in Minersville, PA. At 4:52 PM, Skookie Rides returned Officer Scharl’s phone call and quoted a price of \$12 to \$13 for the trip. At 5:05 PM, John O’Grady, Jr., a driver from Skookie Rides’ network, arrived at the Officers’ location to perform the transportation. Mr. O’Grady was driving his own vehicle.

24. Pursuant to 66 Pa.C.S. § 3310, I&E charged Mr. Jalbert with a misdemeanor of the third degree at Docket No. MJ-21301-CR-00000229-2018, and a preliminary hearing is scheduled in that matter for September 4, 2018.

25. Also, pursuant to 66 Pa.C.S. § 3310, I&E charged Mr. O'Grady with a summary offense for operating as an uncertificated motor carrier at Docket No. MJ-21301-NT-0000195-2018. Mr. O'Grady pled guilty to a summary offense on June 22, 2018.

**B. Application Proceedings**

26. On or about May 12, 2017, Respondent applied for emergency temporary authority to transport persons in paratransit service at Docket No. A-2017-2603844. By Secretarial Letter dated June 16, 2017, the Commission denied Respondent's application, finding that Respondent failed to provide evidence regarding the existence of an emergency.

27. On May 31, 2017, Respondent filed an application with the Commission at Docket No. A-2017-2606971 requesting the right to begin transporting persons in paratransit service on a permanent basis. On March 30, 2018, I&E intervened in that matter citing concerns with Skookie Rides' propensity to operate safely and legally. I&E's concerns are based on the numerous occasions of Skookie Rides operating without authority from the Commission as well as a motor vehicle accident that took place in February 2018 and was caused by a Skookie Rides driver in a vehicle that lacked sufficient tire tread.

28. An evidentiary hearing was held on July 19, 2018 where Respondent verbally withdrew its application.

29. I&E suspects that Skookie Rides will file another application in the near future and that Mr. Jalbert continues to provide unauthorized transportation to passengers between points in Pennsylvania multiple times a day.

**Violation**

30. That Respondent, by providing, furnishing, contracting, procuring or arranging passenger transportation service for compensation between points in Pennsylvania while not

having operating authority with this Commission violated 66 Pa.C.S. § 1101, 66 Pa.C.S. § 2604(a) and/or 66 Pa.C.S. § 2505(a). (3 counts)

**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 \$3,000 for the above-described violations, in accordance with 66 Pa.C.S. § 3301 and the Commission's Motor Carrier Services & Enforcement Penalty Guidelines;
- (b) That the Commission certify Respondent's automobile registrations to the Pennsylvania Department of Transportation for suspension or revocation;
- (c) That Respondent cease and desist from providing unauthorized passenger transportation for compensation; and
- (d) That the Commission order such other relief as the Commission may deem to be appropriate.

Respectfully submitted,



Stephanie M. Wimer  
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Date: August 2, 2018

# I&E Exhibit 1



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# Ride services available for Schuylkill residents

BY MARK GILGER JR. / PUBLISHED: MARCH 14, 2017

Schuylkill County residents in need of a ride have some new alternatives to catching the bus or hailing a cab.

There are now Uber drivers serving the area as well as a new ride referral company called Skookie Rides.

"I think there has been a huge need in this area for a long time," Justin Jalbert, a driver for both Uber and Skookie Rides, said Monday.

Uber allows customers to request transportation through a mobile app. It also allows them to see where drivers are, pay directly from their phone and rate their experience. Founded in 2009, Uber is headquartered in San Francisco and provides services in more than 500 cities worldwide, according to the company's website at [www.uber.com](http://www.uber.com).

Jalbert, 38, of Pottsville, has been a part-time driver for Uber since November.

There are a few Uber drivers in Schuylkill County, but Jalbert was the only one listed available in the Pottsville area Monday

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JACQUELINE DORMER/STAFF PHOTO Carrie L. Gonsalves, Pottsville, and Skookie Rides driver Justin Jalbert, Pottsville, depart Monday from Boyer's Food Market in Pottsville. The riding services began three weeks ago.



Call 570.628.5985 for assistance. NICK MEYER/STAFF PHOTO Jalbert gets in his vehicle, which is marked with an Uber sticker. Jalbert works as a driver for Uber and Skookie Rides.

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morning. He also runs the Uber Pottsville Taxi Facebook page.

Uber drivers use their own vehicle. In Jalbert's case, he drives a red 2014 Toyota Corolla with an Uber badge in the corner of the windshield.

"The only downside is before I pick you up, I have no idea where I'm going," he said.

There is no limit to the distance of an Uber ride, but the driver must follow state laws regarding time spent behind a wheel, Jalbert explained. However, an Uber driver can deny any ride request.

"You can pick up as many hours as you want," Jalbert said. "It's not an hourly wage. You are only getting paid when you have someone in your vehicle."

Uber takes 25 percent of the driver's fee on a ride. Jalbert said about another 20 percent goes into gas. Although he also has a full-time job taking up most of his day, Jalbert said he makes up to \$250 a week on about 25 drives for Uber and Skookie Rides.

"The difficult part in this area is that there is not enough demand for someone here to make enough money full time," Jalbert said. "There isn't enough demand anywhere really."

Jalbert said he was drawn to Uber to make some extra money while still being able to spend time with family.

"I have always been an entrepreneurial thinker," he said. "I don't like the strict environment with rules and bosses. I've been thinking for years about starting a new business in Pottsville, but I don't have a lot of capital. This gives me an opportunity to run my own day."

Anybody can drive for Uber, although there are a few minimum requirements, according to the company's website at [www.uber.com](http://www.uber.com). [Click here to Log In](#)

For example, the driver must be at least 21 years old, have at least one year of driving experience and use a four-door vehicle. Drivers also must pass a criminal background check and have a clean driving record. Call 570.628.5985 for assistance.

Jalbert also recently started driving for Skookie Rides, which formed about three weeks ago.



Image Gallery for Ride services available for Schuylkill residents

The service is similar to Uber, but is technically a "ride referral service" that connects customers to independent drivers in the area, Nichole Miller, Skookie Rides campaign coordinator, said. Miller, 39, of Pottsville, handles the referral requests and the Skookie Rides Facebook page.

Instead of using a mobile app, Skookie Rides customers can request a ride by calling or texting 570-291-8131 or through Facebook. The company then pairs the customer with a driver in the area and makes a referral fee.

"Currently, we're handling about 60 referrals per week," Miller said. "We have a total of 5 drivers involved. We're hoping to grow those numbers to 200 percent in just the next few weeks. We're only dealing with a client pool of under 20. We also plan on expanding this business very quickly to include other areas within the next three months."

Unlike Uber, Miller said Skookie Ride customers can schedule rides ahead of time and drivers already know where they are going before picking them up. Skookie Rides customers can pay with cash or use the driver's mobile square credit card reader.

"Uber doesn't allow for peace of mind for the driver, they don't know where the rider is going," Miller said. "Uber also in this area doesn't allow a scheduled time for pickup because there are not enough drivers. Our goal is to get people where they want to go on time, scheduled or unscheduled, picked up on time and to their destination on time at the best rate possible."

I think the lack of transportation available in this area just gives us an amazing opportunity and I think we have seen those results so far in just these few weeks."

Jalbert said both Uber and Skookie Rides are fulfilling a need in the area. While there are other transportation options available in the county, limited hours, set routes and higher costs can be inconvenient for some people, he said.

"I feel like even though I'm putting some money in my pocket, it is really helping people out too," Jalbert said. "It makes me feel good that I have an opportunity to do that in addition to making some extra cash."

Carrie L. Gousalves, Pottsville, said she has used Skookie Rides four to eight times a week since she decided to stop driving due to diabetes impairing her vision.

"They are dependable and punctual and the drivers are very pleasant," she said during a trip to the grocery store Monday. "I'm glad the service is here."

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